



Home Office

Removals caseworker instructions

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Removals caseworker instructions

About this guidance

<p>Initial checks Further submissions Fresh applications Grants Appeals Where to find guidance</p>	<p>This guidance tells removals caseworkers how to process cases.</p> <p>Work is ongoing on this guidance and more will be produced over the coming months.</p> <p>You can access the guidance that is available through the links on the left.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p>In this section Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Related links Links to staff intranet removed</p>
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Changes to this guidance

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This page lists changes to the 'Removals caseworker instructions', with the most recent at the top.

Date of the change	Details of the change
9 December 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes.
4 October 2013	The following new pages have been added to the guidance: <ul style="list-style-type: none">• Initial checks• Further submissions• Fresh applications• Grants• Appeals. To access these pages, see related links.
	For previous changes to this guidance you will find all earlier versions in the archive. See related link: Removals casework instructions - archive.

Related links

See also
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This page tells removals caseworkers the initial checks they must make when they receive a case from workflow and allocation.

Cases will be allocated to caseworking teams by the workflow and allocation team. The workflow and allocation team will check the case to make sure it meets the removals casework acceptance criteria or is a case which needs to be accepted for other reasons.

When a case is allocated to your team, your team leader will have accepted ownership on behalf of the team. You must then change the ownership to yourself.

You must track the file and any valuable documents to yourself on the record management system (RMS). In CID you must create admin event 'RCC Barriers in progress' and in the removal details screen create a new removal group record with the case type 'unknown', this must be updated when the barriers become clear.

Family cases

Cases with at least one dependent child (aged under 18) must be linked and have the family case box ticked in the case details screen. The lead case (main applicant) must have a family welfare form (ICD.3629) and a factual summary (ICD.2599) created. These forms are automatically populated by Doc Gen.

For more information on how to link cases in CID see related links.

You must check each case for the following:

- The main applicant has had a Police National Computer (PNC) check in the last 90 days. If not you must request one.

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- There is a valid travel document. If not check the status of the emergency travel document (ETD) application and seek advice from your team leader about starting the process at this stage (see related links).
- The individual has reporting events set up, if not check CID for recent contact and request reporting events if appropriate (see related links).
- Photographs are held on CID. If not or the photograph is not passport compliant you must write to the individual and request four passport photographs. Children's passport photos must be updated regularly. You must monitor the receipt of the photographs.
- If a protection issue has been raised, send letter ASL.1036 and give the applicant 10 working days to claim asylum. Create a calendar event and create admin event 'RCC Barriers on hold'. After 10 working days if they have not made an application, create admin event 'RCC Barriers in progress' and continue processing the case based only on the non protection human right issues.
- If any further information is required (for example, an update on current circumstances) request the information to be submitted within 10 working days, using blank letter ICD.110 in DocGen. In CID, create a calendar event and create admin event 'RCC Barriers on hold'. When the information is received or after 10 working days, create admin event 'RCC barriers in progress' and continue progressing the case.

You must check if enforcement papers (IS.151A, IS.82) have been served correctly on the applicant and any linked dependent cases.

If enforcement papers have been served and a right of appeal against human rights or asylum has been given you must consider the case as further submissions. If a right of appeal has not been given you must consider the case as a fresh application.

If you are not sure if you should treat the case as further submissions or a fresh application, ask your team leader.

If enforcement papers have not been served or if the applicants were served section 47 papers before 8 May 2013, you must serve enforcement papers on the individual and all linked dependent cases.

In this instance, the case will fall into one of the following four categories:

Overstayer

If you identify your applicant as an overstayer:

- open a new case type in I-CID 'Admin Removal: Overstayer' for the main applicant and all linked dependent cases, and
- produce an IS.151A in I-CID for each main applicant and an IS.151A part 2 for each dependant and serve.

Illegal entrant

If you identify your applicant as an illegal entrant:

- Open a new case type in I-CID 'Illegal Entry: Clandestine' for the main applicant and all linked dependent cases.
- Unless there is undisputed evidence that they are an illegal entrant (for example, the applicant admits this or there is a previous method of entry (MOE) questionnaire) on file you must send letter ASL.1945, with MOE ICD.2827, and guidance notes ASL.1943, this gives each individual 28 days to respond. Create a calendar event and create admin event 'RCC Barriers on hold'.
- When the MOE is received or after 28 days create the admin event 'RCC barriers in progress'.
- Produce an IS.151A in I-CID for each main applicant and an IS.151A part 2 for each dependant and allocate to HEO on CID to authorise. When the enforcement papers have been authorised, serve them on the applicants. And
- Outcome the new case type in I-CID as 'Served with IS151A'.

For further information on this process, see related link: Chapter 51 administrative removal.

Verbal deceptive or disputed illegal entrant

If you identify your applicant as being a verbal deceptive:

- refer the case to the immigration compliance and enforcement (ICE) team to serve the

IS.151A

- create a calendar event for 14 days and input event 'RCC barriers on hold'
- when the ICE team have confirmed the papers have been served, create the admin event 'RCC barriers in progress' and continue to process the case
- check the ICE team have entered new case type in I-CID 'Illegal Entry: Verbal Deceptive' for the main applicant and all linked cases, and
- check the outcome of the case in I-CID is 'Served with IS151A'.

For further information on this process, see related link: [4 No Evidence of Lawful Entry \(NELE\)](#).

Granted temporary admission (TA) at port

If the applicant was granted TA at port but was not issued with an IS82 you can serve the papers if it is a human rights or asylum case. For any other case you must contact the port for them to serve.

For guidance on how to complete and serve IS.151A/B and IS.151A part 2 see related links.

When you serve enforcement papers yourself, or arrange for them to be served, the case must be treated as a fresh application.

Removals caseworker instructions

Further submissions

<p>Initial checks Further submissions Fresh applications Grants Appeals Where to find guidance</p>	<p>This page explains to removals caseworkers how to process further submissions requests. These are considered under paragraph 353 of the Immigration Rules.</p> <p>See related links for the relevant Immigration Rules.</p> <p>Before considering further submissions initial checks must have been completed, and enforcement papers served on the main applicant and all linked dependent cases. You must have completed this, or confirmed these have been done previously, as part of your initial checks.</p> <p>When you have considered the further submissions and you have decided to grant, follow the grant process. See link on left: Grants.</p> <p>If you decide not to grant leave on the basis of further submissions, you must also decide if the further submissions constitute a fresh claim.</p> <p>If you consider that the further submissions contain no fresh information, or if the fresh information does not create a realistic prospect of success, then you must also consider paragraph 353B of the Immigration Rules. If you decide not to grant under paragraph 353B you must:</p> <ul style="list-style-type: none">• send refusal letter ICD.0124 to the main applicant• update CID with the outcome 'Further submissions rejected – Paragraph 353 NO RoA', and• update the key document tracker to show service of the decision letter. <p>If there are no further barriers on the case you must:</p> <ul style="list-style-type: none">• close the barrier in CID• create admin event 'RCC Barriers concluded', and• prepare the file for tasking.	<p>Related links</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules Paragraph 353B</p>
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	<p>If fresh information is received, and you feel there is a realistic prospect of success, you must update CID with the outcome 'Fresh claim accepted (Paragraph 353 further submissions)'. You must then treat this as a fresh application.</p>	
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Fresh applications

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This page tells removals caseworkers how to process a fresh application under human rights article 3, article 8 and articles 3 and 8 together.

Before considering a fresh application you must have completed the initial checks and enforcement papers must have been served on the main applicant and all linked dependent cases either by you as part of your initial checks or previously.

You must open a new case on CID:

- Human Rights - Article 3
- Human Rights - Article 8, or
- Human Rights - Article 3 & 8 (with or without other articles).

When you have considered the fresh application and you have decided to grant, follow the grant process. See link on left: Grants.

If you decide to refuse the case, depending on the case you must consider the following:

Designated state

If the main applicant is from a designated state you must consider the non-suspensive appeals (NSA) process. You must produce an ASL.2672 NSA recommendation minute indicating why you are recommending certification or not recommending certification (when a case is not clearly unfounded or a one-stop notice has not been issued). Your team leader will decide whether or not to approve this. They will then produce an ASL.2673 NSA determination minute under the second pair of eyes (SPOE) process. When you receive this:

- If the refusal is to be certified you must update CID with the outcome 'HR Refused – Certified Decision (Pre One-Stop)' or 'HR Refused – Certified Decision (One-Stop)'.
- If the refusal is not to be certified you must update CID with the outcome 'HR Refused – Not Certified'. This would show you are giving an in country right of appeal.

Related links

Links to staff intranet removed

External links

[Immigration Rules Paragraph 353B](#)

Non-designated state: case by case certification

If the main applicant is not from a designated state and the application is clearly unfounded you must refer to the NSA process and complete an ASL.4707 case by case certification referral explaining the reasoning behind the refusal decision. This must be certified under the SPOE process. Your team leader will decide whether to approve certification and produce an ASL.2673 NSA determination minute. When you receive this:

- If the refusal is to be certified you must update CID with the outcome 'HR Refused – Certified Decision (Pre One-Stop)' or 'HR Refused – Certified Decision (One-Stop).
- If the refusal is not to be certified you must update CID with the outcome 'HR Refused – Not Certified'. This would show you are giving an in country right of appeal.

One-stop warning previously issued

If the main applicant is not from a designated state, and a one stop warning has previously been issued, you must consider section 96 of the Nationality, Immigration and Asylum Act 2002. For guidance, see related link: Further submissions. There is no formal SPOE process for these decisions, however your team leader must check the decision letter. After checking and approval you must update CID with the outcome 'Fresh Claim Refused – S96(1) NO RoA' or 'Fresh Claim Refused – S96(2) NO RoA' depending on the reason for in country right of appeal being refused.

If the refusal is not to be certified you must update CID with the outcome 'HR Refused – Not Certified'. This would show you are giving an in country right of appeal.

For all fresh application refusals you must issue an ICD.1182 refusal letter, with correct certification paragraphs as appropriate, to the main applicant. This does not need to be served on each of the dependants.

If there is an out of country right of appeal you must send:

- IS.151B(NSA) to the main applicant.
- IS.151A part 2 to each dependant. And
- ICD.2163 (out of country appeal notice).

If there is an in country right of appeal you must send:

- IS.151B to the main applicant.
- IS.151A part 2 to each dependant.
- ICD.1041 (in country appeal notice). And
- Create a calendar event. Discuss with your team leader an appropriate time frame for the event.

You must update the key document tracker on CID to show service of the decision letter.

If there are no further barriers on the case you must:

- close the barrier on the removals details screen in CID
- create admin event 'RCC Barriers concluded' and
- prepare the file for tasking or in country appeal, see link on left: Appeals.

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Grants

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This page tells removals caseworkers how to process grant paperwork.

Once you decide a grant is appropriate you must prepare the draft grant consideration minute on CID ICD.4732 in DocGen.

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

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In family cases, the main applicant must be designated the responsible adult on CID for all minor dependants. You must then notify each individual they need to enrol their biometrics by sending letter ASL.4501 to the main applicant and ASL.4503 to each dependant. A fee free barcode sticker must be placed in the appropriate box on the back page. Details of their nearest Post Office must be sent with this letter (this information can be printed and included in your correspondence). See related link. You must create a calendar event for seven days plus four days for postage. Input the admin event 'RCC Barriers on hold'.

For more information on the biometric information enrolment process, see related link.

You must monitor the identity cards for foreign nationals (ICFN) system to find out when the applicant has enrolled their biometric information.

When each individual has enrolled their biometric information, you must input the admin event 'RCC Barrier in progress'. If the checks are verified produce the biometric residence permit using the ICFN system. This will be sent directly to the main applicant's representative if they have one. Otherwise it will be sent directly to the main applicant.

You must then produce the grant paperwork:

Related links

Links to staff intranet removed

External links

[Biometric Residence Permit - Post Office](#)

- Grant under appendix FM, produce and serve EX1 grant letter ICD.4546 and outcome case as 'Grant Family/Private LTR' with condition code 1 and expiry date of 30 months, less one day.
- Grant under paragraph 276 ADE, produce and serve grant letter ICD.4546 and outcome case as 'Grant Family/Private LTR' with condition code 1 and expiry date of 30 months, less one day.
- Grant under Razgar or 353B, produce and serve grant letter ICD.4546 and outcome case as 'LORT – Limited Leave No Conc' with condition code 1 and expiry date of 30 months, less one day.

Destitute applicants

- In Razgar or 353B cases, where the applicant is destitute, produce and serve discretionary leave grant letter ICD.2518BRP and outcome case as 'Grant DL' with condition code 1a and expiry date of 30 months, less one day.

You must copy all valuable documents for the file and return the originals and update CID and record management system (RMS) with the locations of the originals.

Once you have produced the grant paperwork you must:

- update the key document tracker on CID to show service of the decision letter
- close the barrier on the removals details screen in CID
- create admin event 'RCC Barriers concluded', and
- prepare and send the file to storage and update CID and RMS with the location.

Removals casework

Appeals

<p>Initial checks Further submissions Fresh applications Grants Appeals Where to find guidance</p>	<p>This page tells removals caseworkers what to do when in country right of appeal is granted on a case.</p> <p>Before you can refer the case to the appeal processing centre (APC) you must:</p> <ul style="list-style-type: none">• check key document tracking has been updated with the service of the decision letter• check the barrier on the removals details screen in CID has been closed• check admin event 'RCC Barriers concluded' has been input• create an ICD.2105 and annex all documents used in the decision• update all papers and attach them to the file, and• create a calendar event for 28 days. <p>To send the file to APC you must:</p> <ul style="list-style-type: none">• Transfer the sub ownership to APC.• Send the file to APC using record management system (RMS). And• Send any valuable documents to the valuable document bank (VDB) following the guidance, and update CID and RMS. Sheffield caseworkers must use the local VDB. <p>When the calendar event expires Discuss with your manager the current time scales after which a case can be considered appeal rights exhausted (ARE) and set a further calendar event inline with this guidance.</p> <p>If an appeal has been filed, set a calendar event for 28 days to review the case for progress. If the appeal is granted it will be sent to the appeals team in Leeds to process.</p> <p>When the case is deemed ARE or the appeal is dismissed you must remove the APC as sub owners and prepare the case for tasking. You do not need the file to do this.</p>	<p>Related links</p> <p>Links to staff intranet removed</p>
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Where to find guidance

<p>Initial checks Further submissions Fresh applications Grants Appeals Where to find guidance</p>	<p>This page tells removals casework staff where to find guidance, case law or legislation.</p> <p>You can access this guidance through related links.</p> <p>Immigration Rules The Immigration Rules lay down the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the UK.</p> <p>Asylum, immigration and nationality In this section you can find information and guidance on work tools and guides available to staff of the Home Office.</p> <p>CROS ETD country reference guide This guidance and guide tells you whether European Union letter (EUL) or emergency travel documents (ETD) are used for removal to a particular country.</p> <p>Country of origin information (COI) This section contains information about individual countries from the country of origin information (COI) reports and requests, operational guidance notes (OGN) and intelligence sources. The COI reports provide information on the local situation regarding human rights that may affect claims. Documents required for removal, forged and specimen documents are also available for some countries. To access this guidance, see related link: A to Z list of countries.</p> <p>European Union letter (EUL) This section tells you what you must consider before preparing a European Union letter (EUL) and how to complete it for removal purposes.</p> <p>Chicago convention letter (CCL) This page explains when you can use a Chicago convention letter (CCL) and the procedures</p>	<p>Related links Links to staff intranet removed</p> <p>External links Immigration Rules</p> <p>International Civil Aviation Organization (ICAO)</p> <p>Immigration and Asylum Act 1999 (section 10)</p> <p>Immigration, Asylum and Nationality Act 2006 (section 47)</p>
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you must follow when issuing a CCL. The CCL is also known as a Chicago convention document (CCD). A CCL must only be used if a passenger presents either a forged travel document or holds no travel document and there is evidence of travel to the UK from a country which has signed the Chicago convention. You can check on the International Civil Aviation Organization's (ICAO) website.

Emergency travel documents

This section explains how to apply for an emergency travel document (ETD). An ETD is a travel document issued by a high commission, embassy or consulate for enforced removals. An ETD must be used for removal when a person does not have a passport or cannot be removed on a European Union letter (EUL) or Chicago convention letter (CCL).

Further submissions

This guidance sets out the policy, processes and procedures to be followed when considering further submissions. This instruction provides guidance on:

- applying paragraph 353 of the Immigration Rules, and
- certifying claims under section 96 of the Nationality, Immigration and Asylum Act 2002.

Considering human rights claims

This section contains policy and process guidance on the consideration to be given to human rights issues which are raised alongside a removals claim or are inherent in that claim.

Human rights claims on medical grounds

This guidance tells you how to recognise and consider applications for permission to stay in the UK on human rights medical grounds when the applicant is already here. Human rights claims on medical grounds rely on the following articles of the European Convention on Human Rights (ECHR):

- article 3 - inhuman or degrading treatment, and/or
- article 8 - respect for private life, including moral and physical integrity

Human rights (considering suicide threats)

This page tells you how to consider applications for permission to stay in the UK based on human rights medical grounds where the applicant is threatening suicide if they are removed.

Human rights (humanitarian protection)

This section provides guidance on granting humanitarian protection under the terms of the European Convention on Human Rights. It is not the same as asylum, which may be given only to those who are fleeing persecution, under the terms of the 1951 United Nations Convention Relating to the Status of Refugees. Humanitarian protection may be given to someone whom the Home Office believes does not qualify for asylum if there are humanitarian reasons for allowing that person to stay in the UK.

Human rights (discretionary leave)

This guidance explains the limited circumstances in which it may be appropriate to grant discretionary leave. Discretionary leave is granted outside the Immigration Rules. It must not be granted where a person qualifies for asylum, humanitarian protection, or where there is another category within the Immigration Rules under which they qualify

Victims of domestic violence

This guidance tells you how to consider applications from people who claim to have been victims of domestic violence.

Section 94 of the Nationality, Immigration and Asylum Act 2002

This guidance provides a certification process which removes the right for an in the UK (in country) appeal on certain Asylum and/or Human Rights claims (s84(1)). The power can only be used in cases where the claim is considered to be 'clearly unfounded'. Strict criteria must be met before certifying an applicant residing:

- In a state listed in section 94(4) (designated states). Or
- Outside the designated states but whose claim is considered 'clearly unfounded' under section 94(2). This is referred to as case-by-case certification.

53 Extenuating circumstances

Removals caseworkers consider exceptional circumstances as part of the process of

keeping their cases under review where:

- an asylum or human rights claim has been refused
- appeal rights have been exhausted, and
- no further submissions exist.

In these cases paragraph 353B of the rules is to be applied.

IDI Chapter 8 Appendix FM

Immigration directorate instructions (IDI) Appendix Family Members (FM) sets out the requirements to be met to qualify for the right to leave to enter or remain in the UK on the basis of family and private life including Article 8 of the European Convention on Human Rights (ECHR) and the need to safeguard and promote the welfare of children in the UK.

Long residence and private life

This guidance tells you how to consider settlement and leave to remain (LTR) applications from people applying on the basis of long residence in the UK.

The harm matrix

The harm matrix is a tool to assess the level of harm in a particular case and/or individual. Its intention is to provide a simple and intuitive tool that allows decision makers across the Home Office to assess harm in a consistent way.

51 Administrative removal

This guidance describes the process for, and the effect of, serving administrative removal decisions on those that have:

- under section 10 of the Immigration and Asylum Act 1999:
 - overstayed
 - breached a condition of leave to enter or remain
 - sought or obtained leave to remain by deception
 - indefinite leave revoked because they have ceased to be a refugee
 - family members of the above
- under section 47 of the Immigration, Asylum and Nationality Act 2006:

- had a decision to refuse to vary or to curtail leave, and a decision is being made to administratively remove when statutorily extended leave comes to an end.

50 (EEA) - EEA Administrative removal

This guidance gives instruction for assessing whether to administratively remove a European Economic Area (EEA) national, or a family member of an EEA national.

Identification of potential Third Country Unit (TCU) cases

This provides guidance on the steps that need to be taken to identify potential TCU cases and how to refer them.

Deportation under conducive and court recommended powers – the 1971 Act

This page tells you what to do when a case does not meet the criteria for automatic deportation.

Foreign national offenders (FNOs) who do not meet the automatic deportation requirements must be considered for deportation using conducive and court recommended powers under sections 3(5) or 3(6) of the Immigration Act 1971 (the 1971 Act) respectively (that is people with court recommendations on sentences of less than 12 months and those with aggregate sentences).

Biometric information

This page tells you what a biometric residence permit (BRP) is and about the processes you must follow to enroll an applicant's biometric information.

The appeals process

This section provides documents and guidance for the appeals process.

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Contact

<p>Initial checks Further submissions Fresh applications Grants Appeals Where to find guidance</p>	<p>This page explains who to contact for more help with the 'Removals caseworker instructions'.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email:</p> <ul style="list-style-type: none">• Removals casework transformation team. <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the removals casework transformation team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>Related links Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p>
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This page tells you about this version of the 'Removals caseworker instructions' and who owns it.

Version	3.0
Valid from date	9 December 2013
Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	12 July 2013
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	5 December 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the removals casework transformation team, who will ask the MGT to update the guidance, if appropriate.

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Related links
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