

Section 4 Bail Accommodation

Table of Contents

Introduction

Application of this instruction in respect of children and those with children

Applying for Support under Section 4(1)(c)

Recording the Receipt of a Section 4 Support Application Form

Adding Critical Comments

Entering a Minute onto ASYS

Is the applicant eligible for a section 4(1)(c) bail address?

Determining what kind of accommodation is suitable for bail applicants

Provision of Initial Accommodation

Provision of Standard Dispersal Accommodation

Provision of Dispersal Accommodation for Complex Bail Cases

Recommending suitable section 4 bail accommodation

NOMS approval of the proposed section 4 address

Police concerns about a property or location of property

Determining the nature of any criminal offence committed

Determining whether a Section 4 Bail Accommodation Information Pro-Forma is required

Completion of the Section 4 Bail Accommodation Information Pro-Forma

Assessing bail accommodation type suitability

Processing the Section 4 Bail Accommodation Information Pro-Forma

Decision on the provision of bail accommodation

Arranging Section 4 Bail Accommodation

Arranging initial accommodation

Arranging a section 4 bail address in cases where IA is not being used

Assess whether the applicant has any special needs that may affect dispersal

Arrange accommodation

Section 4 Bail Accommodation Update Letter

Granting a Section 4 Bail Address

Refusing a Section 4 Bail Address

Issuing a refusal

Applicant has adequate alternative accommodation and is able to meet his/her other essential living needs

Applicant is assessed as being unsuitable for any accommodation available to the Home Office

Bail Hearing

Applicant applies for bail from detention

Bail hearing arranged

Bail hearing

Review offer of support

Action to be immediately undertaken following a grant of bail to an IA bail address

Action to be taken if there are no vacancies at the IA Bail Address following a grant of bail

Action to be immediately undertaken following a grant of bail to dispersal accommodation

Dispersal out of Initial Accommodation

Identifying accommodation requirements

Arranging appropriate section 4 dispersal accommodation

Variation of bail conditions

Confirming Dispersal Arrangements

Dispersal from IA to section 4 dispersal accommodation

Dispersal Arrangements

Disclosure of personal information to Accommodation Providers

Review Support

Discontinue Support

Discontinuation Period

Right of Appeal

Breach of Conditions

Complying with specified standards of behaviour

Complying with specified standards of behaviour Discontinuation of support to families with children

Change of Address

First-Tier Tribunal have responsibility for amending bail conditions

Immigration Officer has responsibility for amending bail conditions

Moving a supported person from an IA address to an alternative IA address

Change of bail address requests by supported persons following dispersal

Failure to Travel

Failure to travel from bail hearing to initial accommodation

Failure to travel to section 4 dispersal accommodation

Definition of a reasonable excuse for failure to travel

Dependants of a bail address applicant

Section 4 bail address applications by applicants already released on immigration bail

Additional Services or Facilities under Section 4 of the Immigration and Asylum Act 1999

Chief Immigration Officer & Secretary of State Bail

Glossary

Introduction

This instruction provides guidance on applications for support under [section 4\(1\)\(c\) of the Immigration and Asylum Act 1999](#) (“the 1999 Act”).

Section 4(1)(c) gives the Secretary of State the power to provide facilities for accommodation to a person released on bail from detention under any provision of the Immigration Acts. A person who applies for bail could be an asylum seeker, a failed asylum seeker, or a person who has never had an asylum application but is otherwise in detention under any provision in the Immigration Acts.

This instruction provides guidance on the provision of section 4 bail addresses to applicants who apply for immigration bail (First-Tier Tribunal). For information on the provision of section 4 bail addresses to applicants released on Chief Immigration Officer (CIO) and Secretary of State bail, refer to [CIO & Secretary of State Bail](#).

Further information on immigration bail can be obtained in the [Glossary](#).

The [Immigration and Asylum \(Provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#) (“the 2005 Regulations”), which set out the eligibility criteria for support under section 4(2) and section 4(3) of the 1999 Act, do not apply to applications under section 4(1)(c).

The accommodation provided to those released on bail from immigration detention is identical to the accommodation provided to asylum seekers under section 95 and failed asylum seekers under section 4(2) and 4(3) of the 1999 Act. The accommodation is provided through third party accommodation providers (the ‘COMPASS Contracts’).

Cash payments are not made under section 4. Supported persons and their dependants who receive section 4 support are generally provided with accommodation and an Azure pre-paid payment card (“payment card”) to cover food and essential toiletries only. Occasionally, full board accommodation may be provided to meet specific needs. In such cases, the supported person will not be provided with a payment card, since food and essential toiletries are all provided by the accommodation provider. The accommodation provider may also supply nappies for young children and essential sanitary items for female supported persons.

Further information on the nature of support under section 4 is provided in [Section 4 Key Points of Reference](#).

[Back to contents](#)

Application of this instruction in respect of children and those with children

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55 of the 2009 Act. The Home Office

instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom' sets out the key principles to take into account in all Agency activities.

The Home Office's statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

[Back to contents](#)

Applying for Support under Section 4(1)(c)

This page explains how a person who is in detention applies for bail accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999.

If an applicant who is currently in detention intends to make an application for bail from detention under a provision of the Immigration Acts and requires the provision of a section 4 bail address, they must complete a Section 4 Support Bail Application Form and submit it to the Home Office Section 4 Bail Accommodation Team ("Section 4 Bail Team"). The application form can be obtained from [One-Stop Services](#) and the [Home Office website](#).

If an application for a section 4 bail address is received, Section 4 Bail Team caseworkers should proceed to [Recording the Receipt of a Section 4 Support Application Form](#).

[Back to contents](#)

Recording the Receipt of a Section 4 Support Application Form

This page explains how a Section 4 Bail Team caseworker records an application for bail accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999 on the ASYS database.

Following receipt of a section 4 bail address application form, the Section 4 Bail Team caseworker should scan and register the section 4 bail application on ASYS, using the information provided in the application form

Caseworkers should follow the instructions in the ASYS User Manual: Registering an Application to search for applicants. If no record is found, caseworkers should register the applicant's support application on ASYS as outlined in the ASYS User Manual: Registering an Application. If an existing ASYS record is located, caseworkers must record the receipt in the Correspondence Tab (9) of the new application.

Caseworkers should also enter a note on CID, minute ASYS and add a Critical Comment.

Adding Critical Comments

1. Open the application
 - Enter applicant's Support reference, click **Find**, the applicant's basic details will be displayed,
 - Double click page and the **ASYS File Tracking** box will appear. Only select '**Yes**' if you have the applicant's file in front of you; otherwise select **No**.
 - Click **Tab 4 - Applications** to display the full history of case
2. **Add a Critical Comment**,
 - In **Tab – 2 Address**, in the **Comments** section click **Add**, tick the box and add your comment
 - Click **OK** and then **Save**

Entering a Minute onto ASYS

1. Click **Tab 5 – Minute Sheet**
 - Click **Add**, the **Add Minute Sheet Comment Box** will appear
 - Enter your minutes in the box
 - Click **Ok** and then **Save**

For information on processing section 4 bail applications on ASYS, caseworkers should refer to ASYS User Manual: Section 4 Applications.

Once the application form has been recorded on ASYS, Section 4 Bail Team caseworkers should proceed to [Is the applicant eligible for a section 4\(1\)\(c\) bail address?](#).

[Back to contents](#)

Is the applicant eligible for a section 4(1)(c) bail address?

This page advises Section 4 Bail Team caseworkers how to assess if an applicant for section 4(1)(c) support is eligible for a bail address. The first question which must be answered is has the applicant been released on bail from detention under any provision of the Immigration Acts?

In order to be eligible for support under section 4(1)(c) an applicant must demonstrate that they have been released on bail from detention under any provision of the Immigration Acts, or that they are currently in detention, and intend to apply to be released on bail under any provision of the Immigration Acts. The Section 4 Bail Team caseworker can obtain this information from CID.

Although in some circumstances, the Home Office may not consider that an individual is suitable for release, this is not a factor which is relevant to the applicant's eligibility for support under section 4(1)(c). Therefore, although an applicant may be in immigration detention, a decision on whether the applicant is eligible for support under section 4(1)(c) must be made on the assumption that the applicant has been granted bail by the Tribunal.

The [Immigration and Asylum \(Provision of Accommodation to Failed Asylum-Seekers\) Regulations 2005](#) which set out the eligibility criteria for support under section 4(2) and section 4(3) of the 1999 Act, do not apply to section 4(1)(c).

- If an applicant is neither released on bail from detention under any provision of the Immigration Acts, nor is currently in immigration detention, the application for a section 4 bail address should be refused on the basis that they are not eligible for support under section 4(1)(c). **Typical alternatives to bail which do not make someone eligible for section 4(1)(c) support are Temporary Admission/Release (TA/TR) and Restriction Orders (for people with outstanding deportation orders).** Refer to [Refusing a Section 4 Bail Address](#) for guidance on refusing a section 4 bail application.
- If the applicant is neither released on bail from detention under any provision of the Immigration Acts, or currently in immigration detention, the Section 4 Bail Team caseworker should check CID to ascertain the nature of any criminal offence committed. Proceed to [Determining the nature of any criminal offence committed](#).
- If the applicant is either released on bail from detention under any provision of the Immigration Acts, or currently in immigration detention, the Section 4 Bail Team caseworker must determine if the applicant would be destitute without the provision of a section 4 bail address. The applicant may have other accommodation (provided through a surety) available to him/her or the financial means to obtain one.

[Back to contents](#)

Determining what kind of accommodation is suitable for bail applicants

The Section 4 Bail Team caseworker should first distinguish which command in the Home Office owns the immigration case involved. The responsibility for determining what kind of accommodation is suitable ultimately rests with the Home Office caseworker who might work in Criminal Casework (CC), Asylum Casework Directorate (ACD) or another case working/enforcement command in the Home Office. If a bail applicant is regarded as low risk there will generally be no need to refer applications to the Home Office caseworker for an assessment of suitability. In these cases, the section 4 Bail team will decide that the applicant is suitable for Initial Accommodation (IA).

Provision of Initial Accommodation

In most cases following a grant of bail, IA will be used as a temporary section 4 bail address until dispersal to section 4 dispersal accommodation is arranged.

Due the nature of IA, using this type of accommodation as a bail address is not generally appropriate if the applicant:

- Has a conviction for a violent, sexual or serious drug offence (bar minor possession), and/or
- Falls into a MAPPA category 1, 2 or 3, level 2 & 3.

This list is not exhaustive. Suitability should be assessed on a case-by-case basis.

In certain cases where IA is not appropriate, it may be appropriate to use standard section 4 dispersal accommodation as a provisional bail address, without first accommodating the applicant in IA.

Further information on IA can be obtained in the [Glossary](#).

Provision of Standard Dispersal Accommodation

In most cases following a grant of bail, an applicant will be moved from the IA being used as a temporary section 4 bail address to section 4 dispersal accommodation. However, in circumstances where IA is assessed as being inappropriate as a temporary bail address, if suitable, a section 4 dispersal address may be offered to the applicant as a provisional bail address to enable him/her to apply for bail.

In the rare event the applicant is assessed as being unsuitable for Standard Dispersal Accommodation, Home Office caseworkers should assess whether Complex Bail Dispersal Accommodation is suitable. This is only likely to be the recommendation where the Offender Manager has identified specific licence conditions which could not be met if the individual were to be accommodated in Standard Dispersal Accommodation. Home Office caseworkers are expected to fully outline in the pro-forma (explained in more detail below) why the use of Standard Dispersal Accommodation is not suitable.

Further information on Standard Dispersal Accommodation can be obtained in the [Glossary](#).

Provision of Dispersal Accommodation for Complex Bail Cases

If an applicant is assessed as being unsuitable for Standard Dispersal Accommodation, they may be assessed as suitable for Complex Bail Accommodation.

Important – There is only a very finite supply of Complex Bail Accommodation. In addition, this type of accommodation is more costly than Standard Dispersal Accommodation. As a result, Home Office caseworkers are expected to fully outline in the pro-forma why the use of this type of accommodation is required.

If an applicant is assessed as being unsuitable for Standard Dispersal Accommodation and suitable Complex Bail Accommodation cannot be found, the Section 4 Bail Team may refuse the application for a bail address under section 4(1)(c). Please note that any decision to refuse support may be challenged at an appeal to the Tribunals Service – Asylum Support and/or at Judicial Review, at which the validity of accommodation recommendations made by Home Office caseworkers must be substantiated.

[Back to contents](#)

Recommending suitable section 4 bail accommodation

Action to be taken by the applicant's Home Office caseworker following assessment of suitability of bail accommodation:

- If the use of IA as a temporary bail address is assessed as being suitable for the applicant and there is no extant licence, the Home Office caseworker should approve the use of IA as suitable as a temporary section 4 bail address in the pro-forma.
- If the use of IA as a provisional bail address is assessed as not being suitable, but the use of Standard Dispersal Accommodation as a provisional bail address is assessed as being suitable, and the applicant does not have an extant licence, the Home Office caseworker should approve the use of Standard Dispersal Accommodation as suitable as a section 4 bail address in the pro-forma.
- If the use of IA and Standard Dispersal Accommodation as provisional bail addresses are assessed as not being suitable, but the use of Complex Bail Accommodation as a provisional bail address is assessed as being suitable for the applicant, and the applicant does not have an extant licence, then the Home Office caseworker should approve the use of Complex Bail Accommodation as suitable as a section 4 bail address in the pro-forma.
- If the use of IA as a temporary bail address is assessed as not being suitable and the applicant has an extant licence, the Home Office caseworker must ask the NOMS Offender Manager to approve a proposed dispersal address. In some extant license cases the Offender Manager may indicate that the applicant should be released to an Approved Premise provided directly by NOMS (Refer to [NOMS approval of the proposed section 4 address](#) for further information):
 - If the use of NOMS Approved Premises is indicated, this should be specified in the pro-forma, clearly stating that this address should be used as the bail address instead of an address provided under section 4(1)(c).

- If Approved Premises provided directly by NOMS is not available but the applicant still has an extant license, any proposed section 4(1)(c) address (including IA) **must** be approved by the NOMS Offender Manager. If use of Standard Dispersal Accommodation is assessed as being suitable for the applicant, the Home Office caseworker must indicate this in the pro-forma but also make clear that any accommodation proposal must be approved before a grant letter is sent out. The Section 4 bail team caseworker should then forward the accommodation proposal to the Home Office caseworker who will in turn ask the NOMS Offender Manager to approve the address in the proposal. Only when the property has been approved by the Offender Manager (or other officer at NOMS) can the substantive grant letter be sent to the applicant.
- If Standard Dispersal Accommodation is assessed as being unsuitable for the applicant, but the use of Complex Bail Accommodation as a provisional bail address is assessed as being suitable for the applicant, and the applicant has an extant licence, the Home Office caseworker should approve the use of Complex Bail Accommodation as suitable as a section 4 bail address in the pro-forma and follow the process outlined above .

Section 4 Bail Team caseworkers should proceed to [Processing the Section 4 Bail Accommodation Information Pro-Forma](#).

NOMS approval of the proposed section 4 address

Some foreign national prisoners detained under immigration powers will have completed the custodial part of their criminal sentence but still be under licence. In these cases any proposed section 4 address to be used if the person is released on bail must be approved by NOMS.

On the advice of a NOMS Offender Manager, a foreign national prisoner requiring intensive post-release supervision may be placed in an Approved Premises actually provided by NOMS. Premises approved for license purposes (whether provided under COMPASS contracts or NOMS) are not available or relevant to offenders whose licence has expired.

If the applicant has NOMS provided Approved Premises available to them, which would mean that they have access to adequate alternative accommodation and their essential living needs will be met, the application for support under section 4(1)(c) will be refused. Refer to [Decision on the provision of bail accommodation](#) for further information.

Further information on Approved Premises can be obtained in the [Glossary](#).

Police concerns about a property or location of property

Occasionally, the Police may express concern or ask to be consulted about the location of where bail accommodation is offered. There is no requirement to ask the Police to approve bail accommodation, but every effort should be made to listen to their concerns and take appropriate action.

[Back to contents](#)

Determining the nature of any criminal offence committed

This section outlines how the Section 4 Bail Team caseworker should identify the nature of any criminal offences or convictions recorded for an individual applying for bail accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999.

When processing an application for a section 4 bail address it is important to ascertain the nature of any criminal offence committed by an applicant, to facilitate the assessment process and to ensure that suitable accommodation is identified and allocated as appropriate.

Information on the nature of an offence committed can be obtained from 3 possible sources on CID: The Offences screen, Special Conditions Screen and from a Harm Matrix, and each of these possible sources of information should be checked. Step by step guidance on identifying the nature of any offences committed by applicants applying for section 4 bail accommodation, can be obtained from the 'Determining the Nature of Criminal Offences' guidance document.

Determining whether a Section 4 Bail Accommodation Information Pro-Forma is required

Once the nature of any criminal offence committed has been confirmed, the Section 4 Bail team caseworker should ensure the following process is followed:

Does the applicant have a criminal conviction for a violent, sexual or serious drug offence (bar minor possession)? Or

Does the applicant fall into a MAPPA category 1, 2 or 3, level 2 & 3? Or

Is there reliable evidence that the applicant has committed a violent, sexual or serious drug offence (bar minor possession)? I.e. acts of violence while in detention.

- If no, proceed to [Arranging Section 4 Bail Accommodation](#).
- If yes, or if the Section 4 Bail Team caseworker is unable to determine the severity of a criminal offence, he/she should undertake the following:
 1. Send a Section 4 Bail Accommodation Acknowledgement Letter to the applicant and their representative, by second class post, confirming receipt of the application form and that further information on the suitable identification and allocation of bail accommodation has been requested from the Home Office caseworker.
 2. Request further information from the applicant's Home Office caseworker to evaluate the applicant's accommodation requirements. A Section 4 Bail Accommodation Information Pro-Forma ("pro-forma") should immediately be sent to the applicant's Home Office caseworker by email, requesting that they complete and return the pro-forma to the Section 4 Bail Team within 2 working days or within 10 working days if a new risk assessment is required.

The email to the applicant's Home Office caseworker should provide a brief explanation of the information that is required from the Home Office caseworker and Section 4 Bail Accommodation Descriptors. The email should also include a

copy of the most recent Section 4 Support Bail Application Form for reference purposes.

If a pro-forma has already been completed for the applicant in response to a previous application for support under section 4(1)(c), a copy of the completed pro-forma should be attached to the email, and the email should advise the Home Office caseworker that the previous pro-forma for the applicant is attached.

The purpose of the pro-forma is to provide the Section 4 Bail Team with a sufficient level of information to enable them to arrange suitable section 4 bail accommodation.

Following dispatch of the pro-forma to the Home Office caseworker, proceed to [Completion of the Section 4 Bail Accommodation Information Pro-Forma](#).

[Back to contents](#)

Completion of the Section 4 Bail Accommodation Information Pro-Forma

This page advises Home Office caseworkers how to complete a Section 4 Bail Accommodation Information Pro-Forma for an individual who has applied for accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999.

Following identification that a pro-forma is required, the Section 4 Bail Team should forward a blank pro-forma to the applicant's Home Office caseworker. The Home Office caseworker should complete the pro-forma and return it by email to the Section 4 Liverpool Team (section4bail@homeoffice.gsi.gov.uk) within 2 working days or within 10 working days if a new National Offender Management Service (NOMS) risk assessment is required. The Section 4 Liverpool Team will check the pro-forma to ensure that all relevant information has been included and that clear recommendations are made for the type of bail accommodation that is suitable. After the pro-forma has been quality assured by the Section 4 Liverpool Team, it will be forwarded onto the Section 4 bail team for accommodation booking to commence.

If a bail address is offered, the type of bail accommodation will be dictated by the information included in this pro-forma, therefore, it is essential that the Home Office caseworker provides clear, detailed and accurate information. The overall responsibility for ensuring that sufficient information is provided to allow appropriate bail accommodation to be arranged rests with the applicant's Home Office caseworker. If the applicant has an Offender Manager, guidance on the suitable identification and allocation of bail accommodation should be sought from the Offender Manager. Refer to Criminal Casework Directorate Process Instruction – [Section 4 Bail Support](#) for further information.

If the applicant's Home Office caseworker is unable to respond within the stipulated timeframes, they should immediately contact the Section 4 Bail Team via email to outline the reasons for the delay and to request a reasonable extension. The Section 4 Bail Team caseworker should then note the request for the extension and the reasons provided for the extension onto the minutes screen under ASYS Tab 5.

If the Home Office caseworker has not responded within the stipulated deadline and has not requested an extension to the deadline, the Section 4 Bail Team caseworker should immediately contact them.

Assessing bail accommodation type suitability

When completing the pro-forma, Home Office caseworkers must recommend what type of accommodation is suitable to be used as a bail address, having taken advice from the NOMS Offender Manager where appropriate:

- Initial Accommodation (IA) and Standard Dispersal Accommodation; or if not suitable
- Standard Dispersal Accommodation only; or if not suitable
- Complex Bail Accommodation only.

When providing section 4 accommodation the Home Office should take account of any risk posed to other supported persons and the general public. In addition to this, the Home Office must have regard to Section 55 of the Borders, Citizenship and Immigration Act 2009, which requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. The

applicant's Home Office caseworker needs to recommend what appropriate accommodation arrangements need to be made to ensure that others, particularly children accommodated in the same property and within the surrounding community, do not come to harm.

[Back to contents](#)

Processing the Section 4 Bail Accommodation Information Pro-Forma

This section of pages advises Section 4 Bail caseworkers of the actions to take following receipt of a completed Section 4 Bail Accommodation Information Pro-Forma in relation to an application under section 4(1)(c) of the Immigration and Asylum Act 1999.

Recording the receipt of completed pro-formas

Following receipt of the pro-forma, the Section 4 Bail Team caseworker should scan the pro-forma onto ASYS and enter a minute on tab 5 recording receipt.

- If the pro-forma appears not to have been fully completed or appears to be inaccurate, the Section 4 Bail Team caseworker should return the pro-forma to the Home Office caseworker highlighting the areas of discrepancy. The Section 4 Bail Team caseworker should also enter a minute onto ASYS tab 5 detailing the re-referral. If following re-referral, the pro-forma still has not been completed accurately, the case should immediately be referred to the Home Office senior caseworker.
- If the pro-forma has been completed correctly, the Section 4 Bail Team caseworker should proceed to [Decision on the provision of bail accommodation](#)

Please note that the assessment of bail accommodation type suitability is not an assessment of the applicant's suitability to be released on bail.

[Back to contents](#)

Decision on the provision of bail accommodation

Section 4 Bail Team caseworkers should follow the recommendations in the pro-forma. Following identification of suitable bail accommodation type, the Section 4 Bail Team caseworker should proceed as follows:

1. Assess whether the applicant would be destitute or become destitute within 14 days in the event bail was granted. For further information on assessing destitution, refer to the [Section 4 Support AI](#).
- If the applicant would be destitute, proceed to stage 2.
 - If the applicant would not be destitute, the application for support under section 4(1)(c) should be refused with a right of appeal on the basis that the applicant does not need section 4 bail accommodation because they have an alternative bail address available, or means to obtain one. Refer to [Refusing a Section 4 Bail Address](#) for guidance on refusing a section 4 bail application.
2. Arranging suitable bail accommodation:
 - If the use of IA as a bail address is assessed as appropriate, proceed to [Arranging Initial Accommodation](#) for guidance on providing IA as a temporary provisional bail address. IA would be appropriate if the completion of a Section 4 Bail Accommodation Pro-Forma was not required.
 - If the use of IA as a bail address is assessed as not being appropriate, but Standard Dispersal Accommodation is assessed as appropriate, proceed to [Arranging a section 4](#)

[bail address in cases where IA is not being used](#) for guidance on providing section 4 dispersal accommodation as a provisional bail address.

- If the use of IA and Standard Dispersal Accommodation is assessed as not being appropriate as bail addresses, but suitable Complex Bail Accommodation is appropriate, proceed to [Arranging a section 4 bail address in cases where IA is not being used](#).
- If IA and Standard Dispersal Accommodation are assessed by the Home Office caseworker as not being appropriate, and Complex Bail Accommodation which satisfies the accommodation requirements is not available, caseworkers should refuse the application on the basis that the Home Office is not in a position to provide the applicant with a suitable section 4 bail address within the cohort of accommodation available. Proceed to [Refusing a Section 4 Bail Address](#).

[Back to contents](#)

Arranging Section 4 Bail Accommodation

This section of pages advises Section 4 Bail Team caseworkers how to arrange a provisional bail address under section 4(1)(c) of the Immigration and Asylum Act 1999.

Arranging initial accommodation

If an applicant is assessed as being eligible for support under section 4(1)(c), in the majority of cases, an IA address is provided to the applicant as a temporary bail address, on the proviso that they will apply for and be granted bail from detention under any provision in the Immigration Acts.

The temporary bail address can be the address of any regional IA in the UK.

Under the provisions of section 97 of the Immigration and Asylum Act 1999 caseworkers must have regard to the desirability, in general, of providing accommodation in areas in which there is a ready supply of accommodation. This means that, as a general rule, the Home Office should allocate accommodation in areas outside London and the South East of England.

Accordingly, the applicant will not normally be offered a place in London IA unless capacity at other regional IA centres is full. Applicants should instead be notified that if granted bail they will be accommodated in one of the IA centres outside of London.

In the event that bail itself is granted and the applicant is released, travel tickets will be provided by the detention centre to enable the applicant to arrive at their allocated initial accommodation address.

The Section 4 Bail Team caseworker should assess whether the applicant has any special needs that may affect the allocation of accommodation in IA. When identifying whether the supported person has any special accommodation requirements, the Section 4 Bail Team caseworker should check:

- The Section 4 Bail Address Application Form;
- Section 4 Bail Accommodation Information Pro-Forma (if applicable);
- Notes on ASYS and CID;

This list is not exhaustive.

If the applicant has any special accommodation needs, these should be minuted on ASYS tab 5 and communicated to the IA provider in the event bail is granted.

If the Section 4 Bail Team caseworker has assessed the use of IA as a bail address as being suitable, they must ensure that this is clearly minuted in ASYS tab 5.

If bail is granted and the applicant moves in to their assigned IA bail address, arrangements will be made for the applicant to be dispersed to section 4 dispersal accommodation as soon as possible.

Further information on Initial Accommodation can be obtained in the [Glossary](#).

Proceed to [Granting a Section 4 Bail Address](#).

Arranging a section 4 bail address in cases where IA is not being used

Instead of providing an IA address as a provisional bail address, the Section 4 Bail Team should undertake the following:

Assess whether the applicant has any special needs that may affect dispersal

Special needs that affect dispersal may include a need to be accommodated in a particular location, a certain type of accommodation, or a need to continue receiving ongoing medical treatment. When identifying whether the supported person has any special accommodation requirements, the Section 4 Bail Team Caseworker should check:

- The Section 4 Bail Address Application Form;
- Section 4 Bail Accommodation Information Pro-Forma (if applicable);
- Notes on ASYS and CID;

This list is not exhaustive.

For guidance on making dispersal arrangements, Section 4 Bail Team Caseworkers should refer to [Policy Bulletin 31: Dispersal Guidelines](#).

Once sufficient information has been obtained, appropriate section 4 bail accommodation, not IA, should be arranged.

Arrange accommodation

When arranging section 4 dispersal accommodation, the accommodation provider should be notified that the applicant is a bail applicant, and as a result, will only move into the property if bail is granted. Sufficient information should be provided to the accommodation provider relating to their criminal offence, special needs, etc, for the accommodation provider to assign appropriate accommodation for the bail applicant. Refer to [Disclosure of Personal Information to Accommodation Providers](#) for further information.

If the applicant has been assessed as requiring Complex Bail Accommodation this must be clearly stipulated in the accommodation booking request.

If the FNP is on licence and IA/Standard Dispersal Accommodation/Complex Bail Accommodation has been arranged the Section 4 Bail Team should notify the Home Office caseworker of the address to enable him/her to liaise with the Offender Manager to obtain approval for use of the address. The offer of accommodation (grant letter) can not be sent to the applicant until NOMS have approved the address.

[Back to contents](#)

Section 4 Bail Accommodation Update Letter

If the use of Initial Accommodation as a bail address has been assessed as being unsuitable, following dispatch of the accommodation booking request, the Section 4 Bail Team caseworker must immediately send a 'Section 4 Bail Accommodation Update Letter' to the applicant and their representative by second class post. The letter informs the applicant that as a result of criminal offences committed it has been assessed that to use Initial Accommodation as a bail address would not be appropriate, and as a result, the Section 4 Bail Team is endeavouring to source dispersal accommodation. If an up-to-date

NOMS1 form has been issued for the applicant, a copy of the form should be enclosed with the update letter. If an up-to-date NOMS1 form has not been issued, Section 4 Bail Team caseworkers should insert the explanation provided by the Home Office caseworker in the Section 4 Bail Accommodation Pro-Forma for why the applicant is not suitable for Initial Accommodation.

Following the arrangement of section 4 dispersal accommodation, caseworkers should proceed to [Granting a Section 4 Bail Address](#). If the applicant is on license the arranged address must be approved by the NOMS Offender Manager before issuing a grant letter. A second update letter must be sent to the applicant at this point to explain the further delay.

[Back to contents](#)

Granting a Section 4 Bail Address

This section of pages advises Section 4 Bail Team caseworkers how to make a provisional offer of a bail address under section 4(1)(c) of the Immigration and Asylum Act 1999.

If an applicant is currently detained, any grant of a section 4 bail address will be on the proviso that they will make an application for bail, and will be released on bail from detention under any provision of the Immigration Acts. If an applicant has already been released on bail from detention under any provision of the Immigration Acts, refer to [Chief Immigration Officer & Secretary of State Bail](#).

If an application for a section 4 bail address is successful, the Bail Team caseworker should undertake the following:

1. Draft a 'Section 4 Bail Address Grant Letter'. The Bail Team caseworker must ensure that the contact details are correct in all letters.

The section 4 bail address grant letter:

- Explains the decision and when support will be reviewed;
- If IA is being used as a bail address, explains that if bail is granted they will be accommodated in IA pending arrangements for their dispersal to appropriate section 4 accommodation;
- Provides the section 4 bail address they will be expected to travel to if bail is granted;
- Explains that section 4 support will be provided in the form of full board accommodation or accommodation and a payment card;
- Explains that section 4 accommodation is provided on a no-choice basis and that the supported person may be required to move to accommodation which may not necessarily be in the area where he/she currently lives;
- Explains the supported person's ongoing duty to comply with the asylum process;
- Explains the continued reporting or other contact management requirements;
- Explains that the offer of a section 4 bail address will only be open for 30 calendar days from the date of the grant letter if IA is being used as a bail address or 14 calendar days if IA is not being used, unless the application for bail has been refused before the 14 calendar day expiry date. If there is a legitimate delay in the arrangement of a bail hearing, which results in the bail hearing being arranged for a date after the expiry of the 30/14 calendar day period in which the offer of the bail address is extant, the letter advises that the applicant should immediately contact the Section 4 Bail Team to request an extension to the time period in which the offer of the section 4 bail address is available;
- Explains that in order to continue to receive support under section 4(1)(c), the supported person must comply with standards of behaviour specified by the accommodation provider, for example in an occupancy agreement, and must not commit acts of antisocial or violent behaviour;
- Promotes Assisted Voluntary Return (AVR) or Facilitated Returns Scheme (FRS);
- Should, if applicable, give a response to requests made by the applicant to take into account special needs when allocating accommodation.

2. Arrange for the grant decision to be served on the applicant and their representative as soon as possible - by fax or second class post or in person.
3. Minute CID and ASYS with details of the section 4 bail address grant.
4. Set a review date in ASYS to ascertain if the applicant has moved in to his/her temporary bail address. If IA has been offered as a provisional bail address, the review date should be 30 calendar days from the date of the grant letter. If IA is not being used as a bail address, the offer of support must be reviewed after 14 calendar days. If an extension to the availability of the bail address is approved, the review date should be amended to reflect the extension. The Home Office starts paying for dispersal accommodation as soon as an address is booked, whereas no cost is incurred until an applicant moves in to IA. As a result, the offer of dispersal accommodation as a bail address is limited to 14 calendar days, as apposed to 30 calendar days in the case of Initial Accommodation.
5. Send an email to the applicant's Home Office caseworker, informing them that a bail address has been provisionally offered to the applicant. A copy of the Section 4 Grant Letter should be attached to the email.

If section 4 dispersal accommodation is being used as a provisional bail address instead of IA, when granting a section 4 bail address, the standard 'Section 4 Bail Acceptance Letter – Serious Offenders' should be used.

Proceed to [Bail Hearing](#)

[Back to contents](#)

Refusing a Section 4 Bail Address

This page provides Section 4 Bail Team caseworkers guidance on how to refuse an application for bail accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999.

Issuing a refusal

If an application for a section 4 bail address is unsuccessful, the Section 4 Bail Team caseworker should undertake the following:

- Draft a Section 4 Refusal Letter which must be generated from ASYS. The letter should contain the following:
 - The date(s) of their Section 4 Bail application(s).
 - The reasons for refusing support.
 - A right of appeal under [section 103 of the 1999 Act](#) to the Tribunals Service – Asylum Support (Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information).
- Include the Notice of Appeal Form.
- Send the letter by second class post, ensuring that the letter is posted on the same day as it is dated.
- If the supported person is represented, send a copy of the refusal letter to the representative by second class post and by fax (if the representative's fax number is known).
- Email a copy of the refusal letter to the Home Office caseworker.
- Update ASYS, referring to the ASYS User Manual on 'Section 4 Applications' and 'Section 4 Discontinuation Tool' for guidance.

Section 4 Bail Team caseworkers must ensure that refusal letters are dispatched promptly following a decision to refuse support under section 4(1)(c).

[Back to contents](#)

Applicant has adequate alternative accommodation and is able to meet his/her other essential living needs

If the applicant's application for support under section 4(1)(c) is being refused because he/she:

- for a period in excess of 14 days has adequate alternative accommodation or the means of obtaining it, and
- is able to meet his/her other essential living needs for a period of at least 14 days in the event he/she was released from detention,

the refusal letter should explain the following:

1. That the application for support is being refused on the basis that the applicant has adequate alternative accommodation and is able to meet his/her other essential living needs for a period of 14 days in the event he/she was released on bail.
2. If the applicant has an alternative address available to him/her, provide details of the accommodation and the source of information the availability of this address was identified from.
3. Provide an explanation why the Home Office has assessed that the applicant is able to meet his/her essential living needs for a period of 14 days in the event he/she was released on bail; And, in the event the applicant does not have a adequate bail address available to him/her, why the applicant has the means to obtain adequate accommodation.
4. Why the applicant's ECHR rights would not be breached if the Home Office refused to provide support; i.e. because the applicant has adequate alternative accommodation or the means of obtaining it, and is able to meet his/her other essential living needs for a period of 14 days in the event he/she was released on bail, the decision to refuse section 4(1)(c) accommodation does not engage Article 3 on grounds of destitution.
5. If the applicant has NOMS Approved Premises or section 21 support available to him/her, the refusal letter should also explain why that support is assessed as being more suitable to meet his/her needs.

[Back to contents](#)

Applicant is assessed as being unsuitable for any accommodation available to the Home Office

The refusal letter must justify the refusal of support, where appropriate covering the following subjects:

- Why the applicant's ECHR rights would not be breached if the Home Office refused to provide support. When explaining why the applicant's ECHR rights would not be breached, the main Articles for which an explanation should usually be provided for are Articles 3, 5 and 8. However, refusals are case specific, and the requirements of each case may require an explanation why one or more of the remaining articles will not be breached. Refer to Section 4(1)(c) ECHR Guidance for further information.
- Provide an explanation of the type of accommodation provided under section 4.
- Explain what efforts were made to obtain suitable accommodation.
- Explain why it is not appropriate or that it would be disproportionate to provide accommodation outside of the current accommodation contracts.
- Explain that the high potential of risk the applicant would pose to other occupants in the bail address (if applicable) and to the immediate surrounding community, makes asylum support accommodation unsuitable.
- If the surrounding community is likely to include children and the applicant has been assessed as being unsuitable to be accommodated within close vicinity of children,

explain why asylum support accommodation would not be sufficient to enable the Home Office to satisfy its obligations under section 55 of the Borders, Citizenship and Immigration Act 2009. Section 55 of the 2009 Act requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. Refer to [Application of this instruction in respect of children and those with children](#) for further information.

- If there have been previous instances of damaging public / private property which contributed towards the decision, explain why the risk of the applicant damaging his/her bail accommodation is sufficiently likely and costly that makes the refusal of section 4 accommodation reasonable.

This list is not exhaustive.

When considering whether it would be appropriate to refuse support under section 4(1)(c), Caseworkers should liaise with the applicant's Home Office caseworker.

Refer to [Issuing a refusal](#) for guidance on issuing section 4 bail refusal letters.

[Back to contents](#)

Bail Hearing

This section of pages explains what arrangements a Section 4 Bail Team caseworker must make after the Asylum & Immigration Tribunal has made a decision on an application for bail from a person in detention, who has received a provisional offer of a bail address under section 4(1)(c) of the Immigration and Asylum Act 1999.

Applicant applies for bail from detention

Upon receipt of the Section 4 Bail Address Grant Letter, the applicant will apply for bail by submitting a B1 form to the First-Tier Tribunal, using the address of the Regional IA provided in the offer letter as the bail address.

[Back to contents](#)

Bail hearing arranged

Following receipt of the B1 form, the First-Tier Tribunal will list the application, allocate a date for the hearing, and communicate the allocated bail hearing date to the applicant. The First-Tier Tribunal tries to ensure that bail hearings are held 3 working days from the receipt of the bail application.

[Back to contents](#)

Bail hearing

As soon as the bail hearing is concluded, the First-Tier Tribunal will immediately fax either a First-Tier Tribunal 121 notice if bail has been granted or a First-Tier Tribunal 128 notice if bail has been refused, to the applicant's detention centre providing confirmation of the bail decision. The detention centre will then relay this information to the Section 4 Bail Team so the accommodation provider can be made aware an applicant will be arriving that day. If applicants are released out of hours the detention centre will inform the accommodation provider directly.

[Back to contents](#)

Review offer of support

On the 14 calendar day review date, if Initial Accommodation was offered as a bail address, or on the 30 calendar day review date, if Dispersal Accommodation was offered as a bail address, the Section 4 Bail Team caseworker should determine whether the First-Tier Tribunal Immigration Judge granted bail:

- If No or a bail hearing did not take place, the applicant will remain in detention. The caseworker must undertake the following:
 - Minute ASYS and CID with the outcome.
 - Close the case on ASYS.
 - If IA is not being used as a bail address, the accommodation provider must be notified that the provision of dispersal accommodation should be discontinued.

Following closure of the case in ASYS, no further action regarding this section 4 bail address application is required.

- If Yes, the Immigration Judge will set the applicants' bail conditions, and usually the surrender date (when the grant of bail will be reviewed). If IA is being used as a bail address, proceed to [Action to be immediately undertaken following a grant of bail to an IA bail address](#). If dispersal accommodation was provided as a bail address instead of IA, caseworkers should instead proceed to [Action to be immediately undertaken following a grant of bail to dispersal accommodation](#).

Once bail has been granted the applicant will immediately travel from the court or detention centre (if the bail hearing was conducted by video link) to his/her bail address, using the travel warrant issued to him/her by the Detention Centre (For further information on travel warrants, refer to Detention Services Order 10/2007). It is the responsibility of the applicant to make his/her own travel arrangements to the bail address following release from detention.

[Back to contents](#)

Action to be immediately undertaken following a grant of bail to an IA bail address

Upon confirmation that bail has been granted, the Bail Team caseworker should **immediately** undertake the following actions to ensure appropriate accommodation arrangements are in place before the applicant's arrival at the allocated IA following release from detention:

1. Email the IA Team to advise them that a section 4 bail case will shortly be arriving at the IA. If the Bail Team has information which impacts on the provision of appropriate accommodation, this information should be sent in the email to the IA Team. This will enable the IA Team to make appropriate dispersal arrangements once the applicant is accommodated in IA. The email should request that the IA Team notifies the Section 4 Bail Team in the event the applicant fails to arrive at his/her allocated IA. This email should also be copied to the Home Office caseworker. Refer to [Disclosure of Personal Information to Accommodation Providers](#) for further information.
2. Fax a copy of the section 4 support bail application form to the IA Team.
3. Enter a minute on ASYS.

Upon arrival the IA Accommodation Provider will allocate suitable accommodation to the applicant taking into account any accommodation requirement information provided by the Section 4 Bail Team.

The responsibility for the arrangement of a section 4 bail address now passes from the Bail Team to the IA Team. IA Team caseworkers should follow the process specified in [Dispersal out of Initial Accommodation](#).

[Back to contents](#)

Action to be taken if there are no vacancies at the IA Bail Address following a grant of bail

In the extremely unlikely event there are no vacancies at the IA allocated as a bail address at the time the applicant is released on bail, as soon as the IA Provider confirms there is 'no room', the IA Team should immediately liaise with the Accommodation provider so arrangements can be made to ensure space is made available for the accommodation of the applicant when he/she arrives. These arrangements may include the transfer of suitable supported persons (non-bail) already accommodated in the IA to alternative IA accommodation, freeing up space at the IA given as a bail address to accommodate the applicant released on bail.

Proceed to [Dispersal out of Initial Accommodation](#)

[Back to contents](#)

Action to be immediately undertaken following a grant of bail to dispersal accommodation

As soon as confirmation is received that bail has been granted, the Section 4 Bail Team should immediately undertake the following actions:

1. Immediately inform the accommodation provider that the applicant will shortly be arriving at his/her allocated bail address.
2. Send notification letters to the relevant Primary Care Trust in England (to Local Health Boards in Scotland and Wales and in Northern Ireland to Health Care Trusts), and where there are dependant children, to the relevant Local Education Authority, giving them the name and address of the supported person(s) being dispersed to their area.
3. Update CID with details of the section 4 bail address grant.
4. Update ASYS to allocate the supported person to their dispersed accommodation. This ensures that the accommodation will be paid for by the Home Office. For guidance on how to allocate a supported person into their dispersal accommodation, please see ASYS manual 'Allocating Accommodation'.
5. The case should be assigned on ASYS to the case owning team responsible for the case. Refer to ASYS manual 'Process Management' for further information.

Once the supported person is dispersed to his/her section 4 bail address, responsibility for managing the provision of section 4 support will rest solely with the Home Office caseworker.

[Back to contents](#)

Dispersal out of Initial Accommodation

This section of pages advises Initial Accommodation Team caseworkers how to make arrangements to disperse a person who has been granted bail from initial accommodation (IA) to section 4 dispersal accommodation.

Identifying accommodation requirements

The IA Team must assess whether the applicant has any special needs that affect dispersal. This may include a need to be accommodated in a particular location/certain type of accommodation, or a need to continue receiving ongoing medical treatment. When identifying whether the supported person has any special accommodation requirements, the IA Team caseworker should check:

- Notes on ASYS and CID;
- The email from the Section 4 Bail Team;

This list is not exhaustive.

When making dispersal arrangements the IA Team caseworker should refer to the guidance set out in [Dispersal Arrangements](#).

[Back to contents](#)

Arranging appropriate section 4 dispersal accommodation

Once the supported person's accommodation requirements have been established, the IA Team caseworker should subsequently arrange appropriate section 4 dispersal accommodation. The caseworker should complete a 'Bail Dispersal Progress Form', and submit this by email to the accommodation provider, informing them:

- That accommodation needs to be arranged for an applicant released on bail, (and hence that it is important that the address provided is the address the applicant will be moved into) and, if applicable, specifying any accommodation requirements. Refer to [Disclosure of Personal Information to Accommodation Providers](#) for further information.
- That due to being a bail case, if the Accommodation Provider makes a decision to move the Supported Person to alternative section 4 accommodation, authorisation must first be obtained from the Home Office due to the need to vary bail conditions.

Variation of bail conditions

As soon as a dispersal address has been arranged the supported person's bail conditions will need to be varied to take in to account the dispersal address **before** the supported person can be dispersed. Once an address has been sourced and a proposed move is agreed an email is to be sent to the Section 4 Liverpool Team at section4liverpool@homeoffice.gsi.go.uk requesting Variation of Bail with a response within three working days.

The Section 4 Liverpool Team will email the IA Team caseworker to confirm the variation within three working days.

- A copy of the 'Section 4 Bail Dispersal Letter' is to be emailed to section4liverpool@homeoffice.gsi.go.uk and the caseworker

Confirming Dispersal Arrangements

When the Section 4 Liverpool Team have confirmed that bail conditions have been varied, the IA caseworker should draft and serve a 'Section 4 Bail Address Dispersal Letter' to the supported person, by hand or by post. A copy of the letter should be sent by post to the supported person's representative, and a copy emailed to the Section 4 Liverpool Team and the Home Office caseworker. The letter provides the location of the allocated dispersal accommodation and the date of dispersal.

Notification letters should be sent to the relevant Primary Care Trust in England (to Local Health Boards in Scotland and Wales and in Northern Ireland to Health Care Trusts), and where there are dependant children, to the relevant Local Education Authority, giving them the name and address of the supported person(s) being dispersed to their area.

Dispersal from IA to section 4 dispersal accommodation

The accommodation provider will organise the transportation of the supported person to their dispersal accommodation. The accommodation provider will communicate the transportation arrangements to the IA Team, who should subsequently relay this information to the supported person.

In the event that confirmation of bail variation has not been received by the end of the third working day, the IA Team caseworker should immediately ask the Section 4 Liverpool Team to contact the authority responsible for varying the supported person's bail conditions to ascertain the status of the bail variation application. In the event that bail cannot be varied by the date of dispersal, dispersal should be delayed until the date bail can be varied.

The provision of initial accommodation shall end on the day on which the supported person travels to dispersal accommodation. If the applicant fails to travel to his/her dispersal accommodation, refer to [Failure to Travel](#).

Once the supported person is dispersed to his/her section 4 bail address, responsibility for managing the provision of section 4 support will rest solely with the Home Office caseworker.

The case should be assigned on ASYS to the casework team. Refer to ASYS manual 'Process Management' for further information.

The IA Team caseworker must update ASYS to allocate the supported person to their dispersed accommodation. This ensures that the accommodation will be paid for by the Home Office. For guidance on how to allocate a supported person into their dispersed accommodation, please see ASYS manual 'um007: Allocating Accommodation'.

[Back to contents](#)

Dispersal Arrangements

This section of pages provides guidance in making dispersal arrangements to section 4 dispersal accommodation for a person who has been granted bail.

When dispersing section 4 bail supported persons from IA to section 4 dispersal accommodation, any area of the UK where COMPASS accommodation is available can be used. Authority for bail will usually fall to an Immigration Officer after a short period of time (around 15 calendar days) as specified in the bail release order. After this date, bail and any tagging conditions can be varied by the Immigration Officer without oversight by the Tribunal.

When IA is not being used as a temporary bail address, there is no automatic requirement for the bail address to be in the same area as the detention centre. The Section 4 Bail Team will allocate dispersal accommodation straight from detention in areas of the UK outside of London and the South East of England.

Disclosure of personal information to Accommodation Providers

It is absolutely essential that when arranging section 4 accommodation, if the Home Office holds information relating to the Supported Person that is likely to directly impact on the allocation of accommodation, transport, or reception arrangements, sufficient appropriate information should be communicated to the accommodation provider to enable them to ensure appropriate arrangements are in place.

The level of information provided should be justified and proportionate, giving the accommodation provider enough information to enable them to make an informed decision, but not too much as to make any disclosure disproportionate.

When these types of issues have been identified, it is essential that such critical information is inputted onto ASYS.

[Back to contents](#)

Review Support

This page explains how the applicant's caseworker should review the provision of support once they have been granted bail and are living in section 4 bail accommodation.

All section 4 cases are subject to a review process to ensure that only those entitled to support remain supported. The provision of a section 4 bail address can only be discontinued if the supported person's bail has been discontinued, or his/her bail conditions have been varied so that they no longer specify accommodation at the section 4 address.

Review in bail cases must be set in line with the bail surrender date and reviewed when bail is discontinued or conditions change (but normally at no longer than three-month intervals). The caseworker should diarise the date for the review of support on ASYS (by setting up a new 'task' in tab 9 on ASYS).

On the scheduled review date or upon notification that a bail hearing has taken place, the Caseworker must check the supported person's CID record and asylum case file to ascertain his/her bail status:

- If bail conditions no longer require the provision of accommodation: The supported person is no longer eligible for support under section 4(1)(c). Proceed to [Discontinue Support](#).
- If bail conditions still require the provision of accommodation: A new date for the review of the provision of section 4 support should be set in line with the bail surrender date.
- If upon review there is evidence that the supported person has breached their bail conditions or they have breached the standards of behaviour specified by his/her accommodation provider, caseworkers should proceed to [Breach of Conditions](#) for guidance on appropriate action.

[Back to contents](#)

Discontinue Support

This page explains how the supported person's caseworker discontinues support when the applicant is no longer eligible for bail accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999.

The provision of section 4 accommodation should be maintained while the applicant's bail conditions specify the section 4 accommodation as his/her bail address, unless the supported person has either been granted leave or has left the UK, or if his/her support has been discontinued as a result of a breach of condition.

If the supported person has neither been granted leave or left the UK, nor had his/her support discontinued as a result of a breach of condition, a supported person in receipt of support under section 4(1)(c) can only have his/her support discontinued if his/her bail conditions are amended at a bail hearing, to either end the grant of bail, or vary the bail conditions so that they no longer specify accommodation at the section 4 address. Bail can be discontinued / varied at the following types of bail hearings:

- **Bail Renewal** - Grants of bail are set with a date when the bailed person must surrender. The surrender date requires the subject to report at the end of bail either to the First-Tier Tribunal or an IO, for bail to be reviewed and renewed.
- **Bail Variation** - A hearing of this type will usually be at the request of the applicant, who may want to vary either part or all of his conditions.
- **Bail Forfeiture** - A forfeiture hearing is only appropriate when the person has failed to comply with a primary condition (report at the end of bail) or where the applicant is deemed to have absconded.

Where a supported person is no longer eligible for section 4 support, a decision will be taken to discontinue the provision of support. To discontinue support, caseworkers must:

1. Draft a 'Section 4 Discontinuation Letter'. The letter should advise the supported person of the following:
 - The reasons for discontinuing support.
 - A right of appeal under [section 103 of the 1999 Act](#) to the Tribunals Service – Asylum Support (Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information).
 - That supported persons who have their support discontinued are required to leave their accommodation upon expiry of the discontinuation period.
2. Recheck that the address on ASYS has been confirmed by accommodation provider.
3. Include the Notice of Appeal Form and envelope.
4. Post the discontinuation letter to the supported person by first class post, ensuring that the letter is posted on the same day as it is dated.
5. If the supported person is represented, **fax and send** the discontinuation letter by second class post to the representative.
6. Serve a letter on the accommodation provider via the Collaborative Business Portal and by fax to notify them that support will end on the due date.
7. Scan confirmation of fax onto ASYS.
8. Update ASYS, referring to the ASYS User Manual on 'Section 4 Applications' and 'Section 4 Discontinuation Tool' for guidance.
9. Prepare Home Office appeal bundle - the supporting documentation element of the appeal bundle (the evidence on which the decision to discontinue support is justified) should be prepared as soon as a decision to discontinue support is made. If an appeal is

brought, the appeal bundle should be held until the appeal is concluded; otherwise the appeal bundle should be held up to two months after the discontinuation letter is sent to the subject. Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information.

Discontinuation Period

The discontinuation period is dependant upon whether the supported person has been re-detained/moved to an alternative bail address, released on a restriction order or granted temporary admission:

- If the supported person has been re-detained or has moved to an alternative non-section 4 bail address, the provision of support should normally be discontinued with immediate effect, or on the date the supported person is due to be detained, in the event bail has been cancelled but the re-detention date has not yet passed.
- If the support person has been granted temporary admission or released on a restriction order, the standard section 4 discontinuation period (14 days) should be used.

Right of Appeal

A person whose application for support under section 4 is rejected, or whose support under section 4 is discontinued has a right of appeal to the First-tier Tribunal, Asylum Support (Tribunal) against this decision under [section 103 of the 1999 Act](#), if the decision to refuse or discontinue support was taken on or after 31 March 2005:

- If Yes, refer to the appeals process specified in [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information.
- If No, no further action required.

[Back to contents](#)

Breach of Conditions

This page advises caseworkers what to do if a person who has been released from detention into section 4 bail accommodation breaches the conditions of his/her bail.

A supported person released on bail is required to comply with his/her bail conditions. If following investigation there is evidence that the supported person has breached his/her bail conditions, this should immediately be communicated to the authority responsible for varying his/her bail conditions, who will, if appropriate, arrange a bail hearing. If the supported person's bail is discontinued, or his/her bail conditions are varied so that they no longer specify residence in section 4 accommodation, the provision of section 4 support can be discontinued. Refer to [Discontinuing support](#).

For further information on bail conditions, refer to the 'Bail Applications AI'.

[Back to contents](#)

Complying with specified standards of behaviour

The conditions for the continued provision of accommodation as set out under [regulation 6 of the 2005 Regulations](#) do not apply to supported persons in receipt of support under section 4(1)(c). However, even though regulation 6 does not apply to those in receipt of support under section 4(1)(c), the general power to provide accommodation includes a power to provide accommodation subject to conditions. The conditions must be specified in the grant letter, clearly stating that breach of conditions may lead to a discontinuation of support.

If set out to the supported person in a notice in writing, in order to continue to receive support under section 4(1)(c), the supported person must comply with the condition that he/she complies with standards of behaviour specified by his/her accommodation provider, for example in an occupancy agreement, and must not commit acts of antisocial or violent behaviour.

Support may be discontinued if caseworkers consider that this condition has been breached without reasonable explanation.

The accommodation provider or police must provide written evidence that the supported person has committed an act of antisocial or violent behaviour. Alternatively, the accommodation provider must provide written evidence that the supported person has committed a breach of the specified standards of behaviour, for example those set out in an occupancy agreement.

The supported person must be given the opportunity to explain the alleged breach of conditions before discontinuing support. The supported person must be written to detailing the alleged breach and the consequences of breaching the condition that he/she complies with specified standards of behaviour, and inviting the supported person to provide an explanation, with a 14 calendar day deadline. A copy of this letter should be sent to the supported person's representative. If the supported person fails to reply by the deadline, a decision on whether it would be appropriate to discontinue support should be made on the basis of all the available information.

If the member of staff undertaking breach of condition action is not the caseworker, he/she must ensure that he/she liaises with the caseworker throughout the process.

In deciding whether the supported person has breached the condition of support without reasonable explanation, caseworkers must consider all the available information.

Where caseworkers are satisfied that the supported person has not complied with specified standards of behaviour without reasonable explanation, and discontinuation of support is appropriate, the caseworker should undertake the following:

- Draft a discontinuation letter. The letter should advise the applicant of the following:
 - That the supported person has breached the condition that he/she complies with specified standards of behaviour.
 - Any specific evidence of the breach.
 - That their section 4 support will be discontinued in 14 calendar days, and that they will no longer be entitled to reside in their current accommodation.
 - A right of appeal under [section 103 of the 1999 Act](#) to the Tribunals Service – Asylum Support (Refer to [Policy Bulletin 23: Asylum Support Appeals Process](#) for further information).
- Include a Notice of Appeal Form.
- Recheck that the address on ASYS has been confirmed by the accommodation provider.
- Send the letter by first class post, ensuring that the letter is posted on the same day as it is dated.
- If the supported person is represented, **fax and post** the discontinuation letter to the representative.
- Serve a letter on the accommodation provider to notify them that support will end on the due date. Ensure that the letter to the provider is faxed and posted by recorded delivery.
- Email a copy of the refusal letter to the Home Office caseworker.
- Update ASYS, referring to the ASYS User Manual on ‘Section 4 Applications’ and ‘Section 4 Discontinuation Tool’ for guidance.
- The decision to discontinue support should immediately be communicated to the authority responsible for varying his/her bail conditions, who will arrange a bail hearing to either discontinue the supported person’s bail, if appropriate, or vary his/her bail conditions so that they no longer specify residence in section 4 accommodation.

[Back to contents](#)

Complying with specified standards of behaviour Discontinuation of support to families with children

When considering whether to discontinue the provision of support under section 4(1)(c), if the supported person is accommodated with dependant minors, the course of action taken

must be consistent with the Home Office's obligations under section 55 of the Borders, Citizenship and Immigration Act 2009, to ensure that the decision has regard to the need to safeguard and promote the welfare of children who are in the UK. For further information, refer to 'Discontinuation of support to families with children' in the [Section 4 Support AI](#).

[Back to contents](#)

Change of Address

This page explains the process for varying bail conditions in order to change the address of a person who is accommodated in initial accommodation (IA) or section 4 dispersal accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999.

In all cases where the supported person's bail address is to be changed, such as where the supported person moves from:

- an IA address to an alternative IA address, or
- an IA address to section 4 dispersal accommodation, or
- section 4 dispersal accommodation to alternative section 4 accommodation,

his/her bail conditions will need to be amended by the authority responsible for varying his/her bail conditions before the bail address can be changed.

Please note that a failure to vary bail conditions when a change of bail address takes place will result in the supported person breaching his/her bail conditions.

First-Tier Tribunal have responsibility for amending bail conditions

The Section 4 Liverpool Team (if pre-dispersal) or the Home Office Caseworker (if post dispersal) must complete a 'Bail Conditions Variation Form' filling in the Supported Person's details and the new dispersal address. Arrangements must be made for the Supported Person to enter his/her name and signature in the applicable sections of the form. If the supported person has a surety, the supported person must also arrange for his/her surety to enter his/her name and signature in the applicable sections of the form. The completed form must be signed off by the caseworker and faxed to the First-Tier Tribunal, no less than 3 working days before date of dispersal, requesting a variation of bail conditions to take in to account the new dispersal address (Refer to First Tier Tribunal Contact Details for Bail Cases for the First-Tier Tribunal fax numbers).

If bail conditions have not been varied within 3 days of the dispersal date, the First-Tier Tribunal must be contacted immediately to establish when the Bail Conditions Variation Form is likely to be processed, and if required, contact the section 4 accommodation provider to request a later dispersal date, and if so, inform the supported person and the IA provider of the revised dispersal date.

Immigration Officer has responsibility for amending bail conditions

The Section 4 Liverpool Team (if pre-dispersal) or the Home Office caseworker (if post dispersal) must email the Immigration Officer who granted immigration bail or whom bail authority has fallen to, requesting that he/she arranges for the supported persons bail conditions to be varied to take in to account the dispersal address. The Immigration Officer will vary bail conditions through his own authority on form IS.0343. Confirmation of bail condition variation must be received before proceeding with dispersal.

If bail conditions have not been varied within 3 days of the dispersal date, the caseworker must immediately contact the Immigration Officer responsible for varying bail conditions to establish when the applicant's bail conditions are likely to be varied, and if required, contact

the section 4 accommodation provider to request a later dispersal date, and if so, inform the supported person and the IA provider of the revised dispersal date.

Moving a supported person from an IA address to an alternative IA address

In the event that the supported person needs to be moved to an alternative IA, this can only occur after 48 hours of arriving at the original IA bail address, and after the First-Tier Tribunal agree to vary bail conditions.

Change of bail address requests by supported persons following dispersal

If a supported person makes a request for alternative section 4 accommodation following dispersal, the request must be made in writing and signed by the supported person.

Relocation is not normally permitted except in exceptional circumstances. When making decisions on whether a request for alternative accommodation is reasonable, caseworkers must refer to the Support Accommodation to Alternative Support Accommodation section of the [Change of Address AI](#). The bail conditions will need to be varied before a change of accommodation takes place.

For further information on bail variation and sureties refer to the 'Bail AI'.

[Back to contents](#)

Failure to Travel

This section of pages advises caseworkers what actions to take when a person who has been released from detention on bail fails to travel to his/her bail accommodation.

If the supported person fails to travel to initial accommodation or dispersal accommodation the applicant will be in breach of his/her bail conditions. This is because his or her bail conditions will specify accommodation in the property he/she was supposed to travel to.

In this scenario the Home Office caseworker should immediately be informed. The Home Office caseworker may arrange a bail hearing, at which a decision will be made as to whether it would be appropriate to cancel bail. The bail address must remain available to the supported person while bail conditions specify residence at that address.

Failure to travel from bail hearing to initial accommodation

If an applicant granted bail fails to travel from the bail hearing to his/her allocated IA, unless the applicant has promptly contacted the Home Office providing a reasonable explanation for failing to travel, the IA caseworker should immediately inform the Home Office caseworker, who may in turn start breach of bail conditions/absconder action.

Failure to travel to section 4 dispersal accommodation

If the supported person fails to travel to his/her allocated section 4 bail dispersal accommodation the Home Office caseworker should be informed immediately. The IA caseworker will need to assess whether there is a reasonable explanation for not travelling.

If no reasonable explanation for not travelling has been provided a 'Section 4(1)(c) Failure to Travel Letter' should be sent to the supported person explaining that they are required to leave their current accommodation. The letter should go on to explain that their actions have resulted in them being unable to access support, but that the offer of support will be kept open to them should they agree to travel to the allocated accommodation, and provide appropriate details so that they can make contact in order to access that support if they choose to do so.

A copy of the letter should be sent to the applicant's representative.

If the supported person provides an acceptable explanation for failing to travel to his/her dispersal accommodation, the IA caseworker should liaise with the accommodation provider to make travel arrangements to move the supported person to his/her dispersal accommodation for a second time.

If the supported person fails to provide a reasonable explanation, and if the supported persons bail conditions no longer specify residence at the initial accommodation address, the provision of initial accommodation can be discontinued in line with normal procedures. If this is the case, the Home Office caseworker should be informed immediately, who may in turn start breach of bail conditions action.

CID and ASYS should be updated throughout the failure to travel process.

Definition of a reasonable excuse for failure to travel

What constitutes an acceptable explanation for failing to travel will depend upon the circumstances of each case although excuses, which are considered to be reasonable, are few. For example, if the person was too ill to travel and has provided sufficient medical

evidence to demonstrate this then this should be accepted. For further information on the failure to travel process, refer to [Policy Bulletin 17: Failure to Travel](#).

[Back to contents](#)

Dependants of a bail address applicant

This section of pages advises caseworkers whether dependants of a bail address applicant can be supported under section 4(1)(c) of the Immigration and Asylum Act 1999 (the 1999 Act).

Dependants cannot be supported under [section 4\(1\)\(c\) of the 1999 Act](#). If a bail applicant has dependants who require section 4 support, they must make their own application for support and establish eligibility in their own right as a failed asylum seeker under section 4(2), or as dependants of a Failed Asylum Seeker under section 4(3). For further information on the provision of support under section 4(2) and section 4(3), refer to the [Section 4 Support AI](#).

[Back to contents](#)

Section 4 bail address applications by applicants already released on immigration bail

This page explains when a person, who has been released from detention to a non section 4 bail address, is eligible for a bail address under section 4 of the Immigration and Asylum Act 1999.

If an applicant following release on immigration bail to a non section 4 address, notifies the Home Office and provides evidence that he/she can no longer stay at that address, and requires a section 4 bail address due to having no alternative bail address available to him/her, he/she may apply for a bail address under section 4(1)(c) following the application process specified in this instruction. Caseworkers must follow the process for arranging section 4 bail addresses specified in this instruction, taking in to account that the applicant should arrange for his/her own bail conditions to be varied.

If a bail address is granted, it will be on the proviso that the applicant applies to the authority that is responsible for varying his/her bail conditions, for his/her bail conditions to be varied to take in to account the section 4 bail address.

If the applicants bail conditions are varied to take in to account the new bail address, the applicant or his/her representative should notify the Section 4 Bail Team immediately, so to ensure appropriate arrangements are in place for his/her arrival at his/her allocated initial accommodation.

With the exception to the fact that the applicant is applying for a section 4 bail address from a private bail address, as opposed to applying from a detention centre, and that applicant is applying to have his/her own bail conditions varied, rather than applying for a grant of bail from detention, the process specified in this instruction will still apply.

If the authority which is responsible for varying bail conditions makes a decision to re-detain the applicant, he/she can apply for a section 4 bail address from his/her detention centre following the process specified in the in this instruction.

Please note that the processes set out in this asylum instruction with regards to ascertaining whether a Section 4 Bail Accommodation Pro-Forma is required, and assessing what type of bail accommodation would be suitable, if any, must be adhered to, regardless of whether the applicant is currently detained or not.

[Back to contents](#)

Additional Services or Facilities under Section 4 of the Immigration and Asylum Act 1999

This page explains when a person who already receives support under section 4 of the Immigration and Asylum Act 1999 is eligible for additional support under the Immigration and Asylum (Provision of Services or Facilities) Regulations 2007.

The [Immigration and Asylum \(Provision of Services or Facilities\) Regulations 2007](#) ("2007 Regulations") which came in to force on 31st January 2008, enable the provision of additional support to supported persons in receipt of section 4 support who are destitute and are already receiving section 4 support, and require additional services or facilities that cannot be met by their current support.

For further information on the additional services/facilities available, how to apply, and eligibility criteria, refer to the [Additional Services or Facilities under Section 4 of the Immigration and Asylum Act 1999 AI](#).

[Back to contents](#)

[Back to contents](#)

Chief Immigration Officer & Secretary of State Bail

This is the guidance on the provision of bail accommodation under section 4(1)(c) of the Immigration and Asylum Act 1999 to persons granted Chief Immigration Officer (CIO) and Secretary of State bail from detention.

In addition to the provision of a bail address under section 4(1)(c) of the 1999 Act to an applicant granted bail by the First-Tier Tribunal as is specified within this AI, a section 4 bail address may also be provided to applicants granted Chief Immigration Officer (CIO) and Secretary of State bail from detention under any provision of the Immigration Acts.

For further information on the First-Tier Tribunal, CIO & Secretary of State bail processes, refer to the 'Bail Applications AI' and the Criminal Casework Directorate Bail Process Instructions.

[Back to contents](#)

Glossary

Subject	Explanation
Accommodation - Initial Accommodation (IA)	<p>IA is provided by third party accommodation providers. IA is provided in the form of high multiple occupancy (HMO) type accommodation, accommodating a wide range of individuals, including families. Unlike the numerous small scale properties found in Dispersal Accommodation (see details below), IA is usually in large scale blocks housing between 80 and 150 applicants, with single shared common space for both single and family groups. It should be noted that opportunities to separate individuals or small groups are extremely limited.</p> <p>IA is predominantly offered as full board accommodation with food and essential toiletries provided as required; there is no additional support provided in any form. Given the need for IA to be near to UK Border Agency regional offices, sites are often located in high density, urban residential areas. Given the location and the nature of the population in IA, any applicant released on bail and allocated IA will have to be deemed suitable to mix with other applicants' of all ages and gender. It is expected that applicants will remain in IA for no longer than three weeks before they are transferred to Dispersal Accommodation.</p> <p>Though IA is used as a temporary bail address under section 4(1)(c), it is primarily used to provide full board accommodation under section 98 of the 1999 Act to asylum seekers and their dependents who would otherwise be destitute, so as to ensure that they are not left destitute whilst a decision is made on eligibility for asylum support under section 95 of the 1999 Act.</p> <p>The Wrap-Around Services provided in IA and delivered by the Asylum Support Partnership is only available to asylum seekers and their dependants. This service will not be available to supported persons released on bail in receipt of support under section 4(1)(c), unless the supported person is an asylum seeker for the purposes of support. The purpose of the Wrap-Around Services is to provide an induction to newly arrived asylum seekers, and is not appropriate to those released from detention.</p> <p>For further information on IA, refer to Policy Bulletin 73: Provision of Initial Accommodation. When using IA as a temporary bail address, the provision of support will be under section 4(1)(c) and not under section 98.</p>
Accommodation - Standard Dispersal Accommodation	<p>Accommodation is provided through specific third party accommodation providers. The accommodation is primarily located in high density, urban residential areas in close proximity to essential amenities. It is primarily High Multiple Occupancy (HMO) accommodation, which consists of a mix of bed-sits, self-contained accommodation, and maisonettes to house singles, couples and single parents with one child. There is also family accommodation in the form of larger maisonettes and houses. Single adult males released on bail to dispersal accommodation do not share accommodation with families or members of the opposite gender. Single</p>

	<p>adult females released on bail to dispersal accommodation do not share accommodation with members of the opposite gender, though they may be housed in the same accommodation as single mothers with children, unless such an accommodation arrangement was prohibited in the accommodation request to the accommodation provider.</p> <p>In addition, if the person is accommodated in a maisonette type of self-contained accommodation, they may still come in to contact with families in shared access areas, such as hallways or landings, unless such an accommodation arrangement is clearly specified as prohibited in the accommodation request to the accommodation provider. The availability of accommodation that meets this requirement in any location is extremely limited. Single occupancy accommodation may be identified in exceptional circumstances, although the number of readily available properties is very limited.</p> <p>Although the UK Border Agency aims to allocate suitable bail accommodation, standard asylum support accommodation is not specifically designed for individuals with serious criminal convictions released on immigration bail. There is however a certain level of flexibility in the type of accommodation offered, as outlined above, accommodation providers source accommodation from their extant stock of accommodation that is available at that time of the completed accommodation request.</p> <p>Requests for bail accommodation with complex accommodation requirements may increase the length of time required for the Accommodation Provider to source suitable accommodation (Standard Dispersal Accommodation or Complex Bail Address Accommodation).</p>
Approved Premises	<p>Approved Premises are primarily an offender management resource, rather than a form of accommodation. Most but not all, Approved Premises are full board. Self-catering Approved Premises are unlikely to be allocated unless the applicant has independent access to funds. Approved Premises are not suitable for offenders whose licence period has expired.</p>
Immigration Bail	<p>Immigration bail is an alternative to detention and is used in compliance with the detention policy, and when:</p> <ul style="list-style-type: none"> • Detention is likely to be prolonged, e.g. the applicant is undocumented and continued detention may be threatened by Judicial Review; • Detention becomes unsuitable, e.g. the detainee has an ongoing medical condition, or family illness; • There is a lack of detention space; • It is considered that the detainee is unlikely to comply with the conditions of Temporary Admission, i.e. compliance with a reporting regime or residence at a particular address, but is more likely to comply with bail because of the size of the recognisance; a monetary sum pledged by the applicant but the payment of which will be avoided if they comply with their bail conditions); or <p>Where the department considers that bail is appropriate for some other</p>

	<p>reason under the Detention policy.</p> <p>When applicants are detained, they have the right to apply to be released on bail. A detainee may apply at any time to an Immigration Judge at the First-tier Tribunal (Immigration and Asylum) to be released on bail. On initial detention, the detainees are issued with an ICD 1913 informing them of their bail rights and a B1 form with which they can apply for bail to the First-Tier Tribunal.</p> <p>For further information on the bail process, refer to the Bail Applications AI.</p>
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[Back to contents](#)

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	SM	05/06/09	First published draft
2.0	SM	22/06/09	To take in to account AIT's revised bail variation process
3.0	SM	10/11/09	Amendment to grant letter – Only for bail purposes sentence added.
4.0	SM	05/01/10	Greater detail added – Identifying criminal offences.
5.0	DT	06/04/10	Reference to vouchers deleted and payment card added. Embedded letters amended to reflect support rate increase.
6.0	SM	26/05/10	Correction to the support rates in the grant letters.
7.0	SM	30/09/10	Greater detail added on the non-IA processes / refusal of support / breach of conditions.
8.0	SM	22/02/11	New accommodation contract and full disclosure of process.
9.0	JL	05/09/13	Dispersal and IA placements outside of London and the South East of England