

Serving decisions on file

This guidance is based on the Immigration Rules

Serving decisions on file

About this guidance

About this guidance Non-detained criminal casework cases Actions to take when serving the decision on file Subject located	<p>This guidance tells criminal casework (CC) caseworkers how to serve decisions on file.</p> <p>Regulation 7(2) of the Immigration (Notices) Regulations 2003 gives caseworkers the power to serve a notice of decision on file if:</p> <ul style="list-style-type: none">• a person's whereabouts are unknown• no address has been provided for correspondence• the decision maker does not know the last known or usual place of abode or place of business of the person, or the address provided to the decision-maker is defective, false or no longer in use by the person, and• no representative appears to be acting for the person. <p>This power can apply to any decision, including a deportation order. The notice will be deemed to have been given when a note is entered onto CID, the Home Office file and the notices are signed.</p> <p>Deportation decisions must not be served on file unless all attempts made to trace the individual and serve to the last known address also failed.</p> <p>Changes to this guidance – This page tells you what has changed since the previous versions of this guidance</p> <p>Contact – This page explains who to contact for more help with a specific question on public funds</p> <p>Information owners –This page tells you who the information owners are for public funds and tells how the guidance can be updated.</p> <p>Safeguards and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	Related links Changes to this guidance Contact Information owner Links to staff intranet removed
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Changes to this guidance

About this guidance Non-detained criminal casework cases Actions to take when serving the decision on file Subject located	This page lists changes to the serving decisions on file guidance, with the most recent at the top.		Related links See also Contact Information owner
	Date of the change	Details of the change	
	16 May 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes.	
	21 February 2013	Completely revised by the Criminal Casework Operational Process and Policy Team (CCOPPT) and the modernised guidance team.	

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Non-detained criminal casework cases

About this guidance Non-detained criminal casework cases Actions to take when serving the decision on file Subject located	<p>This page tells you how to deal with non-detained criminal casework (CC) cases.</p> <p>Deportation decisions must not be served on file unless all attempts have been made to trace and locate the individual and service to the last known address has also failed.</p> <p>If a non-detained foreign national offender (FNO) does not inform CC of a change of address or they abscond, a notice of a decision to make a deportation order, a decision to refuse to revoke a deportation order, as well as a decision under Section 32(5) of the UK Borders Act 2007, can be served on file.</p> <p>You must check all decision notices are signed. You must then complete TICD 4188 'Served on File' minute sheet - found in the document generator which is available as part of the case information database (CID).</p> <p>Update CID.</p>	Links to staff intranet removed
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Actions to take when serving the decision on file

About this guidance Non-detained criminal casework cases Actions to take when serving the decision on file Subject located	<p>This page tells you how to action a decision to serve on file.</p> <p>A decision to serve notices on file must be agreed by the team leader or senior caseworker.</p> <p>All cases must follow the normal consideration process, including resolution of any outstanding application or representations, before making a decision to deport and making a deportation order in both Immigration Act 1971 and UK Borders Act 2007 cases.</p> <p>There will be no change to how you consider or make a decision to deport, but if your only option is to serve that decision on file you must :</p> <ul style="list-style-type: none">• Update the 'Key Document Tracking' screen on CID to note the ICD1070 or deportation order is 'Served' and the 'Despatch Method' states 'Served on file'.• Add an explanation on 'CID Notes' to explain why the decision has been served on file and authorised.• Treat the case as an absconder. <div><div>Restricted – do not disclose – start of section</div><div>The information in this page has been removed as it is restricted for internal Home Office use only.</div><div>Restricted – do not disclose – end of section</div></div>	Links to staff intranet removed
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Subject located

About this guidance Non detained Criminal Casework Directorate cases Actions to take when serving the decision on file Subject located	<p>This page tells you what action to take if a subject is located.</p> <p>Once the foreign national offender (FNO) is discovered, the original decision to serve on file must be looked at carefully, to make clear it was correctly served under Regulation 7 (2) of the Immigration (Notices) Regulations 2003.</p> <p>You must complete a signed and dated minute on both the Home Office file and CID, highlighting details that all attempts were made to contact the subject.</p> <p>A copy of the notice or decision explaining when and why the decision was served on file and the time it came into effect must be given to the FNO</p> <p>Any decision made before 2003 is invalid for service on file. A decision made under the Immigration and Asylum Appeals (Procedure) Rules 2000 takes effect when the subject receives the notice, if the notice was not received then appeal rights were never exhausted.</p> <p>There is the option of an out of time appeal. The asylum and immigration tribunal (AIT) would need persuading it would be unjust to prevent the appeal proceeding.</p>	Links to staff intranet removed
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Contact

About this guidance Non-detained criminal casework cases Actions to take when serving the decision on file Subject located	<p>This page explains who to contact for more help with a specific case on serving decisions on file.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If they cannot answer your question, they or you may email the criminal casework operational policy and process team (CCOPPT), see related link, for guidance on the policy..</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, who will ask MGT to update the guidance, if appropriate.</p> <p>MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	Related links Changes to this guidance Information owner Links to staff intranet removed
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Information owner

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This page tells you about this version of the serving decisions on file guidance and who owns it.

Version	2.0
Valid from date	16 May 2013
Policy owner	Criminal Casework Operational Process and Policy Team (CCOPPT)
Cleared by director	Andrew Jackson
Director's role	Director Criminal casework directorate
Clearance date	15 February 2013
This version approved for publication by	Richard Short
Approver's role	Assistant director, modernised guidance team
Approval date	15 May 2013

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Related links

[Changes to this guidance](#)
[Contact](#)

Links to staff intranet removed