

Criminal casework directorate

Bail applications – action after a bail hearing or decision

This guidance is based on agreed working practices across different agencies

Bail applications – action after a bail hearing or decision

About this guidance

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

This guidance explains criminal casework directorate (CCD) case owner actions that are necessary after a bail hearing or decision

This guidance covers:

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

It includes:

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

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

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

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

It is essential you follow the guidance, make sure you always contact offender managers when necessary and fully take into account multi-agency public protection arrangements (MAPPA) cases. Not following guidance correctly, particularly when bail is granted, puts the

In this section

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

Related links

See also

Links to staff intranet removed

External links

[Bail guidance for Immigration Judges](#)

	<p>public, the UK Border Agency's corporate partners and staff at risk.</p> <p>Changes to this guidance – This page tells you what has changed since previous versions of this guidance.</p> <p>There is additional separate guidance covering section 4 accommodation which you must refer to when dealing with bail applications for offenders who may be eligible for this. For more information, see related links.</p> <p>For a full list of letters to be used when processing bail applications and decisions see related links.</p> <p>Changes to this guidance – This page tells you what has changed since previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help with a specific case if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Changes to this guidance

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

This page lists the changes to the Bail applications – action after a bail hearing or decision guidance, with the most recent at the top.

Date of the change	Details of the change
18 Month 2011	Modernised by the CCD process team

Related links

See also

[Contact](#)
[Information owner](#)

Bail applications – action after a bail hearing or decision

Bail hearings with immigration judges

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

Bail applications – action after a bail hearing or decision

The outcome of bail hearings – the bail hotline

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners about the bail hotline, how it works and what actions must be taken.</p> <p>The bail hotline is located in the contact management team in Liverpool. Presenting officers (POs) notify the CCD bail hotline of the outcome of CCD bail applications. Where an offender is released from prison they pass on the name and contact number for the prison offenders are bailed from.</p> <p>Notifications to the hotline are made twice a day as a minimum. Once at lunchtime and once at the end of the day). POs call at other times if they have the opportunity. The contact management team (CMT) will answer the hotline whenever possible and will periodically check for Voicemail messages. POs keep a note of the person they spoke to (or if they left a message) and the time of their call.</p> <p>CMT will then notify you of the result of the bail hearing by email, copying in the relevant team leader who can be identified using CID where necessary. Where bail is agreed, and the offender was previously in prison, they will also notify the appropriate prison of the bail outcome by telephone.</p> <p>The email from CMT to the case owner is intended as an early warning for both you and the National Offender Management Services (NOMS) offender manager. As soon as you are informed of the outcome of the bail hearing from the CMT, you must inform the offender manager of the outcome.</p> <p>You must make sure you speak immediately to the offender manager in person. It is not enough to leave a message for them on an answering machine. If they cannot be contacted you must contact the relevant NOMS single point of contact (SPOC) (see related links).</p> <p>Once you have made contact by telephone you must send a follow up email and you must record these actions in CID notes including details of who in NOMS you spoke to and when.</p>	<p>Related links</p> <p>See also</p> <p>Cases where immigration judge bail is refused Cases where immigration judge bail is granted Cases where bail in principle is granted Bail renewal or variation before an immigration judge</p> <p>Links to staff intranet removed</p>
--	--	---

	<p>Where bail is granted, failing to notify the offender manager of release could result in a dangerous offender being allowed into the community unsupervised.</p> <p>POs will continue to advise you of the bail hearing and the conditions of bail granted. They will update the bail hearings section of CID with the outcome of the hearing and they will fax the full adjudication to you (form IAC128). You must continue to deal with these as normal.</p> <p>CMT monitor initial notifications of the outcome against the cases referred to them. Initial notifications not referred to the CMT within a week of the initial outcome will be referred to the relevant team leader.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Cases where immigration judge bail is refused

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells you the action that criminal casework directorate (CCD) case owners must take on cases where bail has been refused by an immigration judge.</p> <p>Where bail is refused you must advise the offender manager and the relevant National Offender Management Services (NOMS) single point of contact (SPOC) of the outcome of the bail hearing, complete the restrictions screen on the case information database (CID), record the immigration judge's comments and enter a calendar event for the next detention review.</p> <p>Notifying the offender manager</p> <p>If bail is refused you must notify the offender manager immediately by phone, preferably on the day of the bail hearing but no later than the day after the bail hearing in all cases. You must also fax a copy of the full adjudication to the offender manager within this timescale and notify the relevant NOMS SPOC, in writing, by email or fax.</p> <p>Updating CID with the bail outcome</p> <p>You must update the restrictions screen on CID with details of the outcome of the bail hearing.</p> <p>Recording the immigration judge's comments</p> <p>If the immigration judge makes comments, you must record these in CID notes.</p> <p>Setting a diary action for the next detention review</p> <p>If bail is refused you must set up a diary event in the CID calendar events for the next detention review. You must take into account the immigration judge's comments about the possibility of bail being granted in future and any actions necessary arising out of these. Full information on detention reviews can be found at related link: CCD detention reviews (adults).</p> <p>For a screenshot and full instructions of how to update CID, see related links.</p>	<p>Related links</p> <p>See also</p> <p>The outcome of bail hearings – the bail hotline Cases where immigration judge bail is granted Cases where bail in principle is granted Bail renewal or variation before an immigration judge</p> <p>Links to staff intranet removed</p>
--	--	---

Bail applications – action after a bail hearing or decision

Cases where immigration judge bail is granted

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners what action to take on cases where bail has been granted by an immigration judge (IJ).</p> <p>Where bail is granted, a bail period is determined by the IJ (usually three months) and bail conditions are imposed as the judge deems appropriate. Bail can be granted under paragraph 22(1A) or paragraph 29, schedule 2 of the Immigration Act 1971 and the IJ determines the type of bail in each case.</p> <p>If bail is granted by an IJ under paragraph 22(1A), schedule 2, Immigration Act 1971 (as amended by the Asylum and Immigration Act 1996) (generally because there is no appeal pending), this will normally be to appear before a chief immigration officer (CIO).</p> <p>If bail is granted under paragraph 29 (generally where a deportation appeal is outstanding) this will be to appear before the tribunal at the appeal. The period for bail and the type of bail are granted at the discretion of the IJ.</p> <p>Where bail is granted, you must make sure that bail conditions are put in place and monitored and that appropriate action is taken when bail is to be renewed. Action relating to subsequent bail renewal must follow the directions of the IJ. For example where an offender has been bailed to appear before an immigration officer (IO) it would be for an IO within the local immigration team (LIT) to make any decision to renew or vary bail.</p> <p>In cases where the Immigration and Asylum Chamber (IAC) grants bail, the IJ's clerk will complete the relevant IAC forms. You must complete the following documents where necessary:</p> <ul style="list-style-type: none">• IS100 – certificate of bail• IS106 – release order – this can be signed by an HEO or CIO level or above• ICD 343 (notice of restriction) or the DO4(EM) (notice of restriction with electronic monitoring)• ICD377 – letter to the reporting centre or police station.	<p>Related links</p> <p>See also</p> <p>The outcome of bail hearings – the bail hotline Cases where immigration judge bail is refused Cases where bail in principle is granted Bail renewal or variation before an immigration judge</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Act 1971</p>
--	---	--

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

Notifying the offender manager

Where bail is granted you must notify the offender manager of the result of the bail hearing immediately by phone on the day of the hearing. You must make sure that you speak to the offender manager in person, it is not enough to leave a message for the offender manager on an answering machine. If the offender manager cannot be contacted you must contact the relevant National Offender Management Services (NOMS) single point of contact (SPOC).

Restricted do not disclose – start of section

The information in this page has been removed as it is restricted for internal UK Border Agency use only.

Restricted do not disclose – end of section

Once you have made telephone contact with the offender manager you must send a follow up email and record these actions fully in CID notes, including details of who you spoke to in NOMS. You must also fax a copy of the full adjudication to the offender manager on the day of the hearing or the following day.

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

Releases to NOMS approved premises

Where release is agreed by the Tribunal there are a small number of cases where NOMS offender managers assess that the FNO should initially be supervised in the community

	<p>while resident in approved premises (previously known as probation hostels).</p> <p>Places in approved premises are a scarce resource. Even when a place has been agreed in principle, by the approved premises, there may be a waiting list with places coming up only when an existing resident leaves.</p> <p>If an offender manager secures an approved premises placement in principle but there is no vacancy, and therefore release cannot take place, cases should be referred immediately to the Assistant Director who will escalate the case with the relevant NOMS Probation Trust so that every effort can be made to obtain the accommodation in a timely manner.</p> <p>Where a suitable release address cannot be identified by NOMS within three working days the CCD case owner must refer the case back to the Tribunal, through the presenting officers unit, and inform the judge that accommodation in approved premises cannot be secured, so that the judge can review the situation and decide whether detention should be continued on a lawful basis.</p> <p>At the same time you should attempt to secure alternative accommodation in case release is ordered and no space can be found in the approved premises. Options which can be explored include section 4 accommodation (depending on eligibility) or whether the offender can provide a suitable release address. Where the court has ordered release, continued detention would be unlawful despite the lack of approved premises to release to. In these cases you must immediately alert the operational assistant director to make a release referral to the strategic director and the AD should inform NOMS that imminent release has been ordered and continued detention by the UK Border Agency is now unlawful.</p> <p>Updating CID with the bail outcome You must update the restrictions screen on CID with details of the outcome of the bail hearing.</p> <p>Recording the immigration judge's comments Where there are comments made by the immigration judge you must record these in CID notes.</p>	
--	---	--

	<p>Setting up electronic monitoring Electronic monitoring by tagging can be set as a bail condition. Where this is set the enhanced address checks verification process must be followed. For details of this, see related link: Enhanced address checks – release under IAC bail. Further information about contact management can be found at related link: Non-detained cases, contact management and absconder cases.</p> <p>Setting up bail reporting, calendar events and bail renewal The presenting officers unit will fax details of the bail outcome to the relevant immigration, compliance and engagement (ICE) team (formerly local immigration team (LIT)) and CID must be updated with details of reporting arrangements, including the setting of recurring reporting events. An initial calendar event must be set to check the first reporting event and request the relevant reporting centre to set up future events for reporting. CMT will check that reporting is taking place (and monitor for bail renewal).</p> <p>Making changes to bail conditions Where there are changes to existing IAC bail conditions the offender may need to appear before a judge for a variation of bail conditions. For example, if a subject wishes to live at a different address from the specified address which is in the original bail conditions. For more information, see related link: Bail renewal or variation before an immigration judge.</p> <p>Breaches of bail conditions All actions relating to breaches of bail conditions can be found in the related link: Non-detained cases, contact management and absconder cases.</p> <p>For a screenshot and full instructions of how to update CID see related links.</p>	
--	--	--

Bail applications – action after a bail hearing or decision

Enhanced address checks for electronic monitoring - release under IAC bail

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners what address checks must be carried out when offenders are released on Immigration and Asylum Chamber (IAC) bail and are subject to electronic monitoring.</p> <p>Release under IAC bail</p> <p>Firstly you must establish whether the bail address is UK Border Agency section 4 accommodation or a private address.</p> <p>Private accommodation</p> <p>Where the foreign national offender (FNO) is going to be released to private accommodation you must establish whether the homeowner or occupant of the private address is one of the sureties.</p> <p>If the homeowner or occupant is one of the sureties:</p> <ul style="list-style-type: none">• You must check whether the building is suitable for tagging to be set up.• You must obtain the permission of the homeowner or landlord to install electronic monitoring equipment• You may request a pre-installation visit by the electronic monitoring contractors at the private address to confirm whether if the location is suitable for electronic monitoring (using form EM2a). <p>Where the address is confirmed as suitable you can proceed with the release and arrange tag induction within 24 hours.</p> <p>If the homeowner or occupant is not one of the sureties:</p> <ul style="list-style-type: none">• You must obtain the name and contact details of the homeowner or occupant through either the detainee, their representatives or the surety• You must contact the named homeowner or occupant and complete the following	<p>Related links</p> <p>Links to staff intranet removed</p>
--	--	--

	<p>checklist:</p> <ul style="list-style-type: none"> ○ confirm their relationship to the detainee ○ confirm their full address ○ gauge their willingness to open their home to the detainee ○ gauge their willingness to have electronic monitoring equipment installed ○ ask them if the detainee is able to stay with them for as long as necessary. <p>At this stage you must assess whether the homeowner or occupant supports the address being acceptable for these purposes.</p> <p>Where the address is considered to be acceptable, you must carry out the following actions:</p> <ul style="list-style-type: none"> • Check whether the building is suitable for tagging to be set up. • Request a pre-installation visit by the electronic monitoring contactors on the private address to confirm whether the location is suitable for electronic monitoring (using form EM2a). <p>Where the address is confirmed as suitable, you can proceed with release and arrange tag induction within 24 hours.</p> <p>UK Border Agency accommodation If the release address is UK Border Agency accommodation you must contact the relevant accommodation provider to confirm the detainee's accommodation booking.</p> <p>When a booking is confirmed, you must proceed with release and arrange the tag induction within 24 hours.</p> <p>Where a booking is not confirmed, section 4 accommodation must be considered in line with the instructions below.</p> <p>Section 4 accommodation If an offender is unable to provide an address you must consider Section 4 accommodation see related link: Section 4 bail accommodation.</p>	
--	--	--

	<p>Where section 4 accommodation is granted you must contact the relevant accommodation provider to confirm the detainee's accommodation booking. Once this is confirmed you must proceed with release and arrange the tag induction within 24 hours.</p> <p>Where a booking cannot be confirmed you must contact the CCD section 4 support coordinator and begin the process again until an address is confirmed.</p> <p>In cases where section 4 accommodation cannot be obtained you will need to consider whether release is still appropriate and discuss the case with a senior caseworker.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Cases where bail in principle is granted

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

	<p>be treated as having been refused and it will be for the applicant to make a fresh bail application. If the information becomes available later, a fresh application for bail will have to be made. In such circumstances the new information being provided will be treated as a change of circumstances because there will be fresh evidence to examine.</p> <p>Bail in principle should only be granted where all risk factors can and have been considered but where the actual mechanics of release cannot be met immediately. If an immigration judge is unable to consider all risk factors relevant to a bail application, then bail should be refused.</p> <p>Agreements are in place to cover common situations about the conditions that need to be met for release. These relate to cases where an offender needs to be provided with section 4 accommodation or where electronic monitoring (tagging) needs to be arranged. In such circumstances it is not necessary for a further bail hearing to confirm the conditions on which bail is granted.</p> <p>For further information where section 4 accommodation may be appropriate see related link: Section 4 bail accommodation.</p> <p>Where electronic monitoring is agreed, the offender can be kept in detention while this is being set up as long as this period does not exceed two working days. If tagging is not set up within this time the offender should be released on reporting restrictions. Further information about electronic monitoring (tagging) being set up can be found at related links:</p> <ul style="list-style-type: none"> • Non-detained, contact management and absconder cases • Electronic monitoring guidance. <p>If, before the applicant is released, there is a request to vary the conditions imposed (for example a change of place of reporting), this is likely to be dealt with without a hearing, by either the same judge who granted bail in principle or by a different judge. In such circumstances an immigration judge considering the application may make enquiries with the applicant and immigration authorities, as appropriate, to see if the proposed variation is opposed. If it is not opposed, then release can be ordered, subject to the variation, without a further hearing.</p>	
--	--	--

Bail applications – action after a bail hearing or decision

Bail renewal or variation before an immigration judge

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners about what action to take on requests for bail renewal or variation.</p> <p>Notice that bail renewal before an immigration judge is due comes from a diary event reminder on CID. The presenting officer (PO) may contact you for further information, although in cases where CID indicates the bail conditions are being complied with the PO may decide not to contact you. When a bail renewal is due particular attention should be paid to any remarks made by the immigration judge at the previous hearing.</p> <p>You must advise the PO of any new information which was not available at the previous hearing, particularly where there are any additional factors indicating bail should be opposed. Examples of this could be where bail conditions have been broken or a travel document has become available. In these cases a full bail summary is required.</p> <p>Where the offender is on electronic monitoring conditions, but is not a recovered absconder or regarded as a high harm offender or multi-agency public protection arrangements (MAPPA) case, you must request that the removal of the electronic monitoring condition is considered.</p> <p>It is not possible at the hearing itself to re-detain an applicant if this has been proposed. The bail summary must ask for the FNO to report to an immigration officer on a specified date and time so that they can be re-detained. Further instructions on re-detention can be found in the related link: Non-detained, contact management and absconder cases.</p> <p>When the outcome of the bail renewal hearing is known, the PO will notify you of the result and they must update CID in line with this. For details about what action to take see the section on setting up bail reporting, calendar events and bail renewal in the related link: Cases where immigration judge bail is granted.</p> <p>You may need to issue an ICD0349 (notice of variation of restrictions) and the appropriate</p>	<p>Related links</p> <p>See also</p> <p>The outcome of bail hearings – the bail hotline Cases where immigration judge bail is refused Cases where immigration judge bail is granted Cases where bail in principle is granted</p> <p>Links to staff intranet removed</p>
--	---	---

	<p>version of a DO5 where reporting restrictions have been changed.</p> <p>If you, or the foreign national offender (FNO), ask for bail conditions to be varied, you must send the request to the Immigration and Asylum Chamber (IAC). This must be through the presenting officers unit (POU) administration team with a letter explaining the reasons for the bail variation and confirming whether the offender has agreed to the changes and asking for the IAC's agreement. The IAC will then decide whether a variation hearing is necessary or whether a decision can be taken on the basis of the paperwork alone. The variation of bail conditions form must not be issued until the judge has agreed to the proposed changes in the bail conditions.</p> <p>Once any requested changes have been agreed you can issue the variation form (ICD0349) to the offender and send a copy can to their representative where appropriate. You must update CID. Where an offender is reporting to a non-UK Border Agency staffed police station, you must issue a notice of restriction (ICD0377) to the police to make them aware of the new arrangements.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Bail decisions by a CIO or the Secretary of State

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

Bail applications – action after a bail hearing or decision

Cases where CIO or Secretary of State bail is refused

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners what action to take where bail has been refused by a chief immigration officer (CIO) or the Secretary of State.</p> <p>Where the CIO or Secretary of State decides that bail is refused you must update CID and notify the offender of the decision.</p> <p>Action on CID You must update the restriction screen on CID to show that bail has been refused. For a screenshot and instructions on how to do this, see related links.</p> <p>Notifying the offender of the decision to refuse bail Where the CIO or Secretary of State refuses to grant bail, the offender can be advised of this in person or in writing. When the decision is confirmed in writing you can give a brief explanation, which must include the reasons for refusing bail and must address each specific reason that bail has been applied for. The letter must also include advice to the offender that they may apply for bail to an immigration judge. In most CCD cases it will be appropriate to provide a written decision.</p> <p>Setting a diary action on CID for the next detention review Where bail is refused you must set up a diary action, in the calendar events on CID, for the next detention review. Full information on detention reviews can be found in related link: Detention reviews.</p>	<p>Related links See also Cases where CIO or Secretary of State bail is granted Renewal or variation of CIO or Secretary of State bail</p> <p>Links to staff intranet removed</p>
--	---	---

Bail applications – action after a bail hearing or decision

Cases where CIO or Secretary of State bail is granted

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

Notifying the offender manager

Where bail is granted it is essential for you to discuss the offender's release date with the offender manager to make sure they have adequate time to set up any supervision requirements (including MAPPA arrangements where applicable) and they have time to contact the victim support officer. The offender manager must be notified in advance of the release date by phone and you must make sure you speak to the offender manager in person, it is not enough to leave a message for the offender manager on an answering machine.

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

Restricted do not disclose – start of section

The information in this page has been removed as it is restricted for internal UK Border Agency use only.

Restricted do not disclose – end of section

You must follow the offender manager notification telephone call up by email and the email must be copied to the relevant NOMS SPOC. These actions must be recorded in CID notes including details of who was spoken to in NOMS and when telephone contact was made.

Details of how to contact the NOMS SPOC can be found using related link: NOMS single point of contact (SPOC) list.

Details of how to contact the NOMS SPOC can be found using related link: NOMS single point of contact (SPOC) list.

Updating CID with the bail conditions

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

Setting up electronic monitoring (where applicable)

	<p>Electronic monitoring by tagging can be set as a bail condition. Where this is set the enhanced address checks verification process must be followed. Details of these can be found in the related link: Enhanced address checks – release under CIO bail or a restriction order. Further information about contact management can be found at related link: Non-detained, contact management and absconder cases.</p> <p>Setting up bail reporting, calendar events and bail renewal You must update CID with details of reporting arrangements including the setting of recurring reporting events. Calendar events must be set to check that reporting is taking place and for bail renewal. For details of how to update CID for these actions and screenshots, see related links.</p> <p>Notifying the offender of the decision You must complete form IS99 with details of the applicant’s bail conditions. This form must be faxed to the relevant prison or detention centre with a copy of the certificate of bail (IS100). The offender must sign the IS99 to confirm that they accept the bail conditions before they can be released.</p> <p>Notifying the detainee escorting and population management unit (DEPMU) or prison authorities Once bail conditions are accepted by the offender release from custody can be arranged with DEPMU or the prison. To do this you must send a copy of the certificate of bail form (IS100) to the detaining authority and request release.</p> <p>Notifying the police Where an offender will be reporting to a non UK Border Agency staffed police station you must issue a notice of restriction (ICD0377) to the police to make them aware of the reporting arrangements.</p>	
--	--	--

Bail applications – action after a bail hearing or decision

Renewal or variation of CIO or Secretary of State bail

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners about renewal or variation of chief immigration officer (CIO) or Secretary of State bail and what action is necessary.</p> <p>Dealing with CIO bail renewal and variation, including issuing relevant paperwork, is the responsibility of the CCD case owner.</p> <p>You will receive notification that a review of CIO or Secretary of State bail is due from a CID diary event. The review must start no later than two weeks before the bail renewal date so that bail can be reviewed with sufficient time. You must prepare a short note for the team leader reviewing current progress towards deportation, compliance with bail conditions and any issues raised when bail was granted.</p> <p>Where the offender is on electronic monitoring conditions, but is not a recovered absconder or regarded as a high harm offender, or multi-agency public protection arrangements (MAPPA) case, you must consider removing the electronic monitoring condition. When any variations are made to electronic monitoring you must issue the relevant DO5.</p> <p>Where bail is renewed, it must be authorised on form IS100B which must be issued to the offender. You must update CID to note the new bail renewal date and a new diary event must be set for this. All changes to reporting must be notified to the reporting centre (or police station) and you must issue copies of the DO5 and IS100B.</p> <p>For more information, see the setting up bail reporting, calendar events and bail renewal section in the related link: Cases where CIO or Secretary of State bail is granted.</p> <p>Offenders on CIO or Secretary of State bail can apply to have their bail conditions varied. This can include requests for permission to live at a different address, changes to reporting conditions or changes to electronic monitoring. Where a request to vary conditions is considered you must check that any changes that are requested do not contradict any licence conditions or MAPPA conditions in place. All requests must be notified to offender managers and any comments they make must be taken into account when the decision</p>	<p>Related links</p> <p>See also</p> <p>Cases where CIO or Secretary of State bail is refused Cases where CIO or Secretary of State bail is granted</p> <p>Links to staff intranet removed</p>
--	---	--

	<p>regarding whether to vary the conditions or not is made.</p> <p>You must also contact sureties to confirm that they will sign the revised bail conditions. You must issue a short letter of explanation with a revised bail conditions form (IS99) which the surety needs to sign and return to the criminal casework directorate (CCD). Once the new conditions have been agreed a variation of bail form (ICD0349) must be sent to the offender and their representative, where appropriate, and you must update CID. Where an offender is reporting to a non-UK Border Agency staffed police station you must issue a notice of variation of restriction (ICD0349) with an ICD0377 to the police to make them aware of the new arrangements.</p> <p>If CIO or Secretary of State bail is varied you must notify all interested parties (including the offender manager, the reporting centre and the contact management team in Liverpool) and seek the agreement of the offender to the new varied conditions. Where a change of address is agreed which results in a change of reporting centre you must:</p> <ul style="list-style-type: none"> • Contact the old reporting centre and advise them that the offender will no longer be reporting to them. • Use form ICD0833 and advise the new centre of the new arrangements using form ICD0377. • Update CID to reflect this change and set a diary action must to make sure that the offender is complying with the new arrangements. <p>For more information, see related link: Cases where CIO or Secretary of State bail is granted.</p> <p>If bail is not renewed it will normally be ended at the next reporting event at the immigration reporting centre. If the offender is reporting to a police station you must ask them to report to an immigration officer at an immigration reporting centre to end bail and be detained or re-detained. For all action on re-detention, see related link: Non-detained, contact management, and absconder cases.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Offenders released to section 4 accommodation

	<p>This page tells criminal casework directorate (CCD) case owners what to do when they deal with an offender who is granted release on either immigration judge, chief immigration officer or Secretary of State bail to live in section 4 accommodation.</p> <p>Where an offender is granted bail to live in accommodation provided under section 4(1)(c) of the Immigration and Asylum Act 1999, arrangements need to be put in place for their arrival at their new address.</p> <p>Where bail is granted in these circumstances you must immediately notify the section 4 accommodation team in Croydon by telephone on the number below and record this in CID notes.</p> <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 UK Border Agency use only.</div><div>Restricted – do not disclose – end of section</div></div> <p>You must provide an expected time of release and, where possible, any contact details of the offender. The section 4 bail team will then notify the accommodation provider.</p>	<p>Related links See also</p> <p>Links to staff intranet removed</p>
--	--	--

Bail applications – action after a bail hearing or decision

Transferring cases to the non-detained teams in Liverpool

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners what action to take before transferring a case, in which bail has been granted, to the non-detained teams in Liverpool.</p> <p>Once bail is granted by an immigration judge, chief immigration officer or the Secretary of State, case management is transferred to CCD's non-detained caseworking teams in Liverpool. Transferring an offender from detention to bail accommodation is a key event and there are a number of actions which must be successfully taken before each case is transferred.</p> <p>These are:</p> <ul style="list-style-type: none">• completing the initial deportation decision• contacting the offender manager• checking if multi-agency public protection arrangements (MAPPA) are applicable and taking appropriate action• checking if the offender has moved into their bail address• checking that electronic monitoring has been set up (where applicable)• checking the offender has attended their first reporting event with UK Border Agency• checking the offender has attended their first reporting event with the offender manager• completing the standard referral process when transferring the case to CCD Liverpool. <p>Completing the initial deportation decision You must make sure the initial decision to deport the offender has been taken and properly recorded on CID before the case can be referred to the non-detained teams in Liverpool.</p> <p>Contacting the offender manager You must check the relevant offender manager has been contacted and informed of the offender's release on bail. If accommodation in approved premises is necessary the</p>	<p>Related links See also</p> <p>Links to staff intranet removed</p>
--	---	--

	<p>offender manager may be able to offer advice relating to this. If there is any doubt whether the offender manager has been contacted already, you must contact the offender manager to check they have been informed of the current situation and the contact must be recorded in CID notes.</p> <p>Checking if MAPPA is applicable and taking appropriate action You must check each case for MAPPA status. Where an individual is subject to MAPPA you must:</p> <ul style="list-style-type: none"> • Check that all relevant parties have been informed of release. This includes the offender manager (in all cases) and accommodation providers and electronic monitoring contractors (where applicable). • Check that the MAPPA status is correctly recorded on CID on the special conditions screen (where the status and MAPPA management level must be recorded) and the offender screen (where questions relating to the licence, offender manager and MAPPA must be answered). Details and screenshots of how to do this can be found at related link: Multi agency public protection arrangements (MAPPA). If any of this action has not been carried out you must take urgent action to rectify this. <p>Checking the offender has moved into their bail address You must check the offender has moved into their new address with the relevant accommodation provider. Once this check has been made CID notes must be updated to reflect this and the name and contact details of the individual who has confirmed residency must be noted on CID.</p> <p>Checking electronic monitoring has been set up (where applicable) Where an offender is being tagged you must check with the electronic monitoring contractor to confirm that the tagging has taken place and this must be recorded in CID notes.</p> <p>Checking the offender has attended their first reporting event with the UK Border Agency You must make sure offenders have attended their first UK Border Agency reporting event. You can do this by contacting the reporting centre (or the police station where applicable) shortly after the initial reporting event was scheduled to take place. You must record on</p>	
--	---	--

	<p>CID notes confirmation that the offender has attended the reporting event.</p> <p>Checking the offender has attended their first reporting event with the offender manager</p> <p>You must make sure the offender has reported to the offender manager if they are required to do so. When bail is granted you must contact the offender manager straight away to advise them of the outcome of the bail hearing. When you have made contact you must establish when the offender is due to report to their offender manager. Shortly after the offender was due to report you should contact the offender manager to establish whether the offender reported as required. Where the subject has reported to their offender manager this must be recorded in CID notes.</p> <p>Completing the standard referral process to Liverpool</p> <p>Once all of the actions in this page have been completed you must complete the process for transferring a case to Liverpool, see related link: Non-detained, contact management and absconder cases. You must first email a referral to the contact management team (CMT) and then you must send the Home Office case file to Liverpool's workflow team (CCLW) to allocate. You must follow each of the steps in these processes, as failing to do so may result in the case being rejected by CMT and/or CCLW.</p> <p>Cases where pre-transfer action cannot be confirmed</p> <p>If you cannot confirm that any of the actions that are required have been completed before you transfer the case to the Liverpool non-detained teams, you must establish the reason for this and take further action, as appropriate, depending on the individual circumstances of the case. Where you are unsure about what to do in these circumstances you should discuss the case with your team leader or a senior caseworker.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Ending bail

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells criminal casework directorate (CCD) case owners what action to take when bail is ending for CCD cases.</p> <p>Bail normally ends when an appeal is lost, a case is conceded by CCD, a foreign national offender (FNO) is deported or removed from the UK or bail conditions are breached.</p> <p>Bail may end at the bail renewal date, if the offender breaks one or more of their bail conditions or where there is a change of circumstances which requires that bail is revoked, for example to effect deportation or removal.</p> <p>Cases where bail conditions have been breached For details of how to deal with cases where bail conditions have been breached, see related link: Non-detained cases, contact management and absconders.</p> <p>Re-detention Where it becomes necessary to re-detain an offender you must follow the processes in section 5 of the related link: Detention process instructions, and the related link Non-detained cases, contact management and absconders.</p> <p>Revoking bail conditions When an offender is granted bail under the 1971 Act by an immigration judge, CIO or the Secretary of State, the conditions are only met when the offender reports to an immigration officer (IO) at the end of the bail period. The only exception to this is where an offender is subject to deportation action and has an outstanding appeal – in these cases the offender is required to report to an immigration judge or the tribunal.</p> <p>Where it is decided to re-detain an offender who has been released on bail and, as a condition of bail, is reporting regularly to the police (normally because that person has become removable) this can be done using the same powers as those used in initial detention. These powers are contained in paragraph 16(2) of schedule 2 and paragraph 2(1)-(3) of schedule 3 to the Immigration Act 1971.</p>	<p>Related links See also Links to staff intranet removed</p>
--	--	---

	<p>When the offender next reports to the police you must notify them in writing that the conditions of bail have been varied and they are required to report to an IO at that police station and on that date and re-detain them immediately. The following wording should be used:</p> <p>‘You were granted bail by an immigration judge (or chief immigration officer or Secretary of State) and under paragraph 22 (1A) of schedule 2 to the Immigration Act 1971 (as amended by the Asylum and Immigration Act 1996) the conditions of your bail are hereby varied and you are required to report to an immigration officer at ... on ...’</p> <p>It is not possible to ask a police officer to detain a person in these circumstances under paragraph 22 since bail is not ended until the person has reported to an IO. Where re-detention is needed in these cases you must follow the process in the related link: Detention process instructions.</p> <p>Continuing bail following a deportation appeal hearing Bail granted under paragraph 29, schedule 2 of the Immigration Act 1971 (generally where there is a deportation appeal outstanding) will be granted to appear before the tribunal at the appeal. In all cases where the appeal against deportation is not successful immediate considerations must be given to whether re-detention is appropriate.</p> <p>The issue of continuing bail should have been considered by the immigration judge at the deportation hearing and if further bail is granted this should normally be under paragraph 22(1A) which will allow for bail to be revoked and re-detention as detailed above.</p> <p>However there must be an active review of bail in every case where a negative appeal decision has been served, with re-detention being actively considered based on the circumstances of the individual case. This must not wait until the case becomes appeal rights exhausted but must be considered immediately the negative appeal decision is served.</p> <p>Section 4 cases Where bail finishes and the offender is living in section 4 accommodation you must contact</p>	
--	--	--

	<p>the section 4 team in Liverpool as the offender may no longer satisfy the eligibility criteria for continued residence and their accommodation and support may need to be closed down accordingly. For more information on section 4 accommodation, see related links: Section 4 accommodation</p> <p>Letters to be issued</p> <p>When bail ends and reporting restrictions need to be cancelled you must issue form ICD0832 to the reporting centre or police station and an ICD0833 should be sent to the FNO.</p>	
--	--	--

Bail applications – action after a bail hearing or decision

Restriction orders

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page tells you about restriction orders and what criminal casework directorate (CCD) case owner action must be taken in these cases. These are normally issued when a decision to release a foreign national offender (FNO) is taken and the FNO has not applied for bail.</p> <p>An FNO who is the subject of deportation action is liable to detention. Such a person may, as an alternative to detention, be granted release on restrictions. To allow the most effective use of the available detention space, this alternative must be used unless detention is clearly warranted.</p> <p>A person subject to deportation action who is detained or liable to detention may be granted release on a restriction order under paragraph 2(5) of schedule 3 to the 1971 Act. The restriction order may require the person to reside at a particular address and report at regular intervals to the police or an immigration officer at a specified location, time and date. The person must be notified of any conditions attached to their grant of release, using ICD.0343.</p> <p>You may grant release on restrictions to all those served with a notice of intention to deport, or against whom a deportation order is in force (and who are therefore liable to be detained), including European Economic Area (EEA) nationals or their family members. All restriction orders must be authorised by a senior caseworker.</p> <p>It is not necessary to grant release on restrictions in all cases where a person is made subject to enforcement action. If there is no evidence to suggest that the person will not keep in contact with CCD whilst their case is considered, they can be left at liberty with no restrictions being imposed.</p> <p>However, in cases where you decide to grant release on restrictions, UK Border Agency policy requires all such people to report at regular intervals to a police station or immigration reporting centre. This may, for example be on a weekly or monthly basis, depending on where the person has to report and what is deemed to be reasonable. In the case of a</p>	
--	--	--

	<p>family, only the head of the household needs to report. Persons on restrictions should not be required to report to a police station if they could report to an immigration reporting centre instead. Where reporting to a police station is considered essential, the police station must be informed.</p> <p>A person who fails, without reasonable excuse, to comply with the terms attached to a restriction order commits an offence under section 24(1)(e) of the Immigration Act 1971 and is liable to prosecution. The decision on whether to charge a person or prosecute rests with the police or Crown Prosecution Service.</p>	
--	---	--

Bail applications – action after a bail hearing or decision

Contact

Bail hearings with immigration judges Bail decisions by a CIO or the Secretary of State Transferring cases to the non-detained teams in Liverpool Ending bail Restriction orders	<p>This page explains who to contact for more help with a specific case regarding a bail application.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If they cannot answer your question, they or you may email the CCD process team Inbox.</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 should contact the criminal casework process team, 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>	<p>Related links See also Changes to this guidance Information owner</p> <p>External links Links to staff intranet removed</p>
--	---	---

Bail applications – action after a bail hearing or decision

Information owners

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

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

Version	1.0
Valid from date	18 March 2013
Policy owner	Criminal Casework Operational Process and Policy Team (CCOPPT)
Cleared by director	Sonia Dower
Director's role	Director, operational policy and rules
Clearance date	14 March 2013

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

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.

Related links

See also

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

External links

Links to staff intranet removed