

Criminal casework

Standard paragraphs for bail summaries

Standard paragraphs for bail summaries

About this guidance

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This guidance tells criminal casework case owners about the standard paragraphs available for use in bail summaries.</p> <p>These paragraphs must only be used with due consideration to the circumstances of the relevant case. This means that where a stock paragraph is used it must apply to the subject in question and evidence must be presented to support it.</p> <p>In all stock paragraphs case owners must look at the following details:</p> <ul style="list-style-type: none">• Dates – are they correct?• Evidence supplied – have you backed up the contention of the stock paragraph with evidence? This is particularly important if there is doubt about the credibility of the applicant.• Gender used – have you made sure any necessary amendments are made to the stock paragraph?• Immigration history – it is accurate and comprehensive? <p>You must work on the presumption of liberty for the applicant. However, you must use the evidence available to oppose bail when necessary.</p> <p>For instance if the applicant has lost an appeal, referring to the appeal determination can be useful.</p> <p>Remarks made by the immigration judge can be used in the bail summary. For example when trying to show the applicant is unreliable or their credibility is questionable.</p> <p>Where using any quotes, case owners must record the relevant paragraph number relating to the quote in the bail summary and send a copy of the determination as evidence.</p> <p>For further details around the wider processes for dealing with bail applications and outcomes, see related link: Bail applications - action before and during a bail hearing or</p> | <p>In this section</p> <p>Changes to this guidance Contact Information owner</p> <p>Links to staff intranet removed</p> |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | <p>decision.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p> | |
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Standard paragraphs for bail summaries

Changes to this guidance

| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page lists the changes to the standard paragraphs for bail summaries guidance, with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>12 June 2013</td><td><p>Change request and six month review by the modernised guidance team:</p><ul style="list-style-type: none">Standard paragraphs changed on the following pages:<ul style="list-style-type: none">Deportation (sections 3(5)(a) and 3(6) of the Immigration Act 1971)Illegal entry - clandestine entry, documentary or verbal deceptionNon-compliance and all appeal rights exhaustedNon-suspensive appeals processJudicial reviewsAbsconder or breach of conditions of releaseReporting on temporary admission or bail before removal is imminentTravel document processRemovabilityNo bail address providedSuretiesRecognisanceRefuse to return voluntarily (difficult to remove nationalities, DO served)Deportation (Section 36(1) of the UK Border Act 2007):<ul style="list-style-type: none">new page and standard paragraphs</td></tr></table> | Date of the change | Details of the change | 12 June 2013 | <p>Change request and six month review by the modernised guidance team:</p> <ul style="list-style-type: none">Standard paragraphs changed on the following pages:<ul style="list-style-type: none">Deportation (sections 3(5)(a) and 3(6) of the Immigration Act 1971)Illegal entry - clandestine entry, documentary or verbal deceptionNon-compliance and all appeal rights exhaustedNon-suspensive appeals processJudicial reviewsAbsconder or breach of conditions of releaseReporting on temporary admission or bail before removal is imminentTravel document processRemovabilityNo bail address providedSuretiesRecognisanceRefuse to return voluntarily (difficult to remove nationalities, DO served)Deportation (Section 36(1) of the UK Border Act 2007):<ul style="list-style-type: none">new page and standard paragraphs | <p>Related links</p> Deportation (Sections 3(5)(a) and 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reporting on temporary admission or bail before removal is imminent Travel document process Removability Statement of intent and previous actions of the applicant No bail address provided Sureties Recognisance |
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| Date of the change | Details of the change | | | | | |
| 12 June 2013 | <p>Change request and six month review by the modernised guidance team:</p> <ul style="list-style-type: none">Standard paragraphs changed on the following pages:<ul style="list-style-type: none">Deportation (sections 3(5)(a) and 3(6) of the Immigration Act 1971)Illegal entry - clandestine entry, documentary or verbal deceptionNon-compliance and all appeal rights exhaustedNon-suspensive appeals processJudicial reviewsAbsconder or breach of conditions of releaseReporting on temporary admission or bail before removal is imminentTravel document processRemovabilityNo bail address providedSuretiesRecognisanceRefuse to return voluntarily (difficult to remove nationalities, DO served)Deportation (Section 36(1) of the UK Border Act 2007):<ul style="list-style-type: none">new page and standard paragraphs | | | | | |

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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | <ul style="list-style-type: none"> • Illegal entry - clandestine entry, documentary or verbal deception: <ul style="list-style-type: none"> ○ page renamed from 'Clandestine entry, false passports and illegal entry' • Reporting on temporary admission or bail before removal is imminent: <ul style="list-style-type: none"> ○ page renamed from 'Reported from temporary admission or bail' • Statement of intent and previous actions of the applicant: <ul style="list-style-type: none"> ○ page renamed from 'Statement of intent made by the applicant and actions of the applicant' • Minor housekeeping changes. | | Refuse to return voluntarily (difficult to remove nationalities, DO served) See also Contact Information owner |
| | 11 December 2012 | Revised and modernised by the criminal casework process team and the modernised guidance team. | | |

Standard paragraphs for bail summaries

Risk of harm

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners relating to risk of harm.</p> <p>These paragraphs explain how the Home Office regards protection of the public as paramount and how risk of harm to the public is a key issue in considering whether to release an offender on bail.</p> <p>Standard paragraphs</p> <p>The Home Office regards protection of the public as paramount. It is Home Office policy that in cases where a person is being deported because of a criminal conviction, the starting point still remains the person should be released on bail unless the circumstances of the case require the use of detention. However the nature of these cases means special attention must be paid to their individual circumstances. In any case in which the criteria for considering deportation action (the deportation criteria) are met, the risk of reoffending and the particular risk of absconding should be weighed against the presumption in favour of release.</p> <p>Due to the clear imperative to protect the public from harm from a person whose criminal record is sufficiently serious as to satisfy the deportation criteria, and/or because of the likely consequence of such a criminal record for the assessment of the risk that such a person will abscond, in many cases this is likely to result in the conclusion that the person should be detained, provided detention is, and continues to be, lawful. However, any such conclusion can only be reached if the presumption of release is displaced after an assessment of the need to detain in the light of the risk of reoffending and/or the risk of absconding.</p> <p>In this case (insert name) has been convicted of (insert offence) and it is considered that if released he/she will pose an unacceptable risk to the public.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Deportation (Sections 3(5)(a) and 3(6) of the Immigration Act 1971)

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners relating to deportation under (section 3(5)(a) and 3(6) of the Immigration Act 1971).</p> <p>For more information on the Immigration Act 1971, see related link.</p> <p>You must only use one of these paragraphs, depending on the individual circumstances of the case.</p> <p>Standard paragraphs</p> <p>Conducive deportation (section 3(5)(a) of the Immigration Act 1971) (Insert title e.g. Mr, Mrs, Miss, Ms) (insert detainee's name) has been convicted of a/a number of/ serious (only use 'serious' where the crime involves violence, sex, offences against children, arson and drugs) criminal offence/offences and whilst it is appreciated that he/she has been punished for this offence/these offences, it has been decided that his/her presence in the United Kingdom is not conducive to the public good and that he/she be deported from the United Kingdom under section 3(5)(a) of the Immigration Act 1971.</p> <p>Court recommended deportation (section 3(6) of the Immigration Act 1971) (Insert title e.g. Mr, Mrs, Miss, Ms) (insert detainee's name) has been convicted of a/a number of/ serious (only use 'serious' where the crime involves violence, sex, offences against children, arson and drugs), criminal offence/offences and whilst it is appreciated that he/she has been punished for this offence/these offences, he/she was also recommended for deportation as part of his/her criminal sentence. Having considered the court's recommendation, the Home Office has concluded that it would be appropriate to act on this and deport him/her from the United Kingdom under section 3(6) of the Immigration Act 1971.</p> <p>Subject of a deportation order - conducive under section 3(5)(a) The applicant is the subject of a deportation order signed on (insert date and supply a copy) after he/she unsuccessfully appealed to the Immigration and Asylum Chamber against the Home Office's decision to deport him/her from the United Kingdom. We submit that this</p> | <p>Links to staff intranet removed</p> |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | <p>removes his/her incentive to comply with any conditions of release.</p> <p>Subject of a deportation order - conducive under Section 3(6)</p> <p>The applicant is the subject of a deportation order signed on (insert date and supply a copy) on the basis of a recommendation made by the court as part of his/her criminal sentence. This order was made after he/she unsuccessfully appealed to the Immigration and Asylum Chamber against the Home Office's decision to act on the court's recommendation and deport him/her from the United Kingdom. The Home Office submits that this removes his/her incentive to comply with any conditions of release.</p> | |
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Deportation (section 36(1) of the UK Borders Act 2007)

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners relating to deportation under Section 36(1) of the UK Borders Act 2007.</p> <p>For more information on the UK Borders Act 2007, see related link.</p> <p>Standard paragraphs</p> <p>Automatic deportation (section 32(5) of the UK Borders Act 2007) (insert title e.g. Mr, Mrs , Miss, Ms) (insert detainee's name) has been convicted of a/a number of/serious (only use 'serious' where the crime involves violence, sex, offences against children, arson and drugs) criminal offence/offences and while it is appreciated that he/she has been punished for this offence/these offences, as a custodial sentence of (insert period) was handed down by the court, the Secretary of State has a duty to deport him/her from the United Kingdom under section 32(5) of the UK Borders Act 2007 because none of the exceptions in section 33 applies.</p> <p><u>Subject of a deportation order – automatic deportation under section 32(5)</u> The applicant is the subject of a deportation order signed on (insert date and supply a copy) and he/she has since unsuccessfully appealed to the Immigration and Asylum Chamber against the Home Office's deportation order. The Home Office submits that this removes his /her incentive to comply with any conditions of release.</p> | Links to staff intranet removed |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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| <p>Illegal entry - clandestine entry, documentary or verbal deception Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process</p> | <p>This page provides standard paragraphs for use in the following types of illegal entry in criminal casework cases - clandestine entry and entry using documentary or verbal deception.</p> <p>You must only use one of these paragraphs, depending on the individual circumstances of the case.</p> <p>Standard paragraphs</p> <p>Clandestine entry The applicant entered the United Kingdom by clandestine means, thereby securing entry by evading the Home Office controls on arrival. He/She has since been found to be without a travel document. These omissions suggest to us that no reliance can be placed on him/her complying with immigration control in the future.</p> <p>Entry using documentary deception The applicant has demonstrated little regard for immigration laws in the past having presented a false passport on arrival to secure entry to the United Kingdom. The fact that the applicant failed to disclose this at the time of entry would suggest that little or/no reliance can be placed on him/her complying with immigration control in the future.</p> <p>Entry using verbal deception The following paragraph is only an example and you will need to draft a suitable paragraph according to the specific facts of the deception in each case.</p> <p>The applicant claimed on arrival that he/she had come to the United Kingdom to visit (and that he/she would be leaving the United Kingdom on (insert date)). He/she has since claimed asylum, (and he/she has admitted that it was always his/her intention to claim asylum in the United Kingdom). This suggests to us that no reliance can be placed on him/her complying with immigration control as he/she had an opportunity to claim asylum on arrival in the United Kingdom and failed to do so, choosing instead to secure entry by verbal deception.</p> | |
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| Criminal convictions Removability Statement of intent made by applicant and actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Detection cases

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Delay in claiming asylum

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Fresh asylum claims

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Standard paragraphs for bail summaries

Non-compliance and all appeal rights exhausted

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Non-suspensive appeals process

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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Judicial reviews

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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | <p>removal will be imminent. We believe that in view of this, the applicant is unlikely to comply with any terms or conditions were bail to be granted.</p> | |
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Standard paragraphs for bail summaries

Absconder or breach of conditions of release

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Reporting on temporary admission or bail before removal is imminent

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides a standard paragraph for criminal casework case owners relating to temporary admission or bail.</p> <p>Standard paragraph</p> <p>The applicant has reported in accordance with his/her temporary admission conditions as required but this was at a time when he/she would not see removal as being imminent. As removal is now imminent the circumstances have changed, and we do not consider that the applicant would have any incentive to comply with any terms or conditions were bail to be granted.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Travel document process

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for case owners to use in criminal casework bail cases where the applicant has not complied with the travel documentation process and where time scales for the issue of a travel document cannot be given.</p> <p>Standard paragraphs</p> <p>Lack of cooperation with the travel documentation process</p> <p>The applicant has failed to comply with or assist in the removal process by failing to provide details of his/her true identity and instead, making use of several different identities (case owner to supply evidence of this). Such action suggests that the applicant would have no incentive to comply with any terms or conditions were bail to be granted. The applicant's failure to comply with or assist in the removal process renders him/her liable for prosecution under Section 35 (3) of the Asylum and Immigration Act (Treatment of Claimants, etc) 2004.</p> <p>It is our intention to remove the applicant as soon as possible and once a travel document becomes available, removal arrangements will commence. The Home Office has been making concerted efforts to obtain a travel document by (give details), despite the applicant's lack of cooperation to date. It is likely that the applicant could reduce the length of time he/she spends in detention by cooperating with the Home Office in the process of identification and documentation (case owner to give details what options are available).</p> <p>An application for an emergency travel document has been made to the (insert country) authorities (and the applicant attended for interview on [insert date]). The (insert country) authorities have recently informed us that they are still carrying out verification checks. Once these have been completed, a travel document should be made available within a reasonable period of time. We submit that at the present time, detention remains appropriate and proportionate.</p> <p>An application for an emergency travel document has been made to the (insert country) authorities (and the applicant attended for interview on [insert date]). The (insert country) authorities have recently informed us that they are unable to verify checks, due to incorrect</p> | Links to staff intranet removed |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | <p>information being supplied by the applicant (this assertion must be backed up with evidence). In view of this, we submit that at the present time, detention remains appropriate and proportionate.</p> <p>Time scales for the issue of a travel document</p> <p>Whilst it is not possible to give a precise estimate of when a travel document will be available, the applicant was interviewed by the (insert country) authorities over (insert number) months ago and the returns group documentation unit have established that verification checks are taking place. In these circumstances we believe that a document will be available within a reasonable period. In view of this, we submit that at the present time detention remains appropriate and proportionate.</p> | |
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Standard paragraphs for bail summaries

Criminal convictions

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners to use for bail applicants who have previous criminal convictions, and also in cases where removal is likely to be imminent.</p> <p>You must refer to the Rehabilitation of Offenders Act (1974) which has been updated by the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) (2012) before stating any past criminal records.</p> <p>Standard paragraph</p> <p>Criminal convictions</p> <p>The applicant has demonstrated a breach of United Kingdom laws in the past having received a term of imprisonment in relation to (case owner to supply evidence). The applicant has shown a blatant disregard for the laws of the United Kingdom and would have no incentive to comply with any terms or conditions were bail to be granted.</p> | <p>Links to staff intranet removed</p> |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Removability

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners relating to removability</p> <p>Standard paragraphs</p> <p>Removal action will be initiated immediately should the applicant's (asylum appeal be dismissed/Judicial Review fail). In view of this we believe that the applicant has very little or/no incentive to comply with any terms or conditions were bail to be granted.</p> <p>The applicant's removal to (Insert country) is scheduled for (insert date) and removal directions are in place (supply a copy of removal directions). As such, we submit that the applicant's detention remains appropriate and proportionate, and that he/she would have no incentive to comply with any terms or conditions were bail to be granted.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Statement of intent and previous actions of the applicant

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides criminal casework case owners with standard paragraphs about the applicant's past history of complying with temporary admission and bail hearings for bail cases.</p> <p>Standard paragraphs</p> <p>Statement of intention not to comply The applicant has in the past stated that he/she will not comply with the conditions of temporary admission (only use this sentence if there is evidence that can be submitted to prove this). It is therefore submitted that this applicant is unlikely to comply with any terms or conditions were bail to be granted and we believe that it is reasonably likely this applicant would abscond if afforded the opportunity to do so.</p> <p>Attempt(s) to escape from detention The applicant has recently attempted to escape from detention by (case owner must supply evidence). By attempting to escape, the applicant has shown his/her blatant disregard for immigration control and we submit that based on his/her previous behaviour he/she is extremely unlikely to comply with any terms or conditions were bail to be granted.</p> <p>Disruption on the point of removal The applicant demonstrated disruptive behaviour when about to be removed by (insert details) (case owner must supply evidence) and this resulted in the captain of the aircraft refusing to carry him/her. We submit that the applicant's actions in this respect were likely to be a deliberate attempt to frustrate removal and based on his/her previous behaviour and that fact that his/her removal is imminent he/she is extremely unlikely to comply with any terms or conditions were bail to be granted.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

No bail address provided

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides a standard paragraph for criminal casework case owners relating to cases where a bail address has not been provided.</p> <p>Standard paragraphs</p> <p>The applicant has failed to satisfy Rule 38(2)(d) of the Asylum and Immigration Tribunal (Procedure) Rules 2005, having failed to provide an address where he/she will reside in the event of bail being granted and having failed to offer any explanation for this omission (case owners should make checks to ensure that no explanation has been given). In view of this, checks to establish the suitability of the release address have been prevented. We submit that unless and until the applicant nominates an address and that it is checked and found suitable, bail should be refused for this reason alone.</p> <p>In criminal cases we have a further need for an address to be supplied in case there are any conditions attached to his/her release such as not being able to reside in an area where a victim may live (only use if licence shows conditions attached to release).</p> | Links to staff intranet removed |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Absconders from the proposed bail address

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides a standard paragraph for criminal casework case owners relating to absconding from a proposed bail address.</p> <p>Standard paragraph</p> <p>The applicant has failed to establish a satisfactory bail address as the address proposed is known to have been used by (insert number) individuals who have subsequently absconded. (case owners cannot use this paragraph unless they have further details that they can supply to the presenting officer to support).</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Sureties

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners relating to sureties for bail applications.</p> <p>Standard paragraphs</p> <p>No knowledge or evidence of relationship with proposed sureties The applicant has proposed two sureties but he/she has not informed us of the nature of their relationship with him/her. It is therefore unclear how either of the proposed sureties would be able to ensure that the applicant would comply with any conditions of release or exercise any degree of control over him/her, particularly given that the applicant claims to have only been in the United Kingdom for (days/weeks).</p> <p>Unsuitable relationship with a surety We have been informed of the nature of the relationship between the applicant and the proposed surety. However, as you and the surety are (insert details of relationship) it is unclear how the proposed surety would be able to ensure that the applicant would comply with any conditions of release, or exercise any degree of control over him/her. If the surety was aware of the applicant's immigration history, then he/she clearly was unwilling or unable to get the applicant to surrender voluntarily whilst he/she was at large. If he/she was not aware of his/her history, then their relationship cannot be strong if the applicant failed to confide in him/her. Either way, we see no evidence to suggest that if called upon, the proposed surety would be willing and/or able to ensure that the applicant remains in contact with the immigration authorities and surrenders for removal if and when required,/at the appropriate time.</p> <p>Resident with proposed sureties The applicant was residing with proposed sureties when he/she committed his/her criminal activities/ whilst remaining in the United Kingdom without leave to do so/when breached the terms of his/her temporary admission (case owner must supply evidence of this).</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | <p>Close relative of the proposed sureties</p> <p>The proposed surety is the applicant's (wife/sister/ brother/aunt etc) and we believe that as such he/she would have no incentive to ensure that the applicant would comply with any conditions of release and maintain contact with the immigration authorities. We submit that his/her loyalty to his/her (husband, wife etc) will be such that he/she will do nothing to assist the UK immigration authorities to remove him/her from the UK.</p> <p>Proposed surety previously acted for an absconder</p> <p>The proposed surety is not considered suitable to act as such as he/she is known to have acted as a surety for an individual who subsequently absconded (case owner must supply evidence in the form of an absconder report including previous bail application which shows surety and/or forfeiture hearing order).</p> <p>Proposed surety has an irregular or uncertain immigration status</p> <p>The proposed surety has a precarious immigration status as he/she is (case owner to insert surety's immigration status: failed asylum seeker /illegal entrant or other). As such, they are also liable to removal from the United Kingdom and so may not remain in the United Kingdom throughout the applicant's stay to fulfil the obligations of a surety. They also have no incentive to ensure that the applicant would comply with any conditions of release.</p> <p>Not resident with proposed surety</p> <p>If released, the applicant does not propose to live with his/her surety. We submit that this gives him/her a better opportunity not to comply with any terms or conditions of release and to evade both his surety and the authorities. We submit that even if his/her surety was prepared to discharge the very serious responsibilities and duties of a surety, the fact that the applicant was not living with him/her would make it extremely difficult for him/her to do so.</p> | |
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Standard paragraphs for bail summaries

No sureties

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides a standard paragraph for criminal casework case owners relating to cases where there are no sureties.</p> <p>Where the applicant proposes neither sureties nor a recognisance the paragraph below should be used as a starting point but this must be carefully tailored to the individual details of the case.</p> <p>Standard paragraph</p> <p>(Write the next section as appropriate: the following is only an example)</p> <p>He/She has entered the UK without leave. He/She failed to make any effort to regularise his/her stay in the United Kingdom before being encountered by chance. It is reasonable to believe that had he/she not been encountered when and how he/she was, he/she would still be at large. He/She has shown that he/she is willing and able to obtain and to use false instruments in order to deceive. His/Her asylum claim has failed and removal is imminent. We submit that in the absence of at least one surety and a substantial recognisance there is a reasonable likelihood of this applicant absconding if released.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Recognisance

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides standard paragraphs for criminal casework case owners relating to recognisance.</p> <p>You must use the introduction and then only the wording from under one of the headings underneath, depending on the individual circumstances of the case.</p> <p>Standard paragraphs</p> <p>Introduction - where the applicant offers no recognisance or too small a sum No recognisance (or only £... of recognisance) has been offered. We consider that this is disproportionate to the risk of absconding in this case, particularly given the late stage of the applicant's case and his/her previous immigration history.</p> <p>Write the next section as appropriate: the following is only an example He/She has shown that he/she can obtain and will use documents to which he/she is not entitled. He/She has shown a blatant disregard for the laws of the UK and that he/she is prepared to travel wherever and whenever he/she wants to any destination of his/her choosing. He/She has previously breached his/her conditions of release and he/she has been listed as an absconder. We submit that the absence of at least one suitable surety and a substantial recognisance is (grossly) disproportionate to the risk of this particular applicant absconding.</p> <p>Write the next section as appropriate: the following is only an example The applicant is an overstayer of many years. His/Her asylum claim has failed. It was intimated by the immigration judge at appeal that his/her family conspired to allow him/her to remain in the United Kingdom despite having no lawful basis to do so (Source: Paragraph 16 of the appeal determination, copy of determination should be supplied). Removal directions are now to be set. We submit that the applicant has no incentive to remain in contact with the immigration authorities and that the amount offered by way of recognisance is substantially disproportionate to the risk of him/her absconding.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | <p>A sum of £ (X,XXX) has been offered by way of recognisance. In many cases, we would think the sum to be proportionate to the risk of absconding but we do not think so in this case.</p> <p>Write the next section as appropriate: the following is only an example</p> <p>Having obtained entry to the UK and then some 13 years later, claimed asylum, the applicant clearly obtained his leave to enter by deception. He/She has never sought to regularise his/her stay since the expiry of his/her visa. He/She has convictions for serious offences. He/She has demonstrated his/her unreliability by (insert reason). We submit that he/she has only lodged an asylum claim in order to frustrate removal. We believe it reasonably likely that if released, this particular applicant is likely to abscond and that if he/she is to be granted bail he/she will need to be placed under exceptionally stringent conditions. We submit that the amount offered by way of recognisance is still substantially disproportionate to the risk of this applicant absconding.</p> | |
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Standard paragraphs for bail summaries

MPs' correspondence

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides you with a standard paragraph for criminal casework case owners to use in bail cases whose MP has made representations on their behalf to the Home Office.</p> <p>Standard paragraph</p> <p>The only matter preventing the applicant's removal is our need to ensure that all matters raised on his/her behalf, by his/her MP, have been dealt with. We have contacted our MP's correspondence section on the matter and we expect confirmation within a day or two. Once this has been established, it is expected that removal directions will be set. We submit that detention is appropriate and proportionate.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Charter flight removals

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides you with a standard paragraph for use in criminal casework bail cases which have been included in a charter flight removal.</p> <p>Standard paragraph</p> <p>The applicant has failed to leave the United Kingdom voluntarily and removal is now to be enforced to (insert country). The area to which he/she is to be returned has been assessed as sufficiently stable and the Home Office is satisfied he/she will not be at risk. Removal is to be effected by charter flight. For reasons of operational security it is not the policy of the Home Office to disclose logistical information about such removals, but we anticipate removal will be around (insert approximate date). The applicant will be given notice of removal directions in writing at least 72 hours before removal. We submit that removal is imminent and that detention is appropriate and proportionate.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Electronic monitoring

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides you with a standard paragraph for use in criminal casework bail cases where the person is subject to electronic monitoring provisions.</p> <p>Standard paragraph</p> <p>In the event of bail being granted the applicant should remain in detention until such time as the Home Office has arranged for them to be electronically-monitored by tag, but not exceeding 48 working hours from the date and time of release. The applicant should comply with the conditions of electronic monitoring as instructed by the Home Office.</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Refusal to return voluntarily (difficult to remove nationalities, DO served)

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page provides criminal casework case owners with standard paragraphs to use in bail cases for people with nationalities which are difficult to remove and who will not leave voluntarily.</p> <p>You must not use the refusal to return voluntarily paragraph on its own – this can only be used if voluntary return has been offered and refused and there is evidence of a risk of absconding or re-offending.</p> <p>Standard paragraphs</p> <p>The applicant is the subject of a Deportation Order served on (insert date). He/She is detained pending the enforcement of that Deportation Order. Under Section 5(1) of the Immigration Act 1971 the Secretary of State requires a person who is the subject of a Deportation Order to leave the United Kingdom and prohibits him/her from re-entering the United Kingdom whilst the order is in force. Enforced removals to (insert country) are currently (consult returns group documentation unit for barriers to enforcing removals to that country and insert wording as appropriate). The applicant has refused to agree to return voluntarily to (insert country) despite the fact that he/she has no legal basis to remain in the United Kingdom and is required under Section 5(1) to leave.</p> <p>We submit that the detention of the applicant is reasonable given his/her (continued) refusal on (insert dates) to leave the United Kingdom voluntarily in accordance with Section 5(1) of the Immigration Act 1971. We submit that the applicant's refusal to comply with the immigration legislation demonstrates a high risk that they would abscond if released from detention. In addition, (insert further additional factors such as evidence of risk of absconding and/or risk of re-offending).</p> | |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Contact

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| Risk of harm Deportation (Section 3(6) of the Immigration Act 1971) Deportation (Section 36(1) of the UK Borders Act 2007) Illegal entry - clandestine entry, documentary or verbal deception Detection cases Delay in claiming asylum Fresh asylum claims Non-compliance and all appeal rights exhausted Non-suspensive appeals process Judicial reviews Absconder or breach of conditions of release Reported from temporary admission or bail Travel document process Criminal convictions Removability Statement of intent made by applicant and | <p>This page explains who to contact for more help with standard paragraphs for criminal casework bail summaries.</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 process and policy team (CCOPPT) using related link: Email CCD process team.</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 the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p> | <p>Related links</p> <p>See also</p> <p>Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p> |
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| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
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Standard paragraphs for bail summaries

Information owner

[Risk of harm](#)
[Deportation \(Section 3\(6\) of the Immigration Act 1971\)](#)
[Deportation \(Section 36\(1\) of the UK Borders Act 2007\)](#)
[Illegal entry - clandestine entry, documentary or verbal deception](#)
[Detection cases](#)
[Delay in claiming asylum](#)
[Fresh asylum claims](#)
[Non-compliance and all appeal rights exhausted](#)
[Non-suspensive appeals process](#)
[Judicial reviews](#)
[Absconder or breach of conditions of release](#)
[Reported from temporary admission or bail](#)
[Travel document process](#)
[Criminal convictions](#)
[Removability](#)
[Statement of intent made by applicant and](#)

This page tells you about this version of the standard paragraphs for bail summaries guidance and who owns it.

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| Version | 2.0 |
| Valid from date | 12 June 2013 |
| Policy owner | Criminal casework process and policy team (CCOPPT) |
| Cleared by director | Sonia Dower |
| Director's role | Director, Operational policy and rules unit |
| Clearance date | 28 November 2012 |
| This version approved for publication by | Mark Voce |
| Approver's role | Acting director, Operational policy and rules unit |
| Approval date | 11 June 2013 |

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT using related link: CCD process team, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can email these using the link: Modernised guidance team.

Related links

See also

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

Links to staff intranet removed

| | | |
|---|--|--|
| actions of applicant No bail address provided Absconders from the proposed bail address Sureties No sureties Recognisance MPs' correspondence Charter flight removals (for example, Afghanistan) Electronic monitoring Refuse to return voluntarily (difficult to remove nationalities, DO served) | | |
|---|--|--|