

Criminal casework

Managing foreign national offenders under 18 years old

Managing foreign national offenders under 18 years old

About this guidance

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This guidance tells you about the special arrangements that apply in Immigration Enforcement's management of foreign national offenders (FNOs) who are under the age of 18 years and liable to deportation.</p> <p>Although FNOs who are under the age of 18 may be subject to deportation on grounds of criminality in a similar way to FNOs aged over 18, they are children. This means they must be managed through the process especially carefully and in line with Immigration Enforcement's obligations under section 55 of the Borders, Citizenship and Immigration Act 2009, regarding promoting and safeguarding of child welfare (see related links).</p> <p>Whilst many child FNOs will have been convicted of less serious or moderate offences, there are a minority who have committed very serious crimes which are enough to suggest that they pose a significant risk to the community following their release from custody. Some may even be classified as multi-agency public protection arrangement (MAPPA) cases, which require particularly close monitoring and management (for further information on this process, see related link: Multi agency public protection arrangements (MAPPA)).</p> <p>Therefore, if you are a caseworker managing the deportation of child FNOs in criminal casework you must consider each offender very carefully on a case-by-case basis. If deportation is to go ahead, you must be mindful of the process of handling and timing, which may differ from the process for adult FNO cases. Despite their conviction, their welfare must be taken care of up to and including the point of departure from the UK.</p> <p>For the purposes of this guidance, FNOs who are under 18 are referred to as 'child FNOs' rather than 'young offenders'. This is to avoid any confusion with the definition of the latter term in Ministry of Justice contexts. The National Offender Management Service (NOMS) consider a 'young offender' to mean a prisoner under the age of 22, whereas Immigration Enforcement considers it to relate to under-18s. You must keep this distinction in mind, especially when dealing with the NOMS.</p> <p>You must use this guidance along with the following instructions which cover the wider</p>	<p>In this section</p> <p>Changes to this guidance Contact Information owner</p> <p>Links to staff intranet removed</p> <p>External links Borders, Citizenship & Immigration Act 2009</p>
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	<p>issues around the deportation and detention of families which include children:</p> <ul style="list-style-type: none">• Children and family FNO cases process instruction (see related link).• Chapter 45, Enforcement instructions and guidance (EIG) – family cases (see related link).• Chapter 55, EIG – detention and temporary release (see related link). <p>Changes to this guidance – tells you what has changed since previous versions of this guidance.</p> <p>Contact – this page explains who to contact for more help with a specific question on managing foreign national offenders under 18 years old.</p> <p>Information owner – tells you who the information owners are for the Managing foreign national offenders under 18 years old guidance and tells how the guidance can be updated.</p> <p>Safeguard and promote child welfare – explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	
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Changes to this guidance

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page lists the changes to the managing foreign national offenders under 18 years old 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>29 May 2013</td><td>Revised and modernised by the criminal operational process and policy team and the modernised guidance team.</td></tr></table>	Date of the change	Details of the change	29 May 2013	Revised and modernised by the criminal operational process and policy team and the modernised guidance team.	<p>Related links</p> <p>See also</p> <p>Contact</p> <p>Information owner</p>
Date of the change	Details of the change					
29 May 2013	Revised and modernised by the criminal operational process and policy team and the modernised guidance team.					

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Referral of under-18 FNOs from YJB to Immigration Enforcement

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells you about the general procedure followed by staff in institutions of the Youth Justice Board (YJB) estate when they refer convicted criminals under the age of 18 years to Immigration Enforcement's criminal casework to be considered for deportation action.</p> <p>Such action, if considered appropriate, will not usually take effect until after the child FNO reaches the age of 18 (For more information, see related link: Grants of interim leave to remain).</p> <p>Some of the referral process for child FNOs is the same as for adults, and so where relevant, to avoid duplication this guidance links to other process instructions, including:</p> <ul style="list-style-type: none">• Children and family cases• Deportation• Facilitated returns scheme• Early removal scheme• Enforcement instructions and guidance: family cases• Enforcement instructions and guidance: detention and temporary release• Asylum instructions.	<p>In this section</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board Identification of under-18 FNOs by the Youth Justice Board estate The CC2 (YJB) referral form The notification of release form Criminal casework and Youth Justice Board contacts Role of the minors, mothers and babies team</p> <p>Related links</p> <p>See also</p> <p>Grants of interim leave to remain</p>
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Protocol between Immigration Enforcement and the Youth Justice Board

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the protocol that has been agreed between Immigration Enforcement and the Youth Justice Board (YJB) for referring child foreign national offenders (FNOs) to be considered for possible deportation or other enforcement action.</p> <p>Youth justice practitioners based at Young Offender Institutions (YOIs) and other secure establishments under the YJB estate must refer all foreign national children under 18 who have received a custodial sentence to Immigration Enforcement, to consider whether they should be deported, or failing that removed where appropriate, to their home country.</p> <p>As of 1 May 2013, all FNOs regardless of sentence or age are initially referred by prisons and other penal establishments to criminal casework to consider whether deportation is appropriate.</p> <p>Under-18s are not subject to automatic deportation provisions under the UK Borders Act 2007. But they can be recommended for deportation by a sentencing judge, or considered for deportation on grounds of being non-conducive to the public good, under the provisions of the Immigration Act 1971. Child FNOs who fall into either of the 1971 Act categories will be managed by criminal casework's minors, mothers and babies team (MMBT).</p> <p>Child FNOs who have neither been court-recommended nor meet the conducive criteria for deportation must be forwarded by criminal casework workflow to the removals and compliance casework directorate (RCCD), which must consider whether other enforcement action is appropriate.</p> <p>A protocol has been agreed between Immigration Enforcement and the YJB which aims to make sure that child FNO cases are identified quickly, so that appropriate action(s) can be taken in a timely manner and with the benefit of multi-agency planning. 'Appropriate action(s)' means:</p> <ul style="list-style-type: none">Youth justice practitioners supporting Immigration Enforcement in fulfilling their responsibility to manage the UK's borders, its levels of migration, and protection of the	<p>Related links</p> <p>See also</p> <p>Identification of under-18 FNOs by the Youth Justice Board estate The CC2 (YJB) referral form The notification of release form Criminal casework and Youth Justice Board contacts Role of the minors, mothers and babies team</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
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	<p>public.</p> <ul style="list-style-type: none"> • Immigration Enforcement staff supporting the YJB in their role of safeguarding children. <p>The YJB shares Immigration Enforcement's aim of safeguarding and promoting child welfare in line with section 55 of the Borders, Citizenship and Immigration Act 2009. To summarise, the key aims of the YJB are to make sure children are given support to:</p> <ul style="list-style-type: none"> • be healthy • stay safe • enjoy and achieve • make a positive contribution, and • achieve legitimate economic well-being. <p>For full details of the data sharing agreement between Immigration Enforcement and YJB, see related link: Data Sharing Agreement YJB and UKBA July 2012.</p>	
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Identification of under-18 FNOs by the Youth Justice Board estate

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the steps Youth Justice Board (YJB) staff take in its establishments to make sure child foreign national offenders (FNOs) are identified accurately and quickly so that Immigration Enforcement can be notified.</p> <p>When an individual is received at the Young Offender Institution (YOI) (or other appropriate YJB secure accommodation), staff there must take steps to identify their nationality. The establishment must tell the YJB placement service at first reception of all individuals believed to fall into the following categories:</p> <ul style="list-style-type: none">• foreign nationals• dual nationals• those whose nationality is initially unclear, for example where there is conflicting information or the individual refuses to give their nationality (criminal casework will establish their immigration status when they receive a referral). <p>The receiving YJB establishment must notify Immigration Enforcement whenever they receive an individual in one of the above categories who has been sentenced for a criminal offence. If the offender has not been sentenced at the time of reception, no action will be taken by the establishment's staff until sentencing has taken place. Once a sentence has been notified, the responsible officer at the receiving establishment must update the YJB placement unit, and then update Immigration Enforcement.</p>	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board The CC2 (YJB) referral form The notification of release form Criminal casework and Youth Justice Board contacts Role of the minors, mothers and babies team</p>
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The CC2 (YJB) referral form

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the standard referral form that a Youth Justice Board (YJB) institution must use to tell Immigration Enforcement's criminal casework about a child foreign national offender (FNO).</p> <p>The standard form the YJB establishment's staff complete to notify criminal casework of a child FNO case is known as a CC (YJB) form (for a blank copy, see related link: CC YJB referral form), and is a variation on the standard criminal casework referral form used by prisons in adult FNO cases. Once completed, a copy of this form is also sent by the establishment to the YJB placement service within 10 working days of sentencing.</p> <p>A CC (YJB) form must include the following details:</p> <ul style="list-style-type: none">• the subject's personal details• details of any identity documents held by the subject• the offence(s) committed by the subject• the court in which the subject was sentenced• the length of the subject's sentence• the subject's earliest possible release date• details of any family members the subject claims to have in the UK.	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board Identification of under-18 FNOs by the Youth Justice Board estate The notification of release form Criminal casework and Youth Justice Board contacts Role of the minors, mothers and babies team</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
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The notification of release form

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the standard form that a Youth Justice Board (YJB) institution must complete to formally notify Immigration Enforcement of the release of a child foreign national offender (FNO).</p> <p>As well as completing the CC (YJB) referral form (for more information, see related links), all receiving YJB institutions must complete a notification of release form (for a blank copy, see related download: YJB Notification of release form) for all child FNOs under their care. The notification of release form advises the criminal casework of the actual release date of the individual. This makes sure that when release dates are initially uncertain, criminal casework are properly informed of the final release date once it is known. As with the CC (YJB) form, a copy of this form is also sent by the YJB establishment to their placement service.</p> <p>In order to make sure that child FNOs are not released without deportation being considered, Immigration Enforcement establishments must, wherever possible, notify criminal casework at least 20 weeks before the release date of the child. The notification of release form must be used for this purpose.</p> <p>It is recognised that in some cases (usually those with short sentences and those due for imminent release) it may not be possible for the establishment to meet the 20 weeks deadline explained above. In such cases, they must send a referral at the earliest possible stage, which will usually be at first reception.</p>	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board Identification of under-18 FNOs by the Youth Justice Board estate The CC2 (YJB) referral form Criminal casework and Youth Justice Board contacts Role of the minors, mothers and babies team</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
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Criminal casework and Youth Justice Board contacts

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about how the Youth Justice Board (YJB) institution may contact Immigration Enforcement's criminal casework to refer child foreign national offender (FNO) cases and make queries, and who in the YJB institution criminal casework staff must contact about child FNO cases.</p> <p>Each YJB establishment will usually nominate one person to act as a first point of contact for criminal casework. Criminal casework will then provide details of the caseworker in cases where criteria for deportation are met and the case has been allocated for this to be considered. Where deportation is not appropriate and the case is transferred to an immigration compliance and engagement team (ICET), they must provide contact details as appropriate.</p> <p>Child FNO referrals from the YJB estate may be received through the following:</p> <div data-bbox="465 762 1769 938" style="border: 2px solid red; padding: 5px;"><p style="text-align: center;">Restricted – do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal Home Office use only</p><p style="text-align: center;">Restricted – do not disclose – end of section</p></div> <p>When sending information between agencies, both Immigration Enforcement and YJB staff must be careful to make sure all local information management practices and policies are followed.</p>	<p>Related links</p> <p>See also</p> <p>Protocol between Immigration Enforcement and the Youth Justice Board Identification of under-18 FNOs by the Youth Justice Board estate The CC2 (YJB) referral form The notification of release form Role of the minors, mothers and babies team</p> <p>Links to staff intranet removed</p>
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Role of the minors, mothers and babies team

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the specialised caseworking team in criminal casework which deals with all foreign national offenders (FNOs) under 18 years of age, and adult FNOs who are to give or have given birth in custody and are resident in a mother and baby unit.</p> <p>The intake of FNO cases to criminal casework, assessing them against deportation criteria and collating appropriate information is usually managed by the workflow team in Croydon, and all child FNO cases are referred to them in the first instance.</p> <p>However, in January 2011 a new specialised workflow and caseworking unit was set up in Leeds to manage and consider the intake of child FNO cases who may either be deported or removed unaccompanied, or with other family members who are in the UK. The minors, mothers and babies team (MMBT) also accept cases of mothers who are pregnant or who have given birth while in custody and who are being accommodated in a mother and baby unit at their institution.</p> <p>Where appropriate, Croydon's workflow team will refer child FNO cases that meet the criminal casework deportation criteria to MMBT in Leeds for further consideration. Cases resident in institutions in Scotland will be identified by the Scottish region's own team based in Glasgow, who will then refer the case on to MMBT as required.</p> <p>MMBT contact details can be found below:</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 Home Office use only</div><div>Restricted – do not disclose – end of section</div></div>	Related links See also Protocol between Immigration Enforcement and the Youth Justice Board Identification of under-18 FNOs by the Youth Justice Board estate The CC2 (YJB) referral form The notification of release form Criminal casework and Youth Justice Board contacts
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Managing foreign national offenders under 18 years old

Key partners in managing FNOs under 18 years old

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells you about the various individuals and organisations who Immigration Enforcement work with to make sure child foreign national offender (FNO) cases are managed appropriately, and in line with the requirement to safeguard and promote the welfare of all children.</p> <p>Many of these partners must be engaged with at the point of the referral to the criminal casework. But in some cases, this contact will be necessary later on in the child FNO's case.</p> <p>For more information, see links in this section:</p> <ul style="list-style-type: none">• List of key adults• Offender management of FNOs under 18• Referrals to the office of the children's champion.	<p>In this section</p> <p>List of key adults Offender management of FNOs under 18 Referrals to the office of the children's champion</p>
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Managing foreign national offenders under 18 years old

List of key adults

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you which adults are important in making sure that a child foreign national offender (FNO) case is managed appropriately whilst they are considered for deportation or removal by Immigration Enforcement.</p> <p>The key people outside Immigration Enforcement who are likely to or may possibly have input into the handling of a child FNO cases include, but may not be limited to the following:</p> <ul style="list-style-type: none">• a local authority children's services (LACS) social worker (see related link)• a representative from the Children And Family Court Advisory Support Service (CAFCASS – see related link)• the child's parents, where not estranged• another responsible adult (who may or may not be a relative)• Youth Justice Board (YJB) staff at YJB institutions (see related link)• the child's offender manager and youth offending team (YOT)• a legal representative• an office of the children's champion (OCC) adviser (see related link: Referrals to the office of the children's champion). <p>In certain cases, such as those where a difficult family removal needs to be planned, and/or the family unit includes a serious high-risk FNO, the following external parties may become involved later in the process:</p> <ul style="list-style-type: none">• the independent family returns panel• ministers. <p>Key people within Immigration Enforcement who may be involved besides the minors mothers and babies team in the criminal casework include:</p> <ul style="list-style-type: none">• officers from the prison operations and removals team (PORT) who have been trained to engage with and interview children	<p>Related links</p> <p>See also</p> <p>Offender management of FNOs under 18 Referrals to the office of the children's champion</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>DirectGov - LACS</p> <p>CAFCASS</p> <p>Youth Justice Board</p>
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	<ul style="list-style-type: none"> • immigration compliance and engagement team (ICET) staff • asylum caseworking staff. <p>Whether, how and when each of these parties is engaged in the process will depend very much on the circumstances of the child FNO's case, and this guidance does not attempt to set out a generic set of actions for caseworkers, as each case must be judged on a strict case-by-case basis. However, the general rule is to engage with the parent(s) or responsible adult(s) and social services at the earliest stage (usually before a notice of liability to deportation (ICD.0350) has been issued).</p> <p>This allows you to find out all relevant and current facts about the child and their family, and get professional advice as to how criminal casework might best progress the case towards departure while making sure that the welfare of the child is safeguarded.</p> <p>If a child FNO is part of a family unit with whom criminal casework may seek to remove the child, the family welfare form (ICD.3629) is a vital method of recording and maintaining core information about that family unit. This must be completed in family cases at the early stages of consideration and maintained throughout the life of the case. For more information on this form and how it should be used, see related link: Completing the family welfare form.</p> <p>You would not have to engage with a parent or parents if the child FNO is estranged from them (or is in contact but has no parental responsibility), and/or where social services have advised that contact should be through them. In these cases you must not contact the parent(s), and it is unlikely that it would be appropriate to try to remove these family members with the child FNO.</p> <p>However, depending on the family circumstances, social services may recommend reuniting the child and parents when they are removed, which criminal casework must manage in line with the instructions set out in the related link: Managing the return of families with children.</p> <p>For more information about the roles of offender managers and the office of the children's champion (OCC), see related links:</p> <ul style="list-style-type: none"> • Offender management of FNOs under 18 	
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	<ul style="list-style-type: none"> • Referrals to the office of the children's champion. <p>As these are crucial partners in all child FNO cases, you must familiarise themselves with them, if you have not already done so.</p>	
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Managing foreign national offenders under 18 years old

Offender management of FNOs under 18

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the National Offender Management Service (NOMS) and its responsibilities around offender management in under 18 foreign national offender (FNO) cases.</p> <p>NOMS is responsible for commissioning and delivering offender management services for offenders, both in custody and the community, in England and Wales. However, much of the work on active management, risk assessment and rehabilitation of young offenders is carried out by Youth Offending Team (YOTs), which work with NOMS and the National Probation Service. There is a YOT in every local authority across England and Wales, and they are made up of representatives from the following bodies:</p> <ul style="list-style-type: none">• police• probation service• social services• health• education• drugs and alcohol misuse• housing. <p>Each YOT is managed by a YOT manager who is responsible for coordinating the work of the youth justice services. It is the YOT which will most likely be the first contact for caseworkers in the criminal casework for offender management information in child FNO cases. All caseworkers dealing with child FNO cases (and indeed all FNOs regardless of age) must remember the importance of making sure the relevant offender manager is told of all significant events in offender's immigration case, including (but not limited to) deportation, concede, detention, release decisions.</p> <p>For further information on YOTs, and the Youth Justice Board's role of overseeing the youth justice system in general, including contact points, their website is available at related link: Youth Justice Board.</p>	<p>Related links</p> <p>See also</p> <p>List of key adults Referrals to the office of the children's champion</p> <p>External links</p> <p>Youth Justice Board</p>
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Managing foreign national offenders under 18 years old

Referrals to the office of the children's champion

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the office of the children's champion (OCC), its responsibilities around advising Immigration Enforcement's criminal casework caseworkers about children involved in foreign national offender (FNO) cases, and how to refer queries to them.</p> <p>The OCC is responsible for advising the chief executive and immigration board on all issues to do with the care of children in the immigration process (see related link: Office of the children's champion for more information). They will usually be consulted early on in the consideration of any foreign national child involved in a deportation or removal from the UK, including children who are convicted offenders in their own right.</p> <p>For further guidance on when and how to contact the OCC, see related links: When to contact OCC and How to contact OCC).</p> <p>You must always seek advice from more local sources initially before making a referral to the OCC. This means consulting a senior caseworker, who in more complex cases will then refer to a safeguarding children coordinator. For more information, see related link: Escalation process.</p> <p>Queries to the OCC for advice must be sent to their inbox (see related link: Email office of the children's champion).</p>	<p>Related links</p> <p>See also</p> <p>List of key adults Offender management of FNOs under 18</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Considering deportation

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells you about the particular considerations that apply when criminal casework caseworkers decide whether a child foreign national offender (FNO) should be deported from the UK.</p> <p>Following the referral to criminal casework, a child FNO who has not been recommended for deportation by the sentencing court must be assessed against deportation threshold criteria to decide whether criminal casework should consider deporting on conducive grounds (as is the case with adults). The criteria for conducive deportation in child FNO cases are the same as for adults, and more detail can be found at related link: When to refer a case to criminal casework directorate (CCD).</p> <p>Where child FNO cases do not meet the criteria, they will be sifted out and referred to the removals and compliance casework directorate to be considered for alternative enforcement action that may be appropriate. Cases that are considered to meet the criteria for conducive deportation (where there has been no court recommendation in the case of 17-year-olds) will be allocated to a caseworker in the minors, mothers and babies team (MMBT) to decide if such action will be appropriate.</p> <p>The deportation process in child FNO cases is essentially not different from that applied to adults. However, under-18s are exempt from automatic deportation under the UK Borders Act 2007 (see related link: Exceptions to automatic deportation). So, under-18 FNOs can only be considered for deportation under 1971 Act provisions. Where deportation applies, there are parts of the process which must be managed in a sensitive manner in line with the duty to safeguard and promote the welfare of children (see related link: Section 55 and the child's best interests).</p> <p>Paragraphs 396 to 400 of the Immigration Rules were introduced on 9 July 2012 to cover consideration of private and family life under article 8 of the European Convention on Human Rights (see related link: Immigration Rules – Part 13 Deportation). However, you must bear in mind that FNOs' relationships between parents or carers and children under 18 were not specifically covered by the scope of these provisions. This means the five-stage</p>	<p>In this section</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Related links</p> <p>See also</p> <p>Links to staff intranet removed</p>
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	<p>test for whether deportation is proportionate as laid down in the case law of Razgar must still be applied when considering child FNO relationships with parents or carers (for more details, see related link: Human Rights considerations – Article 8).</p> <p>All other family relationships can be considered with reference to paragraphs 396 to 400 of the Immigration Rules as usual (for more information on this see related link: Article 8 and the Immigration Rules).</p>	
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Section 55 and the child's best interests

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the statutory duty of criminal casework caseworkers to safeguard and promote child welfare under section 55 of the Borders, Citizenship and Immigration Act 2009 which they must comply with in all cases involving children under 18, including child foreign national offenders (FNOs).</p> <p>The statutory duty under section 55 of the 2009 Act (see related link) requires the Home Secretary to put in place arrangements to make sure that those responsible for carrying out certain duties (including immigration and nationality functions) give due regard to the need to safeguard and promote the welfare of children in the UK. This duty applies, regardless of the nationality or immigration status of the child.</p> <p>To meet the section 55 duty when considering and making deportation decisions, you must consider the best interests of the child as a primary consideration, which means that they must be considered first. Having considered those interests, you must then consider whether the force of any other factors in that case outweigh those interests. These will include the severity of the crime(s) and the Home Secretary's commitment to deporting FNOs. Even if you decide that deportation is appropriate on balance, you must still make active efforts (and properly document these) to make sure that the process is managed in as sensitive a manner as possible towards departure from the UK.</p>	<p>Related links</p> <p>See also</p> <p>Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>External links</p> <p>Borders Citizenship & Immigration Act 2009</p>
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Managing foreign national offenders under 18 years old

Exemptions to deportation in child FNO cases

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the exemptions to deportation that apply to child foreign national offenders (FNOs).</p> <p>The deportation criteria applied by the criminal casework to FNOs from non-European Economic Area (EEA) and EEA countries is the same, regardless of their age. These are explained in the related link: When to refer a case to criminal casework directorate (CCD).</p> <p>However, there are some exemptions that apply in the case of certain FNOs under the age of 18:</p> <ul style="list-style-type: none">• if the FNO was under 18 at the time of conviction, they are exempted from the automatic deportation provisions of section 32 of the UK Borders Act 2007• if the FNO was under 17 at the time of their conviction they cannot be considered for court-recommended deportation as part of their sentence, under section 3(6) of the Immigration Act 1971. <p>If either of these exemptions apply, you can still consider deportation on conducive grounds under section 3(5) of the 1971 Act. You must also bear in mind that for certain drug offences, non-EEA offenders may still be liable to conducive deportation even if they received a custodial sentence of less than 12 months (for more information, see related link: Drugs offences (Bournemouth commitment)).</p> <p>New guidelines on criminality for considering article 8 of the European Convention on Human Rights were introduced to the Immigration Rules at paragraph 396 to 400 (see related link: Immigration Rules – Part 13 Deportation) on 9 July 2012. However, as these provisions do not specifically cover considering FNOs who are under 18 and relationships with their parents (or carers), in these cases you must continue applying the five-stage proportionality test as laid down in the case law of Razgar (for more details of this, see related link: Human Rights consideration – Article 8). Other relationships can be considered under the actual rules.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration rules - Part 13 Deportation</p>
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	<p>In the case of child FNOs, deportation will not usually go ahead until after the child has reached the age of 18. This is unless criminal casework are satisfied that there are adequate reception arrangements that can be made in the FNO's home country, or in cases where the child FNO has adult family members with whom they are to be removed to the same country in due course.</p>	
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Managing foreign national offenders under 18 years old

Special considerations in child FNO deportation cases

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells criminal casework caseworkers about some of the special considerations in deportation that apply to child foreign national offenders (FNOs).</p> <p>Whilst the usual processes of deportation under the 1971 Act will broadly apply in child FNO cases, deciding whether to pursue deportation on conducive grounds under these provisions requires very detailed consideration of the child's personal circumstances. This is particularly the case if they have a live asylum claim, or there is evidence of family ties in the UK. In the case of the former, article 3 of the European Convention on Human Rights (ECHR) will be relevant, and in the latter, article 8 of the ECHR. Although child FNOs who claim to have relationships with a parent or carer are considered with reference not to paragraphs 396 to 400 of the Immigration Rules but to the five-stage proportionality test in case law of Razgar, see related link: Human rights considerations – Article 8.</p> <p>You must also bear in mind any other outstanding application the child FNO has made for leave to enter or remain in the UK, including where they have been listed as the dependant of another applicant. You must work with other caseworking areas, as appropriate, to resolve these issues.</p> <p>In some cases, you must consider a grant of leave to remain on discretionary grounds during the interim period between the child starting their custodial sentence and six months prior to their 18th birthday, even if it is intended to deport them after this (for more information on this, see related link: Grants of interim leave to remain).</p> <p>You must also make sure that any paperwork or notices are served to the child FNO with a responsible adult present, who may be one of the following:</p> <ul style="list-style-type: none">• a parent• otherwise a legal guardian• a social worker. <p>The following are not considered to be 'responsible adults' for this purpose:</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> • an Immigration Enforcement staff member • a Youth Justice Board staff member. <p>You may arrange this through criminal casework's prison operations and removals team (PORT) staff who are specially-trained in engaging directly with children and can travel to Youth Justice Board establishments to process interviews and serve notices.</p> <p>You must also carefully consider the timing of serving appropriate notices. It may not be relevant in certain child FNO cases to serve paperwork exactly as directed by the deportation process instructions. For more information, see related links:</p> <ul style="list-style-type: none"> • The ICD.0350 liability to deportation form • Timing of deportation decisions. 	
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Managing foreign national offenders under 18 years old

The ICD.0350 liability to deportation form

[Referral of under-18 FNOs from YJB to immigration enforcement](#)
[Key partners in managing FNOs under 18 years old](#)
[Considering deportation](#)
[Engaging with the child](#)
[Detention and release](#)
[Detention and training orders](#)

This page tells criminal casework caseworkers about the specific sensitivities that apply in deciding when to serve the initial notice to child foreign national offenders (FNOs) that advises them of their liability, when considering deportation.

There are three variations on the liability to deportation notice (ICD.0350), which may be used depending on the type of FNO case being considered. The purpose of this form is not only to formally notify the FNO of their liability to deportation, but to establish all relevant information which will be required to make sure criminal casework can fully consider the matter. These notices are available on the CID document generator under these references:

- form ICD.0350
- ICD.0350A in asylum cases, or
- ICD.0350EEA in European Economic Area national cases.

Given the potential sensitivity and complexity around child FNO cases however, it will not always be appropriate to issue the notice of liability to deportation (for example in a case where criminal casework are already satisfied from the outset that it will not be possible to pursue deportation). If you decide that it is appropriate to issue this notice, it will not necessarily be at the same stage in the process as it would be with adult FNOs. More initial investigations and engagement is necessary before a decision is taken in principle to start any aspect of the deportation process.

You may also need to ask the child FNO more questions alongside those in the standard ICD.0350. Staff in the minors, mothers and babies team (MMBT) have developed a series of appropriate additional questions, which can be added to the standard questionnaire used in interviews with child FNOs. This can help in getting the information needed to build a bigger picture of their family circumstances.

Before taking the decision to issue the ICD.0350 form, you must contact the key adults involved with the child FNO to obtain relevant advice about:

Related links

See also

[Section 55 and the child's best interests](#)
[Exemptions to deportation in child FNO cases](#)
[Special considerations in child FNO deportation cases](#)
[Family members](#)
[Human rights considerations](#)
[Asylum considerations](#)
[Timing of deportation decisions](#)
[Grants of interim leave to remain](#)
[Child foreign national offenders and the facilitated return scheme](#)
[Child foreign national offenders and the early removal scheme](#)

Links to staff intranet removed

	<ul style="list-style-type: none"> • their current circumstances, and • how best the form should be issued if and when the decision to take deportation action is taken in principle (for more details of key adults see related link: List of key adults). <p>You must closely examine the latest content of the family welfare form (ICD.3629) and the responses to the children’s questionnaire. You must note any extra relevant information you get on this form to make sure it is kept current.</p> <p>If it is obvious from the information already available that deporting the child FNO will not be proportionate or practical, there is no need to serve the ICD.0350 notice. In such circumstances, you must issue an appropriate warning letter (ICD.0260) that tells the child you have decided not to deport them, but that this may be reviewed either nearer their 18th birthday, and/or following any further convictions. If you decide not to pursue deportation after an ICD.0350 notice has been served and returned with information that you consider to justify a decision not to continue, similarly you must issue a warning letter to advise the child FNO of their position.</p> <p>You must take special care to make sure appropriate arrangements are in place for all Immigration Enforcement notices to be delivered in child cases. Wherever possible, notices must be given in person to the offender, and a responsible adult needs to be present while the meaning of the notice is explained to the child in a manner which they can understand (for details of who may constitute a responsible adult, see related link: Special considerations in deportation of child FNO cases). This process is aided by two other things:</p> <ul style="list-style-type: none"> • The development of certain ‘child-friendly’ options in key criminal casework documents. These aim to provide a simplified version of the core content to a level where it can be more readily understood by children. These must be selected when preparing notices for those under 18. • The enhanced use of criminal casework prison operations and removals team (PORT) trained to interview children who can be called upon to travel to the relevant Youth Justice Board establishment to oversee delivery. <p>For more detail on both these initiatives, see related link: Engaging with the child.</p>	
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Managing foreign national offenders under 18 years old

Family members

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells criminal casework caseworkers about how they must consider the cases child foreign national offenders (FNOs) who have relatives living in the UK.</p> <p>Some child FNOs will have relatives living in the UK and the status of these family members may vary. You must find out and establish information about any other family members at the earliest opportunity, and record this on the family welfare form (ICD.3629). This will include basic personal details such as:</p> <ul style="list-style-type: none">• full name• address• date of birth• relationship to the FNO• current immigration status in the UK. <p>Some or all of a family unit may be here lawfully, either as British citizens or with indefinite or limited leave to enter or remain, whilst others may be here unlawfully, having entered without leave or overstayed it, or in another category. Details of the various enforcement offence categories besides deportation because of criminality can be found in chapters 1 to 6 of the enforcement instructions and guidance (EIG) – see related link: Enforcement: Immigration offences and breaches.</p> <p>It is essential that you identify any family members living in the UK, and assess if they are here legally. You must also remember that there may be existing records on Home Office files or the case information database (CID) relating to family members, but equally there may not be, as they may not have been previously known to the Home Office.</p> <p>If the family are here lawfully, they may or may not wish to accompany the child FNO if they are deported from the UK when they reach 18. However, if family members are here unlawfully, they should be made subject to removal action as appropriate, as it may be possible to remove the child FNO with the other family members as a unit, or partial unit. Any enforcement action required for family members of a child FNO will be the responsibility</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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	of the removals and compliance casework directorate, and relevant immigration compliance and engagement teams (ICETs). You must work with other Immigration Enforcement counterparts to make sure that all removal and deportation processes are correctly managed and coordinated if the enforcement of simultaneous departure of a family unit is being sought. More guidance on this area can be found in related link: 45 Family cases .	
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Managing foreign national offenders under 18 years old

Human rights considerations

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells you about the kinds of human rights considerations criminal casework caseworkers are likely to have to make when assessing child foreign national offenders (FNOs) for deportation.</p> <p>Regardless of offences a child FNO has committed and their relative seriousness, any decision to deport them from the UK must be supported by a careful consideration of their circumstances in line with the UK's obligations under the European Convention on Human Rights (ECHR), as is the case with adult FNOs and other immigration offenders. Also in the case of children, the duty to safeguard and promote their welfare, even when seeking to deport, under section 55 of the Borders, Citizenship and Immigration Act 2009 must continue to be taken into account.</p> <p>In ECHR claims made in child FNO cases, it is possible that any one of its articles could become relevant, depending on their unique circumstances. However, the most frequent concerns, whether they are raised directly by the child's representative or are implied in the evidence they have presented, relate to these articles (see in this section links):</p> <ul style="list-style-type: none">• Article 3 (the absolute right not to be subject to torture, inhumane or degrading treatment), and• Article 8 (the qualified right to enjoyment of a private and family life).	<p>In this section</p> <p>Human rights considerations - Article 3</p> <p>Human rights considerations - Article 8</p>
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Managing foreign national offenders under 18 years old

Human rights considerations: Article 3

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the way criminal casework caseworkers must deal with representations under article 3 of the European Convention on Human Rights (ECHR) in child foreign national offender (FNO) deportation considerations.</p> <p>Any issues raised or implied that establish a claim under article 3 of the ECHR will effectively amount to a claim for asylum. If such a claim is made by a child FNO, it must be processed in the usual way. However, there must be an increased emphasis on direct personal engagement with the child to make sure they fully understand each stage of the process, and the decision itself once it is made and served. For child FNOs, a criminal casework prison operations and removals team (PORT) officer who has undergone specific training in the interviewing of children is required to engage with the child directly and conduct interviews (see related link: Direct contact through criminal casework's prison operations removals team).</p> <p>Further general guidance on how Immigration Enforcement's asylum caseworking teams handle asylum and article 3 claims can be found in the asylum process instructions. See related link: Asylum guidance and instructions. For more detail on how such claims made by children are considered, see related link: Processing asylum applications from children. For information on how representations of this kind are managed in FNO cases handled by criminal casework, see related link: Criminal casework: Asylum.</p>	<p>Related links See also Links to staff intranet removed</p> <p>Direct contact through CC prison operations removals team</p>
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Managing foreign national offenders under 18 years old

Human rights considerations: Article 8

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you how criminal casework caseworkers must deal with representations under article 8 of the European Convention on Human Rights (ECHR) in child foreign national offender (FNO) deportation considerations.</p> <p>You must consider article 8 even if the child FNO is believed to have no family living in the UK. If they have been present for some time in this country before their conviction, there may be a significant private life that will need to be weighed against the severity of their offence(s).</p> <p>In adult FNO cases, article 8 considerations must now be considered under paragraphs 396 to 400 of the Immigration Rules, introduced on 9 July 2012, which defined more specifically the criteria that establish a breach of this article and what the balance of proportionality should be in cases where criminality is involved. Child FNOs who claim to have relationships with family members other than parents (or carers in their place) must be considered under these provisions, and further guidance on this is available at related link: Article 8 and the Immigration Rules.</p> <p>However, the way in which these rules are written means that FNOs who are under 18 claiming to have relationships with parents (or carers) were not specifically covered by their provisions. In view of this, when dealing with article 8 claims in cases of child FNOs and parents (or carers), you must still apply the five-stage test of proportionality as laid down by the House of Lords in the case of Razgar v SSHD [2004] UKHL 27 (for full details, see related link: House of Lords – Razgar judgment). These five steps are as follows:</p> <ul style="list-style-type: none">• Will the proposed removal be an interference by a public authority with the exercise of the applicant's right to respect for his private or (as the case may be) family life?• If so, will such interference have consequences of such gravity as potentially to engage the operation of article 8?• If so, is such interference in line with the law?• If so, is such interference necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of	<p>Related links</p> <p>See also</p> <p>Human rights considerations - Article 3</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>House of Lords - Razgar judgment</p>
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	<p>disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others?</p> <ul style="list-style-type: none"> • If so, is such interference proportionate to the legitimate public end sought to be achieved? <p>You must remember that this test is now only applied in cases such as child FNOs and their parents, where it cannot be argued that the case falls within the specified provisions of paragraphs 396 to 400 of the Immigration Rules. Where the rules do apply, you must consider the case fully in line with their provisions and not the Razgar test above. It should not be necessary to consider any case under both the rules and Razgar test.</p> <p>When you are assessing proportionality under Razgar, you must bear in mind that the guiding principle is to balance the need to prevent crime and disorder in the UK against the strength of ties to the UK and any compelling compassionate factors in the child's favour. You must closely assess the severity of the crime(s) committed, and the best interests of the child in line with the duty under section 55 of the 2009 Act.</p>	
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Managing foreign national offenders under 18 years old

Asylum considerations

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you how criminal casework caseworkers must deal with asylum claims made by child foreign national offenders (FNOs) who are subject to deportation consideration.</p> <p>Child FNOs who make representations claiming that they are eligible for refugee status under the 1951 Geneva Convention must be considered appropriately in line with Immigration Enforcement's asylum casework instructions. This is regardless of the stage criminal casework has reached with the consideration of deportation.</p> <p>Where an asylum claim (or article 3 claim which is effectively the same) is lodged by a child, you must refer to the related link: Processing asylum applications from children.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Timing of deportation decisions

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you how criminal casework caseworkers must approach the timing of initiating deportation action against child foreign national offenders (FNOs).</p> <p>Where it is clear that deportation action is not appropriate, you must try to inform the child FNO and those responsible for their care as soon as possible. This will however depend on criminal casework receiving all the relevant information from other agencies to allow them to make a fully-informed and quick decision. Where deportation is not pursued, you must issue a warning letter (ICD.0260) to advise that a new deportation consideration may be given if they commit any further crimes.</p> <p>The ICD.0260 letters have been adapted to provide child-friendly simplified options that must be added to the core content to help explain it (for more details see related link: Child-friendly documentation).</p> <p>If you consider deportation to be the appropriate course, it may not be possible to serve a deportation decision until the child FNO approaches the age of 18. This is because Immigration Enforcement will not remove an unaccompanied minor from the UK unless they are satisfied that there are adequate reception arrangements in the receiving country, or that the child can be removed with other adult family members who are subject to enforcement action for other reasons. This may mean that you need to grant a period of discretionary leave to remain in the interim, even though criminal casework intend to take up deportation once the child FNO approaches their 18th birthday (see related link: Grants of interim leave to remain).</p> <p>You must also be mindful of cases where it is intended to remove the child FNO at 18, but they have younger siblings, especially where it appears that before their time in custody the child effectively had parental responsibility for these other children. If you propose to remove siblings with the child FNO, the duty under section 55 of the 2009 Act will apply equally to the way in which the other siblings are handled as it does to the FNO. When relevant, you must get detailed advice from the office of the children's champion (OCC) and local authority children's services (LACS) as to how best to handle the case.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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Grants of interim leave to remain

Referral of under-18 FNOs from YJB to immigration enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the requirement to grant a period of discretionary leave to child foreign national offenders (FNOs) who may be deported by the criminal casework but will not be aged 18 for some time.</p> <p>Where a FNO is under 18, their age will often prove to be a barrier to being deported or removed, at least temporarily. Therefore in most cases involving child FNOs, a grant of leave to remain in the UK on discretionary grounds may be necessary to bridge the gap between the initial consideration and the lead-up to their 18th birthday, when active engagement with the deportation process may begin. In such cases, the child FNO must be formally told of criminal casework's intention to pursue deportation when they approach 18.</p> <p>In most criminal casework adult FNO cases, the period of leave to remain granted is normally six months (assuming refugee status has not been granted). However, in child FNO cases, a six-month grant of leave may be inappropriate, as it will be easy to determine whether the age barrier is still valid (that is if the child is still well under 18 years). As an alternative, discretionary leave may be granted until six months before the FNO's 18th birthday (though such a grant must not be for less than 28 days), which will allow for the deportation process to end as soon after the FNO's 18th birthday as possible.</p> <p>For more information on criminal casework's approach to grants of leave and how they must be carried out, see related link: Criminal casework: Grants of leave.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Child foreign national offenders and the facilitated return scheme

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells criminal casework caseworkers about the facilitated return scheme (FRS) and whether child foreign national offenders (FNOs) are eligible to apply for it.</p> <p>This scheme is operated by Immigration Enforcement and provides a financial incentive for FNOs from non-European Economic Area (EEA) nations to return to their home country by way of an assisted return process. The scheme covers:</p> <ul style="list-style-type: none">• time-served FNOs• the prison transfer agreement• the early removals scheme (ERS), see related links:<ul style="list-style-type: none">◦ Early removal scheme,(ERS)◦ Early removal scheme (ERS): Scotland• FNOs (including mentally-disordered offenders) over 18 years old but not subject to removal directions. <p>Child FNOs are allowed to apply for this scheme, as long as safe reception arrangements are in place in the home country. Usually a firm offer of assisted voluntary return under the FRS will have been made to the child, in person, at the earliest opportunity before the start of any deportation proceedings.</p> <p>Details of the benefits currently offered under the scheme can be found at related link: The facilitated return scheme (FRS).</p> <p>You must remember that if non-FNO family members are living in the UK and may be removed with a child FNO, they must be offered the opportunity to depart voluntarily under the assisted voluntary return (AVR) programme. This would be for the relevant immigration compliance and engagement team (ICET) to take forward.</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the early removal scheme</p> <p>Links to staff intranet removed</p>
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Child foreign national offenders and the early removal scheme

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the Ministry of Justice's early removal scheme (ERS) which is operated through Immigration Enforcement, and whether child foreign national offenders (FNOs) will be eligible for it.</p> <p>This scheme differs from the facilitated return scheme (FRS) in that it does not involve any financial incentive and only applies to FNOs still serving their sentence. It is available to both European Economic Area (EEA) and non-EEA nationals. The scheme is owned by the Ministry of Justice and operated by Immigration Enforcement's criminal casework. It allows most FNOs to be released from custody at an earlier stage in order for them to be removed to their home country.</p> <p>For those serving sentences in institutions in England and Wales the scheme is mandatory and those considered to qualify cannot opt-out. For those serving in institutions in Scotland the scheme operates slightly differently and whilst it is not mandatory as such, FNOs will qualify for it subject to certain criteria. The scheme does not currently operate in Northern Ireland.</p> <p>ERS applies to all eligible non-time-served FNOs regardless of their age. In cases where child FNOs are considered to qualify for the scheme, the process is the same as it is for adult FNOs and no specific provisions apply, other than making sure the child's case is handled in line with the statutory duty under section 55 of the 2009 Act. This may involve working with the relevant institution's Youth Offending Team (YOT), who in turn have contact with social services about how best to manage release under the ERS and onwards to departure.</p> <p>For more information on the scheme, and how it works in England and Wales, see related link: The early removals scheme (ERS). For more information on how it works in Scotland see related link: Early removals scheme (ERS): Scotland.</p> <p>You must note that the ERS does not apply to child FNOs who have been sentenced to a detention and training order (DTO), which remains outstanding, as Immigration Enforcement</p>	<p>Related links</p> <p>See also</p> <p>Section 55 and the child's best interests Exemptions to deportation in child FNO cases Special considerations in child FNO deportation cases The ICD.0350 liability to deportation form Family members Human rights considerations Asylum considerations Timing of deportation decisions Grants of interim leave to remain Child foreign national offenders and the facilitated return scheme</p> <p>Links to staff intranet removed</p>
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	does not usually seek to remove an offender whilst they are still completing a DTO. For more information on DTOs and how they operate, see related link: Detention and training orders .	
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Managing foreign national offenders under 18 years old

Engaging with the child

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells you about the principles of making sure that Immigration Enforcement makes contact with and communicates effectively with child foreign national offenders (FNOs) who may be liable to deportation.</p> <p>Criminal casework caseworkers must make sure they do the following when they deal with child FNOs, as long as it is practical:</p> <ul style="list-style-type: none">• key documentation served about the deportation consideration must be expressed in language which they can understand, and• key documentation should be served in person by a criminal casework prison operations and removals team (PORT) child-trained officer and in the presence of a responsible adult. <p>For more information, see in this section links.</p>	<p>In this section</p> <p>Child-friendly documentation Direct contact through CC prison operations removal team CC PORT child FNO surgery visits</p>
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Managing foreign national offenders under 18 years old

Child-friendly documentation

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the additional explanatory wordings that has been included in certain key Immigration Enforcement documents to help child foreign national offenders (FNOs) understand what is happening to them when they are being considered for deportation.</p> <p>The core documents which are regularly used by criminal casework caseworkers in the deportation process have had new options added to them for use in all criminal cases when the FNO is aged under 18. As far as possible, a simplified version of the key standard text has been created and these options must be included as directed on the case information database (CID) document generator template instructional text. These options must be used along with the standard content, not instead of it. The standard material must be present to make sure the notice remains valid legally.</p> <p>A list of the documents currently enabled with child-friendly content options is below. All are available on the CID document generator. When preparing these notices for child FNOs you must make sure the child-friendly options are included:</p> <ul style="list-style-type: none">• notice of liability to deportation – ICD.0350• notice of liability to deportation (asylum cases) – ICD.0350A (1971 Act)• warning letter when deportation deferred or not pursued – ICD.0260• warning letter when deportation deferred or not pursued (for solicitors or representatives) – ICD.02060SR. <p>Notices of liability to deportation used in automatic deportation cases have not been equipped with child-friendly content, as child FNOs are not subject to these provisions under the UK Borders Act 2007.</p> <p>Many more documents have been amended to include extra instructions to remind staff dealing with child or adult FNOs and family members to make sure they include detailed consideration of how child welfare has been safeguarded and promoted under the section 55 duty, on a case-by-case basis.</p>	Related links See also Direct contact through CC prison operations removal team CC PORT child FNO surgery visits
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Managing foreign national offenders under 18 years old

Direct contact through CC prison operations and removals team

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the presence of criminal casework staff in prisons, who can help make sure that contact with child foreign national offenders (FNOs) is done in person, by arranging service of notices, and conducting interviews where needed.</p> <p>Engagement with all children in custody should usually be conducted in person by criminal casework staff who have undertaken special training in dealing with children under 18. This may be arranged by criminal casework caseworkers through criminal casework prison operations and removals team (PORT) staff.</p> <p>Activities of child interview-trained PORT officers will include, but may not be limited to:</p> <ul style="list-style-type: none">• Serving the subject's notification of liability to deportation. In the case of most under-18 year olds it is recommended that these notices are served in person.• Arranging responsible adults to be present at Youth Justice Board (YJB) establishments when visiting them in order to serve immigration notices.• Conducting any documentation or asylum interviews.• Explaining how to complete the ICD.0350 and other questionnaires (where applicable).• Serving and explaining any decisions regarding deportation or warning letters.• Facilitating or participating in family returns conferences and family departure meetings (for more information on these events see related link: Managing family returns). <p>Criminal casework PORT have a team of child interview-trained officers based at locations around the UK who can interview child FNOs, both in terms of asylum or human trafficking and documentation or enforcement matters. These officers have also had enhanced Criminal Records Bureau (CRB) checks to make sure they are suitable to work closely with children.</p> <p>A tasking form (ICD.4448) is available to use when you are seeking operational assistance from either PORT or immigration compliance and engagement team (ICET) staff in family removal cases. This form requires you as the caseworker to provide various key details,</p>	<p>Related links</p> <p>See also</p> <p>Child-friendly documentation CC PORT child FNO surgery visits</p> <p>Links to staff intranet removed</p>
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	<p>which an ICET or PORT will need to allow them to provide the best level of assistance (for more information, see related link: Managing the returns of families with children).</p> <p>However, if you wish to request a visit by a child-trained criminal casework PORT officer to a child FNO in custody, or those children completing the non-custodial part of a detention and training order (DTO) (see link on left: Detention and training orders), you must complete and send an interview request form by e-mail to the criminal casework Leeds Ops Referral inbox (see related link). A child interview-trained PORT officer will then be responsible for engaging with the child. There are three types of interview request form available on the CID document generator and which one is sent will depend on the nature of the request:</p> <ul style="list-style-type: none">• ICD.4265 – screening or substantive asylum• ICD.4266 – travel documentation• ICD.4251 – other purposes. <div><div>Restricted – do not disclose – start of section</div><div>The information in this page has been removed as it is restricted for internal Home Office use only</div><div>Restricted – do not disclose – end of section</div></div> <p>Criminal casework PORT child-trained officers also conduct ‘surgery’ visits for child FNOs at various YJB locations. For more details, see related link: CC PORT child FNO surgery visits.</p>	
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Managing foreign national offenders under 18 years old

CC PORT child FNO surgery visits

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the ‘surgery’ visits made by child-trained officers from the criminal casework prison operations and removals team (PORT) to child foreign national offenders (FNOs) in Youth Justice Board (YJB) locations.</p> <p>Child-trained CC PORT officers play an effective role in supporting YJB officers in assessing the identity and nationality of child FNOs, at the earliest stage possible. This is achieved by regular visits to YJB establishments during which a ‘surgery’ is held. This not only gives PORT the opportunity to find out useful information about the child FNO, but also for them to work with criminal casework directly and get them familiar with regular immigration-related visits.</p> <p>It is intended to introduce these surgery visits to any YJB sites which house child FNOs, be it on remand or serving a sentence. However, currently, the only YJB sites being provided with this service are:</p> <ul style="list-style-type: none">• Wetherby Young Offenders Institution (YOI)• Hindley YOI• Eastmoor Secure Children’s Home (Secure Children’s Home). <p>One-to-one private surgery appointments are arranged at the above locations, with a criminal casework PORT officer and responsible adult present (for examples of responsible adults see related link: Special considerations in child FNO deportation cases), to offer general immigration information to the child and take the opportunity to check their status in the UK. However, the attendance by the child FNO is voluntary.</p> <p>As the surgery service is widened to cover more YJB sites, this instruction will be updated to reflect this.</p>	<p>Related links</p> <p>See also</p> <p>Child-friendly documentation Direct contact through CC prison operations removal team</p> <p>Special considerations in child FNO deportation cases</p>
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Managing foreign national offenders under 18 years old

Detention and release

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells you about the government's change in policy regarding the detention of all children under 18 who are subject to removal or deportation from the UK.</p> <p>The coalition government announced a review of the detention of immigrant children in June 2010, and in December of that year concluded that detaining minors for immigration purposes must stop except for the most exceptional of cases. This means that detaining any child foreign national offender (FNO) beyond the end of their sentence under immigration powers, with a view to deportation or removal would be a rare exception rather than a rule.</p> <p>This change in government policy meant that a range of alternative measures were introduced, with effect from March 2011, designed to manage children and family cases towards departure where appropriate, without using detention. A new four-tier procedure was developed, which explores the various routes to departure using different operational strategies.</p> <p>Whether each and every tier of this process is used in a child FNO case will depend on:</p> <ul style="list-style-type: none">• the level of compliance of the child and any family members in the UK• the level of risk they and any family members are believed to pose to the public, and• their personal circumstances.	<p>In this section</p> <p>Cases where detention may remain appropriate Alternatives to detaining children and their family Release and levels of authority Contact management options following release</p>
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Managing foreign national offenders under 18 years old

Cases where detention may remain appropriate

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the few child foreign national offender (FNO) cases where it may be necessary to use detention under immigration powers following their release from custody and how these cases must be handled.</p> <p>Very occasionally, an offender under the age of 18 who has completed their custodial sentence may need to be detained in the Youth Justice Board (YJB) secure estate (not an immigration removal centre) pending their removal or deportation after they turn 18. This is authorised only in very exceptional circumstances, where it can be clearly shown that the individual poses a very serious risk to the public and a decision to deport or remove has been taken. A minister must authorise this.</p> <p>In practice, detention of this sort will last only for a very short period when an individual is just short of their 18th birthday after completing their sentence. This option will continue to be necessary for these exceptional cases. But there is another safeguard against this power being used inappropriately, as advice as to how to handle such cases must be sought from the independent family returns panel (though this panel has no power to decide whether or not detention will be used).</p> <p>Ministers may also authorise detention (either to continue in a YJB establishment or in Tinsley House) in very rare cases where families, or individuals within the family unit, pose significant public protection risks. However, ministerial authority is not required for placing a child FNO or related family in pre-departure accommodation (Cedars near Gatwick Airport) pending imminent departure.</p> <p>If detention of a child FNO is authorised, all relevant paperwork (including the IS.91 detention notice and ICD.1913 reasons for detention letter – for more details on detention process see related link: Detention process instructions) must be sent through to the YJB establishment currently holding the child. The YJB also require an email to be sent notifying them that detention notices have been served to one of their young offenders. This allows their central office to make sure that if necessary, the child FNO is subsequently transferred to an age-appropriate establishment. Notifications must include a copy of the IS.91 notice</p>	<p>Related links</p> <p>See also</p> <p>Alternatives to detaining children and their family Release and levels of authority Contact management options following release</p> <p>Links to staff intranet removed</p>
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	<p>and sent to the YJB using related link: Email YJB.</p> <p>More details about the family returns process can be found at related link: Managing the return of families with children.</p>	
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Managing foreign national offenders under 18 years old

Alternatives to detaining children and their family

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page provides a brief overview of the four-tiered process applied by Immigration Enforcement when seeking to remove or deport a child or family unit that includes children under the age of 18.</p> <p>After all outstanding claims to remain in the UK have been refused, the four tiers of action that will usually be used to make the return of children, including foreign national offenders (FNOs) under 18, with or without other family members, possible are as follows:</p> <ul style="list-style-type: none">• ‘Voluntary’ return – this means the child FNO departs before their sentence is completed under the early removal scheme (ERS), although this may not be practical in every case. Otherwise if they are time-served, deciding to depart voluntarily.• ‘Assisted’ return – where the child FNO has opted not to leave the UK voluntarily under ERS or otherwise, they are offered an opportunity to depart voluntarily but with the aid of a financial package to help them depart and reintegrate into their home country. This will be the facilitated return scheme (FRS) for the FNO and assisted voluntary return (AVR) for any family members.• ‘Required’ return – where the child has not opted to leave the UK voluntarily through unassisted or assisted options, they may be made subject of ‘self-check-in’ removal directions (RDs). This allows the child and any family two weeks to get their affairs in order, in the hope that the child and family will comply and depart as directed. An assisted self-check-in option may be offered, which includes help with travel costs and so on.• ‘Ensured’ return – where the child has not opted to leave the UK voluntarily through unassisted or assisted options, and has not complied with any self-check-in RDs, they may be made subject of a range or strategies to encourage and hopefully make sure that the child and any family members depart. This may mean limited-notice RDs, arrest, use of escorts, and a short spell (usually overnight) in special ‘open’ or ‘pre-departure’ types of accommodation in the lead-up to departure. Tinsley House at Gatwick Airport may be used in very high-risk cases or as a contingency for those whose removal failed for technical reasons.	<p>Related links</p> <p>See also</p> <p>Cases where detention may remain appropriate Release and levels of authority Contact management options following release</p> <p>Links to staff intranet removed</p>
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	<p>Decisions in the last stage of this process are taken by caseworkers (with appropriate authorisation), but with the advice of an independent family returns panel. The independent family returns panel will not take decisions as to whether removal or deportation is appropriate, but they will provide recommendations as to how best Immigration Enforcement may go about achieving this, with due regard to safeguarding and promoting welfare of children under section 55 of the 2009 Act.</p> <p>If a child FNO is considered to be a high risk to the public, it may not be appropriate to attempt the 'required' stage of return. Equally, certain elements of the 'ensured' stage may not be suitable for children in this category, or indeed some members of their family. This will be considered and decided very much on a case-by-case basis and action will be guided by the recommendations of the panel.</p> <p>Caseworkers in criminal casework must make sure they follow the more detailed guidance on how to manage this process set out in the enforcement instructions and guidance chapters 45 and 55, and the criminal casework children and family cases process instructions. See related links:</p> <ul style="list-style-type: none"> • 45 Family cases • 55 Detention and temporary release • Managing the return of families with children. 	
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Managing foreign national offenders under 18 years old

Release and levels of authority

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page explains the relevant levels of authority criminal casework caseworkers must seek when proposing to allow a child foreign national offender (FNO) to be released, after their custodial sentence has ended.</p> <p>In all cases involving children under 18, including those who are convicted offenders, Immigration Enforcement will only detain in exceptional circumstances. Even then this will be for very short periods, either where departure is imminent or in the lead up to their 18th birthday if they are considered to pose a particularly high risk. Decisions to release normally require the authority of the strategic director before they continue. However, in the case of child FNOs this will generally not be necessary. The level of authority required for allowing a child to be released is determined by the risk associated with each case and follow these guidelines:</p> <ul style="list-style-type: none">• Where cases involve convictions for violence, drugs or sexual offences, sentences with a multi agency public protection arrangements (MAPPA) element, a duration of two years or more, or strong potential for media interest, the criminal casework director must be informed. They may decide to inform the strategic director if the case is considered to be exceptionally high-risk and/or high-profile.• In all other cases the relevant criminal casework assistant director must be informed in the first instance.• But in cases where it is considered that there is a medium risk to the public, the relevant criminal casework deputy director must be informed. <p>In child FNO release cases you must complete a 'submission to note' before the release happens. This procedure has been adopted instead of an 'administrative' notification of release approach, as it is important that senior managers in criminal casework can monitor the trends in such cases, and on a case-by case basis be aware of:</p> <ul style="list-style-type: none">• the action and efforts being made to progress the case towards deportation or removal before the end of sentence• the reasons why departure was not practical by that date	<p>Related links</p> <p>See also</p> <p>Cases where detention may remain appropriate Alternatives to detaining children and their family Contact management options following release</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> • any child safeguarding arrangements that will need to be put in place. <p>Where the child FNO is part of a subsisting family unit, managing the case towards departure must be in line with the guidance set out at related link: Managing the return of families with children. Where it is intended to transfer a child FNO direct from custody to pre-departure accommodation at Cedars (or in exceptional cases Tinsley House) as part of an 'ensured' return plan, the proposal must be authorised using the same levels of authority as above, before referring to the independent family returns panel for advice.</p> <p>For information on the most exceptional cases where criminal casework must seek to detain a child FNO when they complete their sentence, see related link: Cases where detention may remain appropriate.</p>	
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Managing foreign national offenders under 18 years old

Contact management options following release

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page explains the limited arrangements that criminal casework caseworkers can make for contact management in child foreign national offender (FNO) cases following their release.</p> <p>Normally, any offender who has been released from prison or an immigration removal centre and is liable to removal or deportation action can and will be made subject of a contact management regime. This is so Immigration Enforcement can maintain contact and monitor their whereabouts, with a view to allowing departure to be enforced when appropriate.</p> <p>However, whilst legislation governing temporary admission and release does allow for reporting restrictions to be placed on anyone subject to these provisions, in the case of minors the general policy in Immigration Enforcement is not to place them on such restrictions. Only in sufficiently high-risk exceptional cases could this be considered as an option. In 'routine' cases, it is possible to set reporting restrictions for an offender whilst they are under 18, with a view to their first reporting event taking place after their 18th birthday.</p> <p>It is not lawful to place a FNO who is under 18 on electronic monitoring (tagging) following release, and you must not seek to enrol them onto that process.</p> <p>Any child FNO being released will be subject to a multi-agency plan. This includes where the child is going to live and the support they will need. Immigration Enforcement does not specify where a child must live. But if relevant information is held then you must look to contribute to the release plan by contacting either the relevant social services department or Youth Offending Team (YOT) who are responsible for the child's management after release.</p> <p>Without reporting (in most cases) and electronic monitoring (in all cases), a child FNO's whereabouts can usually be tracked through regular contact with their local authority children's services department and/or YOT. Similarly, if there are other family members who are being actively managed by an immigration compliance and engagement team (ICET), they may be updated with the child's current address. Also, if the child FNO has been enrolled into the multi-agency public protection arrangements (MAPPA) (see related link),</p>	<p>Related links</p> <p>See also</p> <p>Cases where detention may remain appropriate Alternatives to detaining children and their family Release and levels of authority</p> <p>Links to staff intranet removed</p>
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	<p>the MAPPA coordinator or other partners involved in managing that child's case may hold current details.</p> <p>If criminal casework are aware of a child's whereabouts, it not only allows them to contact them about developments in their immigration matters, but also allows you to make sure that you can do everything possible to safeguard and promote their welfare, in line with the statutory duty to do so under section 55 of the Borders, Citizenship and Immigration Act 2009.</p> <p>In cases where despite these efforts, contact with the child FNO has been lost, the following action must be taken by criminal casework:</p> <ul style="list-style-type: none"> • notify social services and police that criminal casework do not know the child's whereabouts and so they may be at risk, and • start absconder action – for details of how this process works, see related link: Non-detained, contact management and absconder cases. <p>Once a minor reaches the age of 18 years, if they remain liable to action to deport or remove them and are not to be detained for immigration purposes, it will be appropriate to place them on a contact management regime. Tagging can be considered, but where this is not appropriate, reporting restrictions must be set up.</p> <p>In order to start this process, the minors, mothers and babies team (MMBT) caseworker must complete the contact management team (CMT) referral form (ICD.4380), and send this to the team's inbox (see related link: Email CMT). They must also make sure that they prepare the Home Office file in line with criminal casework Liverpool workflow team's (CCLWT's) requirements. This and the onward procedures undertaken by both CCLWT and CMT are set out at related link: The contact management team (CMT).</p>	
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Managing foreign national offenders under 18 years old

Detention and training orders

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells criminal casework caseworkers about detention and training orders which some child foreign national offenders (FNOs) are given as part of their sentence, and how these affect deportation consideration.</p> <p>When managing FNOs who are under 18 years of age, you must be aware of the possibility that many young offenders will be under a detention and training order (DTO). This will be another consideration in whether the case will satisfy criminal casework criteria for deportation, and if it does, how that case must be handled.</p> <p>The statutory basis for DTOs comes under part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (see related link). The orders apply to young people aged between 12 and 17 who have been given a sentence of between four months and two years. The first half of the sentence is spent in custody and the second half in the community. The young person is supervised by a Youth Offending Team (YOT) and normally undertakes education or training while in custody. The courts can also require the young person to be on an intensive supervision and surveillance programme (ISSP) as a condition of the community period of the sentence.</p> <p>A DTO is only given by the courts to young people who:</p> <ul style="list-style-type: none">• represent a high level of risk• have a significant offending history or are persistent offenders, and• where no other sentence will manage their risks effectively. <p>The seriousness of the offence is always taken into account when a young person is sentenced to a DTO.</p>	<p>In this section</p> <p>Effect of detention and training orders on deportation thresholds Detention and training orders and detention under immigration powers</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Effect of detention and training orders on deportation thresholds

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This section tells criminal casework caseworkers which part of a detention and training order (DTO) sentence can be counted towards the thresholds set by Immigration Enforcement to consider for deportation on conducive grounds.</p> <p>You must be aware that only the custodial part of a DTO can be taken into account when considering whether the child FNO serving it meets the deportation criteria. For examples of when the threshold criteria would be met, see related link: DTOs and conducive deportation under the Immigration Act 1971.</p> <p>You must also note that the custodial and community parts of a DTO are set periods. You must not confuse the part-custodial or part-community elements of the DTO with the more familiar scenario where only half of the custodial sentence imposed is actually served. The statutory authority for this is now part 12 of the Criminal Justice Act 2003 (see related link).</p>	<p>In this section</p> <p>DTOs and automatic deportation under the UK Borders Act 2007 DTOs and conducive deportation under the Immigration Act 1971</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

DTOs and automatic deportation under the UK Borders Act 2007

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the specific effect of a detention and training order (DTO) on the process of automatic deportation of foreign national offenders (FNOs).</p> <p>Where a DTO has been given, the case will be under exception 2 of the UK Borders Act 2007, which states that a FNO will constitute an exception if they were under the age of 18 on the date they were convicted. For those who come under exception 2 of the 2007 Act, deportation can still be considered under the Immigration Act 1971 on conducive grounds.</p>	Related links See also DTOs and conducive deportation under the Immigration Act 1971
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Managing foreign national offenders under 18 years old

DTOs and conducive deportation under the Immigration Act 1971

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the specific effect of a detention and training order (DTO) on the process of deportation on conducive grounds of foreign national offenders (FNOs).</p> <p>Where a DTO has been given, only the custodial part of the order can be taken into account when considering whether the threshold criteria for deportation of this kind are met (for details of these criteria see related link: When to refer a case to criminal casework directorate (CCD)).</p> <p>Therefore, if the total order is 12 months or less, the criteria for deportation under the 1971 Act would not be met (unless the young offender is 17 years of age and sentencing court recommends them for deportation), and it would usually not be appropriate to pursue deportation. This is unless the provisions of the 'Bournemouth commitment' apply, regarding certain drugs offences (see related link: Drugs offences (Bournemouth commitment)).</p> <p>For example, a 24-month DTO would bring a non-European Economic Area child FNO within criminal casework criteria for conducive deportation, as the custodial element would be 12 months, and the community element 12 months. However a 12-month DTO would not, as the custodial element would only be six months, which is six months' short of meeting the 12-month threshold for deportation.</p>	<p>Related links</p> <p>See also</p> <p>DTOs and automatic deportation under the UK Borders Act 2007</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Detention and training orders and detention under immigration powers

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page tells you about the effect a detention and training order (DTO) has on how criminal casework caseworkers consider detaining a child foreign national offender (FNO) for immigration purposes, after they have completed the custodial part of the order.</p> <p>You must be aware that there may be grounds for a legal challenge against a decision to detain a child FNO under immigration powers who has not yet served the supervision (post-custodial) part of their sentence. Also, following the change of policy about detaining children (see related link: Detention and release), it is now only in the most exceptional of cases that it would be considered appropriate to detain a FNO under the age of 18 after they have completed their sentence.</p> <p>Any proposal to detain a FNO who is still subject to a DTO under immigration powers must be considered with the greatest care, and referred through a senior caseworker for appropriate advice and authority. This is set out in the guidance on managing the return of FNO families. See related link: Managing the return of families with children.</p>	Related links See also Links to staff intranet removed
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Managing foreign national offenders under 18 years old

Contact

Referral of under-18 FNOs from YJB to Immigration Enforcement Key partners in managing FNOs under 18 years old Considering deportation Engaging with the child Detention and release Detention and training orders	<p>This page explains who to contact for more help with a specific case involving foreign national offenders under 18 years old.</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) inbox (see related link: Email CCOPPT 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 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 email these to MGT (see related links).</p>	<p>Related links</p> <p>See also</p> <p>Changes to this guidance</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Managing foreign national offenders under 18 years old

Information owner

[Referral of under-18 FNOs from YJB to Immigration Enforcement](#)
[Key partners in managing FNOs under 18 years old](#)
[Considering deportation](#)
[Engaging with the child](#)
[Detention and release](#)
[Detention and training orders](#)

This page tells you about this version of the managing foreign national offenders under 18 years old guidance and who owns it.

Version	1.0
Valid from date	29 May 2013
Policy owner	Criminal casework operational process and policy team (CCOPPT)
Cleared by director	Sonia Dower
Director's role	Director, operational policy and rules unit (OPRU)
Clearance date	16 May 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: Email CCOPPT process team, who will ask MGT to update the guidance.

MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can email these to MGT (see related links).

Related links

See also

[Changes to this guidance](#)

Contact

Links to staff intranet removed