

Criminal casework

Managing the return of families with children

Managing the return of families with children

About this guidance

About this guidance	<p>This guidance tells criminal casework caseworkers how to manage the return of families with children where one family member is a foreign national offender (FNO).</p>	In this section
Underlying principles of the process	<p>In December 2010, the government announced its plans for ending the detention of children for immigration purposes to protect the welfare of children, while making sure families who have no right to be in the UK are returned. A fresh approach to managing family returns has been developed which places greater emphasis on engagement with families if they are found to have no legal right to be in the UK. It aims to encourage them to leave without the need for enforcement action.</p>	Changes to this guidance
Definitions		Contact
Overview of the family returns process	<p>Criminal casework is applying the same principles to the return of foreign national offenders (FNOs) and their families. This guidance provides details of the processes for managing family cases without detaining children and must be used alongside the existing criminal casework children and family guidance and all relevant process communications.</p>	Information owner
Family returns in non-detained CCD cases	<p>Chapter 45 of the enforcement instructions and guidance (EIG) is the main guidance for dealing with family returns. It provides guidance to staff on how to discharge their duties with regard to children and families, and explains the policy for people with dependent children under 18 who are liable to be removed once their application is considered and all rights of appeal have been exhausted. You must make sure you understand and follow these instructions. For more information, see related link: 45 Family cases.</p>	Related links
The returns process	<p>This guidance does not replace chapter 45 of the EIG but sets out additional considerations and principles to be applied in criminal cases. It is not exhaustive and cannot cover every circumstance or scenario that arises, but you must follow the principles set out in chapter 45 and in this guidance as closely as possible when planning the return of families with children.</p>	Links to staff intranet removed
Mother and baby cases	<p>To help you make well judged decisions, there is a consultation process that must be followed if you are uncertain of what action to take. For more information, see related link: Overall approach and key partners.</p>	

	<p>Imminent release cases and short sentence cases</p> <p>In imminent release cases and short sentence cases, caseworkers must establish whether they intend to detain or release a subject before taking any action under this guidance. Once this decision has been made all cases must be dealt with in accordance with this guidance.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.</p>	
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Changes to this guidance

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	This page lists the changes to the managing the return of families with children guidance, with the most recent at the top.		Related links Family returns in non-detained criminal casework cases Referring cases to the immigration compliance and engagement (ICE) team Family returns in detained criminal casework cases Referring cases to the criminal casework prison operations and removals team See also Contact Information owner Links to staff intranet removed
	Date of the change	Details of the change	
	29 May 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none">• Family returns in non-detained criminal casework cases:<ul style="list-style-type: none">○ renamed from 'Family returns in non-detained CCD cases'• Referring cases to the immigration compliance and engagement (ICE) team:<ul style="list-style-type: none">○ renamed from 'Referring cases to the local immigration team (LIT)'• Family returns in detained criminal casework cases:<ul style="list-style-type: none">○ renamed from 'Family returns in detained criminal casework cases'• Referring cases to the criminal casework prison operations and removals team:<ul style="list-style-type: none">○ renamed from 'Referring cases to the CCD prison operations and removals team'• Minor housekeeping changes.	
	12 November 2012	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none">• Minor housekeeping changes.	

		For previous changes to this guidance you will find earlier versions in the archive. See related link: Children and family members – Archive .		

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Underlying principles of the process

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells you the principles underlying the changes to the way families with children are returned by criminal casework.</p> <p>The changes outlined in this instruction are underpinned by the following principles generally followed by immigration:</p> <ul style="list-style-type: none">• The new process must consider the need to safeguard and promote the welfare of children in the UK, in line with our statutory and international obligations.• The new process must treat families with children humanely and with compassion.• Independent expertise must be sought at the most difficult stages of the process.• Families with no legal right to be in the country need to leave.• Parents must have the opportunity to make choices about the manner and timing of their departure.• The new process must be affordable.	Links to staff intranet removed
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Managing the return of families with children

Definitions

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells you about definitions used in the instructions for managing the return of families of children in criminal cases.</p> <p>The definition of a family A family is defined in this instruction as:</p> <ul style="list-style-type: none">• a family unit who live together, or who did before the foreign national offender (FNO) began serving their custodial sentence and with whom they intend to continue living after release, with children under 18, or• FNOs who have parental responsibility for a child under 18 who does not have status in the UK. <p>Under this definition, the decision has been made to remove the family as a unit.</p> <p>This instruction does not apply to families without children and does not cover FNOs who have family members who are not subject to removal from the UK but may choose to return to accompany a deported FNO.</p> <p>These cases will usually be considered as part of the normal deportation process. However, when it assists in progressing individual cases, some aspects of this process can be used, such as family returns conferences or open accommodation.</p> <p>The definition of a child For the purpose of these instructions a child is defined as somebody under the age of 18 who is part of the FNO's subsisting family. For more guidance on how to establish whether an individual can be considered to be part of a subsisting family unit, see related link: Duty to safeguard children and promote their welfare.</p>	<p>Related links</p> <p>Links to staff intranet removed</p>
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Managing the return of families with children

Overview of the family returns process

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page provides criminal casework caseworkers with an overview of the family returns process.</p> <p>Full guidance is provided in chapter 45 of the enforcement instructions and guidance (EIG). For more information, see related link: 45 Family cases.</p> <p>Once a decision is taken that a family must leave the UK and any in country appeal rights have been exhausted, the usual process will be for the family to proceed through the family returns process. This is made up of three key stages:</p> <p>Stage one - Assisted return</p> <p>This stage aims to make sure all families correctly understand their current immigration status in the UK and are informed about their options for returning home. Families will have a dedicated family return conference to discuss the options available to them, and will be encouraged to start making arrangements for their return.</p> <p>Stage two - Required return</p> <p>Most families who do not choose to take up the offer of assisted return will be given at least two weeks notice of the need to leave the country and the opportunity to leave voluntarily through a 'self-check-in return' without any enforcement action. This extended notification period which is an increase from 72 hours, makes sure the family can prepare properly for their return and give them time to raise any further issues or seek further legal options.</p> <p>Stage three - Ensured return</p> <p>Enforcement action is only considered once the new assisted and required stages have been exhausted or, in exceptional circumstances, if it is considered a required return will not be appropriate. The aim is for families to depart before reaching this stage of the process. An independent family returns panel will scrutinise individual return plans to make sure they safeguard and promote the welfare of the children involved.</p> <p>Most families are offered a return through the three stages of this process. However, in</p>	Related links Links to staff intranet removed
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	<p>exceptional cases families may be judged unsuitable for assisted or required return because a member of the family poses a high risk of harm to themselves or others. This will include some criminal cases.</p> <p>The family return conference</p> <p>The assisted and required returns processes start with the family being invited to two meetings, which are held at least two weeks apart. The family return conference is the first meeting. The key objectives of the conference are to:</p> <ul style="list-style-type: none"> • help the family understand they must now return to their home country and prepare to do so • make sure the family are aware of all departure options, including the assisted return routes • identify any new barriers to return and start to manage them • agree a timescale going forward to departure. <p>Depending on the children's age and understanding, they should be involved in these meetings, as they are designed to help the family to understand their position. The ZH (Tanzania) case found that consulting children was a good way of discovering their own views if they are affected by the removal of a parent and when these views are obtained they can be taken into account during the family return conferences.</p> <p>The family departure meeting</p> <p>The family departure meeting must take place at least two weeks after the family return conference, so the family will have a reasonable opportunity to consider their options for return. At the family departure meeting the family is given the opportunity to share their views on their return and to discuss assisted return options for the final time. If the family choose an assisted return, the arrangements for this will be made. If the family decline an assisted return, the required return stage will be explained to them so they are fully aware of their options for return.</p> <p>These meetings are coordinated by the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)) responsible for the return of the family. Only staff who have attended the family return conference training module may</p>	
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	<p>participate in these meetings.</p> <p>In cases where a family with children has reached the ensured return stage of the process, the returns processes set out in chapter 45 and 55.9 of the Enforcement Instructions and Guidance (EIG) must be followed. This includes obtaining advice from the independent family returns panel as to whether the return plan represents an appropriate method of return and takes sufficient account of the need to safeguard and promote the welfare of the children. For more information, see section 45.6 of the related link: 45 Family cases.</p> <p>The process outlined above must be followed in criminal casework cases wherever possible. It will be the usual process for families if the foreign national offender (FNO) is living in the community with their family. In these cases, once all other barriers to removal are cleared, the ICE team must be asked to lead on the family return. Criminal casework will continue to be responsible for clearing any barriers to removal that might arise during the family return process.</p> <p>In cases where the FNO is either serving a prison sentence or is detained under immigration powers, the return of the family will be the joint responsibility of criminal casework and the ICE team. In these cases some variation from the usual process will be necessary but in all cases of 'ensured return' criminal casework will seek the advice of the independent family returns panel.</p> <p>Risk management must be carried out when dealing with all family cases. Special arrangements must be considered for all high risk and multi agency public protection arrangements (MAPPA) cases, and some options open to lower risk offenders may not be suitable for those deemed to be high risk, such as residence in open accommodation.</p>	
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Family returns in non-detained criminal casework cases

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This section tells you about family returns in criminal casework cases when the whole family are non-detained.</p> <p>If the foreign national offender (FNO) is living in the community with their family, the case must be referred to the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)) for return in line with the family returns process. Referral must only be made once the following conditions are met:</p> <ul style="list-style-type: none">• There are no known casework barriers, such as outstanding applications or submissions to remain or other medical or compassionate barriers to the family's return.• There are no known documentation barriers to the family's return or existing documentation barriers are considered likely to be resolved in parallel with the return process.• There are no legal barriers, such as:<ul style="list-style-type: none">○ pending immigration appeals○ judicial reviews of removal decisions○ rule 39 indications, or○ any other litigation that has the effect of suspending return.• It is known where the family resides. It is preferable that families entering the returns process have a reporting requirement to allow for good contact throughout the process. Families who are recorded as absconders must go through the absconder tracing process first.• Immigration Enforcement is in a position to set removal directions and the logistics of planning a return home for the family can be achieved in a timely manner.	<p>In this section</p> <p>Referring cases to the immigration compliance and engagement (ICE) team</p>
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Referring cases to the immigration compliance and engagement (ICE) team

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells you about referring criminal casework family cases to the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)).</p> <p>Non-detained criminal casework cases which need to follow the family returns process must be referred to the relevant ICE team using the criminal casework referral form (ICD.4448). If there are more than five family members you must also complete an ICD.4448A. The form must be fully completed with all relevant information before the referral can be made and a copy of the completed family welfare form must accompany the referral form.</p> <p>To find the relevant ICE team see related link: LIT finder.</p> <p>While the ICE team will lead on the removal actions, you will keep responsibility for all caseworking aspects of the case until removal directions are set. You are not expected to attend family return conferences or family departure meetings. However you must make sure you are available for contact by telephone during the time the meetings are taking place, in case any issues arise that require your immediate consideration.</p>	Links to staff intranet removed
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Family returns in detained criminal casework cases

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This section tells you about managing family returns if a family member is a detained foreign national offender (FNO). This applies to serving prisoners and immigration detainees.</p> <p>The return of families of a detained FNO will normally be a joint endeavour between:</p> <ul style="list-style-type: none">• the criminal casework caseworker• criminal casework prison operations and removals team (PORT) staff, and• the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)). <p>You are responsible for arranging the return of the FNO, and the ICE team is responsible for arranging the return of family members living in the community. criminal casework PORT staff will attend the family return conferences and family departure meetings both in the prison or detention centre with the FNO, and in the community with the family members. Close coordination between the criminal casework caseworker, criminal casework PORT and the ICE team when managing these cases is essential.</p> <p>The return process will generally follow the three stages outlined in the link on left: Overview of the family returns process.</p> <p>The preference is always to remove the family as a single unit. Family members of detained FNOs will, if possible, be given the same opportunities to exercise control over their departure as families without an FNO member. This means that, assuming the family chooses not to depart voluntarily, family members may go through the required returns process (see related link: Stage two – required return), while the FNO is removed through the ensured returns process.</p> <p>In exceptional circumstances, if the family is considered unsuitable for the required returns stage, it may be appropriate to apply the ensured returns route to the entire family, without going through the required returns route. For example, if a member of the family poses a</p>	<p>In this section</p> <p>Referring cases to the criminal casework prison operations and removals team</p> <p>Related links</p> <p>Stage two – required return</p>
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	<p>high risk of harm to themselves or others. This will only be possible following advice from the independent family returns panel. Family cases with a detained FNO will always follow the ensured return process, unless the FNO is returning voluntarily, in which case the panel will be able to decide whether the non-detained family members can be allowed to self check-in where appropriate.</p> <p>The consequence of this approach may be to separate families during the returns process. This could occur if families do not comply with the process, but the decision is made to continue with the deportation of the FNO. Interactions with the FNO's family members must therefore set clear departure options for the family, in relation to the deportation of the FNO.</p> <p>It must be made clear if the children are in the care of their other parent, the deportation of the FNO can proceed even if attempts to remove family members do not succeed at the first attempt. If the FNO is returned without family members, the intention is always to reunite the family in their home country.</p>	
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Referring cases to the criminal casework prison operations and removals team

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells you how to refer a criminal casework family returns case to the prison operations and removals team (PORT).</p> <p>In criminal casework cases, if one or more of the family members are detained, criminal casework PORT will coordinate the family return conference and family departure meeting with the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)).</p> <p>Cases must be referred to the PORT diary desk, using the PORT referral form (ICD.4448/ICD.4448A). This must be fully completed with all the relevant information before the referral is made. The referral form must be accompanied by a fully completed family welfare form.</p>	Links to staff intranet removed
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The returns process

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This section tells you the returns process for families dealt with by criminal casework.</p> <p>All family return cases must have a fully completed family welfare form (FWF). The FWF is a multi-purpose document consisting of eight sections. It is the basis on which key operational decisions, including job-specific risk assessments are made for each family case. It is also used as part of the referral process to the:</p> <ul style="list-style-type: none">• immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs))• criminal casework prison operations and removals team (PORT)• independent family returns panel, and• the family returns unit (FRU), to assist in the booking of accommodation for families. <p>It is very important a FWF is included on each family case file from the start of each family claim, and the information in the FWF is fully detailed, accurate and regularly updated with any changes to the family's circumstances.</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>	<p>In this section</p> <p>Stage one – assisted return</p> <p>Stage two – required return</p> <p>Stage three – ensured return</p> <p>The family returns panel</p> <p>Family separation for return purposes</p> <p>Setting removal directions</p> <p>Further representations and judicial reviews</p> <p>Removal outcomes</p> <p>Links to staff intranet removed</p>
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The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted – do not disclose – end of section

For more information on the returns process for family cases in criminal casework, see related links:

- Stage one – assisted return
- Stage two – required return
- Stage three – ensured return
- The family returns panel
- Family separation for return purposes
- Setting removal directions
- Further representations and judicial reviews
- Removal outcomes.

Managing the return of families with children

Stage one - assisted return

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This section tells you about stage one of the family returns process for criminal casework cases, assisted return.</p> <p>The assisted return stage aims to make sure all family members correctly understand their own current immigration status in the UK and are informed of their options for returning home. If there are young children this includes their parents understanding the status of the children. Families will have a dedicated family return conference (FRC) to discuss the options available to them, and are encouraged to start making arrangements for their return.</p> <p>In all criminal casework cases:</p> <ul style="list-style-type: none">• the criminal casework caseworker• criminal casework prison operations and removal team (PORT) staff, when there is a detained foreign national offender (FNO), and• Immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)) staff <p>must always have pre-meetings before the FRCs and family departure meetings (FDMs) take place. This makes sure all parties have the latest information about each case and a consistent approach is followed. This pre-meeting can be conducted by telephone conference.</p> <p>The family returns conference (FRC)</p> <p>The FRC is run by a designated, specifically-trained chair person. This makes sure risks, including the risk of threats of self-harm and/or threats to harm the children within the family, can be managed. The FRC must be attended by the following:</p> <ul style="list-style-type: none">• Immigration Enforcement staff – this will be a caseworker or other Immigration Enforcement officer who has completed the mandatory training in handling children and family cases. Criminal casework caseworkers will not be expected to attend FRCs	<p>In this section</p> <p>Arranging family return conferences and family departure meetings</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>or FDMs. However they must make sure that they are available for contact by telephone during the time that the meetings are taking place, in case any issues arise that require their immediate consideration.</p> <ul style="list-style-type: none"> • The parents and adult members of the family unit. <p>The FRC may also be attended by the following, on an optional basis:</p> <ul style="list-style-type: none"> • The children of the family unit. Where appropriate, you must consider involving children in decision making which impacts on them, but parents should generally determine whether they wish their children to attend. • A legal representative. • A friend, key worker, or community representative. <p>The FRC will not usually be undertaken until the FNO is within six months of their earliest release date (ERD). The other criteria that must be fulfilled before an FRC can be arranged are set out in chapter 45 of the enforcement instructions and guidance (EIG). For more information, see related link: 45 Family cases.</p> <p>The key purposes of the FRC are outlined above and full details of the content and structure of the meeting are set out in chapter 45 of the EIG. In addition to this a conference involving an FNO family member must also cover:</p> <ul style="list-style-type: none"> • The benefits available to FNOs returning under the facilitated return scheme (FRS), along with eligibility criteria and the application process. • An explanation of the differences between deportation and administrative removal, and the possibility that deportation of the FNO may continue even if the family does not comply with the returns process. <p>The family departure meeting (FDM)</p> <p>The FDM will occur at least two weeks after the FRC, and is the stage at which the route to return is determined for all parties. The key purposes of the FDM and full details are set out in chapter 45 of the EIG.</p> <p>For more information on arranging an FRC or an FDM, see related link: Arranging family</p>	
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	return conferences and family departure meetings.	
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Arranging family return conferences and family departure meetings

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers how to arrange family return conferences (FRCs) and family departure meetings (FDMs), when managing the return of families with children.</p> <p>You must arrange the FRCs and FDMs in non-detained cases while liaising with the relevant immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)). Before the conferences and meetings are arranged, you must contact the family to ask for their preferences for the meetings. If the family includes a detained foreign national offender (FNO) you must ask whether the family want a joint conference between the FNO and the non-detained family members, or separate conferences. They can also specify where they want the conferences and meetings to take place and who they want to be present. It must be made clear that it may not be possible to comply with their wishes, as practical and security issues must also be taken into account.</p> <p>You must also consider the children, if the parents want them to be present, and not arrange these events for times when the children have important commitments, such as exams.</p> <p>If the FNO is detained, and the family require a joint meeting, the family conferences should be arranged, if possible, to allow the whole family to participate. The options available will vary from case to case, but the following must be considered:</p> <ul style="list-style-type: none">• Holding the meeting in the prison visitor facilities, where possible.• Holding the meeting in the immigration removal centre (IRC) family unit.• Conducting a video-conference with the family at the reporting centre and the FNO at the location of their detention. In these cases the FNO must be accompanied by a member of suitably-trained prison operation and removals team (PORT) staff throughout the meetings. <p>In exceptional circumstances, where no other arrangements can be made and the family have requested a joint meeting, separate meetings may have to be held with the FNO and their family. If this occurs it is essential full notes are taken of the meetings, and each party</p>	Related links Links to staff intranet removed
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	<p>receives a copy of the notes from the other meeting.</p> <p>If the FNO is a single parent in prison or immigration detention, a meeting with a member of PORT staff can be carried out instead of a FRC. If possible, the FNO should be given the opportunity to invite others, such as a legal representative, community support group representative or friend to this meeting. If the FNO is a single parent, and the children are aged 12 and over, you must take into account the views of the children. You can get advice about ways in which to get their views from your senior caseworker.</p> <p>If the family need to travel to attend the FRC or FDM and they are non-detained and financially unsupported, you can arrange for travel tickets to be provided. For more information see related link: Facilitating non-detainees' travel to essential events.</p>	
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Stage two – required return

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells you about stage two of the family returns processes for criminal casework cases, required return.</p> <p>The required return process is the first attempt to secure the return of families who are not prepared to return voluntarily. The key objectives of the process are to:</p> <ul style="list-style-type: none">• Make sure removal directions are served with at least two weeks notice while the family remain living at home. This provides the family with a final opportunity to present further submissions and access the courts.• Achieve successful departures without the need for ensured return.• Make sure further submissions, legal challenges or other issues raised by families are addressed promptly and professionally. <p>A required return involves the setting of self check-in removal directions, either where the family make their own way to the airport, or where Immigration Enforcement send transportation, such as a taxi, if the family request this.</p> <p>Required returns and detained foreign national offenders (FNOs)</p> <p>The expectation is that family members of detained FNOs will normally be offered the opportunity to depart using self check-in under the ensured returns route while the detained FNO is escorted from the place of detention to the plane (see related link: Stage three – ensured returns). This will need the agreement of the family returns panel. In such cases a returns plan must be prepared jointly by:</p> <ul style="list-style-type: none">• the criminal casework caseworker• criminal casework prison operations and removal team (PORT), and• the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)). <p>This must cover the detailed plan for coordinating removals and contingency plans for all eventualities, including whether the FNO can be removed without family members, as it is in</p>	<p>Related links</p> <p>Stage three – ensured returns</p> <p>Links to staff intranet removed</p>
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	the public interest, where the family does not comply with self check-in removal directions.	
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Stage three – ensured return

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This section tells you about stage three of the family returns process for criminal casework cases, ensured return.</p> <p>This route is for families who:</p> <ul style="list-style-type: none">• Have been through the assisted and required return stages, and failed to comply. That is where families have failed to complete an event or action to depart under assisted or required return. For example:<ul style="list-style-type: none">○ the family fail to attend a family return conference or family departure meeting, or they cannot be located to effectively serve self-check-in removal directions○ the family fail to turn up at the airport on the day of departure or disrupt return on the day of departure so that the returns operation is stopped.• Are exceptional cases, where they are judged unsuitable for assisted or required return, because a member of the family posed a high risk of harm to themselves or others. In criminal casework cases, the ensured route might also be appropriate where:<ul style="list-style-type: none">○ The foreign national offender (FNO) is detained. In these cases the panel can still consider the return of non-detained family members by self check-in where appropriate.○ Both parents are detained FNOs who are considered to pose a high risk to the public.○ The FNO is subject to multi agency public protection arrangements (MAPPA).○ The FNO is returning under the early release scheme (ERS). <p>There are five ensured return options available:</p> <ul style="list-style-type: none">• Escorted check-in – without further notice.• Escorted check-in – with further full notice.• Escorted check-in – with limited notice.• Return through open accommodation, undertaken on a voluntary basis,• Return through pre-departure accommodation (further details about this option appear in chapter 55.9.4 of the enforcement instructions and guidance (EIG) and caseworkers	<p>In this section</p> <p>Contingency plans for return of a foreign national offender reunited with a child</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>must familiarise themselves with this before proceeding, see related link: 55 Detention and temporary release).</p> <p>To pursue the ensured returns route, the following steps must be followed by the criminal casework caseworker and criminal casework prison operations and removals team (PORT), where applicable in liaison with the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)):</p> <ul style="list-style-type: none"> • Decide which ensured return options to propose in the family returns plan and record the reasons for this decision, for example why these options are considered to be the most suitable, and how they best safeguard the children in the family. • Decide whether any other options should be pursued at the same time. • Include details of any contingency plans as appropriate in the return plan, including: <ul style="list-style-type: none"> ○ whether a detained FNO can be deported alone if family members do not self check-in, or if they abscond ○ what should happen if the return fails ○ whether accommodation should be booked as a contingency in case return fails and, if applicable, what type of accommodation – open, pre-departure or Tinsley House, Gatwick Airport ○ what to do if an FNO single parent has been reunited with their dependants at the airport and the returns fails, for more information see related link: Contingency plans for return of FNO's reunited with a child ○ any special arrangements necessary where there is a risk of illness or a threat of self-harm. • Make a referral to the family returns panel. • Implement the actions in the return plan in accordance with the advice from the panel. <p>A variety of options will be open to the caseworker in drawing up the return plan. These include:</p> <ul style="list-style-type: none"> • variation of reporting restrictions • electronic monitoring, though this is to be used sparingly • family separations, in exceptional cases • limited advance notice of removal directions 	
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	<ul style="list-style-type: none"> • open accommodation • pre-departure accommodation • accommodation at Tinsley House, Gatwick Airport – this is available for families which are considered to be too high risk for pre-departure accommodation. <p>Families with children pending deportation should not be in Tinsley House or pre-departure accommodation for more than 72 hours, although under exceptional circumstances, it may be possible to extend this to a maximum of seven days. Ministerial authority is required for detention under these circumstances. For more information, see related link: 55 Detention and temporary release.</p>	
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Managing the return of families with children

Contingency plans for return of a foreign national offender reunited with a child at departure

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells you about contingency plans for the return of a foreign national offender (FNO) who has been reunited with a child at the point of departure.</p> <p>When criminal casework is returning a parent who is being reunited with a child at the airport, you must consider what to do if the return fails. You must first decide whether to release the FNO with their child.</p> <p>If detention of the FNO is justified, you must seek to retain involvement of the person who was looking after the child until the flight departs. This will make sure there is continuity of care. If this is not possible, you must consider accommodating the child overnight with the parent whilst alternative arrangements for the care of the child are made.</p> <p>In the case of an assisted return, which will not go to the family returns panel, you must liaise with the family returns unit (FRU) in good time before the proposed removal, to make sure pre-departure accommodation or accommodation at Tinsley House is suitable and available.</p> <p>The FRU need a copy of the family welfare form (FWF) before the booking is confirmed. You must remember pre-departure accommodation is only suitable if the parent has completed their custodial sentence at the point of removal. If the parent is not time-served, Tinsley House will be the appropriate contingency if the removal fails.</p> <p>If you decide it is appropriate for the family to be accommodated in pre-departure accommodation or in Tinsley House as a contingency, you must get director level authority before the accommodation is used.</p> <p>The time limits for the use of accommodation set out in Stage three – ensured return (see related link) apply. But in most cases the child's stay should be for no more than one night. You must take this into account when considering the timing of returns where contingency arrangements may be needed. The FRU will notify the family returns panel of these contingency cases in order for the panel to maintain a broad oversight, but individual cases</p>	<p>In this section</p> <p>Stage three – ensured return</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>do not need to be referred to them, as they fall outside of the family returns process. For each person accommodated at Tinsley House, Gatwick Airport, for this purpose, you must still complete forms IS.91 (authority to detain) and IS.91R (reasons for detention).</p> <p>In cases considered to be suitable for release, a contingency release referral must be sent to the strategic director and must take into account where the FNO and their child will stay should the return fail.</p> <p>You must monitor the return, and if it fails, review the case as soon as possible to establish whether removal directions can be reset. Because the use of accommodation is only a contingency and there are strict time limits, in most cases if the family are accommodated overnight, it will be necessary to make alternative arrangements for the child's care pending a further return attempt.</p> <p>Immigration Enforcement anticipates any stay in Tinsley House should normally be no more than overnight. Ministerial authority is needed if the stay in pre-departure accommodation or Tinsley House will exceed 72 hours.</p> <p>If any child safeguarding concerns arise after the FNO and their children have been reunited, staff must be prepared to review and, if necessary, stop the removal. It is important, where concerns are noted, staff do not continue with the removal, as the Section 55 responsibilities must be taken seriously at all times.</p> <p>For more information about these options, and full guidance on making referrals to the family returns panel for the enforced return route, see related link: 45 Family cases.</p>	
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Managing the return of families with children

The family returns panel

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers about the family returns panel and how to refer cases involving the return of families with children to the panel.</p> <p>Once:</p> <ul style="list-style-type: none">• the criminal casework caseworker• criminal casework prison operations and removals team (PORT) where appropriate, and• the immigration compliance and engagement (ICE) team (formerly known as local Immigration team (LIT)) <p>have drawn up the family return plan, the case must be referred to the relevant criminal casework assistant director for authority to refer to the independent family returns panel for advice.</p> <p>The panel advises whether the return plan is an appropriate method of return, which sufficiently considers the safeguarding and welfare needs of the children. The panel may advise amendments are made to the plan in order to achieve this.</p> <p>In all cases, the referral document is the family welfare form (FWF). The form must have been fully completed, up to and including section 5. The FWF is the ongoing record of Immigration Enforcement's dealings with a family, and must be used to refer a case to the assistant director for authority to refer to the panel, and will also be used as the panel referral document, along with a copy of the factual summary. The FWF is also the booking form for open and pre-departure accommodation and a record of the reasons for the decisions taken in respect of the family.</p> <p>For full details of the referral process to the family returns panel, see Section 45.6 of related link: 45 Family cases.</p>	Related links Links to staff intranet removed
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Managing the return of families with children

Family separation for return purposes

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers when it may be appropriate to separate a family for return purposes.</p> <p>There may be circumstances that justify separating a family at the point of return. If this is appropriate, it must be included in the return plan submitted to the family returns panel for advice. Separating a family at the point of return is a very serious decision, and must only be considered in the most serious cases of non-compliance. A family separation can be distressing for a child, and such a decision must take into account the need to safeguard and promote the child's welfare.</p> <p>You must always follow these principles:</p> <ul style="list-style-type: none">• Any family separation must be for the shortest time possible.• A full explanation must be given to the family, with the child or children present, if possible, including details of how and when the family will be reunited.• The expectation must be that, in most cases, the family will be reunited at the airport before their departure, and will fly home together. However, under some circumstances, it may be appropriate to recommend separating the family and sending them on separate flights to be reunited at their destination.• Decisions to separate a family must only be made when it is clear that the children can be adequately cared for by the parent who remains with them, taking account of the age of the children, their particular needs and the capacity of the parent to look after them. <p>For more information on making sure that family unity can be maintained, see section 45.7 of related link: 45 Family cases.</p>	Related links Links to staff intranet removed
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Managing the return of families with children

Setting removal directions

About this guidance	This page tells criminal casework caseworkers about setting removal directions for the return of families with children.	
Underlying principles of the process		
Definitions	You must serve removal directions on the foreign national offender (FNO). If the FNO is in detention and the family are in the community, you must liaise with the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)) dealing with the family return so the return of all family members, including the FNO, can be co-ordinated.	
Overview of the family returns process	If you are seeking to remove the family through the required route, removal directions, either self check-in or assisted check-in, must be served at least two weeks ahead of the scheduled removal. This gives the family enough time to submit any last minute further representations, or if they seek to comply with the removal, to get their affairs in order. These directions must be simultaneously served on any known legal representative.	
Family returns in non-detained CCD cases		
The returns process	Through the family return conference, you must make sure all family members, including the children, understand what this means and the consequences of failing to comply with these instructions. ICE team family case owners will contact social services and education providers, if appropriate, as recorded in the family welfare form, to confirm the family's departure date.	
Mother and baby cases	You must review the family's reporting requirements and make sure they continue to regularly report during the period before their planned departure. Family case owners may decide to have additional contact through regular telephone conversations. This is both to confirm their continued compliance and, as importantly, to continue to support and build family engagement. By maintaining regular contact with families, right up to the point of their planned departure, the aim is to support and address any remaining issues they have, or obstacles that may present. This includes confirming that the family has all their necessary medication, and any other essential needs are met.	

Managing the return of families with children

Further representations and judicial reviews

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers about dealing with further representations and judicial reviews when managing the return of families with children.</p> <p>If further representations are raised by the family, they must be responded to appropriately in accordance with the Immigration Rules.</p> <div data-bbox="465 504 1639 758"><p>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>Restricted – do not disclose – end of section</p></div> <p>Immigration Enforcement consider whether to request the court to prioritise the case and look at it quickly. Usually Immigration Enforcement only request this if the person or family being removed are in detention. The majority of family members, and many foreign national offenders (FNOs), will not be detained at this point in the process. However, there may be family welfare issues which might mean it is appropriate to look at the judicial review quickly.</p> <p>Once further representations and judicial reviews have been resolved, removal directions can be quickly reset. A second two week notice period is not offered, but a minimum of 72 hours' notice is given, in accordance with existing judicial review policy.</p> <p>For more information on judicial reviews, see related links: 60 Judicial review and injunctions.</p>	Related links Links to staff intranet removed
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Managing the return of families with children

Removal outcomes

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers about removal outcomes of return cases involving families with children.</p> <p>After the family returns panel has advised on the return plan, you can proceed to implement the plan. The plan will normally have one of three outcomes:</p> <ul style="list-style-type: none">• Family removed – If the family have all been removed, you can proceed with the normal post-removal action. For more information, see related link: Post removal action.• Foreign national offender (FNO) and family not removed – If this happens, you must establish the reason for the failure of the removal and consider the next course of action. For more information, see related link: 45 Family cases.• FNO removed and the family are not removed – If this happens, and the family are being administratively removed, the responsibility will transfer to the immigration compliance and engagement (ICE) team (formerly known as local immigration team (LIT)). If the family members are being deported, you must deal with their return but removal will still be effected by the ICE team. For this situation to be legally acceptable, Article 8 considerations must not outweigh the benefits of deportation. If there are any Article 8 needs, it is important that family are re-united as soon as possible. <p>The family returns panel will receive feedback on all removals, whether successful or not. They will look at:</p> <ul style="list-style-type: none">• how the family are affected by the return• what difficulties occurred, and• whether the needs of the children were fully catered for. <p>This information will be used by the panel to develop its understanding of cases and as the basis for any future advice it provides.</p>	Related links Links to staff intranet removed
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Managing the return of families with children

Recording the details of the case

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers about the importance of recording the details of cases, which go through the family returns process.</p> <div><p>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>Restricted – do not disclose – end of section</p></div>	Links to staff intranet removed
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Managing the return of families with children

Mother and baby cases

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page tells criminal casework caseworkers the process for returning female foreign national offenders (FNOs) who have babies and are classed as mother and baby cases.</p> <p>A female FNO who is pregnant or has a child under 18 months old can apply to serve her sentence in a mother and baby unit. If at the end of that sentence, the child is still with the FNO, return must be considered under the four stages of this process. Every effort must be made to make sure removal takes place before the end of sentence.</p> <p>There may be some cases where removal is imminent and detaining the FNO is still appropriate. This may include cases where the timing of flights means it is not possible to arrange return before the end of sentence, but the return is planned to take place very soon afterwards, and the FNO has no address to be released to. These cases may need to be referred to the family returns panel and returned under ensured return options, as the mother and baby may need to be accommodated in open accommodation, pre-departure accommodation, or exceptionally Tinsley House, Gatwick Airport, before return. You must note where the mother is a single parent, Immigration Enforcement cannot separate the mother and baby for detention purposes.</p> <p>There may be cases when a mother and baby are being returned during the early removal scheme (ERS) period. If it is not possible for the mother and baby to get to the airport from the prison on the day of return, they may need to be temporarily placed in Tinsley House on the night before their flight. This is because it is not appropriate to separate the mother and baby, and the mother cannot be moved to non-detained accommodation during the ERS period, as she continues to be a serving prisoner and can only be released from prison for the purposes of removal.</p> <p>These cases do not need panel advice. However they must be included in management information provided by the family returns unit (FRU) to the panel on the use of Tinsley House in order for the panel to maintain oversight. You must liaise with the FRU in good time before the proposed removal to make sure accommodation at Tinsley House is suitable and available. The FRU need a copy of the family welfare form before the booking is</p>	Related links Stage three – ensured return The family returns panel Links to staff intranet removed
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	<p>confirmed.</p> <div data-bbox="465 226 1639 481" style="border: 2px solid red; padding: 10px;"> <p>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>Restricted – do not disclose – end of section</p> </div> <p>For more information on handling young offenders (FNOs who are under 18 years of age) see related link: Managing foreign national prisoners who are under 18.</p>	
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Managing the return of families with children

Contact

About this guidance Underlying principles of the process Definitions Overview of the family returns process Family returns in non-detained CCD cases The returns process Mother and baby cases	<p>This page explains who to contact for more help with a specific case on the family return process for criminal casework cases.</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 the question cannot be answered at that level, you may email the criminal casework operational process and policy team (CCOPPT) using related link: Email CCD process team.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending, you must contact CCOPPT, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	Related links Changes to this guidance Information owner Links to staff intranet removed
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Managing the return of families with children

Information owner

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[Underlying principles of the process](#)

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[Family returns in non-detained CCD cases](#)

[The returns process](#)

[Mother and baby cases](#)

This page tells you about this version of the managing the return of families with children guidance and who owns it.

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Cleared by director	Richard Quinn
Director's role	Director, criminal casework directorate
Clearance date	4 October 2011
This version approved for publication by	Richard Short
Approver's role	Assistant director, modernised guidance team
Approval date	17 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 CCD process team, who will ask the MGT to update the guidance, if appropriate.

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

Related links

[Changes to this guidance](#)

[Contact](#)

Links to staff intranet removed