

# Removals caseworker instructions

## Removals caseworker instructions

### About this guidance

<a href="#">Where to find guidance</a>	<p>This guidance tells removals caseworkers how to process cases.</p> <p>Work is ongoing on this guidance and more will be produced over the coming months.</p> <p>You can access the guidance that is available through the links on the left.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p><b>In this section</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Removals caseworker instructions

### Changes to this guidance

<a href="#">Where to find guidance</a>	This page lists changes to the Removals caseworker instructions, with the most recent at the top.		<b>Related links</b> <b>See also</b> <a href="#">Contact</a> <a href="#">Information owner</a>				
	<table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>17 July 2013</td><td>New guidance produced by the removals casework transformation team and the modernised guidance team.</td></tr></table>	Date of the change	Details of the change	17 July 2013	New guidance produced by the removals casework transformation team and the modernised guidance team.		
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### Where to find guidance

<a href="#">Where to find guidance</a>	<p>This page tells removals casework staff where to find guidance, case law or legislation.</p> <p>You can access this guidance through related links.</p> <p><b>Immigration Rules</b> The Immigration Rules lay down the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the UK.</p> <p><b>Asylum, immigration and nationality</b> In this section you can find information and guidance on work tools and guides available to staff of the Home Office.</p> <p><b>CROS ETD country reference guide</b> This guidance and guide tells you whether European Union letter (EUL) or emergency travel documents (ETD) are used for removal to a particular country.</p> <p><b>Country of origin information (COI)</b> This section contains information about individual countries from the country of origin information (COI) reports and requests, operational guidance notes (OGN) and intelligence sources. The COI reports provide information on the local situation regarding human rights that may affect claims. Documents required for removal, forged and specimen documents are also available for some countries. To access this guidance, see related link: A to Z list of countries.</p> <p><b>European Union letter (EUL)</b> This section tells you what you must consider before preparing a European Union letter (EUL) and how to complete it for removal purposes.</p> <p><b>Chicago convention letter (CCL)</b> This page explains when you can use a Chicago convention letter (CCL) and the procedures you must follow when issuing a CCL. The CCL is also known as a Chicago convention</p>	<p><b>Related links</b> <b>See also</b> Links to staff intranet removed</p> <p><b>External links</b> <a href="#">Immigration Rules</a></p> <p><a href="#">International Civil Aviation Organization (ICAO)</a></p> <p><a href="#">Immigration &amp; Asylum Act 1999 (section 10)</a></p> <p><a href="#">Immigration, Asylum and Nationality Act 2006 (section 47)</a></p>
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document (CCD). A CCL must only be used if a passenger presents either a forged travel document or holds no travel document and there is evidence of travel to the UK from a country which has signed the Chicago convention. You can check on the International Civil Aviation Organization's (ICAO) website.

### **Emergency travel documents**

This section explains how to apply for an emergency travel document (ETD). An ETD is a travel document issued by a high commission, embassy or consulate for enforced removals. An ETD must be used for removal when a person does not have a passport or cannot be removed on a European Union letter (EUL) or Chicago convention letter (CCL).

### **Further submissions**

This guidance sets out the policy, processes and procedures to be followed when considering further submissions. This instruction provides guidance on:

- applying paragraph 353 of the Immigration Rules
- certifying claims under section 96 of the Nationality, Immigration and Asylum Act 2002.

### **Considering human rights claims**

This section contains policy and process guidance on the consideration to be given to human rights issues which are raised alongside a removals claim or are inherent in that claim.

### **Human rights claims on medical grounds**

This guidance tells you how to recognise and consider applications for permission to stay in the UK on human rights medical grounds when the applicant is already here. Human rights claims on medical grounds rely on the following articles of the European Convention on Human Rights (ECHR):

- article 3 - inhuman or degrading treatment and/or
- article 8 - respect for private life, including moral and physical integrity

### **Human rights (considering suicide threats)**

This page tells you how to consider applications for permission to stay in the UK based on

	<p>human rights medical grounds where the applicant is threatening suicide if they are removed.</p> <p><b>Human rights (humanitarian protection)</b>  This section provides guidance on granting humanitarian protection under the terms of the European Convention on Human Rights. It is not the same as asylum, which may be given only to those who are fleeing persecution, under the terms of the 1951 United Nations Convention Relating to the Status of Refugees. Humanitarian protection may be given to someone whom the Home Office believe does not qualify for asylum if there are humanitarian reasons for allowing that person to stay in the UK.</p> <p><b>Human rights (discretionary leave)</b>  This guidance explains the limited circumstances in which it may be appropriate to grant discretionary leave. Discretionary leave is granted outside the Immigration Rules. It must not be granted where a person qualifies for asylum, humanitarian protection, or where there is another category within the Immigration Rules under which they qualify</p> <p><b>Victims of domestic violence</b>  This guidance tells you how to consider applications from people who claim to have been victims of domestic violence.</p> <p><b>Section 94 of the Nationality, Immigration and Asylum Act 2002</b>  This guidance provides a certification process which removes the right for an in the UK (in country) appeal on certain Asylum and/or Human Rights claims (s84(1)). The power can only be used in cases where the claim is considered to be ‘clearly unfounded’ and strict criteria must be met before certifying.</p> <ul style="list-style-type: none"> <li>• an applicant resides in a state listed in section 94 (4) (designated states)</li> <li>• an applicant resides outside of one of the designated states but whose claim is considered ‘clearly unfounded’ under section 94(2). This is referred to as case-by-case certification.</li> </ul> <p><b>Extenuating circumstances</b>  Exceptional circumstances should be considered as part of the process of removals</p>	
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	<p>caseworkers keeping their cases under review in cases where:</p> <ul style="list-style-type: none"><li>• an asylum or human rights claim has been refused</li><li>• appeal rights have been exhausted, and</li><li>• no further submissions exist.</li></ul> <p>In these cases paragraph 353B of the rules is to be applied.</p> <p><b>IDI Chapter 8 Appendix FM</b> Immigration directorate instructions (IDI) Appendix Family Members (FM) sets out the requirements to be met to qualify for the right to leave to enter or remain in the UK on the basis of family and private life including Article 8 of the European Convention on Human Rights (ECHR) and the need to safeguard and promote the welfare of children in the UK.</p> <p><b>Long residence and private life</b> This guidance tells you how to consider settlement and leave to remain (LTR) applications from people applying on the basis of long residence in the UK.</p> <p><b>The harm matrix</b> The harm matrix is a tool to assess the level of harm in a particular case and/or individual. Its intention is to provide a simple and intuitive tool that allows decision makers across the Home Office to assess harm in a consistent way.</p> <p><b>51 Administrative removal</b> This guidance describes the process for, and the effect of, serving administrative removal decisions on those that have:</p> <ul style="list-style-type: none"><li>• Under section 10 of the Immigration &amp; Asylum Act 1999:<ul style="list-style-type: none"><li>○ overstayed</li><li>○ breached a condition of leave to enter or remain</li><li>○ sought or obtained leave to remain by deception</li><li>○ indefinite leave revoked because they have ceased to be a refugee</li><li>○ family members of the above</li></ul></li><li>• Under section 47 of the Immigration, Asylum and Nationality Act 2006:</li></ul>	
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- had a decision to refuse to vary or to curtail leave, and a decision is being made to administratively remove when statutorily extended leave comes to an end.

**50 (EEA) - EEA Administrative removal**

This guidance gives instruction for assessing whether to administratively remove an EEA national, or a family member of an EEA national.

**Identification of potential Third Country Unit (TCU) cases**

This provides guidance on the steps that need to be taken to identify potential TCU cases and how to refer them.

**Deportation under conducive and court recommended powers – the 1971 Act**

This page tells you what to do when a case does not meet the criteria for automatic deportation.

Foreign national offenders (FNOs) who do not meet the automatic deportation requirements must be considered for deportation using conducive and court recommended powers under sections 3(5) or 3(6) of the Immigration Act 1971 (the 1971 Act) respectively (that is people with court recommendations on sentences of less than 12 months and those with aggregate sentences).

**Biometric information**

This page tells you what a biometric residence permit (BRP) is and about the processes you must follow to enroll an applicant's biometric information.

**The appeals process**

This section provides documents and guidance for the appeals process.



## Removals caseworker instructions

### Contact

<a href="#">Where to find guidance</a>	<p>This page explains who to contact for more help with the Removals caseworker instructions.</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:</p> <ul style="list-style-type: none"><li>• Removals casework transformation team.</li></ul> <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 the removals casework transformation team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p><b>Related links</b></p> <p><b>See also</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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## Removals caseworker instructions

### Information owner

#### [Where to find guidance](#)

This page tells you about this version of the Removals caseworker instructions and who owns it.

Version	1.0
Valid from date	17 July 2013
Policy owner	Removals casework transformation team
Cleared by director	Sonia Dower
Director's role	Director, operational policy and rules
Clearance date	12 July 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 the removals casework transformation team, who will ask the MGT to update the guidance, if appropriate.

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#### **Related links**

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

Links to staff intranet removed