



Home Office

Operation Nexus – High Harm

Version 1.0

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About this guidance

This guidance sets out Immigration Enforcement's definition of 'Nexus High Harm' and explains how the High Harm strand of Operation Nexus functions including referral procedures, information sharing agreements and casework capability.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Criminality Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance and publication

Below is information on when this version of the guidance was cleared:

- version 1.0
- published for Home Office staff on **15 March 2017**

Changes from last version of this guidance

This is a new piece of guidance.

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Introduction

This page tells you about the background to Operation Nexus and its two strands.

Background

Operation Nexus was initially rolled out by the Metropolitan Police Service and Immigration Enforcement (IE) in September 2012. It was officially launched by senior police and Home Office staff on 9 November 2012. West Midlands Police joined in June 2013, followed by Greater Manchester and forces from East Midlands in 2014. Police forces in Hampshire, Avon and Somerset and Sussex have all begun to engage with Operation Nexus High Harm as the operation continues to roll out across the UK.

The overarching aim of Operation Nexus is to improve the management of foreign nationals and foreign national offenders (FNOs) with a focus on strengthening cross-organisational working between the Home Office and police.

There are two strands to Operation Nexus:

Nexus Custody – Immigration Officers (IOs) deployed to designated police custody suites to examine all foreign nationals who are arrested. Cases identified as illegal entrants suitable for detention will be referred to Immigration Enforcement's National Removal Command or to the Removals Casework Command for case-progression.

Nexus High Harm – Police forces refer [High Harm](#) cases to the Nexus High Harm team where the individual is deemed to be a threat to the public. The Nexus High Harm team assess every referral and establish whether the known offending justifies referral for immigration enforcement action. This action can include administrative removal, conviction-led deportation and intelligence-led deportation

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[ICI Report – Operation Nexus 2014](#)

Definition of High Harm

This page sets out the operational definition for a High Harm for Operation Nexus cases.

Definition of High Harm for Operation Nexus

The applicable definition for High Harm cases is below:

For the purposes of Operation Nexus, Foreign National Offenders (FNOs) are considered as 'High Harm' cases **where their conduct incurs significant adverse impact, whether physical, emotional or financial, upon individuals or the wider community.**

The definition is drafted to enable police partners to identify High Harm FNO's within their jurisdiction. Police colleagues may choose to focus on specific offences or offending, where appropriate, provided the conduct or offending or behaviour engages the definition above.

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The Nexus High Harm team

This page tells you about the remit, structure and operation of the Nexus High Harm team.

Nexus High Harm team

The Nexus High Harm team consider direct referrals from police forces across England and Wales seeking to discuss cases deemed to be High Harm. It is also envisaged to engage with Police Scotland. The team provides a specialist casework resource to police partners and offers the capability to pursue both deportation and administrative removal against foreign nationals where appropriate.

The team consists of a **Nexus High Harm Referrals Office** based in Croydon which sifts and categorises cases with adverse police interest to identify cases that are already being processed within Criminal Casework and those suitable for tasking to the **Nexus High Harm Casework team** which is based in Liverpool.

Nexus Referrals

The Referrals Office works closely with police officers to review offending histories, available intelligence and immigration status. The team has a Duty Officer function to answer daily queries and ensure all pending criminal matters are suitably monitored. The Duty Desk will also monitor ongoing immigration litigation with a view to ensuring all cases are tasked to either Nexus Casework or Criminal Casework appropriately.

Staff from the Referrals Office work in Croydon alongside Metropolitan Police officers. They are also in daily contact with officers from all other forces engaged with Nexus High Harm. The Referrals Office also considers 'live-time' referrals from staff within police custody suites. Both Immigration Compliance and Enforcement (ICE) teams and Immigration Enforcement Command and Control Unit (CCU) will contact the Referrals Office should they encounter Nexus High Harm cases.

Nexus High Harm Casework

Nexus case-owners are non-suspensive appeal (NSA) accredited caseworkers with the capability to consider European Convention on Human Rights (ECHR) claims in both deportation and enforcement barrier casework for European Economic Area (EEA) and non-EEA nationals. The team also leads on intelligence-led deportation in cases where disclosable police material is utilised to justify deportation action where there are no convictions.

Nexus case-owners are specialists in reviewing disclosable police material in order to ascertain as to whether a subject's known conduct is sufficient to engage deportation powers. Nexus case-owners are in daily contact with police partners across the country to commission appropriate police statements.

Intelligence-led deportation

The Nexus High Harm team will pursue deportation based upon convictions (both in the UK and abroad) and seek to administratively remove immigration offenders in

accordance with existing processes, where deportation may not be the most appropriate option.

In addition to these removal routes, the Nexus High Harm team has the capability to assess disclosable material provided by police partners to ascertain whether it demonstrates sufficient harm to the public in order to justify deportation (in the absence of significant convictions).

Nexus material has been successfully relied upon to demonstrate harm to the public sufficient to justify deportation. The material is considered by the judiciary to be relevant to human rights considerations where the Home Office is seeking to defend its decisions to deport or remove in the face of legal challenge on human rights grounds.

The use of Nexus material is not restricted to deportation casework and can also be relied upon in cases subject to administrative removal where the case-owner deems it to be required and the subject is deemed High Harm by police partners.

The Senior Caseworkers within the Nexus High Harm team lead on the application of Nexus material within casework decisions taken by Immigration Enforcement.

The structure and content of the material must be specific to the case and only information pertinent to the case should be included. Nexus High Harm will normally request a summary of the available material before commissioning comprehensive statements to ensure that the material requested is relevant and applicable to the case.

The Specialist Appeals team will review all Nexus material in cases where the enforcement decision is to be challenged at appeal and will advise on potential issues of challenge or scrutiny.

There is extensive case-law on the use of Nexus material within Immigration Enforcement casework, including [Bah \(EO\) \(Turkey\) – \(liability to deport\) Sierra Leone \[2012\] UKUT 196 \(IAC\)](#) and [Farguharson \(removal – proof of conduct\) Jamaica \[2013\] UKUT 146 \(IAC\)](#).

Nexus High Harm: operational engagement

When seeking to detain or remove High Harm subjects the team will refer the case to the High Harm Chief Immigration Officers (CIOs) and Her Majesty's Inspector (HMI) within the team who authorise all operational engagement including arrests and detentions to be conducted by police partners.

The Nexus High Harm CIO or HMI will also take calls on urgent cases, 'live-time' referrals for immediate detention including out of hours and weekends.

The HMI or CIO engage in regular tasking discussions with operational colleagues to ensure all requests for operational support from police and operational partners are fully reviewed, quality assured and suitably risk-assessed (including requests for detention on reporting).

The Nexus High Harm team has a Duty Officer available from Monday to Friday to answer queries. Contact details for the Nexus High Harm team can be found below.

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Cases suitable for Nexus High Harm team

This page tells you about the type of cases that are suitable for referral to the Nexus High Harm team and the thresholds that referrals need to meet.

Cases the Nexus High Harm team can work on

All foreign nationals who receive a custodial sentence are referred to Home Office Criminal Casework by the National Offender Management Service for consideration for deportation.

Separately, foreign nationals may be referred to the Home Office Nexus High Harm team where the subject:

- holds valid immigration leave or is a European Economic Area (EEA) national, is the subject of **active** police interest **and** there is evidence that their conduct meets the definition of '[High Harm](#)' due to:
 - the provision of disclosable police material evidencing a **current and ongoing threat to the public**
 - persistent criminal activity that causes harm to the wider community- as a guide, this could be evidenced by 5 or more convictions within the previous 3 years **including** non-custodial sentences
- has no valid immigration leave **and** is subject to active police interest, which would make the subject a priority for immigration enforcement action to remove

Referrals will proceed where the evidence collated or presented can be reasonably deemed to support removal or deportation when balanced against immigration status and length of residence within the UK.

Different Case Types

All High Harm referrals will be triaged to identify whether they are appropriate for enforcement action. Where accepted, the case will be identified as 'Nexus High Harm' on immigration systems.

It is important to note that police intelligence statements may not always be required. Where a subject has no immigration status in the UK or their offending and conduct has resulted in a criminal conviction, then administrative removal or deportation may be pursued without this type of statement or evidence.

The Nexus team will advise on whether police material is required after assessing each case. This assessment will consider the subject's immigration status against known offending in the UK or overseas.

If the police refer a case without any significant convictions and the subject is residing here lawfully then deportation may be pursued where police partners can demonstrate an existing threat to the public by providing a police statement for the case-owner to consider.

Disclosable police material must be drafted to an agreed format suitable for use in immigration casework decisions which can also be used in public appeal proceedings at Immigration & Asylum Tribunal.

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Nexus referral process

This page explains the Nexus High Harm referral process and where Nexus information is located on the Case Information Database (CID).

Referral process

Nexus High Harm relies primarily on police partners identifying High Harm foreign nationals within their region, so each referral is recognised as a commitment from police partners that they will pro-actively engage with Immigration Enforcement activity. This includes providing as necessary additional information; assistance in tracing absconders; giving evidence in person at Immigration Tribunal appeal hearings; providing resources to serve papers or arrest and detain foreign nationals under immigration powers.

Each police force engaging with Nexus High Harm is provided with a copy of the Nexus High Harm referrals pack. This pack contains instructions on how to refer cases, the definition of High Harm, the referrals form and the required formatting for the Nexus data-wash report.

Police forces have access to two provisional tools to assist them in identifying possible High Harm cases apart from reference to the High Harm definition when considering a referral:

Nexus data-wash report – a data matching report which, where agreed, police partners can submit using basic bio data for all potential subject details to be run against immigration systems with all matches categorised into agreed ‘pots’ according to immigration status.

Nexus High Harm referral matrix – once established via data-wash, police partners can complete the relevant fields on the matrix including known arrests or offending and immigration status in order to obtain an immediate and provisional assessment of the case they were intending to refer. It is important to note that where the matrix rejects a subject of real concern the onus is on law-enforcement to discuss the case directly with Nexus High Harm Referrals in Croydon.

Once the referring force has identified a case they want to refer and have completed the Nexus High Harm referrals form they will submit it to the Nexus High Harm team.

The team will assess each case on its individual merits where the High Harm definition for Nexus applies. If accepted, the case will be flagged on Special Conditions on CID. If no team has been allocated the case it will be allocated to Nexus High Harm in Liverpool. Police partners will be provided with regular reports detailing all recorded progress.

CID Nexus High Harm flags

All cases accepted by the Nexus High Harm team are marked with a flag in the Special Conditions Screen on CID. Cases referred by the Metropolitan Police in London will be flagged as Nexus High Harm and cases referred by all other forces will be flagged as Nexus High Harm (Regional).

The Nexus High Harm flag does not, in itself, render the case subject to allocation to the Nexus High Harm team but it does indicate ongoing police interest or concern and signify that police colleagues are willing to support immigration enforcement activity. Cases allocated to the Nexus High Harm team will be marked as such on CID.

You can check the Case Details Screen on CID. Where the Nexus High Harm team is dealing with the case, the CID field: "Allocated To" should be completed as allocated to Nexus High Harm team.

Where the case is being managed by Criminal Casework (CC) the case should remain with the command it is allocated to. However, CC case-owners should be aware of the flag and what it signifies. Should the CC case-owner have any queries or wants to request police support they should make contact with the Nexus High Harm Referrals Office to discuss the matter. Contact details for the Nexus High Harm team are below.

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Support and information available via Nexus High Harm

This page sets out what type of support is available to Immigration Enforcement staff (including those under taking deportation or administrative removal) from or via the Nexus High Harm team.

Available support via Nexus High Harm

Police support will normally include:

- disclosable police intelligence to support casework decisions
- operational support on arrest and detention if required
- [Nexus value added activity](#)

All cases with an existing Nexus High Harm flag are eligible for police support although staff should note that availability of resource will be a factor and early engagement with Nexus is advisable.

Nexus value added activity: seeking police support via Nexus High Harm

Nexus High Harm is designed to provide police partners with a route to refer High Harm foreign nationals to Immigration Enforcement for consideration of immigration intervention to protect the public. Cases accepted by the Nexus High Harm team will be flagged as Nexus High Harm and therefore eligible for police support.

However, where staff working within Criminal Casework believe police support would benefit their case then they can submit a request to certain police forces for police support. Such requests will be assessed by police partners who will contact the case-owner required where they can assist.

There are also instructions available on how to submit requests for police support via Nexus value added activity. See: Process communication: Operation Nexus cases. This instruction will be updated as Nexus value added activity expands nationally. All queries can be referred to the Nexus High Harm duty officer.

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