



Home Office

Detention Services Order 01/2018

Release of detainees from immigration detention

February 2018



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Document Details

Process: This order clarifies the procedures to be followed by staff on receipt of an IS106 Release Order or notification of bail being granted by a Judge of the First-tier Tribunal for a detainee in their custody.

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Contains Mandatory Instructions

For Action: Home Office staff and detention and escorting supplier staff operating in immigration removal centres, short-term holding facilities and pre-departure accommodation.

For Information: Home Office Caseworkers

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Processes Affected: Release of detainees

Assumptions: All staff have the necessary knowledge to follow these procedures

Notes: N/A

Instruction

Introduction

1. This order provides guidance for all staff in immigration removal centres (IRCs), residential short-term holding facilities (STHF) and pre-departure accommodation (PDA) on receipt of form IS106 release order or notification of bail being granted by an Judge of the First-tier Tribunal for detainees in their custody.
2. For the purpose of this instruction, all references to the local Home Office Immigration Enforcement Team refer to Pre-Departure Teams where one is available at the IRC.

Purpose

3. The purpose of this order is to ensure that all staff in IRCs, residential STHF and PDA are aware of the correct process for the safe release of detainees and to ensure the authenticity of the releasing order before such release takes place.

Policy

4. A person who is detained or liable to be detained under the powers in the Immigration Acts may, as an alternative to detention, be granted immigration bail. There is a presumption in favour of granting immigration bail and detention is used sparingly.
5. The power to grant immigration bail to individuals who are detained or liable to be detained under Immigration Act powers is in paragraph 1 of Schedule 10 to the Immigration Act 2016. The power to grant immigration bail to individuals who are detained is available both to the Secretary of State and the First-tier Tribunal. The power to grant immigration bail to individuals who are liable to be detained (but not actually detained) is available to the Secretary of State only.

Procedures

Secretary of State (SoS) Bail

6. SoS Bail release orders are usually sent by the case owner to the Home Office Immigration Enforcement (HOIE) office at an IRC or PDA, or to the supplier staff at a residential STHF by way of an IS 106 release order form.
7. In an IRC, the local HOIE team will check the Case Information Database (CID) to ensure that an entry exists authorising the release of the detainee. The HOIE officer processing the detainee's release from detention must endorse this check by signing and dating the reverse of the IS106 form and noting the detainee's case on CID with the details of the release.
8. When noting details of the release on CID, the HOIE officer must record the time of the release, confirmation of service of the IS106 form and any other documents served, that the release order was explained to the detainee in a language he/she understands, the identification of the interpreter where one was used and, when appropriate, details of any safeguarding measures put in place to ensure a safe release of the detainee.
9. If the SoS bail grant cannot be confirmed by the local HOIE team by checking CID, the authenticity of the release documents must **always** be confirmed by contacting the caseworking team responsible for the release. The details of this call must be recorded by the HOIE officer processing the release on the detainee's case record on CID and on the reverse of the IS106, stating the names of those spoken to, a summary of the conversation, the date and time the call was made, their name and signature. If the authenticity of the release documents cannot be established, the IS106 release order must be sent to the Detention and Escorting Security Team for investigation purposes.
10. In the event of an IS106 release order being received directly by the supplier at an IRC or PDA, the supplier staff will refer the IS106 to the local HOIE team for their attention. At residential SHTFs, or if the IS106 is received out of office hours at an IRC or PDA, supplier staff will make immediate contact with the HOIE on-call manager to verify the authenticity of the IS106 release order. If the IS106 is confirmed to be genuine, the details of this confirmation must be recorded on the reverse of the IS106, stating the names of those spoken to, a summary of the conversation, the date and time the call was made and the name and signature of the Duty Manager/Orderly Officer. An electronic copy of the IS106 must be provided to the local HOIE team the following day. An IS91 RA Part C must be completed by the supplier staff documenting the date and time the call was made, the date and time of the release, the names of those spoken to and a summary of the conversation. This must be

emailed to the Detainee Escorting and Population Management Unit (DEPMU) and the local HOIE team. DEPMU will then be responsible for updating the detainee's case record on CID and notifying the caseworking team of the details of the release.

11. At a residential STHF the supplier staff will contact DEPMU to verify the authenticity of the IS106 release order, following the procedures detailed at paragraph 8.
12. The IS106 release order will **only** be produced for detainees being granted SoS Bail.
13. A copy of the IS106 release order must be kept by the supplier in the detainee's DTD (Detainee Transferable Document) after release.

First-tier Tribunal Bail

14. If a detainee has been granted bail by a Judge of the First-tier Tribunal (FTT), the release order will be produced by the court services and the centre notified directly by the court staff. Under these circumstances, the signed bail grant document is the authority to the custodian to release the detainee from detention. The caseworker will not produce an IS106 release order for these cases.
15. If a detainee is granted bail by a Judge of the FTT after attending a hearing in person, the detainee will usually be released directly from court. In such instances the bail grant will be provided to the escorting staff or sent directly to the supplier at the centre. Suppliers must ensure that a copy of the bail grant is provided to the local HOIE team.
16. In cases where a detainee returns to the centre after being granted bail in person, suppliers will provide a copy of the bail grant to the local HOIE team as soon as possible after the hearing. The HOIE team will then follow the procedures set out in paragraph 6 - 7 including endorsing the reverse of the bail grant and noting the details of the release on CID.
17. If a detainee is granted bail after a hearing conducted via videolink facilities at an IRC, court staff will send to the centre a bail grant order signed by the Judge. IRC staff will obtain the detainee's signature on the same order and return it to the court where the hearing took place. HOIE IRC staff will then provide the local supplier with the signed bail grant order to effect the release and update CID with the date and time and details of the release – see paragraph 8.

Travel warrants to detainees attending First-tier Tribunals

18. All detainees attending a First-tier Tribunal will be issued by the centre supplier with a travel warrant to their proposed bail address, a travel plan to reach their destination and a template letter to the travel authority explaining the existence of a travel warrant and the contact details for the centre. The escorting staff should be given the travel warrant as part of the detainee's escort records. The warrant must be stapled to the

IS91 and must be kept by the officers escorting the detainee at all times, throughout the escort journey and during the bail hearing.

19. In the case of the detainee not being granted bail, and therefore being returned to the centre, or being detained in a different centre, escorting staff should ensure that the warrant is left attached to the IS91 and returned to the centre with the detainee and the warrant handed back to the centre or STHF's reception staff.

Safeguarding detainees on release

20. In accordance with DSO 08/2016 'Management of Adults at Risk in Immigration Detention' and DSO 05/2016 'Care and Management of Pregnant Women in Detention', when IRC or healthcare staff have significant concerns about the arrangements for releasing a detainee considered to be at risk, a multi-disciplinary meeting (or teleconference if a physical meeting is not possible due to time constraints), should be held to agree a plan to safely release the individual. Attendees should include, as a minimum, representatives from the local HOIE team, the case-working team and the non-detained casework team, IRC and escort supplier representatives and, if applicable, healthcare. In the case of a detainee in a residential STHF the escort supplier, healthcare and DEPMU should discuss release with the case owner. This should include consideration of any safeguarding issues that may arise following release.
21. Suppliers must ensure that all detainees being released into the community and not being collected by relatives or friends, are safely taken to the local bus or railway station and provided with enough travel warrants to complete their journey to the discharge address, as authorised in the release order. In such cases, detainees being released from a place of detention or a First-tier Tribunal must be briefed by the supplier staff on all the necessary steps for their onward travel. Detainees must be provided with a letter from the centre to the travel authority explaining the requirements of the travel plans and the existence of a travel warrant. This letter must contain contact details for the centre in case further confirmation is sought by the travel authority or if the detainee requires further assistance during the onward journey.
22. Supplier staff must ensure that all detainees being released to an address in Northern Ireland are aware that they cannot travel via the Republic of Ireland. Detainees travelling to Northern Ireland must be provided with a clear journey plan and enough travel warrants to allow them to reach their final destination without travelling via the Republic of Ireland.
23. In order to ensure all detainees are released from detention in time to safely complete their onwards journey, caseworkers must endeavour to confirm release addresses and send release orders to centres before 3pm.

24. When release orders are received after 3pm, centres must confirm any travel arrangements with the detainee and ensure he/she can be expected to safely arrive at their final destination after being released.
25. Where safeguarding concerns are identified by IRC or healthcare staff regarding the late release of a detainee, local HOIE officers must contact the caseworking team to review the release request and consider arranging the release for the following day. All decisions to delay a late release of a detainee to the following day must be approved by the caseworker and authorised by a local HOIE Immigration Manager or Deputy Manager. If no manager is available on site, the local on-call manager must provide this authorisation over the phone. Details of this authorisation must be recorded on CID, including the name of the officers authorising an extra day in detention and an overview of the safeguarding concerns raised.