



Home Office

First-tier Tribunal bail: completing the bail summary

Version 6.0

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About this guidance

This guidance outlines the processes that must be completed following a bail application from a detainee to the First-tier Tribunal. It applies where an application has been made to the First-tier Tribunal for immigration bail in cases managed by Border Force, UK Visas and Immigration, and Immigration Enforcement.

From 15 January 2018, following the implementation of the Single Power of Bail provisions in Schedule 10 to the Immigration Act 2016, the bail summary documents ICD.3221 in detained cases involving foreign national offenders and the IS.215 in all other detained cases are to be replaced by the BAIL 505 bail summary.

In accordance with [rule 40 of the Tribunal Procedure Rules 2014](#), the Secretary of States must provide the Tribunal, the bail applicant and their representatives (if applicable) with their reasons for opposing a bail application. The bail summary (BAIL 505) is crucial to the bail hearing as it is the opportunity for the Home Office to set out its reasons for opposing a grant of bail.

There is a common-law presumption in favour of granting bail, so it is imperative that bail summaries are of high quality and are robust in encompassing the reasons for opposing bail.

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 Immigration Bail Policy.

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.

Publication

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

- version **6.0**
- published for Home Office staff on **20 January 2020**

Changes from last version of this guidance

Addition of standard paragraphs on eligibility for Secretary of State accommodation.

Related content

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Application for bail to the First-tier Tribunal

This section provides case owners an overview of when a detainee applies for bail to the First-tier Tribunal and the action to take after the application is made.

Detainees in immigration removal centres (IRCs) can also request the B1 form from a welfare officer in the IRC, an immigration officer in a prison and it can be found on [GOV.UK](https://www.gov.uk).

The Home Office also has a duty to refer certain cases to the Tribunal automatically for consideration, see Automatic referral for consideration of immigration bail in Immigration Bail guidance.

Applications for bail should contain:

- the applicant's full name, date of birth and date of arrival in the UK
- the address of the place where the person is detained
- if an appeal to the Tribunal is pending
- the address, where the applicant is required to reside at a particular address or if they are unable to provide an address (and may therefore need accommodation under [paragraph 9 of Schedule 10 to the Immigration Act 2016](#))
- the amount of payment liability in which they will agree to be bound the full names of financial condition supporters if bail is granted and the amounts that they agree to be bound to
- the grounds on which the application is being made and, where a previous application has been refused, full details of any change in circumstances which have occurred since the refusal
- if an interpreter will be required during the hearing

In addition, the Tribunal must dismiss, without a hearing, any further application by a person for release on bail that is made within 28 days, starting with the date of the Tribunal's decision. This is unless the person demonstrates that there has been a material change in circumstances since the Tribunal's previous refusal.

Where a repeated application is received by the Tribunal and is dismissed, the Presenting Officers' Unit (POU) bail team will be notified and will update the outcome on CID.

Her Majesty's Courts and Tribunals Service (HMCTS) is responsible for listing bail hearings and this is done within 3 days of receiving a bail application. HMCTS must provide the Presenting Officers Unit with copies of bail applications as soon as reasonably practicable following receipt.

When staff in the POU are notified of an application for immigration bail to the First-tier Tribunal they will request a bail summary from the caseworker. This is done by sending the caseworker:

- a form requesting a bail summary
- the bail application (B1 form)
- any supporting documents

The role of the Home Office in First-tier Tribunal bail is to respond to the bail application by:

- producing a bail summary (BAIL 505) to justify the Home Office's case for detaining the individual and the reasons why bail should be refused, or what conditions would be considered appropriate should bail be granted
- being represented by a Presenting Officer (PO) at the bail hearing

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Consideration of whether to oppose bail

This section tells case owners what they must take into account when considering whether to oppose bail.

In line with published detention policy, there must always be a presumption in favour of liberty.

In all cases on receipt of a bail application you must consider if it is appropriate to grant or oppose bail.

If it is considered that it is appropriate to grant bail, then you should look to grant Secretary of State bail prior to the hearing. Bail hearings are costly and if it is accepted that the applicant should be bailed a hearing will not be required.

If detention continues to be necessary and reasonable, it will normally be appropriate to oppose bail if there are no significant change of circumstances. For more information about detention see general guidance on detention.

You must take the same initial steps with a bail application when opposing bail. In every case, you must follow these instructions and:

- check the bail address (if it is required that the applicant resides at a particular address in line with proposed conditions)
- [investigate the financial condition supporters](#)

In Criminal Casework (CC) cases only:

- you must [liaise with the Offender Manager](#) and [request an Offender Assessment System \(OASys\) report](#).

Undertaking these actions produces information relevant to the decision on whether to grant or oppose bail.

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Completion of the BAIL 505

This section tells case owners how to complete a bail summary (BAIL 505) opposing bail in applications made to the First-tier Tribunal.

Bail summaries must be full, fair and accurate. You must complete the bail summary template (BAIL 505) accurately and in full, setting out the reasons why the bail application is being opposed by the Home Office.

You must ensure all relevant issues are covered in the bail summary including:

- the detainee's personal details
- details of the [financial condition supporters](#) the detainee has put forward, if any
- a full [immigration and criminal history and chronology](#)
- any [casework or litigation barriers to removal](#) (for example further representations, obtaining travel documentation, Judicial Reviews) and the realistic timescales to resolve them
- the [reasons for opposing immigration bail](#)
- whether [removal directions are set for the detainee to be removed from the UK within 14 days of the bail hearing](#)
- details and findings of [previous bail applications](#) (if applicable)
- request of [bail conditions to be sought in the event that bail is granted](#)
- a request for the Tribunal to transfer the [management of bail to the Secretary of State](#) in event bail is granted

Standards of presentation

The bail summary is a formal document presented to the Judge of the First-tier Tribunal presiding over a bail hearing. As such, it is important you complete the document to a high standard of presentation.

You must adhere to the following:

- the individual should be referred to by name, or as an applicant- referring to a 'subject' or 'offender' is not appropriate
- do not personalise the summary- avoid using terms such as 'I believe' or 'I conclude' - write in report style for example 'it is considered' or 'it is submitted'
- number the paragraphs in the reasons for opposing bail section (this assists the Presenting Officer and Judge of the First-tier Tribunal at the hearing)
- references to your department should be referred to as the Home Office
- bullet lists (except within the immigration history), abbreviations and colloquialisms are not appropriate
- the date format should be consistent throughout the document, preferably 15 January 2018 rather than 15/1/18
- the word 'the' should not be used before a date for example 'on the 5 February 2014'
- font should be Garamond size 12- text should be left aligned

- ensure the spelling and grammar is checked prior to sending to the authorising officer

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Information for the Presenting Officer's use only

This section tells case owners how to complete the relevant sections in the first part of the bail summary (BAIL 505). This part of the summary is for the Presenting Officer's (PO) use only. It provides information of the case to assist the Presenting Officers in their preparation for the bail hearing in front of the First-tier Tribunal.

Application details

The majority of the applicant's personal details will be automatically populated on the summary from details held on the Central Information Database (CID).

You must check that these details are correct using other information sources, such as the Home Office file, and make any amendments to the summary and CID records accordingly.

Automatic bail referral

[Paragraph 11 of Schedule 10 to the Immigration Act 2016](#) imposes a duty on the Secretary of State to arrange a referral to the First-tier Tribunal for a decision on whether to grant immigration bail to a person detained under:

- [paragraph 16\(1\), \(1A\) or 2 of Schedule 2 to the Immigration Act 1971](#)
- [section 62 of the Nationality, Immigration and Asylum Act 2002](#)

You must provide details if the application for bail is an automatic bail referral and whether the detainee has completed the B1 form.

You must make the referral to the Tribunal 4 months after the beginning of the person's detention (unless the Tribunal has considered a bail application in respect of the person in the interim period) and every 4 months thereafter.

The automatic bail referral process **does not apply** to individuals who are detained pending deportation.

Bail applications referred by the Secretary of State to the First-tier Tribunal through the automatic bail process are considered in the same way as bail applications made to the First-tier Tribunal by the applicant.

Further guidance on the automatic bail process can be found in the general instructions on Immigration bail.

Previous bail applications

Paragraph 12(2) of Schedule 10 to the Immigration Act 2016 provides that Tribunal Procedure Rules must require the Tribunal to dismiss without a hearing any further

application for bail that is made within 28 days, from the date of the Tribunal's decision. This is unless the person demonstrates that there has been a material change in circumstances since the Tribunal's previous refusal. If the First-tier Tribunal have listed a bail hearing within 28 days of refusing a prior application that is because a Judge has decided that there has been a material change in circumstances.

You must complete this section in each applicable case to explain when the last bail application was decided by the Tribunal and what the claimed material change of circumstances are together with a response to that claim. You must also include this in your reasons for opposing bail and whether the material circumstances are considered to have a significant impact on the case and affect the reasons for maintaining detention.

In cases where a previous bail application was refused by a Judge of the First-tier Tribunal and a new application relies on the same reasoning for bail (in other words no material change in circumstances) you must state this within this section. You must also present this as an argument within your reasons for opposing bail. You must detail the judge's reasons for refusing bail at the previous hearing and provide a copy of the notice of bail refusal as supporting evidence when you send your bail summary to the Presenting Officers Unit (POU).

The decision as to whether there is a change in circumstances is made by the Judge as is the decision to list the hearing. You must, however present a view on whether the changes affect the case and ongoing detention.

Removal directions

Under paragraph 3(4) of Schedule 10 to the Immigration Act 2016, the First-tier Tribunal must not grant bail to a detainee without the consent of the Secretary of State if both the following apply:

- directions for the removal of the person from the UK are in force
- directions for removal require the person to be removed within 14 days of the date of the bail hearing

This means that, if the Presenting Officer provides evidence that removal directions are set for 14 days or less from the date of the bail hearing, the First-tier Tribunal cannot grant immigration bail if the Secretary of State does not consent.

Further guidance on the process and consideration of consent to bail can be found in the general instructions for Immigration bail.

You must include the following information in the bail summary if directions are in force for the removal of the detainee from the UK within 14 days of the bail hearing:

- details of notice of removal (includes notice of a removal window, notice of removal directions or limited notice of removal, as appropriate)- guidance on different notices of removal can be found in the arranging removal guidance

- the contact details of the primary and secondary contact senior civil servant (SCS), acting on behalf of the Secretary of State on the matter of consent, who will be available to provide instructions to the Presenting Officer if the judge of the First-tier Tribunal intends to grant immigration bail
- evidence that the applicant's removal directions are in force- if applicable you must provide evidence that the notice of removal has been served on the detainee

You must attach one of the following documents with the bail summary as evidence of removal directions having been set for the person's removal within 14 days:

- where a notice of a removal window or notice of removal directions has been issued to the individual, a copy of the IS152B, IS83 or the IS151G for individuals accepted onto the charter as appropriate
- where limited notice of removal has been issued to the individual (that is, where specific details of the removal are to be withheld from the detainee) a copy of the IS151G
- where the detainee is the subject of a deportation order, such as a foreign national offender, the wording of the ISE.312 (notice of deportation arrangements) must be amended to reflect the IS.151G to prevent disclosure of full details of the removal
- where no notice has been issued to the individual but full removal details are not being withheld, a copy of the IS152B or evidence they have been accepted onto the charter or IS83

If removal directions are set for within 14 days of the bail hearing after the bail summary has already been completed and sent to the POU, you must notify the POU without delay.

Outstanding applications

You must provide details of any outstanding applications that are currently preventing the removal of the applicant. You must consider both:

- the period of time likely to elapse before any conclusive decision is made or outstanding appeal is disposed of
- the diligence, speed and effectiveness of the steps that have been or are being taken to effect removal

Where there is a casework (travel documentation, decision) or litigation barrier (appeal, Judicial Review) to the applicant's removal you should provide a realistic timescale for resolving it.

Casework barriers are within the control of the Home Office so timescales should be easier to determine. If you are making the decision as the case owner, you need to prioritise this casework and state when a decision is likely to be made. It is expected that decisions on detained cases are expedited, so if another business area is responsible, you should seek to establish how quickly they can decide the outstanding application or representations.

Whenever you include a timeframe it is important to adhere to it. The Home Office could attract criticism for failing to meet a self-imposed deadline, or there could be allegations we have misled the Tribunal. Therefore, it is imperative that all barriers are identified and you provide reasonable timescale for resolution.

Where there is an ongoing Judicial Review, it is common practice to make efforts to expedite the barrier when an individual is in detention. If expedition has been agreed, or you are awaiting the outcome to your request, you can detail this information in the bail summary, however any timeframes you put forward must be accurate so must be verified with litigation operations.

Disclosure of information

This section tells case owners about disclosing information to the First-tier Tribunal.

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Criminality details

You must complete this section if the applicant is a criminal case. If the applicant is not a criminal case, then you can delete the criminality section on the bail summary.

In criminal cases, you must provide details if the applicant is:

- subject to deportation following committed offences and convictions
- a MAPPA case and if so details of the MAPPA category and management level
- subject to licence conditions and provide details of those conditions

Within your argument to oppose bail you must present a robust summary for the Tribunal making sure they have full details of the subject's risk of public harm. If available, you must detail any harm done to the victims of the crime committed by the offender. If the person has a history of criminality and bail is being considered, you must assess the risk of that person re-offending and the consequences of such re-offending.

Example of paragraphs on reasons for opposing bail due to criminality can be found in the [reasons for opposing bail standard paragraphs](#).

You must refer to all documents on file to support this, such as the Judge's sentencing remarks, licence conditions and Offender Manager's risk assessment where available. Upon submitting the bail summary to the Presenting Officer's Unit (POU) **you must attach copies of any supporting documents** used to support your arguments opposing bail to the First-tier Tribunal Judge.

Further information see [considering bail in criminal cases](#) within this document.

Financial condition supporter checks

If the applicant offers individuals as a bail financial condition supporter you must perform the relevant checks and record this information within this section of the bail summary.

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The bail summary

This section tells case owners how to complete the sections in the second part of bail summary (BAIL 505). This section is used in the bail hearing to present the case owner's argument and reasoning to the Judge of the First-tier Tribunal as to why bail is being opposed. This part of the bail summary is provided to the First-tier Tribunal, the applicant and their representatives (if applicable) and is used in preparation and during the bail hearing.

Full immigration history and chronology

You must provide details of the applicant's full immigration history and in date order. This information must be based on fact, only detailing matters relating to their immigration status and, if applicable, any criminal convictions.

You should not detail the history of the applicant's relationships with family members or financial condition supporters. You should be considering these in the ['Reasons for opposing bail' section](#) of the summary.

You must present the immigration history in chronological order and can present this in bullet points for ease of reference. The history should end with the current position and forecast when removal will take place.

It is essential that the information is accurate and relevant. Both the information contained within the Home Office file in addition to the information held on CID should be used in the completion of bail summaries.

An applicant may have both positive and negative factors to their immigration history. Where an applicant has positive factors to their case, for example a good history of compliance, this must be included within the applicant's immigration history and cannot be ignored. It is important that you present a fair and balanced reflection of the applicant's presence while in the UK.

Information to include:

- date of entry to the UK (and exit if applicable)
- visas issued (including expiry date)
- applications for leave to enter or remain (date applied for and date issued or refused, and whether there was a right of appeal against any refusal)
- appeals (date lodged, date allowed / dismissed, date permissions to appeal (PTA) refused / granted, appeal rights exhausted (ARE) date)
- criminal convictions, noting the offence and the sentence imposed
- absconding periods (be sure that they have actually absconded rather than missing a few reporting events and then continuing to report)
- incidences of non-compliance (for example disrupting removal, non-cooperation with Emergency Travel Document (ETD) process / bio data)
- actions that demonstrate compliance (for example reporting as required, co-operation with ETD process/bio data)

- removal directions (current or previous)
- previous bail applications and the outcome
- date ETD issued or agreed

Information **not** to include:

- applicant being moved between detention centres
- criminal activity where they were not convicted
- names and grades of people or teams within the Home Office
- internal requests such as passport requested from Immigration, Compliance and Enforcement (ICE), authority to remove sought from senior executive officer (SEO)
- internal processes (for example ETD process – once ETD agreed, process history is only relevant if the subject was non-compliant)
- the need for a family split to be authorised- there is no need to mention that a family questionnaire has been sent out or that Social Service / Office of the Children's Champion input is required

Reasons for opposing immigration bail

You must provide your argument to the Judge of the First-tier Tribunal as to the reasons why the Home Office is opposing bail. You must provide reasons that are concise and relevant and relate to the mandatory considerations listed within [paragraph 3\(2\) of schedule 10 to the Immigration Act 2016](#).

These considerations are:

- the likelihood of the person failing to comply with a bail condition
- whether the person has been convicted of an offence (whether in or outside the UK or before or after the coming into force of paragraph 3(2) of schedule 10 to the Immigration Act 2016)
- the likelihood of a person committing an offence while on immigration bail
- the likelihood of the person's presence in the UK, while on immigration bail, causing a danger to public health or being a threat to the maintenance of public order
- whether the person's detention is necessary in that person's interests or for the protection of any other person
- such other matters as the Secretary of State or the First-tier Tribunal thinks relevant

Your arguments must be based on the facts of the case. You need to analyse relevant parts of the applicant's history and behaviour to explain why you are stating they may or may not comply with conditions of bail. Your consideration may include a balance of both positive and negative factors to an applicant's immigration history and behaviour. Where there are positive factors to an applicant's case, for example, they have a good history of compliance, this must be acknowledged and cannot be ignored. It is important that you present a fair and balanced consideration surrounding the facts of the applicant's case as this will demonstrate to the Judge of the First-tier Tribunal how you have reached your argument.

You must provide a response to all the reasons why the applicant is seeking bail and attach the supporting documentation as evidence to the bail summary.

[Standard paragraphs for your reasons in opposing bail](#) can be used to help format your argument however should be adapted to the particular argument you are making. Avoid adding paragraphs if you are unsure of the argument you are trying to make. Should you be struggling to develop your reasons in opposing bail, do not over exaggerate a single point. If you are arguing a single reason and it is not particularly strong, immigration bail may be appropriate.

Investigating financial condition supporters

The financial and general standing of all prospective financial condition supporters provided by the applicant in support of their bail application should be investigated as fully as possible.

To be an effective financial condition supporter, the person needs to be able to exercise some influence over the applicant to make sure they comply with their bail conditions.

You must consider the nature of the relationship between the applicant and the proposed financial condition supporter as well as their geographical proximity. To be acceptable, a supporter must:

- be aged 18 or over and settled in the UK (be a British citizen, have a permanent right to reside in the UK or have indefinite leave to remain in the UK)
- have a personal connection with the applicant or be acting on behalf of a reputable organisation who has an interest in their welfare
- have enough money or disposable assets (clear of existing liabilities) to be able to pay the sum due if the payment liability becomes due
- be a homeowner or at least well-established in the place where they reside
- be free of any unspent criminal convictions (not including motoring offences), however note that previous criminal convictions can also be considered

The information in the table below sets out some of the [criteria](#) for what the Home Office considers to be a suitable financial condition supporter and examples of evidence which may support this.

Evidence to demonstrate suitability factors	Examples of original documentary evidence in considering suitability
Their identity, they are aged over 18 and their relationship to the applicant.	Examples of original documentary evidence which may assist in considering their suitability: <ul style="list-style-type: none">• passport• birth certificate• parent and family member's birth certificates

Evidence to demonstrate suitability factors	Examples of original documentary evidence in considering suitability
	<ul style="list-style-type: none"> any other documentation that demonstrates their relationship to the applicant (if applicable)
The sum of money is available if payment liability becomes due.	<p>Examples of original documentary evidence which may assist in considering their suitability:</p> <ul style="list-style-type: none"> bank statements covering a period of at least 3 months a recent building society account statement of savings other documentation that demonstrates the sum of money is available to them

This is **not** an exhaustive list. The applicant should provide any additional evidence which they believe supports their case in providing a suitable financial condition supporter.

You should be careful in accepting things like bank books, statements of account, as evidence that the proposed money is available to the supporter. It may be that sums of money have been deposited temporarily to create a false picture of the holder's means. A record of deposits over a period of at least 3 months is a useful indication of financial status.

If the supporter lives in rented accommodation and the applicant intends to live with them if granted bail, you must conduct checks to see if they have the permission of the landlord for the applicant to live there. This is particularly important if they are an offender subject to Multi Agency Public Protection Arrangements (MAPPA). Further information on the right to rent can be found at Right to Rent: landlords' penalties.

All the usual immigration checks must be undertaken so you can consider any adverse information.

You should not disclose information about a financial condition supporter unless it directly relates to the information provided in the bail application. Any information that is not relevant to the bail applicant or has been deemed 'not for disclosure' should not be provided in the reasons for opposing bail section of the bail summary.

Information about the supporter should only be disclosed if it is in relation to the information provided on the bail application. It would be unsuitable to disclose information.

Checking the financial condition supporter's addresses

You must carry out reasonable checks to make sure the supporter's address exist.
You can:

- use [Streetmap](#) to check the address exists
- contact the relevant local authority by email
- check addresses listed on the case information database (CID) and the asylum seekers support system (ASYS) (if appropriate)

Checking CID, warehouse and the Home Office file

You must check the names of supporters against names on:

- CID
- ASYS (if appropriate)
- Warehouse
- Record Management System (RMS)

You must note any possible matches, including those with variation of spelling.

You must search CID to check if there is a record of a Home Office file for the financial condition supporter and you must also check Warehouse to establish if a Home Office file exists.

The Record Management System (RMS) allows for the creation of reference numbers for Home Office files and provides details on previously created files and their current location. You can find further information on using file tracking in the record management system (RMS) reference guides.

When you search for details on file tracking you must refer to the guidance in conducting a search for a financial condition supporter on file tracking.

Conditions sought in event of bail being granted

You must recommend bail conditions in all cases in the event that the First-tier Tribunal Judge decides to grant bail.

Bail conditions are sought to:

- enable the appropriate levels of contact to be maintained with the individual
- reduce the risk of non-compliance, including absconding
- minimise potential delay in becoming aware of any breach in bail conditions

The grant of immigration bail to a person must be subject to at least one of the following in all cases:

- a condition requiring the person to appear before the Secretary of State or the First-tier Tribunal at a specified time and place
- a condition restricting the person's work, occupation or studies in the UK
- a condition about the person's residence

- a condition requiring the person to report to the Secretary of State or other person specified
- an electronic monitoring condition (if suitable)
- such other condition as the person granting the immigration bail sees fit (for example a curfew or the requirement to surrender passport)

Please note that under current arrangements, electronic monitoring can only be implemented in practice if it is accompanied by a curfew condition because of the use of radio frequency tagging. Therefore, an electronic monitoring condition would not be suitable where a curfew condition cannot be justified on the facts of the individual case. You **must always** request a separate curfew condition each time you request an electronic monitoring condition.

A financial condition may also be imposed but this must be in addition to one or more of the above conditions. For further instruction on financial conditions see Immigration bail conditions: financial condition in the Immigration bail guidance.

For detailed instructions on setting conditions of immigration bail see Immigration bail: conditions of immigration bail in the Immigration bail guidance.

Transfer of bail management to the Secretary of State

Paragraph 6(3) of schedule 10 allows the First-tier Tribunal to direct the Secretary of State to exercise powers to vary bail conditions where the First-tier Tribunal has granted bail.

In practice, you must request that the First-tier Tribunal transfers the management of bail conditions by checking the box on the bail summary. This should be requested in all cases unless there is an exceptional reason that the First-tier Tribunal should continue to manage the case. If the Judge agrees to this request they will transfer the management of the bail conditions to the Secretary of State upon granting bail.

The Secretary of State will then have control over the management of the case. The individual will then need to apply to the Secretary of State to vary their bail conditions.

The Home Office therefore is not required to approach the Tribunal in the varying of those bail conditions. The First-tier Tribunal cannot exercise any powers to vary bail once this has been done. The individual cannot apply to the First-tier Tribunal to vary their bail conditions and must apply to the Secretary of State to do this.

If the Tribunal does not direct that the Secretary of State manages the case, then the Tribunal retains complete control, including any decision to vary the conditions, deal with any breach of conditions and recover any money from a financial condition.

For further guidance on the transfer of bail from the Tribunal to the Secretary of State see Immigration bail: varying immigration bail conditions in the Immigration bail guidance.

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Consideration of bail in criminal cases

This section tells case owners about the additional considerations and actions that must be given in criminal cases who have applied for bail to the First-tier Tribunal.

Licences

When a bail application is being considered you must check the prison release licence which should be held on the Home Office file. The licence provides the name of the probation office and the Offender Manager.

Offenders must comply with the conditions of their prison licence on release from prison. If they do not, it may be revoked and they will be arrested and returned to prison to serve the rest of their custodial sentence.

Licence conditions can include reporting to the Offender Manager within 24 hours of release, where the offender must live and is excluded from certain geographical areas.

Some offenders may be subject to management under MAPPA (Multi-Agency Public Protection Arrangements). These arrangements do not form part of the prison sentence and can extend beyond the period of the licence.

Offenders released at their custody end date will be released on licence and are given a copy of their licence on release. The licence includes any conditions they must comply with. The Offender Manager is informed of the release by the prison and given a copy of the offender's licence so they can supervise the offender in the community.

If an offender is subject to deportation they may be detained at the end of their custodial sentence, under immigration powers, if appropriate. When this happens the standard link between the prison and the Offender Manager will be broken.

You must make sure this link is maintained. You must always inform the Offender Manager immediately if an offender is granted immigration bail from either of the following:

- an immigration removal centre, by the First-tier Tribunal
- a prison for any reason

No offender subject to licence, supervision, MAPPA or other risk management arrangements in the community should be released unsupervised as this could cause a substantial risk to the victims of the offender and the public.

Should you have difficulties in obtaining a licence, information can be found in the Multi Agency Public Protection Arrangements guidance.

Expired licences

If the offender's licence has expired it may not be possible for the Offender Manager to provide the information required for the bail summary or provide an up to date Offender Assessment System (OASys) report.

When this happens, Her Majesty's Prison and Probation Service (HMPPS) will advise you they are unable to assist. You must contact the Offender Manager in all cases, even when the licence has expired and they must always be notified of bail applications and grants of bail. This is particularly important in MAPPA cases and where sexual offences have been committed. The Offender Manager acts as the link between the offender, victim liaison and MAPPA (where applicable) and the offender's release may require special arrangements to be put into place.

Residence condition and accommodation

You must carry out an assessment of the foreign national offender's (FNO) offending and risk profile to decide whether it would be appropriate to impose a residence condition as a condition of immigration bail.

You need to consider whether or not a residence condition would be appropriate, and if so whether the individual would be eligible for schedule 10 accommodation. Even if a residence condition is not considered appropriate, the Tribunal may still require an address to live at. You should therefore seek to establish whether or not the FNO would have a private release address at which they could be accommodated if bailed.

Further information can be found in the Schedule 10 accommodation provisions guidance.

Contacting the Offender Manager

You can get the name and contact details of the Offender Manager from the probation office specified on the prison licence. Sometimes this may be a duty officer initially. You must always contact the probation office named on the licence regardless of the bail address provided by the offender.

The Offender Manager must be contacted immediately to:

- let them know a bail application has been made
- advise them of the date and location of the bail hearing
- advise them the application could result in the individual being granted bail by an immigration judge
- obtain information to be included in the bail summary using the OASys report

Every effort must be made to get information from the Offender Manager to include in the bail summary. Where this is not possible, the bail summary must be submitted on time without the Offender Manager's information. If the information is obtained

after the bail summary is submitted but before the hearing you must send it to the Presenting Officers Unit (POU), using the quickest method possible.

It is essential you keep the Offender Manager informed of all major developments, in each case, as they happen. All notifications to Offender Managers must be copied to the HMPPS single point of contact (SPOC).

For a list of SPOCs in England and Wales refer to National Probation Service and Community Rehabilitation Companies contact list.

There are also SPOCs lists in [Scotland](#) and [Northern Ireland](#).

It is vital that you inform the Offender Manager of the outcome of the bail hearing immediately.

MAPPA cases and sex offenders

MAPPA cases are high risk cases needing careful, specific handling. They are local arrangements for assessing and managing risks presented by sexual and violent offenders. An offender can still be subject to MAPPA if they do not receive a custodial sentence.

You must check if the offender is a MAPPA case and if they are allowed to know about their MAPPA status (if applicable).

The level of risk management (the MAPPA level) is on the form sent from the prison with the licence. If an offence is committed that appears to fit the MAPPA criteria but is not marked as MAPPA, you must [contact the Offender Manager](#) to check if a MAPPA marking has been omitted from the form.

You must not presume a case is not subject to MAPPA where a serious sexual or violent offence has been committed and no MAPPA marking has been given.

You must check for any previous offences that indicate an offender should be marked as MAPPA. For example, if a minor offence is committed, such as theft, and the offender has a history of sexual offences, you must liaise with the Offender Manager to find out if a MAPPA marking is appropriate.

If a bail application is made for an address where children aged 18 and under reside, you must notify the Her Majesty's Prison and Probation Service (HMPPS) Offender Manager who will check the suitability of the address and if this contradicts the offender's licence conditions. Under no circumstances must a sex offender be released to an address, where children aged 18 and under are living, without the full written agreement of the Offender Manager.

Where a person applies for bail to the Tribunal and the Home Office considers that a residence condition is necessary if bail is to be granted, the caseworker should note this in the bail summary (BAIL 505).

If bail is granted for a sex offender to live with children, you must inform the relevant local authority children's services (LACS) by telephone and email, to make them aware of the situation. You must fully record this in CID notes.

Further information on actions you must take with MAPPA cases can be found in the MAPPA guidance.

Victim liaison

You must keep offender managers up to date with all aspects of bail applications, as they provide the vital link with the victim liaison officer. When a court is considering bail the victim liaison officer may be contacted so concerns of the victim can be taken into account.

If bail is granted you must alert the victim liaison officer, so they can advise the victim and the police of the release of the offender in order to put safety measures in place for the victim.

Bail address indicates a change of Offender Manager

You must always contact the probation office named on the licence. If the address given by the applicant for bail is different from that on the licence it is the responsibility of the Offender Manager to verify the suitability and to arrange the offender's supervision to be transferred to another probation office if appropriate.

Related content

[Contents](#)

Bail summary authorisation and submission

This section tells case owners the authorisation requirements for completed bail summaries and their submission to the Presenting Officers' Unit (POU).

Authorisation

All bail summaries must be authorised by the higher executive officer (HEO) team leader before you submit it to the relevant POU. As well as team leader authorisation, summaries which present particular technical difficulties or require technical input must also be discussed and agreed by the HEO senior caseworker.

In criminal cases the bail summary checklist (form ICD.4109) must be completed when completing a bail summary. You must use the checklist to make sure the bail summary has been correctly completed and all relevant supporting documentation has been attached.

Submission

You must forward completed bail summaries to the relevant POU:

- by email in foreign national offender cases- you must always send a copy of the prison licence and the [Offender Assessment System \(OASys\) report](#) (if applicable) and copies of any other supporting documents with the bail summary
- as indicated on the bail summary request form in all other cases

You must **submit completed bail summaries to the relevant POU by midday on the working day before the bail hearing** is scheduled to take place. If there is any reason why this deadline may be missed, you must contact the relevant POU to inform them of this.

This deadline has been set by the POUs to allow them enough time to lodge the bail summary with the applicant, their representatives (where applicable) and the Tribunal by 2:00pm on the day before the hearing. It is vital you meet these requirements, if the bail summary is not lodged by 2:00pm on the day before the bail hearing it would indicate that bail is not being opposed.

Related content

[Contents](#)

Updating CID

This section informs case owners how to update the case information database (CID) after a bail application has been received by the Presenting Officers Unit (POU).

Applications for bail to the First-tier Tribunal

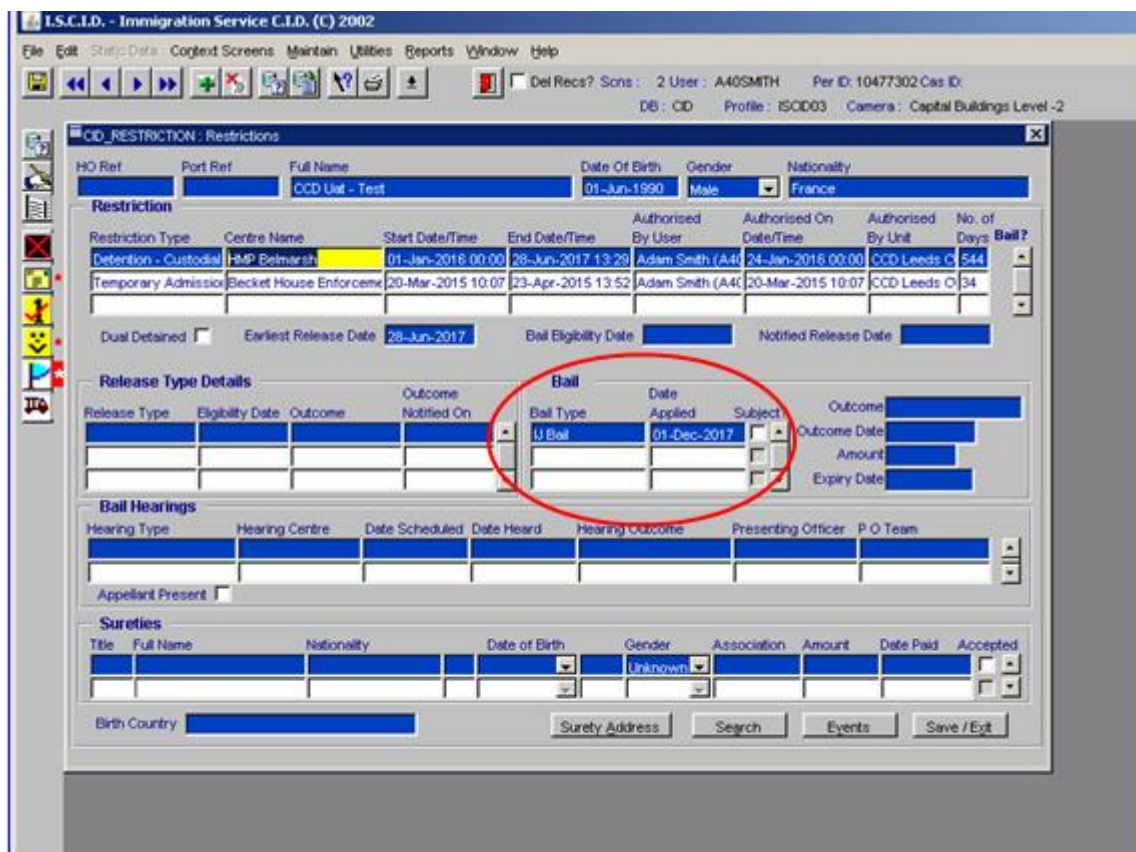
After an application for bail is received by the First tier Tribunal from a detainee held in immigration detention, and the bail hearing is listed the details of the application are recorded on CID.

Bail details are stored and recorded on the 'Restrictions' screen .

The recording of these details will be completed by the bail team in the receiving POU. The POU will update the 'Bail type' with 'IJ Bail' and the date the application has been received in the 'Date Applied' field.

If the bail application has been made through the automatic bail referral process, the bail team in the receiving POU will update the 'Bail type' with 'Auto Bail Referral' and the date the referral is sent to the relevant hearing centre in the 'Date Applied' field.

Please note, do not update any fields in the bail hearings section these are completed by the Presenting Officer (PO) or the POU.



Restriction Type	Centre Name	Start Date/Time	End Date/Time	Authorized By User	Authorized On Date/Time	Authorized By Unit	No. of Days	Bail?
Detention - Custodial	HMP Belmarsh	01-Jan-2016 00:00	28-Jun-2017 13:29	Adam Smith (A4)	24-Jan-2016 00:00	CCD Leeds C	544	
Temporary Admission	Becket House Enforcem	20-Mar-2015 10:07	23-Apr-2015 13:52	Adam Smith (A4)	20-Mar-2015 10:07	CCD Leeds C	34	

Release Type	Eligibility Date	Outcome	Notified On	Bail Type	Date Applied	Subject	Outcome	Outcome Date	Amount	Expiry Date
				IJ Bail	01-Dec-2017					

Hearing Type	Hearing Centre	Date Scheduled	Date Heard	Hearing Outcome	Presenting Officer	P.O Team

Title	Full Name	Nationality	Date of Birth	Gender	Association	Amount	Date Paid	Accepted
				Unknown				

Updating financial condition supporter details

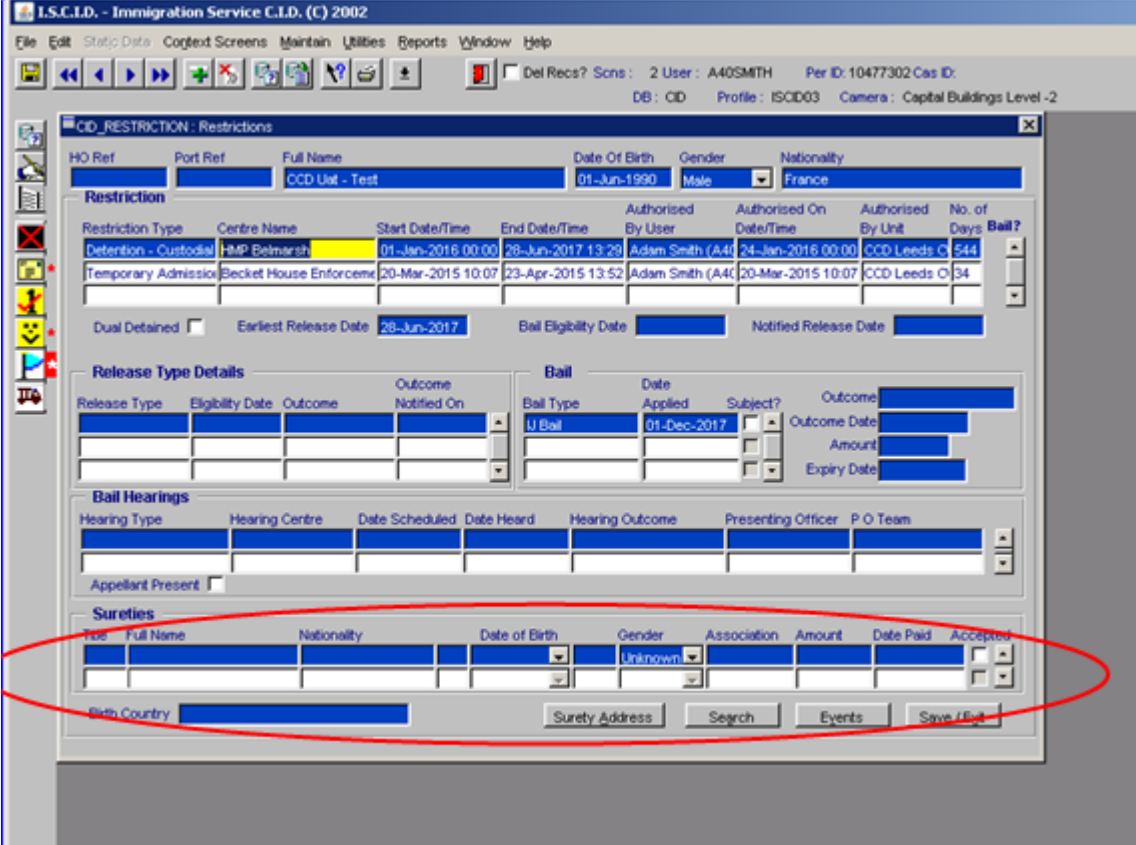
If the applicant has proposed financial condition supporters as part of their application for bail, these need to be updated on CID.

Enter the 'Restrictions' screen .

Complete the 'surety section' using the information provided on the bail application B1 form.

You must complete all of the following fields, 'Title', 'Full Name' of the financial condition supporter, 'Nationality', 'Date of Birth', 'Gender', 'Association' for example friend or relative and the 'Amount' proposed for the financial condition should one be set.

No action needs to be taken in 'accepted' and 'paid by date'.



The screenshot shows the 'CD_RESTRICTION: Restrictions' window. The 'S sureties' section is circled in red. It contains a table with the following columns: Title, Full Name, Nationality, Date of Birth, Gender, Association, Amount, Date Paid, and Accepted. The 'Gender' field is set to 'Unknown'. Below the table are buttons for 'Surety Address', 'Search', 'Events', and 'Save (F5)'. The 'Birth Country' field is also visible below the table.

Updating CID notes


Once you have completed the bail summary you must send it to the authorising officer for checking.

You must update CID in the notes section  with this information.

The authorising officer will then in turn update CID notes stating whether authorisation has been given or whether further work is required prior to sending to the POU.

Create a diary action to check on bail outcome

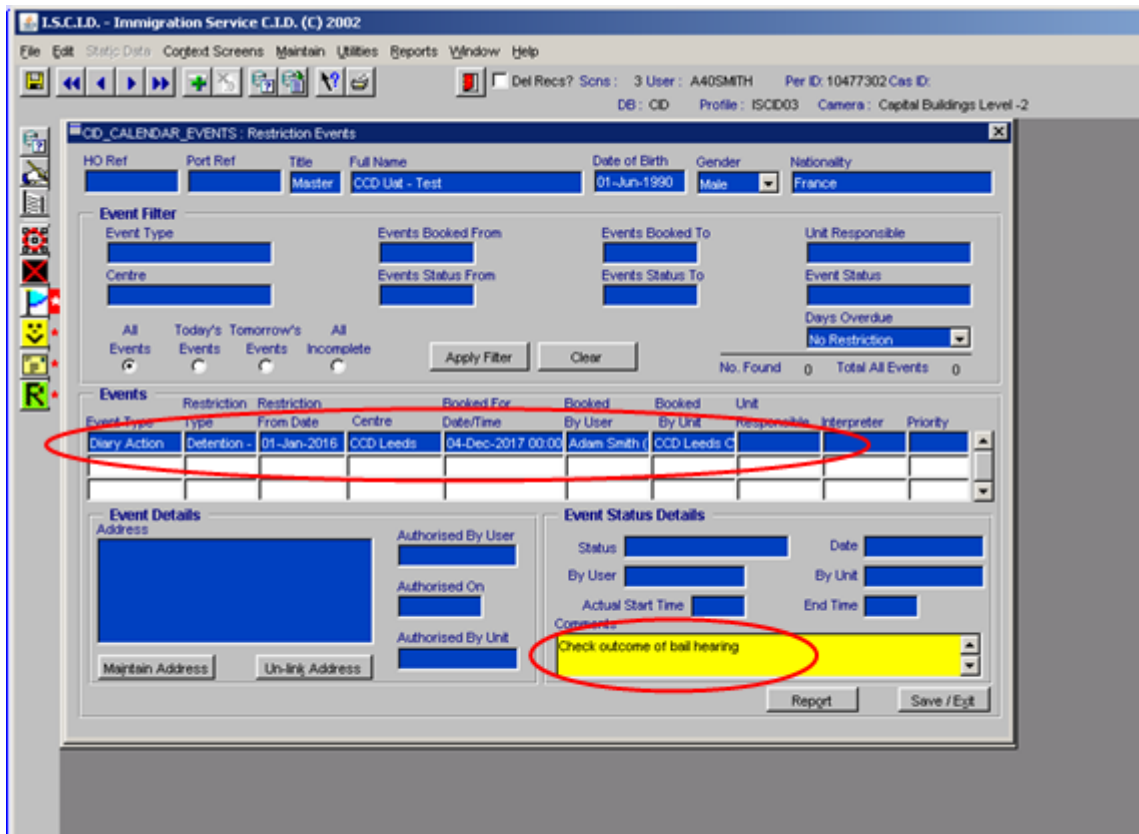
A calendar event should now be created so that you can monitor the application and check on the bail hearing outcome.

Access the 'Calendar Events' screen 

In the 'Event Type' field, select 'Diary Action' from the drop-down menu.

Complete the 'Centre' field and 'Booked for Date/Time' with the date you wish to be reminded to check on the hearing outcome. The next 2 fields will auto-populate.

In the 'Unit Responsible' field, enter your team details and in the 'Comments' field, type 'check outcome of bail hearing'.



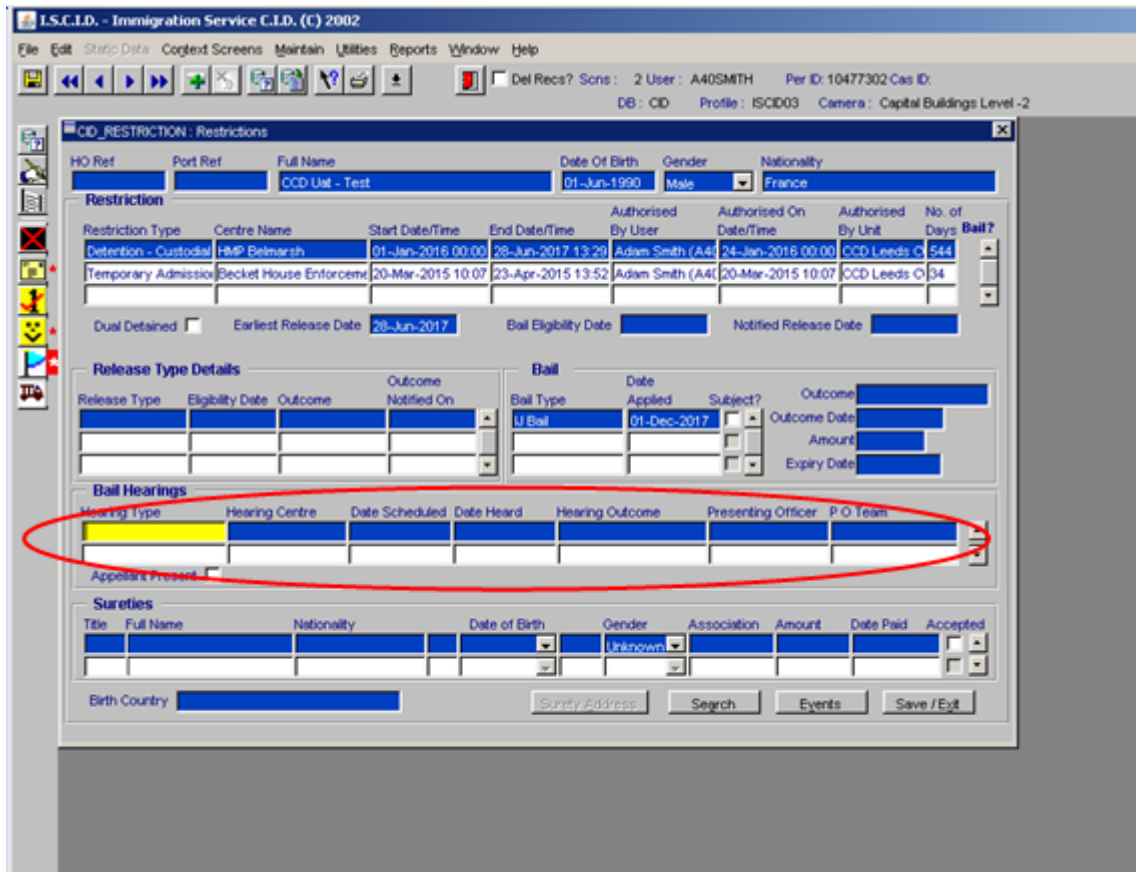
Event Type	Restriction	Restriction From Date	Centre	Booked For Date/Time	Booked By User	Booked By Unit	Unit Responsible	Interpreter	Priority
Diary Action	Detention -	01-Jan-2016	CCD Leeds	04-Dec-2017 00:00	Adam Smith	CCD Leeds C			

Bail outcomes

When an outcome has been received from the Presenting Officer, CID will be updated by the relevant Presenting Officers team. You can check on the outcome of a bail hearing by accessing the 'Restrictions' screen.

The details of the bail outcome will be recorded on CID restriction screen within the bail outcome section.

Should a bail hearing be withdrawn before the hearing takes place, the POU will update CID, within the bail hearing section with one of the hearing outcomes: Withdrawn pre-hearing or Withdrawn at hearing.



Adding case notes

If any relevant instructions, comments or recommendations are received in a bail outcome from the Judge of the First-tier Tribunal, these should be recorded in the 'Notes' screen. You must ensure that any outstanding actions are completed before any deadline imposed.

Related content

[Contents](#)

Standard paragraphs when opposing bail

This section contains standard paragraphs designed to assist with the completion of a bail summary.

You must provide a response to **all the reasons** why the applicant is seeking bail ensuring the mandatory factors listed within [paragraph 3\(2\) of schedule 10 to the Immigration Act 2016](#) are considered.

These considerations are:

- the likelihood of the person failing to comply with a bail condition
- whether the person has been convicted of an offence (whether in or outside the UK or before or after the coming into force of paragraph 3(2) of schedule 10 to the Immigration Act 2016)
- the likelihood of a person committing an offence while on immigration bail
- the likelihood of the person's presence in the UK, while on immigration bail, causing a danger to public health or being a threat to the maintenance of public order
- whether the person's detention is necessary in that person's interests or for the protection of any other person
- such other matters as the Secretary of State or the First-tier Tribunal thinks relevant

You must support your considerations with relevant evidence by attaching supporting documentation to the bail summary.

These paragraphs are not exhaustive in providing reasons for opposing bail. Each bail summary or case must be considered on its own merits and the standard paragraphs must be amended to reflect the individual circumstances of each case.

The likelihood of the person failing to comply with a bail condition

Clandestine/ Illegal entry

The applicant entered the United Kingdom **illegally/by clandestine means**, thereby securing entry by evading the Home Office controls on arrival. The applicant has since been found to be without a travel document. These omissions suggest to the Home Office that no reliance can be placed on **him/her** complying with immigration control in the future.

Entry using documentary deception

The applicant has demonstrated little regard for immigration laws in the past having presented a **false passport/false document** on arrival to secure entry to the United Kingdom. The fact that the applicant failed to disclose this at the time of entry would suggest that **little/no** reliance can be placed on **him/her** complying with immigration control in the future.

Entry using verbal deception

The applicant claimed on arrival that **he/she** had come to the United Kingdom to visit and that **he/she** would be leaving the United Kingdom on (insert date). He/she has since **claimed asylum (and he/she has admitted that it was always his/her intention to claim asylum in the United Kingdom)/failed to leave or regularise their stay in the UK**. This suggests that no reliance can be placed on **him/her** complying with immigration control (**as he/she had an opportunity to claim asylum on arrival in the United Kingdom and failed to do so**), choosing **instead** to secure entry by verbal deception.

Detected by chance

The applicant only came to our attention by chance, having been encountered by the **Police for insert details/ Home Office during a visit to insert details e.g. place of work, home address**. It is considered that it is unlikely that the applicant would have brought **himself/herself** to the attention of the authorities of **his/her** own accord given that **he/she** had remained illegally for **insert number months/years** without having sought to regularise **his/her** stay in the UK. Indeed, it is submitted that the applicant would have remained at large had it not been for this chance encounter.

Previous bail application refused by First-tier Tribunal Judge

It is noted that at the applicant's previous bail hearing on **insert date** the Judge of the First-tier Tribunal refused bail and found: No further evidence has been provided by the applicant to suggest there has been a material change in circumstances since this **his/her** last bail application.

Breach of previous conditions

The applicant has breached the conditions of **his/her release/bail** conditions in the past, having failed to report to the Home Office as required **insert details**. The applicant has therefore shown a disregard for **his/her** previous **bail/release** conditions and would have **little/no** incentive to comply with any terms or conditions were bail to be granted.

Previous absconder

The applicant has failed to report while under **release/bail** conditions on **insert number** occasions and on **insert date he/she** was listed as an absconder. The applicant has shown a disregard for **his/her** previous **bail/release** conditions and would have **little/no** incentive to comply with any terms or conditions were bail to be granted.

Previously reporting

The applicant has previously reported in accordance with **his/her release/bail** conditions from **insert date to insert date**, as required, but this was at a time when **he/she** would not have seen their removal from the United Kingdom taking place in a reasonable timescale. As removal can now be forecast in a reasonable timescale, the circumstances have changed, and it is considered that the applicant would have little incentive to comply with any terms or conditions were bail to be granted.

Claimed asylum after detection

The applicant claimed asylum only after having been apprehended by the **Police/Home Office**. The timing of the claim suggests that it was an attempt to frustrate removal particularly given that the applicant claims to have been in the United Kingdom for **insert date months/years** and had every opportunity to claim asylum prior to **his/her detection/detention**. The applicant has shown a disregard for the laws of the United Kingdom and would have **little/no** incentive to comply with any terms or conditions were bail to be granted.

The Home Office believe that anyone in genuine need of international protection would claim asylum either **on arrival in a safe country or as soon as possible thereafter**. Rather than claiming at the first available opportunity, the applicant spent **insert length of time** avoiding the Home Office, **or/and insert length of time living in insert safe country** before claiming asylum in the UK. The applicant has shown a disregard for immigration and asylum law and would have **no/little** incentive to comply with any terms or conditions were bail to be granted.

The applicant only claimed asylum when **his/her** removal from the UK **was imminent or when fully aware of the Home Office's intention to remove the applicant from the UK**. Given that **he/she** has been in the UK for **insert length of time** we submit that the timing of **his/her** claim was opportunistic and designed purely to frustrate removal as **he/she** could have claimed asylum at any time during **his/her** stay in the UK. The applicant has shown a disregard for immigration and asylum law and would have **no/little** incentive to comply with any terms or conditions were bail to be granted.

Non-compliance with the Home Office

The applicant has failed to comply with the Immigration Rules in the past, having failed to attend **his/her asylum interview/screening interview/documentation interview/failed to return their statement of evidence form**. The Home Office believe that since **he/she failed to attend his/her asylum interview/screening interview/documentation interview/failed to return his/her statement of evidence form** at a time when **he/she** presumably hoped for a successful outcome to **his/her** claim, **he/she** would have little incentive to comply with any terms or conditions were bail to be granted at this time.

Statement of intention not to comply

The applicant has in the past stated that **he/she** will not comply with the conditions of **release/bail**. It is therefore submitted that this applicant is unlikely to comply with any terms or conditions were bail to be granted and the Home Office believe that it is reasonably likely this applicant would abscond if afforded the opportunity to do so.

Disruption on the point of removal

The applicant demonstrated disruptive behaviour when about to be removed on **insert date** by **inset details** and this resulted in the removal being deferred. The Home Office submit that the applicant's actions in this respect were likely to be a deliberate attempt to frustrate removal and based on **his/her** previous behaviour and that fact that **his/her** removal is forecast in a reasonable time period **he/she** is unlikely to comply with any terms or conditions were bail to be granted.

Case progression

Asylum claim refused

The applicant's asylum claim was refused on **insert date** and the applicant subsequently became appeal rights exhausted on **insert date**, therefore the Home Office submits that this removes whatever incentive the applicant might otherwise have had to comply with any terms or conditions were bail to be granted.

The applicant's asylum claim was certified as clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act 2002 on **insert date**. The applicant cannot therefore bring an appeal whilst in the United Kingdom. The Home Office submits that this removes whatever incentive the applicant might otherwise have had to comply with any terms or conditions were bail to be granted.

Removal action will be initiated immediately should the applicant's **asylum application be refused and certified/asylum appeal be dismissed/Judicial Review fail**. In view of this the Home Office believe that the applicant has **little/no** incentive to comply with any terms or conditions were bail to be granted.

Appeal under DIA

The applicant's asylum claim was refused with an in-country right of appeal, however this is being considered by the Tribunal as a Detained Immigration Appeal (DIA). As a Detained Immigration Appeal (DIA), Judicial guidance ensures that the listing and promulgation is prioritised.

Judicial review received

Grounds for judicial review (JR) have been received and the case has been allocated to a caseworker. Although it is acknowledged that the final decision on whether to expedite a JR is for the High Court or Upper Tribunal, the Home Office's Litigations Operations team will seek to have the JR expedited. **Insert details as to why the JR is suitable for expedition giving the current status and progress of the JR, including progress on expedition of the JR and estimated timescale for the permission to appeal decision.** . The Home Office submits that detention is appropriate and proportionate, the applicant only sought JR when removal was imminent **insert details** and the timing of **his/her** claim was opportunistic and designed purely to frustrate removal as **he/she** had ample opportunity to challenge decisions made previously.

The applicant sought judicial review on **insert date** and on **insert date** it was refused on papers. The subject has renewed to an oral hearing and this **is due to be heard on insert date /within insert number of days**. The applicant is . The Home Office submits that this give the applicant **little/no** incentive to comply with any bail conditions.

The applicant sought judicial review on **insert date** and on **insert date** it was refused on papers, "totally without merit" with oral renewal not a barrier to removal. As there are no other barrier to **his/her** removal and removal can be set in a reasonable period of time, the Home Office submits that this give the applicant **little/no** incentive to comply with any bail conditions.

The applicant was detained for removal and **he/she** has now sought judicial review (JR), however this JR is not a barrier to removal and an **emergency travel document is already available, meaning there should be no delay setting removal directions**. The applicant is . The

Home Office believe that given the applicant's previous behaviour, **he/she** would have little incentive to comply with any terms or conditions were bail to be granted.

The applicant was detained for removal and **he/she** has now sought judicial review (JR). If this fails, it is the Home Offices intention to remove **him/her** at the soonest opportunity. **An emergency travel document is already available, meaning there should be no delay in that respect.** The applicant is . The Home Office believe that given the applicant's previous behaviour, **he/she** would have little incentive to comply with any terms or conditions were bail to be granted.

Lack of cooperation with the travel documentation process

The applicant has failed to **comply with/assist in** the removal process by failing to provide details of **his/her** true identity and instead, **making use of several different identities insert details** . Such action suggests that the applicant is prepared to frustrate the removal process and would have no incentive to comply with any terms or conditions were bail to be granted. The applicant's failure to comply with or assist in the removal process renders **him/her** liable for prosecution under Section 35 (3) of the Asylum and Immigration Act (Treatment of Claimants, etc) 2004.

It is the Home Offices intention to remove the applicant as soon as possible and once a travel document becomes available, removal arrangements will commence. The Home Office has been making concerted efforts to obtain a travel document by , despite the applicant's lack of cooperation to date. It is likely that the applicant could reduce the length of time **he/she** spends in detention by cooperating with the Home Office in the process of identification and documentation .

An application for an emergency travel document has been made to the **insert country** authorities **and the applicant attended for interview on insert date**. The **insert country** authorities have recently informed the Home Office that they are unable to verify checks, due to incorrect information being supplied by the applicant . The Home Office are now taking steps to collect and resubmit this information to the **insert country** authorities **give timescales**. In view of this, the Home Office submits that at the present time, detention remains appropriate and proportionate.

Time scales for the issue of a travel document

An application for an emergency travel document has been made to the **insert country** authorities **and the applicant attended for interview on insert date**. The **insert country** authorities have recently informed the Home Office that they are still carrying out verification checks. Once these have been completed, a travel document should be made available within a reasonable period of time . The Home Office submit that at the present time, detention remains appropriate and proportionate.

Whilst it is not possible to give a precise estimate of when a travel document will be available, the applicant was interviewed by the **insert country** authorities **on insert date/over insert number months ago** and it has been established that verification checks are taking place. In these circumstances the Home Office believe that a document will be available within a reasonable . In view of this, the Home Office submits that at the present time detention remains appropriate and proportionate.

Removal action taking place

The applicant has no barriers to their removal from the UK and arrangements are being made to put removal directions in place in a reasonable period of time. As such, the Home Office submits that the applicant's detention remains appropriate and proportionate, and that he/she would have little incentive to comply with any terms or conditions were bail to be granted.

The applicant's removal to insert country is scheduled for insert date and removal directions are in place. A copy of the removal directions has been provided. As such, the Home Office submits that the applicant's detention remains appropriate and proportionate, and that he/she would have little incentive to comply with any terms or conditions were bail to be granted.

Pursuant to Paragraph 3(4) of Schedule 10 to the Immigration Act 2016, because directions requiring the removal of the applicant from the UK within 14 days of this hearing are in force, the Tribunal cannot grant bail without the consent of the Secretary of State.

Financial Condition Supporters

No financial condition supporter

Provide an explanation of how the applicant has shown disregard for the immigration rules. The Home Office submits that in the absence of at least one financial condition supporter and a substantial sum being offered by them, there is a reasonable likelihood this applicant will fail to comply with bail conditions should they be granted bail.

Proposed financial condition supporter(s) has an irregular or uncertain immigration status

The proposed financial condition supporter has a precarious immigration status as he/she is insert supporters immigration status e.g. failed asylum seeker/illegal entrant or other. As such, they are also liable to removal from the United Kingdom and so may not remain in the United Kingdom throughout the applicant's stay to fulfil the obligations of a financial condition supporter(s).

Proposed financial condition supporter is of adverse character

The proposed financial condition supporter has previous criminal convictions in the UK it is therefore considered that they are unsuitable to stand as a financial condition supporter in the event of bail being granted.

No or little amount offered for financial condition

The proposed financial condition supporter has offered no amount /only £insert amount for payment liability as part of a financial condition in the event bail is grant. By offering no amount /so little is indicative that any financial condition imposed will not mitigate the risk that the applicant would breach the relevant bail condition or conditions should bail be granted.

Proposed financial condition supporter has provided no evidence of funds for payment liability

The proposed financial condition supporter has offered £**insert amount** for payment liability as part of a financial condition in the event bail is granted. No evidence has been provided that this amount of money is available to the individual therefore it is considered that if the applicant were to breach any of their conditions where a financial condition is attached, they would be unable to pay the payment liability as required.

Whether funds are available to the financial condition supporter

Evidence has been provided to demonstrate the funds proposed by the financial condition supporter of £**insert amount** are available to them should bail be granted with a financial condition imposed. The financial condition supporter has provided **list details of evidence provided e.g. bank statements**. It is noted however **provide reasons whether adverse evidence may indicate a lack of funds e.g. nature of recent bank transactions, lack of bank statements over a period of time etc**. It is therefore uncertain whether **he/she** would be in position to pay the proposed sum should the payment liability become due or that any funds proposed for the financial condition are the supporter's to lose. **Whether the person has been convicted of an offence and the likelihood of a person committing an offence while on immigration bail**

Criminal convictions

The applicant has breached United Kingdom laws in the past having received a term of imprisonment in relation to . The applicant has shown a disregard for the laws of the United Kingdom and would have **little/no** incentive to comply with any terms or conditions were bail to be granted.

Risk of harm to the public

The Home Office regards protection of the public as paramount. It is Home Office policy that in cases where a person is being deported because of a criminal conviction, the starting point still remains the person should be released on bail unless the circumstances of the case require the use of detention. However, the nature of these cases means special attention must be paid to their individual circumstances. In any case in which the criteria for considering deportation action (the deportation criteria) are met, the risk of reoffending and the particular risk of absconding should be weighed against the presumption in favour of release.

Due to the clear imperative to protect the public from harm from a person whose criminal record is sufficiently serious **as to satisfy the deportation criteria, and/or because of the likely consequence of such a criminal record for the assessment of the risk that such a person will abscond**, in many cases this is likely to result in the conclusion that the person should be detained, provided detention is, and continues to be, lawful. However, any such conclusion can only be reached if the presumption of bail is displaced after an assessment of the need to detain in the light of the risk of reoffending **and/or** the risk of absconding.

In this case the applicant has been convicted of **insert offence/s**. The Home Office considers that there is a realistic prospect of removal within a reasonable period of time and that if granted bail **he/she** will pose an unacceptable risk to the public.

Bail address

The applicant has provided a bail address where he/she will reside which the Home Office opposes **insert details as to why the bail address is opposed** . In view of this it is submitted that bail should be refused.

Eligibility for Secretary of State Accommodation

Under paragraph 9(2) of Schedule 10 to the Immigration Act 2016, the Secretary of State may provide or arrange for the provision of accommodation to a person granted immigration bail subject to a residence condition if the person would be unable to support themselves at the address specified without the Secretary of State's assistance. However, the Secretary of State's power to provide or arrange for the provision of accommodation under this provision applies only to the extent that the Secretary of State thinks that there are exceptional circumstances which justify the exercise of the power.

The applicant has been assessed against the exceptional circumstances criteria set out in the Secretary of State's published policy relating to the provision of accommodation under paragraph 9(2) of Schedule 10 to the 2016 Act. The assessment has found that:

the applicant appears to meet one or more of the exceptional circumstances criteria and therefore may be eligible for accommodation provided by the Secretary of State under Schedule 10.

the applicant does not meet any of the exceptional circumstances criteria and the Secretary of State therefore does not have the power to provide accommodation to the applicant under Schedule 10. In addition, the applicant is neither an asylum seeker nor failed asylum seeker so is not eligible for any other accommodation provided by Secretary of State.

As the applicant's asylum application or appeal has not been finally determined, the applicant may be eligible to be provided with accommodation under section 95 of the Immigration and Asylum Act 1999 if, on leaving immigration detention, they would be destitute or likely to become destitute within 14 days. Section 98 of the 1999 Act also allows accommodation to be provided temporarily pending consideration of an application for section 95 support and is usually provided to those with an immediate accommodation need. Advice and assistance on how to apply for support under section 95 or Section 98 is available on GOV.UK.

The applicant is a failed asylum seeker who is appeal rights exhausted. The applicant may therefore be eligible to be provided with accommodation under section 4(2) of the Immigration and Asylum Act 1999 if they are likely to become destitute on leaving detention and meet specified eligibility criteria. The applicant will need to complete an Asylum Support Application Form (ASF1), available on GOV.UK, if they wish to apply for accommodation provided under section 4(2).

Deportation

Conducive deportation (section 3(5)(a) of the Immigration Act 1971)

The applicant has been convicted **of a/a number of/ serious criminal offence/offences** and whilst it is appreciated that he/she has been punished for **this offence/these offences**, it has been decided that his/her presence in the United Kingdom is not conducive to the public good and that he/she be deported from the United Kingdom under section 3(5)(a) of the Immigration Act

1971. The Home Office submits that this removes **his/her** incentive to comply with any conditions of bail.

The applicant is the subject of a deportation order signed on insert date after **he/she** unsuccessfully appealed to the Immigration and Asylum Chamber against the Home Office's decision to deport **him/her** from the United Kingdom. The Home Office submit that this removes **his/her** incentive to comply with any conditions of bail.

Court recommended deportation (section 3(6) of the Immigration Act 1971)

The applicant has been convicted of **a/a number of/serious criminal offence/offences** and whilst it is appreciated that **he/she** has been punished for **this offence/these offences**, **he/she** was also recommended for deportation as part of **his/her** criminal sentence. Having considered the court's recommendation, the Home Office has concluded that it would be appropriate to act on this and deport **him/her** from the United Kingdom under section 3(6) of the Immigration Act 1971. The Home Office submits that this removes **his/her** incentive to comply with any conditions of bail.

The applicant is the subject of a deportation order signed on insert date on the basis of a recommendation made by the court as part of **his/her** criminal sentence. This order was made after **he/she** unsuccessfully appealed to the Immigration and Asylum Chamber against the Home Office's decision to act on the court's recommendation and deport **him/her** from the United Kingdom. The Home Office submits that this removes **his/her** incentive to comply with any conditions of bail.

Automatic deportation (section 32(5) of the UK Borders Act 2007)

The applicant has been convicted of **a/a number of/serious criminal offence/offences** and while it is appreciated that **he/she** has been punished for **this offence/these offences**, as a custodial sentence of **insert period** was handed down by the court, the Secretary of State has a duty to deport **him/her** from the United Kingdom under section 32(5) of the UK Borders Act 2007 because none of the exceptions in section 33 applies. The Home Office submits that this removes **his/her** incentive to comply with any conditions of bail.

The applicant is the subject of a deportation order signed on insert date and **he/she** has since unsuccessfully appealed to the Immigration and Asylum Chamber against the Home Office's deportation order. The Home Office submits that this removes **his /her** incentive to comply with any conditions of bail.

Bail summary conclusion

In light of the above it is considered that there are substantial grounds for believing that the applicant, if granted immigration bail, would fail to comply with bail conditions.

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