



Home Office

Processing ACRO Referrals in Criminal Casework

Version 2.0

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About this guidance

This guidance tells you how cases involving foreign nationals with overseas convictions are referred from the ACRO Criminal Records Office (ACRO) to Criminal Casework and how they are then managed and considered for deportation action.

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 Migrant 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 2.0
- published for Home Office staff on **12 October 2016**

Changes from last version of this guidance

Completely redrafted on new template

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Background: the framework decision

This page tells you about the European Council Framework Decision (2009/315/JHA) - (The Framework Decision) – which provides for the sharing and the exchange of criminal records for the purposes of criminal proceedings.

The Framework Decision also allows for the exchange of criminal records information for other purposes, such as immigration or employment vetting, where this is permissible under the national law of the state providing the information. Generally, personal data provided under the Framework Decision can only be used for the purposes for which it was sought. However, any personal data may also be used to prevent a serious and immediate threat to public security, without the need to obtain permission from the other European Union (EU) Member State.

When a foreign national is arrested in the UK, the police will request an overseas records check via the ACRO Criminal Records Office (ACRO). ACRO conducts such conviction checks with EU Member States and Non-EU Interpol Member Countries. The target country for the request is usually the individual's country of nationality. It could also be to another country where they are known to have lived or travelled.

Where an overseas check reveals serious offending, ACRO will refer the case to Criminal Casework (CC) for consideration of deportation action. Most checks are carried out under the Framework Decision but ACRO also have bilateral arrangements with a number of non-EU countries and can make a request to those countries for an individual's criminal conviction history via Interpol.

For further information on the Framework Decision see link: [Council Framework Decision 26 February 2009](#)

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Related external links:

[ACRO website](#)

Referral from ACRO to Criminal Casework

This page tells you how a case is referred from the ACRO Criminal Records Office (ACRO) to Criminal Casework (CC).

The referral from ACRO will be made by email and will include the following details (where available):

- name (and any known aliases)
- date of birth
- nationality (including any ID or passport documentation details)
- Police National Computer (PNC) identity (ID) checks
- details of overseas convictions
- outcome of an i24/7 (Interpol) check
- contact details of the police officer who made the request to ACRO
- reason for request; victim/witness/arrest
- last known UK address

The email referral is then actioned by CC Workflow.

Action taken by Criminal Casework Workflow

Once the referral is passed to the CC workflow team they must ensure the ACRO certificate request purpose states: 'Request for administrative purpose immigration/deportation', or the offences appear on the PNC.

If this information is missing, the Casework Information Database (CID) should be noted to state that a non-disclosable ACRO certificate has been received and that no further action can be taken until a disclosable certificate is obtained (a new ACRO referral should be made for Immigration purposes and the non-disclosable certificate destroyed)

It should be noted that under the Framework Decision, ACRO certificates requested by police for criminal proceedings and not clearly marked for administrative immigration/deportation purposes must not be used as the basis for a deportation decision.

Once a disclosable ACRO certificate is received the following steps should be taken by workflow in conjunction with their normal case creation rules:

- create a CID record for the subject if one does not already exist
- update CID with case details and overseas convictions information
- update CID Calendar Events with: CC - ACRO Referral and the Status as: 'Completed'
- request a PNC check
- create a Home Office paper file

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The case will then be referred to the appropriate CC team.

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First actions on receiving the ACRO referral

This page tells you what happens when a referral is received in Criminal Casework (CC).

Action taken by CC Casework Teams

Foreign national offender's (FNO) whereabouts are unknown

Where the foreign national offender's whereabouts are not known a National Border Targeting Centre (NBTC) check must be completed to establish whether the offender has left the UK recently. If the NBTC confirms the offender has left the UK, the case will be closed on Casework Information Database (CID) using the outcome 'ACRO overseas conviction – left UK before deport action'. Where the offences are of the most serious nature consideration should be given, in consultation with senior case workers (SCWs), to excluding/obtaining an exclusion order. See the guidance on Exclusion Decisions and Exclusion Orders for further information.

FNO is still in the UK

If the NBTC check shows that the foreign national offender is likely to still be within the UK, an ICD.5079 must be completed and sent to the Police National Computer (PNC) Bureau to have a wanted/missing marker added to the PNC.

The case should then be referred to the relevant Immigration Compliance and Enforcement (ICE) Team following the normal ICE Tasking and Detention Gatekeeper processes.

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If after tasking the case is confirmed as unable to be located or all avenues to detain have been exhausted CID will be updated with the case outcome 'ACRO: liable to deport – PNC updated 'wanted/missing', this will close the case until the individual is located.

When the offender is located the case must be allocated to a CC case owner. See [Foreign National Offender is Located](#).

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Foreign National Offender (FNO) is Located

This page tells you about the actions taken once the foreign national offender (FNO) is located.

The case will be allocated to a Criminal Casework (CC) case owner when the FNO is located and they must take the following actions:

- 1) Ensure that the wanted/missing marker is removed from the PNC using ICD5080.
- 2) Consider whether the FNO should be detained – see [Detaining foreign nationals with overseas convictions](#).
- 3) Check that the individual's full offending history (as referred by ACRO) appears on the Police National Computer (PNC) print used by CC, or that an ACRO certificate has been obtained that can be used for immigration/deportation purposes. A further check with ACRO should not be necessary unless there is evidence to suggest that the individual may have left the UK and committed further offences overseas since the referral was made.
- 4) Contact the police investigating officer in the case to inform them of CC's interest and ascertain what other information they hold relevant to deportation action, including information to assist with re-documentation.
- 5) If there are pending prosecutions, clarify the nature of the charges in the UK and whether the police are proceeding with prosecution. If the offences in the UK are not serious, the police may not object to deportation action being pursued and not pursue the prosecution if deportation can be effected quickly.
- 6) If the police prosecution is not being pursued or there is likelihood that the offender will be acquitted, the decision maker must ensure that, where appropriate, arrangements are in place to detain the person under immigration powers.
- 7) Where the police indicate that they wish to continue with the prosecution, case owners should consult the guidance on making deportation decisions where there are pending prosecutions. There may be circumstances where it is appropriate to proceed with making a deportation decision and deportation order. This will be a case specific consideration which will depend on the nature, seriousness and timescales for prosecution of the pending prosecution.

The decision whether or not to pursue deportation must take account of:

- the individual's foreign conviction(s)
- the existing convictions in the UK

- any outstanding UK law enforcement activity

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Detaining Foreign National Offenders (FNOs) with Overseas Convictions

This page tells you when you can detain a FNO with an overseas conviction. It must be read together with Chapter 55 of the EIGs.

Offenders with overseas convictions should **only** be detained where the overseas convictions can be disclosed for immigration purposes and the information is made available to the officers making the decision to detain. This means the overseas convictions are recorded clearly on the PNC or Immigration Enforcement hold an ACRO Certificate marked for Immigration/Deportation purposes. Once this is confirmed the usual detention processes should be followed. Immigration Enforcement **must not detain** alleged offenders on the basis of non-disclosable information.

EEA nationals will usually be detained using the powers contained within Immigration (European Economic Area) Regulations 2006 under regulation 24(1).

Non-EEA nationals will be detained using the powers contained within paragraph 2, Schedule 3 of the Immigration Act 1971.

There may be reasons why an offender is not suitable for detention (see chapter 55 of the EIGs), in which case they will then be managed on a non-detained basis.

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Deportation consideration

This page tells you how you should consider deportation where the foreign national offender (FNO) has overseas convictions.

Deportation consideration will only begin once the FNO has been located. The FNO must be served with either a Stage 1 Liability to Deportation Notice (if an EEA national) or a Stage 1 Decision Notice (if a non EEA national). Where they are serving a prison sentence and there is sufficient time to do so, the offender shall be given 20 days to respond to the notice. Where they have been detained under immigration powers or it is decided to release, the offender will be given 10 days to respond to the Stage 1 notice. Case owners should follow the consideration process set out in the Deporting non EEA Foreign Nationals guidance or in the case of EEA nationals, the EEA Foreign National Offender's guidance.

Where the offender is not detained and we have made a decision to deport, if the offender's address is known and there is no in country right of appeal, the local Immigration, Compliance and Enforcement (ICE) team should be asked to detain the individual.

Once deportation has been enforced, the relevant departments must be informed – see the guidance on Post Deportation Action for further information.

If it is decided not to proceed with deportation action see [Deportation not being pursued](#).

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Deportation not being pursued

This page tells you about the process to follow if it is decided that deportation is not to be pursued in the case of a foreign national with overseas convictions.

A submission should be sent to the Criminal Casework (CC) Director (SCS PB1) outlining the reasons why deportation action is not appropriate.

Where the Director takes a decision not to pursue deportation, the case owner must then consider whether to refer the case to Removals Casework for administrative removal. That will not be necessary if the decision maker is satisfied from their enquiries that deportation is not appropriate and that the individual is residing lawfully in the UK.

The decision maker must advise the ACRO Criminal Records Office (ACRO) that deportation is not being pursued in the case.

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