



Home Office

# **Detention Services Order 12/2023**

## **Service of Removal Notices and Departure Details**

December 2023



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# Document Details

**Process:** To provide instructions and guidance to staff on the service of removal notices and departure details to those detained in immigration detention facilities, and the handling of representations received when a removal is already under way.

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**Review Date:** December 2025

**Version:** 1.0

## Contains Mandatory Instructions

**For Action:** All Home Office and contracted service provider staff operating in immigration removal centres, residential short-term holding facilities and pre-departure accommodation, including Detention Services Compliance Teams, Detention Engagement Teams and UK Visas and Immigration staff.

**For information:** This DSO contains mandatory actions for Home Office Immigration responsible caseworkers, however this guidance is for information purposes only and responsible caseworkers should ensure they follow the policies "[Enforced removals: notice periods](#)" and "[Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation](#)" are followed.

**Author and Unit:** Rosa Lynch, Detention Services

**Owner:** Michelle Smith, Head of Detention Operations

**Contact Point:** Detention Services Orders Team

**Processes Affected:** Enforced removal notice periods and service of documents.

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

**Notes:** N/A

## Introduction

1. This Detention Services Order (DSO) provides operational instructions and guidance relative to the service of removal notices and departure details on detained individuals, for staff working in immigration removal centres (IRCs), residential short-term holding facilities (RSTHFs), and the pre-departure accommodation (PDA), in addition to, the International and Returns Services (IRS) Detainee Escorting and Population Management Unit (DEPMU) and escorting suppliers.
2. This guidance does not apply to residential holding rooms (RHRs) or non-residential short-term holding facilities.
3. It also provides Home Office Immigration Enforcement (HOIE) staff with guidance on how to deal with an application for judicial review or notification of a court injunction preventing removal for those whose removal is already under way.
4. The definition of '**removal under way**' for the purposes of this DSO, is the point at which departure details have been arranged by the responsible caseworker until the point at which the doors of the (air)craft have been shut.
5. For the purpose of this guidance, references to "centre" in this document cover IRCs, RSTHFs and PDA.
6. Two different **Home Office teams** operate in IRCs:
  - Detention Services Compliance team (Compliance team)
  - Immigration Enforcement Detention Engagement team (DET)

The **Compliance team** are responsible for all on-site commercial and contract monitoring work. The **DETs** interact with detained individuals face-to-face on behalf of responsible officers within IRCs. They focus on communicating and engaging with people detained at IRCs, helping them to understand their cases and detention.

There are no DETs at RSTHFs. Functions which are the responsibility of the DET in IRCs, are carried out by the contracted service provider in RSTHFs and overseen by the IRS Escorting Contract Monitoring Team (ECMT). In the Gatwick PDA, the role of detained individual engagement is covered by the local Compliance Team.

## Policy background

7. Section 46 of the Nationality and Borders Act (NABA) 2022 amends Section 10 of the Immigration and Asylum Act 1999 to incorporate new provisions on notice periods and the scenarios where a notice period is not required. Section 10 of the

Immigration and Asylum Act 1999 relates to a person who requires leave to enter or remain in the UK but does not have it.

8. Where a person is removed under section 10, they will receive a notice of liability to remove or an equivalent notice. A person who is being deported under sections 3(5) and (6) of the Immigration Act 1971, or section 32 of the UK Borders Act 2007, or Regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016 will be given a deportation decision notice.
9. The Immigration Enforcement general instructions entitled [Enforced removals: notice periods](#) provides comprehensive detail on the relevant notices and notice periods and should be read alongside this DSO. The relevant notices are:
  - **Notice of liability to remove (NOL)**. This notice informs the individual that they are liable to be removed from the UK and the reason for this decision. This can be a standalone notice or served in combination with another notice. Where appropriate, decisions which inform the individual of their liability to removal, such as an asylum refusal decision, may be served instead of the NOL.
  - **Notice of intention to remove (NIR)**. This notice must inform the individual of the SSHD's intention to remove them to a named destination and advise them of their notice period. The NIR can be served after or at the same time as the NOL.
  - **Notice of departure directions (NDD)**. This notice must be served and informs the individual of the date of removal, destination and route. Where the departure details are known at the time of serving the NIR, the NIR and NDD can be served together.
10. This DSO is aligned with the Immigration Enforcement general instructions entitled [Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation](#). This DSO is designed to provide detention staff with the knowledge to ensure detained individuals are given full and proper notice of their removal directions.
11. HOIE staff are advised to read the Immigration Enforcement general instructions on [Judicial reviews, injunctions and applications to the European Court of Human Rights](#) alongside this DSO to fully understand how judicial reviews and injunctions in relation to removals are managed.

## Procedures

### Setting and serving removal notices and departure details

12. The detained individual's case worker is responsible for arranging removal in line with the policy on [enforced removal notice periods](#). The onsite DETs may liaise with the responsible case worker should they have any concerns regarding case progression and delays in the setting of departure details.
13. The notice period set out in the notice of intention to remove (NIR) is the time given to a person, prior to their enforced removal, for them to seek legal advice. The notice period is measured in full working days and begins from 00:00 on the first working day after the date of service. The notice period must be a minimum of 5 working days. The person cannot be removed during this time.
14. Unless otherwise exempt, notice of departure details (NDD) and other documents that make part of the removal notice, such as the notice of liability to remove (NOL), NIR (section 10a NABA 2022) and immigration factual summaries (ICD.2599), should be served on the detained individual as soon as is practicably possible by DET staff, or IRC suppliers on their behalf where there is no Home Office staff on-site.
15. The NDD can only be served within the notice period, unless the NIR and NDD are served at the same time. If both notices are served together, NDD will effectively precede the notice period, as the notice period begins at 00:00 following the service of the NIR. Responsible caseworkers should always make the notice period clear when requesting service of the NIR and/or NDD, indicating the last day and time of service that complies with the individual circumstances of each case.
16. When requesting service of the NOL, NIR, or NDD for individuals detained in IRCs, responsible caseworkers should contact the local DET team during office hours – preference should be given to electronic communications. Unless exceptionally agreed by the DET operational manager at the IRC, the NDD will, where possible, be served on the person the same day only where it is received by the IRC before 3.00pm. If there is a requirement for contracted service provider staff at an IRC to serve NDD because this is outside of usual office hours or the individual is located in the Gatwick PDA, responsible case workers are required to contact the local Compliance Team on-call manager for the centre to discuss arrangements for service.
17. When requesting service of the NOL, NIR, or NDD at RSTHFs, responsible caseworkers will contact the contracted service provider staff directly. As there are no DETs at RSTHFs functions which are the responsibility of the DET in IRCs are instead carried out by the contracted service provider in RSTHFs and overseen by the IRS ECMT.

18. When required to serve the NIR or NDD, contracted service provider staff must notify DEPMU of the documents served, the officer that served the NIR/NDD, the time they were served and any adverse reactions from detained individual by completing an IS91 RA Part C, copying the IS91 RA Part C to the 'Detained AAR Part C' inbox also. DEPMU will then update ATLAS with the information provided.
19. Where there are known vulnerabilities, the responsible case worker should consider the timing of service of papers, including whether it would be appropriate to serve the notice to the relevant legal representative before the detained individual or whether the individual is to be informed first, with the contents explained to them, and any necessary support put in place (see also paragraph 23). The responsible case worker should advise DETs of any such special service arrangements and where appropriate, request particular safeguarding actions appropriate to the individual's circumstances are undertaken. For example, the case worker may request welfare checks to be conducted. Where arrangements have been made for the legal representative to explain the documents to an individual, the responsible caseworker should inform the DETs of the date/time that this is due to occur. DETs should ensure that the request for safeguarding actions are communicated with the service provider welfare team. In any case, removal notices must be served no later than the minimum five working days or other period explicitly set out by the responsible caseworker in accordance with the particular circumstances of each case.
20. Staff serving NOL, NIR, or NDD must satisfy themselves that the detained individual has understood the implications of the documentation (for example, the date of his or her removal and flight details, including the destination). An interpreter should be used where there is any doubt as to whether the detained individual has understood the documents being served. This may be achieved by telephone interpreting where needed (see [Detention Services Order 02/2022: interpretation service and use of translation devices](#) for further information). Detained individuals must be given access to telephone facilities after service of the NIR and NDD to enable instruction of and contact with legal representatives. This requirement may be satisfied by detained individuals using their personal, or centre issued mobile telephones to do so.
21. The local DET team must keep clear records when the NOL, NIR, or NDD have been served. Confirmation of service must be noted on Atlas for both 'Detention Engagement Activity' and 'Returns and Removal Notices' screens once notices have been served, including the date and time of service, name of the serving officer and any witnesses. All documents served have to be individually noted on this record (e.g. Immigration Factual Summary IFS). Where there are known vulnerabilities the DET team should check that the centre service provider and healthcare staff are aware of the departure details for instance through movement orders, and where they are not aware, DETs must notify the service provider and/or



healthcare team in order for consideration to be given to any additional support for the detained individual in preparing them for removal (see also paragraph 25).

22. DET staff must advise DEPMU Operations, the local Compliance team and the responsible caseworker, by completing an IS91 RA Part C, copied to the 'Detained AAR Part C' inbox if the detained individual displays an adverse reaction to being served any removal notices which indicates a change in risk or vulnerability (see DSO [08/2016 Management of Adults at Risk in Immigration Detention](#)). This should include whether the detained individual gave any indication whether or not he or she would be compliant with the removal process, any medical concerns raised or other risk factors identified which would otherwise warrant the use of additional escorts, medical escorts or any other special arrangements. All staff likewise have a responsibility to complete an IS91RA Part C to advise of an adverse reaction which indicates a change in risk or vulnerability any time after the service of removal notices. The responsibility for doing so will land to the member of staff who has identified the adverse reaction which indicates a change in risk or vulnerability.
23. Before serving a NIR, or NDD on a detained individual being managed under the Assessment Care in Detention and Teamwork (ACDT) process, Home Office staff (DET) must notify the contracted service provider, duty manager (Oscar 1 in the first instance, or a DCM or above when acting as the centre/ duty manager) and the healthcare team of the details of the removal. Where possible, the service of removal directions in such cases should be planned in advance with the centre supplier and healthcare staff. Where assessed as necessary and appropriate, an ACDT trained officer should be present when the detained individual is served removal directions. This decision must be noted in the detained individual's ACDT monitoring log.
24. An urgent review of the ACDT must be conducted as soon as possible after service of any NIR or NDD following the procedures set out in [DSO 01/2022 - Assessment care in detention and teamwork](#).
25. Where possible and appropriate, all detained individuals should be offered an appointment with the centre's welfare department after being notified of the SSHD's intention to remove them, or of their departure details. Issues around departure and resettlement, such as property or contacting family members, should be discussed at this appointment. If the welfare officer identifies any change to risk factors, any need for special travel arrangements or is given any indication that the detained individual may not comply with their scheduled removal, the officer must complete an IS91RA Part C form and submit this to DEPMU Operations, copied to the 'Detained AAR Part C' inbox. A copy must also be provided to both the local Compliance and DET teams, who will share with the responsible case worker.

## Notice periods

26. Local DET teams should be familiar with the required timings under Section 46 of the Nationality and Borders Act 2022, which requires that a minimum of 5 working days' notice (from 00:00 on the first working day after the date of service) is provided when serving a NIR, subject to limited exceptions. DET teams should contact the responsible caseworker where notice periods under section 10B or 10C of Immigration and Asylum (IA) Act 1999 are not clear or if there are operational reasons to challenge the proposed timing of service (e.g. a detained individual on ACDT that may benefit from a longer notice period).
27. Staff should refer to the policy on [enforced removal notice periods](#) for the correct notice for the individual's circumstances. Responsible caseworkers should always make the notice period clear when requesting service of the NIR and NDD.

## Failed removal cases

28. Where a scheduled removal fails for a reason that is reasonably beyond the control of the Home Office, a new notice period is not required if the removal can be rearranged within 21 days of the failed removal.
29. If the initial removal fails for reasons reasonably beyond the control of the Home Office but the new removal date is after the 21 days, then you the detained individual must be given a new NIR and NDD. You do not have to wait for the 21 days to finish before serving these. Case workers need to ensure that there is a minimum of 5 working days between the deemed date of service of the NIR and the date of departure.
30. A new NIR giving a new notice period is also required if the destination named in the NDD is different to that named in the NIR, or the route is via a transit stop that was not stated in the NIR (other than a stop in the UK or a country that is specified in [Part 2 of Schedule 3 to the Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004](#)
31. If the initial removal fails for reasons reasonably beyond the control of the Home Office, then there is no limit on the number of removal attempts that can be made during the 21 days. This is regardless of the reason for their failures. A new NDD must be served for each removal attempt.
32. The 'NDD – Departure Cancelled' must be provided in all cases where removal directions have been cancelled or deferred and should be generated by the unit responsible for cancelling the directions. The notification should be served to the individual and their legal representatives as soon as practicably possible. Outside of working hours, the following teams will be responsible for producing the NDD – Departure Cancelled:

- On weekdays, casework areas will generate the NDD – Departure Cancelled during core hours until 16:30 and will provide to DETs by 17:00.
- After 16:30, the Operational Support Certification Unit (OSCU) will generate the notification and provide to DETs.
- Outside of DET working hours, OSCU will provide to contracted service providers. Contracted service provider staff will confirm by email that the notification has been served and the time of service will be logged by DET staff the following day.
- OSCU will only complete these actions where the decision to cancel removal has been made by OSCU. Where the decision to cancel removal has been made by the responsible case worker, or any other Home Office unit, the notifications stipulated above will remain the responsibility of that unit.

## Handling of judicial reviews

33. Judicial review (JR) is the legal process that allows a person to challenge the lawfulness of a decision, action or failure to act of a public body such as a government department. JR in Scotland is pursued by means of a petition to the Court of Session in Edinburgh. In Northern Ireland, JR is pursued by means of an application to the High Court of Justice.
34. OSCU should be immediately notified in all cases, where a JR or injunction has been lodged and removal directions are in place. OSCU will determine whether a JR is a barrier to removal.
35. Responsibility for considering and responding to threats of JR, including taking a decision on whether or not to defer removal rests with the responsible case worker. All HOIE staff working in centres and DEPMU staff are advised to read the relevant guidance to familiarise themselves with the handling of judicial reviews (see [Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation](#)).
36. Legal representatives should correspond directly with the case working office about any threat for a JR or indeed a request for removal directions to be deferred. Legal representatives who attempt to make representations to a centre or DEPMU should normally be referred to the responsible caseworker. However, if the enquiry by a legal representative is made outside of the operating hours of the case working office, the legal representative should be referred to Immigration Enforcement's National Command and Control Unit (NCCU).
37. All JR applications received in respect of cases where removal directions have been set must be referred to OSCU who will consider on a case-by-case basis whether deferral of the removal directions is necessary. If the timing of removal

means that the JR needs to be considered outside OSCU's hours of operation, centre staff or DEPMU (whoever is in receipt of the JR) must refer the JR to NCCU by email.

## Injunctions in removal cases

38. An injunction is an order from a court requiring a party, such as Immigration Enforcement, to do something or to refrain from doing something. For example, a court may issue an injunction preventing a detained individual's removal from the UK.
39. Where a notification of an injunction is received either in writing, or verbally (such as over the telephone by the Duty Judge) and where the individual's removal is imminent (the person is en-route to, or at, the port of embarkation) or is in progress (the aircraft is on the ground and the doors are still open), this should be immediately referred to OSCU, or NCCU out of hours if not already notified, who will take all reasonable steps to ensure that the removal is stopped.
40. Legal representatives who attempt to contact staff at the centre, DEPMU or escorts directly, should normally be referred to the case working office. However, if the removal is imminent, staff should take immediate steps outlined below.
41. If a legal representative or an individual claims to have obtained an injunction preventing removal, any staff member being contacted should seek to confirm the facts, ideally in writing (time permitting) by either requesting a copy of the injunction, or a letter confirming the details (for example, 'Mr. Justice X has this evening at [time] granted an injunction over the telephone barring removal'), via email or fax.
42. Staff at the centre who have been notified of the injunction by the court or legal representatives directly, should alert the responsible caseworker and OSCU, or NCCU out of hours, without delay and provide full details given by the legal representative. OSCU, or NCCU out of hours, will notify DEPMU that the removal must be deferred if they confirm that an injunction has been issued, and will notify the legal representative and the applicant that the removal has been stopped and/or did not proceed.
43. DEPMU should take all reasonable steps without delay, including advising the escorting supplier conveying the detained individual to the airport or accompanying the detained individual, to halt the removal.
44. It is vitally important that clear records are kept by the responsible caseworker setting out what action has been taken to attempt to stop the removal. These records should be placed onto ATLAS and include the details as set out in [Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation](#).

45. Whether or not the removal is successfully halted, OSCU should be notified without delay of the fact that notification of an injunction has been received, the action taken to try and halt the removal and whether or not this was successful. If the removal could not be halted or there was an inability to contact OSCU or NCCU out of hours, the duty director for Detention and Escorting Services should be notified at once.

46. OSCU will notify the different business areas of the outcomes of all referrals and where appropriate, record these outcomes on ATLAS.

## Applications to the European Court of Human Rights

47. Applications made to the European Court of Human Rights (ECtHR) do not in themselves require the suspension of a scheduled removal. However, applications made can ask the Court to order the suspension of removal action as an interim measure to allow the Court to consider the substantive matter before the removal takes place. This request is made under rule 39 of the ECtHR's Rules of the Court. The Court will (where appropriate) give a 'rule 39 indication' which orders that the person must not be removed. This must be dealt with in the same way as an injunction.

## Revision History

This DSO replaces DSO 3/2014 Service of Removal Directions.

Review date	Reviewed by	Review outcome	Next review
12 2023 (version 1)	R Lynch	This DSO replaces DSO 3/2014 'Service of Removal Directions' and has been substantively updated to reflect changes in requirements to notice periods and management of judicial reviews in active removal cases.  Given the substantial changes to the content of the guidance, a new issue number and title has been allocated.	12 2025