

November/08

*IMMIGRATION DIRECTORATES' INSTRUCTIONS*

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**IMMIGRATION DIRECTORATES' INSTRUCTIONS****CHAPTER 24****DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES****SECTION 3****1. INTRODUCTION AND POLICY**

Where a written request for personal information [**see section 2 for guidance on telephone requests**] is received from anyone other than the data subject or another public body, the request must be considered under, and handled in accordance with the guidance set out in section 1 of this IDI i.e. UKBA's powers to share data, the Data Protection Act (DPA) 1998, Human Rights Act (HRA) 1998, Freedom Of Information Act (FOIA) 2000 and common law duty of confidence. This type of correspondence is often referred to as a 'third party' request and is usually refused in order to protect the privacy rights of the data subject. However there are some circumstances (as detailed below in this guidance) in which we can disclose information to certain 'third parties'. **All requests for disclosure of personal information should be considered on their own merits if in doubt staff should seek guidance from a senior caseworker who may then in turn contact the Information Access Policy Team (on 0208 760 4657).**

In addition, in dealing with this type of correspondence it is important that staff address all issues raised in the correspondence in any reply. Where personal information about an applicant cannot be disclosed staff should always consider whether to provide other general information, which is relevant to the correspondence, to the requester.

**2. THE FREEDOM OF INFORMATION ACT AND 'THIRD PARTY' REQUESTS**

Where one of the third parties listed below (e.g. family members/estranged spouses) requests information about an applicant under FOIA staff should explain in their response that any information disclosed in line with this 'third party' policy is not provided pursuant to our obligations under FOIA. This is because personal information about an applicant would not normally be released under FOIA [**see section 12 of this IDI**]. Staff should explain that the only reason the information has been provided to the particular third party is because of their personal interest/link to the applicant. Guidance on handling requests under FOIA from any other third parties (not covered below) can be found at section 12 of this IDI.

**3. REQUESTS FROM MEMBERS OF PARLIAMENT (MPs)**

The UKBA receives numerous letters from MPs in which the MP is acting on behalf of one of their constituents and requesting information. This correspondence is usually dealt with by dedicated Ministerial Correspondence Units. A request for personal information made by an MP on behalf of their constituent, who is the UKBA applicant, should be treated as a request by the applicant himself (a subject access request) and passed to the Data Protection Unit to process as appropriate [**see section 11 which details in full how to handle different types of subject access requests**].

In many cases, however, the MP will not be making a subject access request on behalf of the UKBA applicant, and in such cases staff will need to take into consideration the identity of the requester and reasons for their request in determining whether disclosure of the personal information requested is appropriate and lawful. Specific guidance on particular circumstances in which information can be disclosed to MPs acting for a third party is detailed below.

### **3.1. MPs acting on behalf of estranged/separated spouses or civil partners of UKBA applicants**

MPs often write to the UKBA on behalf of an estranged spouse of a UKBA applicant. Where an MP writes to request information on behalf of their constituent, who is the estranged/separated spouse or civil partner of an applicant (who no longer wishes to sponsor the applicant's case), staff may disclose some information about the applicant. These cases split into two groups:

#### ***a) Cases where the partnership/marriage has broken down before their foreign national partner's two year probationary period is over. In responding to a request of in this type of case staff should:***

- disclose the immigration status of the estranged spouse's former partner (***unless they have subsequently been granted leave on a different basis***) and offer reassurance that the foreign national will not be granted ILR (on the basis of marriage/civil partnership) without the spouse's support;
- disclose whether we intend to take any action against the foreign national e.g. curtail their leave. If we decide not to take any action, staff should explain if this is because there is insufficient remaining leave to justify curtailment or because the migrant has successfully appealed against a decision to curtail their leave. If the decision not to take action is another reason which cannot be disclosed (e.g. because the foreign national has been granted leave on a another basis or there are other factors involved - such as a counter accusation of domestic violence or imminent child access or custody proceedings of which the requester is as yet unaware), the requester should be told no more than that the decision has been made in the "light of an assessment of all the information available to the UKBA";

- include a caveat explaining that their former partner may be granted leave on other grounds (but that we cannot inform them of the details of that leave); or
- disclose the fact that we have removed their former partner, if that is the case. If so, staff should also explain that the migrant may still be able to return to the UK if they are able to satisfy other requirements of the immigration rules.

***b) Cases where the partnership/marriage has broken down after their foreign national partner's two year probationary period is over and they have been granted ILR on the basis that they are the spouse or civil partner of the requester. In responding to a request of in this type of case staff should:***

- disclose/confirm the immigration status of the foreign national; and
- disclose the fact that we have removed their former partner, if that is the case. If so, staff should also explain that the migrant may still be able to return to the UK if they are able to satisfy other requirements of the immigration rules; **or**
- disclose whether we intend to take any action against the foreign national i.e. investigate further with a view to removing the migrant (we will probably require the assistance of the estranged spouse to investigate the foreign national anyway e.g. where we suspect the foreign national has forged their spouse's signature) or take no further action;
- if we are not taking any further action we will explain why that is the case e.g. difficulties in proving 'deception' in order to remove these individuals or the migrant has appealed (or successfully appealed) against a decision to remove them.

Staff should always confirm the identity of the requester (the MP's constituent) in so far as is possible against UKBA records prior to disclosing any information. This **must at least** involve matching the information and identity details in the correspondence against the UKBA file and CID (if both are available). If staff have suspicions about the identity of the constituent they should approach a senior caseworker for advice who can in turn contact IAPT (0208 760 4657).

**Staff should never disclose the home/reporting address of the migrant to their former partner.** Staff should also exercise caution where the foreign national partner is being investigated by one of the Intelligence/Criminal investigation Units within the UKBA (this will be detailed on CID). In such cases, staff should seek advice from the relevant Intel Unit on whether the fact that the migrant is being investigated/what action we are taking can be disclosed.

Template letters for responding to MPs acting for estranged spouses can be found at part 5 of this instruction and should be adapted by staff to suit the request as necessary. In some circumstances staff will need to contact the estranged partner to seek their consent for UKBA to use the information which they have provided e.g. in order to curtail the migrant's leave. Consent forms are included with the relevant template letters.

### 3.2. MPs acting on behalf of an abusive partner of a UKBA applicant

Staff may come across cases where an MP is acting on behalf of a UK settled person, asking for information about their foreign national partner's case, and there is evidence/a suggestion that the UK settled person has been abusive towards their migrant partner. In these cases staff must follow the guidance below rather than that above at 3.1. ***[A definition of domestic violence can be found in chapter 8 of the Immigration Directorate Instructions]***

If the migrant has been granted ILR on the basis of domestic violence (at the hands of the person requesting information about their immigration case) or has produced evidence which proves that they have been victim of domestic violence (see Annex B for a list of acceptable evidence) no information should be disclosed to their former partner. Staff should issue a third party response as at 7.2 of this instruction. Staff should also draft an "in confidence" covering letter for the MP which explains that the reason we have refused to provide any information is because we have evidence that they have been abusive towards their migrant partner.

In any other case, even if there are allegations of domestic violence perpetrated by the UK settled partner against the applicant (migrant/foreign national), staff should follow the policy as set out at 3.1 and disclose limited information to the UK settled partner. ***Addresses should never be disclosed.***

If it comes to light that the UK settled spouse has been abusing their foreign national partner after we have already disclosed information to them, staff should refuse to provide any further information to the UK settled partner in any future correspondence. Staff should also explain that this change in position is due to further information which has come to light in their partner's case. A template for use in these circumstances is at paragraph 5.8.

If there is any doubt about disclosing information in these cases staff should ***always*** seek further advice from a senior caseworker or the IAPT.

### 3.3. Forced marriage cases

Staff may come across cases in which an individual has been (or is alleging that they have been) forced into a marriage. In cases where curtailment of leave is being considered, a copy of the letter which states/alleges that they have been forced into a marriage should be sent to:

Forced Marriage Unit (FMU)  
Foreign and Commonwealth Office  
G55, Old Admiralty Building  
The Mall  
London SW1A 2PA

The copy of the letter should be sent to FMU at the point when we reach a decision on curtailment and should be sent in a double envelope by IDS, with the full address on the outer envelope. Only one letter should be included per envelope, in order to minimise the risk if a letter is lost in the post. An e-mail should be sent to the FMU inbox: [fmu@fco.gov.uk](mailto:fmu@fco.gov.uk) in advance of sending a letter, so that FMU can advise if the letter goes missing. In any other case where a forced marriage is alleged, staff should discuss the case with the Forced Marriage Unit on 0207 008 0151. Any correspondence from the spouse (either via an MP or directly) of an individual forced into marriage, asking for information about the migrant's immigration case, should be treated in line with the above guidance (at 3.2). ***Staff should note that information relating to a (possible) forced marriage is confidential and extra care should be taken in handling and storing that information.***

#### **3.4. MPs acting on behalf of victims (or the victim's family) of foreign national offenders**

The majority of requests for information from victims of foreign national offenders will be dealt with by Criminal Casework Directorate (CCD). However there may be instances where staff outside CCD will need to respond to a request from an MP acting on behalf of a victim e.g. where the foreign national offender does not meet the CCD criteria. Staff should disclose certain information to victims of foreign national offenders where an MP acting on behalf of a victim (or the victim's family) writes to UKBA to request information about an offender's immigration case and;

- The offender received a 12 month (or more) prison sentence or the court recommended deportation of the offender; **or**
- In any other case where the offence was violent or sexual and the offender was sentenced to imprisonment (of any length).

In such cases, only in response to a request from the victim (or the victim's MP) staff should disclose:

- confirmation of whether the offender is in immigration detention (and where appropriate we can also commit to inform the victim if the offender is released from detention);
- whether we intend to take deportation action against the offender in so far as we can (this may be a general statement of policy, information about the stage at which the offender is at e.g. appeal, or a definitive statement depending on the stage in the deportation process at which the offender has reached);

- where we cannot say definitively whether the offender will be deported staff should undertake to write to the victim when the offender has been deported or if we find that the offender will definitely not be deported;
- if we cannot deport the offender we will provide an explanation of the reasons why we cannot deport foreign offenders generally, but at a high level of generality, such as:
  - where the individual does not meet the criteria for consideration of deportation at this time. The individual has been warned that the decision not to pursue deportation in respect of this offence will be reviewed in the light of any further offending behaviour; or
  - where we cannot deport because of our “international obligations” (asylum/leave on Human Rights grounds/other obligations though the specific obligation **should not** be disclosed); or
  - where there are practical barriers to removal e.g. travel documentation or identity issues or absence of a route of return etc.
- where victims fall within the scope of the statutory victim contact scheme operated by probation areas, staff should direct the victim towards victim liaison officers to ensure that victims may take up the service to which they are entitled if they wish to do so (for an explanation of the National Offender Management Service victim contact scheme see <http://www.probation.homeoffice.gov.uk/output/page29.asp>);
- where disclosure of this information to anyone other than the victim would potentially jeopardise any subsequent deportation action we will make this clear. We will also make it clear that the information has been disclosed to them because of their legitimate interest in it, which other members of the public may not have, and as such it has been provided to them in confidence.

Staff **must** take reasonable steps to ensure that the constituent is genuinely the victim of the offence as claimed. Staff should check the details of the victim against details on UKBA records, if the victim's identity cannot be verified from UKBA records staff may contact CCD to verify the victim's identity in certain cases. Where the offence committed against the victim is listed at Annex A, and the offender was sentenced to 12 months or more imprisonment CCD MCT (0208 760 3032) can check with the National Offender Management Services (NOMS) to verify the identity of the victim.

Where there is no UKBA file and the victim's identity cannot be verified by NOMS (via CCD) staff should use the internet to try to confirm the information provided. If staff cannot find any information to verify the victim's identity, the request from the victim appears genuine and the details match those on the

offender's file (if there is a file) staff may still disclose the information as detailed above. If staff have reason to suspect the requester is not who they claim to be they should approach a senior caseworker for advice who can in turn contact IAPT.

Where staff disclose information to the victim and the victim is/will be in contact with a victim liaison officer (offences listed at Annex A), staff **must** contact the relevant probation area through NOMS (via CCD) to inform them that we have disclosed information to the victim (and what information has been disclosed). Template letters for disclosures to victims can be found at part 6 of this guidance and should be adapted by staff to suit the request as necessary. **Staff should never disclose the home address (or reporting address) of the offender.**

### 3.5. MPs acting on behalf of a relative of an applicant

MPs will occasionally write to the UKBA on behalf of a family member of a UKBA applicant e.g. the brother or sister of the applicant. This may occur where the applicant is unable to approach the MP directly for example if they are in detention. In such cases where:

- a) The applicant is a minor and the relative is legally responsible for them; or
- b) The relative is the appointee for the applicant (and has provided evidence to that effect); or
- c) The applicant has provided written consent to the UKBA to disclose information to the relative;

the request should be handled as a subject access request made by the applicant **[see section 11]**. In the case of either (a) or (b) above there should be written evidence on the file to support the fact. There may be cases where points (a)-(c) do not apply and the relative has asked for **limited** information about an applicant e.g.:

- a case progress update,
- for confirmation of receipt of a document; or
- whether the applicant can have a decision reconsidered.

Where the relative clearly supports the applicant's case, there is evidence (either from the correspondence or in UKBA records) which confirms the familial relationship between the 'relative' and applicant, there is a legitimate reason why the relative and not the applicant has written in, and there is no information in our records relating to the case which would indicate that disclosure of the information would have an adverse effect on the applicant e.g. evidence of a forced marriage, staff may disclose the information requested. However if there is any doubt about the disclosure staff should contact the IAPT for assistance.

Where the relative asks for more detailed information (e.g. the decision made in a case or reasons for a refusal) or sensitive personal information (e.g. information about an applicant's political opinions, criminality etc. see section

1 of this IDI) about a case, staff are unsure of the relative's relationship to the applicant, there is no apparent reason why the applicant could not have written themselves, or there is evidence on file which suggests information should not be disclosed e.g. it's a forced marriage case, staff should refuse to provide the information requested. Staff should reply to the MP stating that no information can be provided but that the (requested) information has been provided to the applicant directly. **Likewise if an MP requests the address of the applicant that information must not be disclosed** and staff should inform the MP that we have written to the applicant giving details of the MP's interest for the applicant to contact the MP if he/she wishes to do so.

Staff should also take care to ensure that information is not disclosed to the relative of an applicant if there is a suspicion that the applicant is being forced into marriage. See 3.3 above.

### 3.6. MPs acting on behalf of other members of the public

Generally staff should not disclose personal information about an applicant to an MP acting on behalf of any other member of the public. However where staff believe that the constituent has a legitimate interest in accessing the information requested the IAPT should be contacted for further advice. A template letter for refusing requests from MPs acting on behalf of other members of the public can be found at part 7.2 of this guidance.

### 3.7. 'In confidence' replies to MPs

Staff should consult "*Writing to MPs; Official Guidance for drafting reply to MPs Correspondence in IND*" and the "*UKIS Ministerial Correspondence Quick Guide*" for guidance on the use of 'in confidence' replies to MPs. Staff should contact the relevant senior caseworker for assistance if in doubt about whether an "in confidence" reply to an MP is required. Where staff wish to use an 'in confidence' reply to an MP and that reply will involve a 'third party' disclosure of personal information, staff should consult with the IAPT prior to issuing the reply.

## 4. DISCLOSURES TO OTHER "THIRD PARTIES" (CORRESPONDENCE FROM OTHER MEMBERS OF THE PUBLIC)

Staff may also receive 'third party' requests for information directly from members of the public. Guidance on handling the more common third party requests is set out in detail below. If in doubt about a particular disclosure of personal information staff should **always** seek advice from a senior caseworker or the IAPT.

### 4.1. Estranged/former spouses/civil partners

The guidance above at part 3.1, relating to disclosures to MPs who write to the UKBA to request information on behalf of estranged spouses, also applies to cases where the estranged spouse/civil partner writes to the UKBA to ask for information. Template letters for responding to estranged spouses can be found at part 5 below and should be adapted by staff to suit the request as necessary.

#### **4.2. Estranged/former spouses/civil partners who have been abusive towards the foreign national**

The guidance above at 3.2, relating to disclosures to MPs who write to the UKBA to request information on behalf of estranged spouses/partners who have been violent towards their migrant partner, also applies in cases where the estranged spouse/civil partner writes to the UKBA directly to ask for information about their immigration case.

#### **4.3. Victims (or family members of victims) of offences by foreign national offenders**

The guidance at part 3.3 above, for where an MP writes to request information on behalf of the victim of a foreign national offender, also applies to requests directly from the victim or someone else acting for the victim e.g. a family member. ***That guidance does not apply if a journalist claiming to act on behalf of the victim of a foreign national offender requests information about the offender's case.*** In such circumstances staff should seek further advice from the IAPT and press office.

Template letters for use when responding to victims can be found at part 6 of this guidance and should be adapted by staff to suit the request as necessary.

#### **4.4. A relative of an applicant**

The guidance at part 3.4 above also applies where a relative of an applicant writes to the UKBA directly and requests information about an applicant's case.

#### **4.5. Former sponsors or legal representatives**

Once an applicant ceases to be sponsored or represented, his or her former sponsor e.g. an employer or legal representative becomes a third party to the applicant's case and should be treated as such. Where an individual has reneged on the terms of the sponsorship, then the sponsoring agency or Government should not be regarded as a third party until either the terms of the original contract have been fulfilled or agreement has been reached between the parties to terminate sponsorship.

#### **4.6. Requests from the private sector**

Specific arrangements for dealing with enquiries from the private sector as a result of the prevention of illegal working provisions in the Asylum and Immigration Act 1996 are set out in section 8 of this IDI. Staff handling any other requests for information about an applicant from the private sector should contact the IAPT for advice.

#### **4.7. Requests for addresses**

Requests for an individual's current address should always be refused. Where there is a dispute, it is important that the UKBA takes a neutral stance and staff should avoid taking sides in discussions or correspondence. A polite reply explaining that we cannot disclose the address should be sent to the requester.

## **5. TEMPLATE LETTERS FOR USE IN HANDLING REQUESTS FOR INFORMATION FROM THE FORMER PARTNER OF AN APPLICANT WHO SPONSORED THEIR APPLICATION FOR LEAVE ON THE BASIS OF THEIR RELATIONSHIP AND THE RELATIONSHIP HAS SUBSEQUENTLY BROKEN DOWN**

Staff must tailor these templates to the content of the correspondence as appropriate. If in doubt, staff must seek advice from a senior caseworker or the IAPT (0208 760 4657).

### **5.1. Template response to a request for information from the estranged spouse/civil partner of a UKBA applicant (non domestic violence case) where the migrant partner is still within the 2 year 'probationary period' prior to seeking ILR and it has been decided not to curtail their leave**

Thank you for your letter of [INSERT DATE] in which you notified us that [INSERT DETAILS OF WHAT HAS HAPPENED] and requested information relating to [INSERT NAME OF FOREIGN NATIONAL PARTNER].

The information I can give you about [INSERT NAME OF FOREIGN NATIONAL PARTNER] is limited but I can tell you that [NAME OF FOREIGN NATIONAL PARTNER] has leave to [ENTER/REMAIN] in the United Kingdom until [DATE].

It is possible in some cases to curtail the leave of a foreign national who has been granted leave for a 2 year probationary period, when the [MARRIAGE/CIVIL/UNMARRIED PARTNERSHIP] breaks down. However curtailment is not automatic when a person's basis of stay no longer meets the criteria of the immigration rules under which their leave was granted. For example, a person may qualify for leave to remain on a different basis or there may be other compassionate or relevant circumstances why curtailment would not be appropriate. There would be a right of appeal against any decision to curtail leave which could result in your former partner remaining in this country for some time before removal could be considered.

In this particular case, it has been decided that [INSERT NAME OF FOREIGN NATIONAL PARTNER]'s leave will not be curtailed [BECAUSE HE/SHE HAS ONLY [X] MONTHS' LEAVE TO ENTER/REMAIN IN THE UNITED KINGDOM LEFT or IN THE LIGHT OF AN ASSESSMENT OF ALL THE INFORMATION AVAILABLE TO THE UKBA].

The information which you have provided has been noted in our records so that should [INSERT NAME OF FOREIGN NATIONAL PARTNER] apply for indefinite leave to remain (ILR) on the basis of marriage to you, it will be taken into account by the relevant casework unit. I can also assure you that ILR on the basis of marriage will not be granted to any overseas national without the written support of the settled partner. You should be aware, however, that a person who would not qualify for a grant of ILR on the basis of marriage may

nevertheless be granted permission to remain on a different basis if they satisfy the requirements of a different category of the immigration rules, or there are other exceptional grounds on which a grant of leave is considered appropriate.

I am afraid that I cannot provide you with any further information about [NAME OF FOREIGN NATIONAL PARTNER]'s case. This information has been provided to you in confidence because of your personal involvement in this particular case.

[STAFF TO ADD CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**5.2. Template response to a request for information from the estranged spouse/civil partner of a UKBA applicant (non domestic violence case) where the migrant partner is still within the 2 year “probationary period” prior to seeking ILR and there is a clear case for curtailing leave**

Thank you for your letter of [INSERT DATE] in which you notified us that [INSERT DETAILS OF WHAT HAS HAPPENED] and requested information relating to [INSERT NAME OF FOREIGN NATIONAL PARTNER].

The information I can give you about [NAME OF FOREIGN NATIONAL PARTNER] is limited but I can tell you that [NAME OF FOREIGN NATIONAL PARTNER] has leave to [ENTER/REMAIN] until [DATE].

The information which you have provided has been noted in our records so that should [INSERT NAME OF FOREIGN NATIONAL PARTNER] apply for indefinite leave to remain (ILR) on the basis of marriage to you, it will be taken into account by the relevant casework unit. I can also assure you that ILR on the basis of marriage will not be granted to any overseas national without the written support of the settled partner. You should be aware, however, that a person who would not qualify for a grant of ILR on the basis of marriage may nevertheless be granted permission to remain on a different basis if they satisfy the requirements of a different category of the immigration rules, or there are other exceptional grounds on which a grant of leave is considered appropriate.

It is possible in some cases to curtail the leave of a foreign national who has been granted leave for a 2 year probationary period, when the [MARRIAGE/CIVIL/UNMARRIED PARTNERSHIP] breaks down. However curtailment is not automatic when a person’s basis of stay no longer meets the criteria of the immigration rules under which their leave was granted. For example, a person may qualify for leave to remain on a different basis or there may be other compassionate or relevant circumstances why curtailment would not be appropriate. There would be a right of appeal against any decision to curtail leave which could result in your former partner remaining in this country for some time before removal could be considered.

We are currently considering whether your estranged [SPOUSE’S/PARTNER’S] leave should be curtailed and will inform you of the the decision taken. However, I am afraid that we will not be able to provide you with any further information about [NAME OF FOREIGN NATIONAL PARTNER]’s case.

I should like to seek your permission to include the information given in [YOUR/YOUR REPRESENTATIVE’S] letter of [DATE] (copy enclosed for ease of reference) in the UKBA’s Reasons for Refusal Letter which will be produced, should it be decided to curtail [NAME OF FOREIGN NATIONAL PARTNER]’s leave to [ENTER/REMAIN IN] the United Kingdom.

If you give your permission, it is likely that your [SPOUSE/PARTNER] will become aware of the fact that you have given this information about [HIM/HER], because the UKBA will send a copy of the Reasons for Refusal Letter to your [SPOUSE/PARTNER] or [HIS/HER] appointed representative. If your [SPOUSE/PARTNER] does appeal against the decision, [HE/SHE] will also be sent a copy of the documents used to support the UKBA decision and these will include the letter [YOU HAVE/YOUR REPRESENTATIVE HAS] sent to us.

If you are content to give your permission, please do so by signing your consent at the bottom of this letter as indicated and returning the letter to us, using the enclosed addressed label. An extra copy of the letter is also enclosed for you to keep.

If you are not prepared to give your permission for the letter to be disclosed but are prepared to give permission to the disclosure of a simple statement confirming that your relationship with your [SPOUSE/PARTNER], no longer subsists, please do not complete the consent note below but instead complete the enclosed “Statement – Relationship no longer subsisting” and return this to us, using the enclosed, addressed label.

This information has been provided to you in confidence because of your personal involvement in this particular case.

[STAFF TO ADD CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

### **Consent to use information provided by an estranged spouse/partner**

I give my permission for the UKBA to use the information referred to above. I fully understand that by giving my permission, the information given by me in my letter of [INSERT DATE] will become known to [INSERT SPOUSE'S OR PARTNER'S NAME].

Signature .....

Name

(printed)

Date .....

**STATEMENT – RELATIONSHIP NO LONGER SUBSISTING**

I, [INSERT NAME OF UK SETTLED SPONSOR], confirm that my relationship with [NAME OF FOREIGN NATIONAL PARTNER] no longer subsists and that I do not intend to live with [HIM/HER] as my [SPOUSE/PARTNER] in the future.

I give my permission for the UKBA to use the information referred to above. I fully understand that by giving my permission, the information above will become known to [NAME OF FOREIGN NATIONAL PARTNER].

Signature .....

Name

(printed)

..... Date .....

**5.3. Template response to a request for information from the estranged spouse/civil partner of a UKBA applicant (non domestic violence case) where the migrant partner has already been granted ILR on the basis of marriage and no enforcement action will be taken**

Thank you for your letter of [INSERT DATE] in which you notified us that [INSERT DETAILS OF WHAT HAS HAPPENED] and requested information relating to [INSERT NAME OF FOREIGN NATIONAL PARTNER].

I can confirm that [INSERT NAME OF FOREIGN NATIONAL PARTNER] has been granted ILR on the basis of [HIS/HER] [MARRIAGE/CIVIL PARTNERSHIP] to you.

There are provisions under the Immigration and Asylum Act 1999 to remove a foreign national from the UK if the person uses deception in seeking leave to remain here. We would need to be able to prove that the person had used deception to gain ILR. Removal in such circumstances would invalidate any previous ILR which had been granted. In considering whether removal was justified we would also need to consider any other claims put forward by an individual as to why he or she had any other right to remain here.

**[Option 1 - staff should include the following paragraph were we are not taking enforcement action because there is insufficient evidence of deception]**

In this case the UKBA will not be taking any action against [INSERT NAME OF FOREIGN NATIONAL PARTNER]. As I'm sure you will appreciate, we need to have sufficient evidence that ILR was obtained by deception in order to remove a person on the basis that their [MARRIAGE/CIVIL/UNMARRIED PARTNERSHIP] was contracted for immigration purposes. We consider that we do not have such evidence. Related to this if you have further information which you think may be of use to the UKBA, please do provide it so that we can assess whether we can take any further action in this case. Your letter will be noted in our records for future reference.

**[Or option 2 – staff should include the following paragraph where the relationship has simply broken down and no enforcement action will be taken]**

In this case the UKBA will not be taking any action against [INSERT NAME OF FOREIGN NATIONAL PARTNER]. This is because when a person has legitimately secured ILR on the basis of marriage the UKBA will not seek to take action to remove that individual if the marriage subsequently breaks down and there is no evidence that ILR has been gained by deception.

This information has been provided to you in confidence because of your personal involvement in this particular case.

[STAFF TO ADD CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**5.4. Template response to a request for information from an estranged spouse/civil partner of an applicant (domestic violence case) where the migrant is still within the 2 year ‘probationary period’ prior to seeking ILR and it has been decided not to curtail the migrant’s leave**

Thank you for your letter of [INSERT DATE] in which you notified us that [INSERT DETAILS OF WHAT HAS HAPPENED] and requested information relating to [INSERT NAME OF FOREIGN NATIONAL PARTNER].

The information I can give you about [INSERT NAME OF FOREIGN NATIONAL PARTNER] is limited but I can tell you that [NAME OF FOREIGN NATIONAL PARTNER] has leave to enter/remain in the United Kingdom until [DATE].

It is possible in some cases to curtail the leave of a foreign national who has been granted leave for a 2 year probationary period, when the [MARRIAGE/CIVIL PARTNERSHIP/UNMARRIED PARTNERSHIP] breaks down. However, curtailment is not automatic when a person’s basis of stay no longer meets the criteria of the Immigration Rules under which their leave was granted. For example, a person may qualify for leave to remain on a different basis or there may be other compassionate or relevant circumstances why curtailment would not be appropriate. There would be a right of appeal against any decision to curtail leave which could result in your former partner remaining in this country for some time before removal could be considered.

In this particular case, it has been decided that [INSERT NAME OF FOREIGN NATIONAL PARTNER]’s leave will not be curtailed [BECAUSE HE/SHE HAS ONLY X MONTHS’ LEAVE TO ENTER/REMAIN IN THE UNITED KINGDOM LEFT] or [IN THE LIGHT OF AN ASSESSMENT OF ALL THE INFORMATION AVAILABLE TO THE UKBA].

The information which you have provided has been noted in our records so that, should [INSERT NAME OF FOREIGN NATIONAL PARTNER] apply for indefinite leave to remain (ILR) on the basis of [MARRIAGE TO/THEIR RELATIONSHIP WITH] you, it will be taken into account by the relevant casework unit. I can also assure you that ILR on the basis of [MARRIAGE/CIVIL PARTNERSHIP/UNMARRIED PARTNERSHIP] will not be granted to any overseas national without the written support of the settled partner. You should be aware, however, that a person who would not qualify for a grant of ILR on the basis of [MARRIAGE/CIVIL PARTNERSHIP/UNMARRIED PARTNERSHIP] may nevertheless be granted permission to remain on a different basis if they satisfy the requirements of a different category of the Immigration Rules or there are other exceptional grounds on which a grant of leave is considered appropriate. I am afraid that I cannot provide you with any further information about [NAME OF FOREIGN NATIONAL PARTNER]’s case.

The current policy does not, however, prevent us from providing information to the police or courts where necessary. If you do feel at risk of harm from your estranged [**HUSBAND/WIFE/PARTNER**], you should contact the police and think about applying to the court for an injunction.

If you are a victim of domestic violence, the following helplines can offer you practical help and advice including:

- emergency refuge accommodation
- safety planning and advice
- translation facilities if you have difficulty communicating in English

**English National Domestic Violence helpline** - 0808 2000 247

**Northern Ireland Women's Aid 24 Hour Domestic Violence Helpline** - 028 9033 1818

**Scottish Domestic Abuse Helpline** - 0800 027 1234

**Wales Domestic Abuse Helpline** - 0808 80 10 800 [www.wdah.org](http://www.wdah.org)

**Male Advice & Enquiry Line** - 0845 064 6800

**The Dyn Wales/Dyn Cymru Helpline** - 0808 801 0321

[www.dynproject.org](http://www.dynproject.org) ([new window](#))

Finally, I should also add that this information has been provided to you in confidence because of your personal involvement in this particular case.

[**STAFF TO ADD CLOSING LINES AS APPROPRIATE**]

Yours sincerely,

[**SIGNATURE OF STAFF MEMBER**]

[**INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST**]

[**INSERT DIRECTORATE**]

**5.5. Template response to a request for information from the estranged spouse/partner of a migrant (domestic violence case) where the migrant partner is still within the 2 year “probation” period prior to seeking ILR and there is a clear case for curtailing leave**

Thank you for your letter of [INSERT DATE] in which you notified us that [INSERT DETAILS OF WHAT HAS HAPPENED] and requested information relating to [INSERT NAME OF FOREIGN NATIONAL PARTNER]. I was very sorry to read of [THE EXPERIENCE THAT YOU HAVE BEEN THROUGH/WHAT HAS HAPPENED].

The information I can give you about [NAME OF FOREIGN NATIONAL PARTNER] is limited but I can tell you that [NAME OF FOREIGN NATIONAL PARTNER] has leave to [ENTER/REMAIN] until [DATE].

The information which you have provided has been noted in our records so that, should [NAME OF FOREIGN NATIONAL PARTNER] apply for indefinite leave to remain (ILR) on the basis of [MARRIAGE TO/THEIR RELATIONSHIP WITH] you, it will be taken into account by the relevant casework unit. I can also assure you that ILR on the basis of [MARRIAGE/CIVIL PARTNERSHIP/UNMARRIED PARTNERSHIP] will not be granted to any overseas national without the written support of the settled partner. You should be aware, however, that a person who would not qualify for a grant of ILR on the basis of [MARRIAGE/CIVIL PARTNERSHIP/UNMARRIED PARTNERSHIP] may nevertheless be granted permission to remain on a different basis if they satisfy the requirements of a different category of the Immigration Rules or there are other exceptional grounds on which a grant of leave is considered appropriate.

It is possible in some cases to curtail the leave of a foreign national who has been granted leave for a 2 year probationary period, when the [MARRIAGE/CIVIL PARTNERSHIP /UNMARRIED PARTNERSHIP] breaks down. However, curtailment is not automatic when a person’s basis of stay no longer meets the criteria of the Immigration Rules under which their leave was granted. For example, a person may qualify for leave to remain on a different basis or there may be other compassionate or relevant circumstances why curtailment would not be appropriate. There would be a right of appeal against any decision to curtail leave which could result in your former partner remaining in this country for some time before removal could be considered.

We are currently considering whether your estranged [SPOUSE/PARTNER]’s leave should be curtailed and will inform you of the decision taken. However, I am afraid that we will not be able to provide you with any further information about [NAME OF FOREIGN NATIONAL PARTNER]’s case.

The current policy does not, however, prevent us from providing information to the police or courts where necessary. If you do feel at risk of harm from your estranged [HUSBAND/WIFE/PARTNER], you should contact the police and think about applying to the court for an injunction.

If you are a victim of domestic violence, the following helplines can offer you practical help and advice including:

- emergency refuge accommodation
- safety planning and advice
- translation facilities if you have difficulty communicating in English

**English National Domestic Violence helpline** - 0808 2000 247

**Northern Ireland Women's Aid 24 Hour Domestic Violence Helpline** - 028 9033 1818

**Scottish Domestic Abuse Helpline** - 0800 027 1234

**Wales Domestic Abuse Helpline** - 0808 80 10 800 [www.wdah.org](http://www.wdah.org)

**Male Advice & Enquiry Line** - 0845 064 6800

**The Dyn Wales/Dyn Cymru Helpline** - 0808 801 0321  
[www.dynproject.org](http://www.dynproject.org) ([new window](#))

I should like to seek your permission to include the information given in [YOUR/YOUR REPRESENTATIVE'S] letter of [DATE] (copy enclosed for ease of reference) in the UKBA's Reasons for Refusal Letter which will be produced, should it be decided to curtail [NAME OF FOREIGN NATIONAL PARTNER'S LEAVE TO ENTER/REMAIN IN] the United Kingdom.

If you give your permission, it is likely that your [SPOUSE/PARTNER] will become aware of the fact that you have given this information about [HIM/HER], because the UKBA will send a copy of the Reasons for Refusal Letter to your [SPOUSE/PARTNER] or [HIS/HER] appointed representative. If your [SPOUSE/PARTNER] does appeal against the decision, [HE/SHE] will also be sent a copy of the documents used to support the UKBA decision and these will include the letter [YOU HAVE/YOUR REPRESENTATIVE HAS] sent to us.

If you are content to give your permission, please do so by signing the consent at the bottom of this letter as indicated and returning the letter to us, using the enclosed, addressed label. An extra copy of the letter is also enclosed for you to keep.

If you are not prepared to give your permission for the letter to be disclosed but are prepared to give permission to the disclosure of a simple statement confirming that your relationship with your [SPOUSE/PARTNER] no longer subsists, please do not sign the consent below but instead complete the attached "Statement – Relationship no longer subsisting" and return this to us, using the enclosed, addressed label.

In your letter of [DATE], you have indicated that your estranged [SPOUSE/PARTNER] is living at [ADDRESS]. If we decide to curtail [HIS/HER] leave, you should be aware that the UKBA will contact [FOREIGN SPOUSE'S NAME /PARTNER'S NAME] at that address and will serve any curtailment decision on [HIM/HER] at that address.

If you are now aware of [FOREIGN SPOUSE'S NAME/PARTNER'S NAME]'s current address, can you please provide this address to us. If we decide to curtail [HIS/HER] leave, you should be aware that the UKBA will contact [FOREIGN SPOUSE'S NAME/PARTNER'S NAME] at that address and will serve any curtailment decision on [HIM/HER] at that address.

Finally, I should also add that this information has been provided to you in confidence because of your personal involvement in this particular case.

[STAFF TO ADD CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

### **Consent to use information provided by an estranged spouse/partner**

I give my permission for the UKBA to use the information referred to above. I fully understand that by giving my permission, the information given by me in my letter of [INSERT DATE] will become known to [INSERT SPOUSE'S OR PARTNER'S NAME].

Signature .....

Name

(printed)

..... Date .....

**STATEMENT – RELATIONSHIP NO LONGER SUBSISTING**

I, [INSERT NAME OF UK SETTLED SPONSOR], confirm that my relationship with [NAME OF FOREIGN NATIONAL PARTNER] no longer subsists and that I do not intend to live with [HIM/HER] as my [SPOUSE/PARTNER] in the future.

I give my permission for the UKBA to use the information referred to above. I fully understand that by giving my permission, the information above will become known to [NAME OF FOREIGN NATIONAL PARTNER].

Signature .....

Name

(printed)

.....

Date

.....

**5.6. Template response to a request for information from an estranged spouse of a migrant (domestic violence case) and the migrant partner has already been granted ILR and he/she will not be removed**

Thank you for your letter of [INSERT DATE] in which you notified us that [INSERT DETAILS OF WHAT HAS HAPPENED] and requested information relating to [NAME OF FOREIGN NATIONAL PARTNER]. I was very sorry to read [OF THE EXPERIENCE THAT YOU HAVE BEEN THROUGH/WHAT HAS HAPPENED].

The information I can give you about [INSERT NAME OF APPLICANT] is limited but I can tell you that the UKBA's records show that [INSERT NAME OF APPLICANT] has been granted indefinite leave to remain (ILR) on the basis of [HIS/HER] marriage to you.

There are provisions under the Immigration and Asylum Act 1999 to remove a foreign national from the UK if the person uses deception in seeking leave to remain here. We would need to be able to prove that the person had used deception to gain ILR. Removal in such circumstances would invalidate any previous ILR which had been granted. In considering whether removal was justified we would also need to consider any other claims put forward by an individual as to why he or she had any other right to remain here.

As I'm sure you will appreciate, we need to have sufficient evidence that ILR was obtained by deception in order to remove a person on the basis that their [MARRIAGE/CIVIL PARTNERSHIP] was contracted for immigration purposes. We consider that we do not have such evidence. Related to this if you have further information which you think may be of use to the Agency, please do provide it so that we can assess whether we can take any further action in this case. Your letter has been noted in our records for future reference however on the basis of the information which you have provided, we will not be taking any action in [INSERT NAME OF APPLICANT] case.

If you do feel at risk of harm from your former [HUSBAND/WIFE/PARTNER] you should contact the police and think about applying to the court for an injunction.

This information has been provided to you in confidence because of your personal involvement in this particular case.

[STAFF TO INSERT CLOSING LINES AS NECESSARY]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**5.7. Follow up letter to notify UK settled spouse/partner of decision whether to curtail the leave of their former (migrant) partner**

Thank you for your letter of [DATE] about [NAME OF FOREIGN NATIONAL PARTNER].

**[Or, where we have already written to the estranged partner to seek permission to use information provided]**

We wrote to you on [DATE] to seek your permission to use the information you had provided about the breakdown of your [MARRIAGE/RELATIONSHIP] in support of a possible decision to curtail [NAME OF FOREIGN NATIONAL PARTNER]'s leave to [ENTER/REMAIN IN] the United Kingdom.

I am now writing to inform you that it has been decided [TO CURTAIL/NOT TO CURTAIL] [NAME OF FOREIGN NATIONAL PARTNER]'s leave to [ENTER/REMAIN] in the United Kingdom.

**[Additional paragraph where decision was not to curtail]**

This decision has been taken in the light of the fact that [NAME OF FOREIGN NATIONAL PARTNER]'s leave expires on [INSERT DATE] / an assessment of all the information available to the UKBA / the fact that you have not given your consent to the information you have given about the breakdown of your [MARRIAGE/RELATIONSHIP] being disclosed to your [ESTRANGED SPOUSE/PARTNER].

I am afraid that I cannot provide you with any further information. This information has been provided to you in confidence because of your personal involvement in this particular case.

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF UKBA STAFF MEMBER DEALING WITH REQUEST]

[INSERT UKBA DIRECTORATE]

**5.8 Template for use when responding to the spouse/partner of a migrant where we are refusing to provide any further information about the migrant's immigration case (in spite of previous exchanges) because the spouse/partner has been abusive towards the migrant.**

Thank you for your letter of [DATE] about [INSERT NAME OF UKBA APPLICANT] concerning [HIS/HER] immigration matters. **Or** When we wrote to you on [DATE] about [NAME OF UKBA APPLICANT], we said that we would let you know whether we had decided to curtail [HIS/HER] leave to enter the UK.

However, new information has come to our attention in relation to [INSERT NAME OF UKBA APPLICANT] since our previous correspondence. In the light of that new evidence I am unable to provide any further information in respect of [INSERT NAME OF UKBA APPLICANT]'s immigration case. This is because the UK Border Agency (UKBA) has obligations under the Data Protection Act and in law generally to protect personal information relating to its applicants.

Please be reassured that the information you have submitted will be fully considered by the UKBA, having regard to its implications for this case.

[STAFF TO INSERT CLOSING LINES AS NECESSARY]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]  
[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]  
[INSERT DIRECTORATE]

**6. TEMPLATE LETTERS FOR USE WHEN THE VICTIM (OR SOMEONE ACTING ON BEHALF OF THE VICTIM E.G. FAMILY MEMBERS OR AN MP) OF A FOREIGN NATIONAL OFFENDER REQUESTS INFORMATION ABOUT THE OFFENDER FROM THE UKBA**

Staff must tailor these templates to the content of the correspondence as appropriate. If in doubt, staff must seek advice from a senior caseworker or the IAPT (0208 760 4657).

**6.1. Template response for use when a victim requests information about a foreign national offender and the foreign national offender has already been deported (also use this template if the foreign national offender has been removed under facilitated returns scheme or assisted voluntary return or section 10 or voluntary departure)**

Thank you for your letter of [INSERT DATE] in which you requested information relating to [INSERT NAME OF OFFENDER]. [CASEWORKER TO INSERT LINES RELEVANT TO CASE AS NECESSARY] I was very sorry to read of the experience that [YOU/YOUR SON/YOUR DAUGHTER/MEMBERS OF YOUR FAMILY] [HAS/HAVE] been through.

I have checked the UKBA records and can inform you that [INSERT NAME OF OFFENDER] was [DEPORTED/REMOVED] from the UK on [INSERT DATE] to [INSERT COUNTRY].

**[Closing paragraph 1 - the following paragraph should be included where the victim was subject to a violent or sexual offence (listed at Annex A) and the offender was sentenced to 12 months or more imprisonment.]**

You may or may not be aware that under the provisions of the Domestic Violence, Crime and Victims Act 2004, the National Probation Service has a duty to work with victims of offenders convicted of sexual or violent offences who are sentenced to 12 months or more in prison. If you feel that you need any further information or advice about this service you should make contact with your local probation victim liaison unit where you can be referred to an officer who is specially trained to work with victims. Your local victim liaison team can be found by contacting your local probation area in England and Wales. Contact details for the probation service can be found in the telephone directory, or if you have access to the internet, please visit [www.probation.homeoffice.gov.uk/output/Page21.asp](http://www.probation.homeoffice.gov.uk/output/Page21.asp).

**[Or closing paragraph 2 – the following paragraph should be included if closing paragraph 1 does not apply]**

You may be affected by crime emotionally or physically and in many different and unpredictable ways. These feelings are common. Victim Support is the national independent charity that provides free and confidential support for people affected by crime. Trained staff and volunteers offer information,

support and practical help. You can contact the Victim Supportline on 0845 30 30 900. Alternatively, you can visit their website at [www.victimsupport.org](http://www.victimsupport.org).

This information has been provided to you in confidence.

[STAFF TO ADD FURTHER CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**6.2. Template reply for use where a victim of a foreign national offender asks whether we intend to deport the foreign national offender and the offender meets the criteria for deportation but a decision to pursue deportation has not yet been fully considered**

Thank you for your letter of [INSERT DATE] in which you requested information relating to [INSERT NAME OF OFFENDER]. [CASEWORKER TO INSERT LINES RELEVANT TO CASE AS NECESSARY] I was very sorry to read of the experience that [YOU/YOUR SON/YOUR DAUGHTER/MEMBERS OF YOUR FAMILY] [HAS/HAVE] been through.

It is too soon to give you a definitive response as to whether [INSERT NAME OF OFFENDER] will be deported. This is because it is the UKBA's policy not to consider an offender for deportation until a designated period before [HIS/HER] release from prison.

At this stage I can provide you with information about the UKBA's policy on the deportation of foreign national offenders. Deportation will not take place in every case. The full facts known about the individual and the crime they have committed are considered in light of all relevant factors. Generally, the Agency will seek to deport a foreign national offender where the following circumstances are met:

- Where the offender has been sentenced to 12 months or more imprisonment and the Secretary of State has deemed that deportation of the offender would be conducive to the public good; or
- Where the offender has been recommended for deportation by the courts; or
- Where the offender has, though repeat offending, been sentenced to 12 months or more imprisonment cumulatively and the Secretary of State has deemed that deportation of the offender would be conducive to the public good; or
- Where the offender is a European Economic Area national and has been sentenced to 24 months or more. Such persons may only be deported on the grounds of public policy (that is where a person's conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society), public health or public security which may involve national security matters, but may also involve crimes that pose a wider risk to the safety of the public or a section of the public.

From the information which you have provided it appears that [NAME OF OFFENDER] does meet the criteria to be considered for deportation. However there may be extenuating circumstances in any particular case which may mean that we are not able to deport a foreign national offender for example if deportation would contravene our international obligations. At

present I cannot provide you with any further information in relation to this specific case.

**[Optional paragraph 1 – insert only if the offender has been ordered to be released by the AIT, if known]**

I can advise you that **[INSERT NAME OF OFFENDER]** was ordered to be released from immigration detention by an Immigration Appeal Tribunal considering their case, and **[IS/IS NOT]** subject to supervision by the National Probation Service. As part of that supervision they are subject to specific conditions **[INSERT DETAIL OF LICENCE/BAIL CONDITIONS IF APPLICABLE]** **[STAFF SHOULD NOT DISCLOSE DETAILS OF WHEN THE OFFENDER WILL BE RELEASED, THE ADDRESS OFFENDER IS RELEASED TO OR THEIR REPORTING CENTRE ADDRESS]**. Any offender that is released on licence must comply with the conditions that are imposed. Should they breach those conditions the offender may be warned or recalled to custody with immediate effect if it is deemed necessary.

**[Optional paragraph 2 – insert only if the offender has been released under other circumstances, if known]**

I can advise you that **[INSERT NAME OF OFFENDER]** was released **[INSERT REASON]** from immigration detention and **[IS/IS NOT]** subject to supervision by the National Probation Service. As part of that supervision they are subject to specific conditions **[INSERT DETAIL OF LICENCE/BAIL CONDITIONS IF APPLICABLE]** **[STAFF SHOULD NOT DISCLOSE DETAILS OF WHEN THE OFFENDER WILL BE RELEASED, THE ADDRESS OFFENDER IS RELEASED TO OR THEIR REPORTING CENTRE ADDRESS]**. Any offender that is released on licence must comply with the conditions that are imposed. Should they breach those conditions the offender may be warned or recalled to custody with immediate effect if it is deemed necessary.

**[Closing paragraph 1 - the following paragraph should be included where the victim was subject to a violent or sexual offence (listed at Annex A) and the offender was sentenced to 12 months or more imprisonment.]**

You may or may not be aware that under the provisions of the Domestic Violence, Crime and Victims Act 2004, the National Probation Service has a duty to work with victims of offenders convicted of sexual or violent offences who are sentenced to 12 months or more in prison. If you feel that you need any further information or advice about this service you should make contact with your local probation victim liaison unit where you can be referred to an officer who is specially trained to work with victims. Your local victim liaison team can be found by contacting your local probation area in England and Wales. Contact details for the probation service can be found in the telephone directory, or if you have access to the internet, please visit [www.probation.homeoffice.gov.uk/output/Page21.asp](http://www.probation.homeoffice.gov.uk/output/Page21.asp).

**[Or closing paragraph 2 – the following paragraph should be included if closing paragraph 1 does not apply]**

You may be affected by crime emotionally or physically and in many different and unpredictable ways. These feelings are common. Victim Support is the national independent charity that provides free and confidential support for people affected by crime. Trained staff and volunteers offer information, support and practical help. You can contact the Victim Supportline on 0845 30 30 900. Alternatively, you can visit their website at [www.victimsupport.org](http://www.victimsupport.org).

This information has been provided to you in confidence. If this information were disclosed to the media or otherwise placed in the public domain it could jeopardise the UKBA's actions to deport [INSERT NAME OF OFFENDER].

[STAFF TO ADD FURTHER CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**6.3. Template response for use when a victim of a foreign national offender has requested information about the foreign national offender, the offender meets the criteria for deportation and we definitely intend to seek/are seeking to deport the offender**

Thank you for your letter of [INSERT DATE] in which you requested information relating to [INSERT NAME OF OFFENDER]. [CASEWORKER TO INSERT LINES RELEVANT TO CASE AS NECESSARY] I was very sorry to read of the experience that [YOU/YOUR SON/YOUR DAUGHTER/MEMBERS OF YOUR FAMILY] [HAS/HAVE] been through.

I can inform you that the UKBA [DOES INTEND TO SEEK/IS SEEKING] to deport [INSERT NAME OF OFFENDER]. However I should explain that deportation is not automatic and [INSERT NAME OF OFFENDER] has [A RIGHT OF APPEAL/APPEALED] against this decision. [STAFF TO INSERT DETAIL ON APPEAL PROCESS/LENGTH OF APPEAL]. At present I cannot therefore provide you with any further information about [INSERT NAME OF OFFENDER]'s case.

**[Optional paragraph 1 – insert only if the offender has been ordered to be released by the AIT, if known]**

I can advise you that [INSERT NAME OF OFFENDER] was ordered to be released from immigration detention by an Immigration Appeal Tribunal considering their case, and [IS/IS NOT] subject to supervision by the National Probation Service. As part of that supervision they are subject to specific conditions [INSERT DETAIL OF LICENCE/BAIL CONDITIONS IF APPLICABLE] [STAFF SHOULD NOT DISCLOSE DETAILS OF WHEN THE OFFENDER WILL BE RELEASED, THE ADDRESS OFFENDER IS RELEASED TO OR THEIR REPORTING CENTRE ADDRESS]. Any offender that is released on licence must comply with the conditions that are imposed. Should they breach those conditions the offender may be warned or recalled to custody with immediate effect if it is deemed necessary.

**[Optional paragraph 2 – insert only if the offender has been released under other circumstances, if known]**

I can advise you that [INSERT NAME OF OFFENDER] was released [Insert Reason] from immigration detention and [IS/IS NOT] subject to supervision by the National Probation Service. As part of that supervision they are subject to specific conditions [INSERT DETAIL OF LICENCE/BAIL CONDITIONS IF APPLICABLE] [STAFF SHOULD NOT DISCLOSE DETAILS OF WHEN THE OFFENDER WILL BE RELEASED, THE ADDRESS OFFENDER IS RELEASED TO OR THEIR REPORTING CENTRE ADDRESS]. Any offender that is released on licence must comply with the conditions that are imposed. Should they breach those conditions the offender may be warned or recalled to custody with immediate effect if it is deemed necessary.

**[Closing paragraph 1 - the following paragraph should be included where the victim was subject to a violent or sexual offence (listed at Annex A) and the offender was sentenced to 12 months or more imprisonment.]**

You may or may not be aware that under the provisions of the Domestic Violence, Crime and Victims Act 2004, the National Probation Service has a duty to work with victims of offenders convicted of sexual or violent offences who are sentenced to 12 months or more in prison. If you feel that you need any further information or advice about this service you should make contact with your local probation victim liaison unit where you can be referred to an officer who is specially trained to work with victims. Your local victim liaison team can be found by contacting your local probation area in England and Wales. Contact details for the probation service can be found in the telephone directory, or if you have access to the internet, please visit [www.probation.homeoffice.gov.uk/output/Page21.asp](http://www.probation.homeoffice.gov.uk/output/Page21.asp).

**[Or closing paragraph 2 – the following paragraph should be included if closing paragraph 1 does not apply]**

You may be affected by crime emotionally or physically and in many different and unpredictable ways. These feelings are common. Victim Support is the national independent charity that provides free and confidential support for people affected by crime. Trained staff and volunteers offer information, support and practical help. You can contact the Victim Supportline on 0845 30 30 900. Alternatively, you can visit their website at [www.victimsupport.org](http://www.victimsupport.org).

This information has been provided to you in confidence. If this information were disclosed to the media or otherwise placed in the public domain it could jeopardise the UKBA's actions to deport [INSERT NAME OF OFFENDER].

[STAFF TO ADD FURTHER CLOSING LINES AS APPROPRIATE]

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**6.4. Template response to a request for information from a victim of a foreign national offender who has asked whether we intend to deport the offender and we have decided not to/cannot pursue deportation action against the offender**

Thank you for your letter of [INSERT DATE] in which you requested information relating to [INSERT NAME OF OFFENDER]. [CASEWORKER TO INSERT LINES RELEVANT TO CASE AS NECESSARY] I was very sorry to read of the experience that [YOU/YOUR SON/YOUR DAUGHTER/MEMBERS OF YOUR FAMILY] [HAS/HAVE] been through.

The UKBA has taken the decision not to deport [INSERT NAME OF OFFENDER]. It may help if I explain the UKBA's policy on the deportation of foreign national offenders. However deportation will not take place in every case. The full facts known about the individual and the crime they have committed are considered in light of all relevant factors. Generally, the UKBA will seek to deport a foreign national offender where the following circumstances are met:

- Where the offender has been sentenced to 12 months or more imprisonment and the Secretary of State has deemed that deportation of the offender would be conducive to the public good; or
- Where the offender has been recommended for deportation by the courts; or
- Where the offender has, though repeat offending, been sentenced to 12 months or more imprisonment cumulatively and the Secretary of State has deemed that deportation of the offender would be conducive to the public good; or
- Where the offender is a European Economic Area national and has been sentenced to 24 months or more. Such persons may only be deported on the grounds of public policy (that is where a person's conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society), public health or public security which may involve national security matters, but may also involve crimes that pose a wider risk to the safety of the public or a section of the public.

We are unable to deport [INSERT NAME OF OFFENDER] because [HE/SHE] [DOES NOT MEET THE CRITERIA FOR DEPORTATION / IT WOULD CONTRAVENE OUR INTERNATIONAL OBLIGATIONS / AT PRESENT WE CANNOT PRACTICALLY REMOVE HIM/HER].

I recognise that this may not be the information you wish to hear however I'm afraid that the UKBA can only deport foreign national offenders in line with published policy and legal powers. **[The following line should only be included where we cannot deport an offender because they do not meet the deportation criteria]** [INSERT NAME OF OFFENDER] has been warned

that the decision not to pursue deportation in respect of this offence will be reviewed in the light of any further offending behaviour

**[Optional paragraph 1 – insert only if the offender has been ordered to be released by the AIT, if known]**

I can advise you that **[INSERT NAME OF OFFENDER]** was ordered to be released from immigration detention by an Immigration Appeal Tribunal considering their case, and **[IS/IS NOT]** subject to supervision by the National Probation Service. As part of that supervision they are subject to specific conditions **[INSERT DETAIL OF LICENCE/BAIL CONDITIONS IF APPLICABLE]** **[STAFF SHOULD NOT DISCLOSE DETAILS OF WHEN THE OFFENDER WILL BE RELEASED, THE ADDRESS OFFENDER IS RELEASED TO OR THEIR REPORTING CENTRE ADDRESS]**. Any offender that is released on licence must comply with the conditions that are imposed. Should they breach those conditions the offender may be warned or recalled to custody with immediate effect if it is deemed necessary.

**[Optional paragraph 2 – insert only if the offender has been released under other circumstances, if known]**

I can advise you that **[INSERT NAME OF OFFENDER]** was released **[Insert Reason]** from immigration detention and **[IS/IS NOT]** subject to supervision by the National Probation Service. As part of that supervision they are subject to specific conditions **[INSERT DETAIL OF LICENCE/BAIL CONDITIONS IF APPLICABLE]** **[STAFF SHOULD NOT DISCLOSE DETAILS OF WHEN THE OFFENDER WILL BE RELEASED, THE ADDRESS OFFENDER IS RELEASED TO OR THEIR REPORTING CENTRE ADDRESS]**. Any offender that is released on licence must comply with the conditions that are imposed. Should they breach those conditions the offender may be warned or recalled to custody with immediate effect if it is deemed necessary.

**[Closing paragraph 1 - the following paragraph should be included where the victim was subject to a violent or sexual offence (listed at Annex A) and the offender was sentenced to 12 months or more imprisonment.]**

You may or may not be aware that under the provisions of the Domestic Violence, Crime and Victims Act 2004, the National Probation Service has a duty to work with victims of offenders convicted of sexual or violent offences who are sentenced to 12 months or more in prison. If you feel that you need any further information or advice about this service you should make contact with your local probation victim liaison unit where you can be referred to an officer who is specially trained to work with victims. Your local victim liaison team can be found by contacting your local probation area in England and Wales. Contact details for the probation service can be found in the telephone directory, or if you have access to the internet, please visit [www.probation.homeoffice.gov.uk/output/Page21.asp](http://www.probation.homeoffice.gov.uk/output/Page21.asp).

**[Closing paragraph 2 – the following paragraph should be included if closing paragraph 1 does not apply]**

You may be affected by crime emotionally or physically and in many different and unpredictable ways. These feelings are common. Victim Support is the

national independent charity that provides free and confidential support for people affected by crime. Trained staff and volunteers offer information, support and practical help. You can contact the Victim Supportline on 0845 30 30 900. Alternatively, you can visit their website at [www.victimsupport.org](http://www.victimsupport.org).

This information has been provided to you in confidence. **[Where the reason the offender cannot be deported is practical e.g. country situation, staff should include the following line]** If this information were disclosed to the media or otherwise placed in the public domain it could jeopardise the UKBA's actions to deport **[INSERT NAME OF OFFENDER]** if this is possible in future.

**[STAFF TO ADD FURTHER CLOSING LINES AS APPROPRIATE]**

Yours sincerely,

**[SIGNATURE OF STAFF MEMBER]**

**[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]**

**[INSERT DIRECTORATE]**

## 7. TEMPLATE LETTERS FOR USE WHEN REFUSING TO PROVIDE INFORMATION TO A THIRD PARTY

Staff must tailor these templates to the content of the correspondence as appropriate. If in doubt, staff must seek advice from a senior caseworker or the IAPT (0208 760 4657).

### 7.1. Template response for use when declining to release personal information to a third party who has requested the information specifically under the Freedom of Information Act 2000 (but where we can confirm that the information is held)

I am writing in reply to your letter dated [INSERT DATE] in which you requested [INSERT DETAILS OF INFORMATION REQUESTED] under the Freedom of Information Act 2000.

It is the general policy of UKBA not to disclose, to a third party, personal information about another person. This is because UKBA has obligations under the Data Protection Act and in law generally to protect this information. Your request for personal information has been considered in line with UKBA's obligations under the Freedom of Information Act. However, it has been concluded that the information you have requested is exempt under Section 40(3) of that Act. Section 40(3) of the Freedom of Information Act provides that information will be exempt from disclosure if disclosure would breach any of the Data Protection principles. We have concluded that the information which you have requested would breach the first Data Protection principle and therefore we cannot supply the information you have requested.

If you are dissatisfied with the treatment of your request, you can ask the Department to conduct an internal review of its decision. This can be done by submitting your complaint to:

UK Border Agency  
Information Access Policy Team  
6th Floor, West Wing  
Block 'C'  
Whitgift Centre  
Wellesley Road  
Croydon  
CR9 1AT

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

NB: staff using the above template must inform the UKBA Central Freedom of Information Team using the template at Annex C.

**7.2. Template response for use when refusing to provide personal information about an applicant to a member of the public who has written to the UKBA on behalf of a third party and information should not be disclosed (but where we can confirm that the information is held)**

Thank you for your letter and enclosures of [DATE] on behalf of [NAME OF CORRESPONDENT] about [UKBA APPLICANT] of [ADDRESS] concerning his immigration matters.

I regret to inform you that any information contained in applications to the Home Office is treated as being confidential and is not normally disclosed to third parties. This is, of course, unless they are authorised representatives of the applicant. As the UKBA has not received any notification from [NAME OF UKBA APPLICANT] authorising [NAME OF CORRESPONDENT] to act on his behalf, I am unable to comment on the particular details of this application. I hope that you will understand that this is not a question of secrecy for its own sake, but simply a matter of protecting the privacy of the individual.

Please be reassured that the information you have submitted will be placed on file and will be fully considered by the UKBA and any further implications for this case will be carefully investigated.

Yours sincerely,

[SIGNATURE OF STAFF MEMBER]

[INSERT FULL NAME OF STAFF MEMBER DEALING WITH REQUEST]

[INSERT DIRECTORATE]

**Criminal Justice Act 2003 – specified offences for the purposes of Chapter 5 of Part 12. Attention is drawn to the fact that the offences are divided into two parts with Part 1 specifying relevant violent offences and Part 2 to sexual offences.**

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### **Criminal Justice Act 2003**

#### **SCHEDULE 15**

- aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Schedule; or
  - conspiring to commit an offence so specified; or
  - attempting to commit an offence so specified.
- 

#### **Part I - SPECIFIED VIOLENT OFFENCES**

An attempt to commit murder or a conspiracy to commit murder

Manslaughter

Kidnapping

False imprisonment

#### **Offences Against the Person Act 1861**

section 4 - soliciting murder

section 16 - threats to kill

section 18 - wounding with intent to cause grievous bodily harm

section 20 - malicious wounding

section 21 - attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence

section 22 - using chloroform etc. to commit or assist in the committing of any indictable offence

section 23 - maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm

section 27 - abandoning children

section 28 - causing bodily injury by explosives

section 29 - using explosives etc with intent to do grievous bodily harm

section 30 - placing explosives with intent to do bodily harm

section 31 - setting sprung guns etc. with intent to do grievous bodily harm

section 32 - endangering the safety of railway passengers

section 35 - injuring persons by furious driving

section 37 - assaulting an officer preserving a wreck

section 38 - assault with intent to resist arrest

section 47 - assault occasioning actual bodily harm

**Explosive Substances Act 1883**

section 2 - causing explosion likely to endanger life or property

section 3 - attempt to cause explosion, or making or keeping explosive with intent to endanger life or property

**Infant Life (Preservation) Act 1929**

section 1 - child destruction

**Children and Young Persons Act 1933**

section 1 - cruelty to children

**Infanticide Act 1938**

section 1 - infanticide

**Firearms Act 1968**

section 16 - possession of a firearm with intent to endanger life

section 16A - possession of a firearm with intent to cause fear of violence

section 17(1) - use of a firearm to resist arrest

section 17(2) - possession of a firearm at time of committing or being arrested for an offence specified in schedule 1 to that Act

section 18 - carrying a firearm with criminal intent

**Theft Act 1968**

section 8 - robbery or assault with intent to rob

section 9 - burglary with intent to: (a) inflict grievous bodily harm on a person; or (b) do unlawful damage to a building or anything in it

section 10 - aggravated burglary

section 12A - aggravated vehicle-taking involving an accident which caused the death of any person

**Criminal Damage Act 1971**

section 1 – arson

section 1(2) - destroying or damaging property other than an offence of arson

**Taking of Hostages Act 1982**

section 1 - hostage-taking

**Aviation Security Act 1982**

section 1 – hijacking

section 2 - destroying, damaging or endangering safety of aircraft

section 3 - other acts endangering or likely to endanger safety of aircraft

section 4 - offences in relation to certain dangerous articles

**Mental Health Act 1983**

section 127 - ill-treatment of patients

**Prohibition of Female Circumcision Act 1985 (c. 38)**

section 1 - prohibition of female circumcision

**Public Order Act 1986**

section 1 – riot

section 2 - violent disorder

section 3 – affray

**Criminal Justice Act 1988**

section 134 – torture

**Road Traffic Act 1988**

section 1 - causing death by dangerous driving

section 3A - causing death by careless driving when under influence of drink or drugs

**Aviation and Maritime Security Act 1990**

section 1 - endangering safety at aerodromes

section 9 – hijacking of ships

section 10 - seizing or exercising control of fixed platforms

section 11 - destroying fixed platforms or endangering their safety

section 12 - other acts endangering or likely to endanger safe navigation

section 13 - offences involving threats

**Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570)**

offences relating to Channel Tunnel trains and the tunnel system

**Protection from Harassment Act 1997**

section 4 - putting people in fear of violence

**Crime and Disorder Act 1998**

section 29 - racially or religiously aggravated assaults

section 31(1)(a) or (b) - racially or religiously aggravated offences [under section 4 or 4A of the **Public Order Act 1986**]

**International Criminal Court Act 2001**

section 51 or 52 - genocide, crimes against humanity, war crimes and related offences, other than one involving murder

**Female Genital Mutilation Act 2003**

section 1 - female genital mutilation

section 2 - assisting a girl to mutilate her own genitalia

section 3 - assisting a non-UK person to mutilate overseas a girl's genitalia

**Domestic Violence, Crime and Victims Act 2004**

section 5 – causing or allowing the death of a child or vulnerable adult

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**Part II - SPECIFIED SEXUAL OFFENCES****Sexual Offences Act 1956**

section 1 – rape

section 2 - procurement of woman by threats  
section 3 - procurement of woman by false pretences  
section 4 - administering drugs to obtain or facilitate intercourse  
section 5 - intercourse with girl under 13  
section 6 - intercourse with girl under 16  
section 7 - intercourse with a defective  
section 9 - procurement of a defective  
section 10 - incest by a man  
section 11 - incest by a woman  
section 14 - indecent assault on a woman  
section 15 - indecent assault on a man  
section 16 - assault with intent to commit buggery  
section 17 - abduction of woman by force or for the sake of her property  
section 19 - abduction of unmarried girl under 18 from parent or guardian  
section 20 - abduction of unmarried girl under 16 from parent or guardian  
section 21 - abduction of defective from parent or guardian  
section 22 - causing prostitution of women  
section 23 - procuration of girl under 21  
section 24 - detention of woman in brothel  
section 25 - permitting girl under thirteen to use premises for intercourse  
section 26 - permitting girl under sixteen to use premises for intercourse  
section 27 - permitting defective to use premises for intercourse  
section 28 - causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16  
section 29 - causing or encouraging prostitution of defective  
section 32 - soliciting by men  
section 33 - keeping a brothel

**Mental Health Act 1959**

section 128 - sexual intercourse with patients

**Indecency with Children Act 1960**

section 1 - indecent conduct towards young child

**Sexual Offences Act 1967**

section 4 - procuring others to commit homosexual acts

section 5 - living on earnings of male prostitution

**Theft Act 1968**

section 9 - burglary with intent to commit rape

**Criminal Law Act 1977**

section 54 - inciting girl under 16 to have incestuous sexual intercourse

**Protection of Children Act 1978**

section 1 - indecent photographs of children

**Customs and Excise Management Act 1979**

section 170 - penalty for fraudulent evasion of duty etc [in relation to goods prohibited to be imported under section 42 of the **Customs Consolidation Act 1876** (indecent or obscene articles)]

### **Criminal Justice Act 1988**

section 160 - possession of indecent photograph of a child

### **Sexual Offences Act 2003**

section 1 – rape

section 2 - assault by penetration

section 3 - sexual assault

section 4 - causing a person to engage in sexual activity without consent

section 5 - rape of a child under 13

section 6 - assault of a child under 13 by penetration

section 7 - sexual assault of a child under 13

section 8 - causing or inciting a child under 13 to engage in sexual activity

section 9 - sexual activity with a child

section 10 - causing or inciting a child to engage in sexual activity

section 11 - engaging in sexual activity in the presence of a child

section 12 - causing a child to watch a sexual act

section 13 - child sex offences committed by children or young persons

section 14 - arranging or facilitating commission of a child sex offence

section 15 - meeting a child following sexual grooming etc.

section 16 - abuse of position of trust: sexual activity with a child

section 17 - abuse of position of trust: causing or inciting a child to engage in sexual activity

section 18 - abuse of position of trust: sexual activity in the presence of a child

section 19 - abuse of position of trust: causing a child to watch a sexual act

section 25 - sexual activity with a child family member

section 26 - inciting a child family member to engage in sexual activity

section 30 - sexual activity with a person with a mental disorder impeding choice

section 31 - causing or inciting a person with a mental disorder impeding choice to engage in sexual activity

section 32 - engaging in sexual activity in the presence of a person with a mental disorder impeding choice

section 33 - causing a person with a mental disorder impeding choice to watch a sexual act

section 34 - inducement, threat or deception to procure sexual activity with a person with a mental disorder

section 35 - causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception

section 36 - engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder

section 37 - causing a person with a mental disorder to watch a sexual act by inducement, threat or deception

section 38 - care workers: sexual activity with a person with a mental disorder

section 39 - care workers: causing or inciting sexual activity

section 40 - care workers: sexual activity in the presence of a person with a mental disorder

section 41 - care workers: causing a person with a mental disorder to watch a sexual act  
section 47 - paying for sexual services of a child  
section 48 - causing or inciting child prostitution or pornography  
section 49 - controlling a child prostitute or a child involved in pornography  
section 50 - arranging or facilitating child prostitution or pornography  
section 52 - causing or inciting prostitution for gain  
section 53 - controlling prostitution for gain  
section 57 - trafficking into the UK for sexual exploitation  
section 58 - trafficking within the UK for sexual exploitation  
section 59 - trafficking out of the UK for sexual exploitation  
section 61 - administering a substance with intent  
section 62 - committing an offence with intent to commit a sexual offence  
section 63 - trespass with intent to commit a sexual offence  
section 64 - sex with an adult relative: penetration  
section 65 - sex with an adult relative: consenting to penetration  
section 66 – exposure  
section 67 – voyeurism  
section 69 - intercourse with an animal  
section 70 - sexual penetration of a corpse

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#### **Schedule 4 of the Criminal Justice and Courts Services Act 2000**

The majority of offences listed at Schedule 4 of CJCS Act 2000 are included in Schedule 15 of the Criminal Justice Act 2003, however several are not:

#### **Sexual Offences Act 1956**

Section 12 – committing buggery with a child under the age of 16  
Section 13 – committing an act of gross indecency with a child a child  
Section 31 – (woman exercising control over prostitute) in a case where the prostitute is a child

#### **Misuse of Drugs Act 1971**

Section 4(3) – (i) supplying or offering to supply a Class A drug to a child; (ii) being concerned in the supplying of a drug to a child; (iii) being concerned in the making to a child of an offer to supply such a drug.

#### **Child Abduction Act 1984**

Section 1 – abduction of child by parent

#### **Sexual Offences (Amendment) Act 2000**

Section 3 – abuse of trust

- aiding, abetting, counselling, procuring or inciting the commission of an offence against a child, or
- conspiring or attempting to commit such an offence.

## Annex B

**Evidence of domestic violence<sup>1</sup> committed against a migrant**

If any of the following evidence of domestic violence is on file staff should refuse to provide information to a UK settled partner if they ask about their migrant partner's immigration case:

1. An injunction, non-molestation order or other protection order made against the sponsor (other than an ex-parte or interim order); or
2. A relevant court conviction against the sponsor; or
3. Full details of a relevant police caution issued against the sponsor

It is often difficult for victims of domestic violence to produce the documentary evidence of violence as set out above and there is often an unwillingness or insufficient evidence to take the matter to court. Therefore staff may also refuse to provide information to a migrant's abusive partner where **more than one** of the following is on file:

- a medical report from a hospital doctor confirming that the applicant has injuries consistent with being a victim of domestic violence; OR, a letter from a GMC registered family practitioner who has examined the applicant and is satisfied that the applicant has injuries consistent with being a victim of domestic violence;
- an undertaking given to a court that the perpetrator of the violence will not approach the applicant who is the victim of the violence;
- a police report confirming attendance at the home of the applicant as a result of a domestic violence incident;
- a letter from a social services department confirming its involvement in connection with domestic violence;
- A letter of support or a report from a listed domestic violence support organisation [***see Annex AB of chapter 8 section 4 of the IDIs***]

This evidence may relate to one incident or a number of incidents and should confirm that domestic violence has taken place. Witness statements from friends or family and letters from official sources that simply relay unfounded reports by the applicant but do not confirm the incident should not be accepted. Staff should refer to chapter 8 section 4 (part 3.2) of the IDIs (<http://horizon/IND/Manuals/IDI/Resources/DOCS/Ch08FamilyMembers/04DomesticViolence.doc>) for guidance about interpreting and accepting the above documents.

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<sup>1</sup> Taken from chapter 8 of the IDIs

Annex C

**TEMPLATE FOR NOTIFYING OUTCOME OF NON-ROUTINE FOI REQUESTS TO THE UKBA CENTRAL FOI TEAM**

FOI Unique reference number: (if known move straight to part 2)  
 (If the UKBA Central FOI team has not been notified of the request and it therefore does not have an FOI number, complete part 1)

**Part 1**

Name of Officer handling the request:	
Contact Details: Business Area Directorate Phone number	
Date request received in UKBA	
Details of Applicant Name: Organisation: Address Post code Phone number	
Subject of the request: Brief summary	

**Part 2**

Date of reply	Outcome: Answer those that are applicable
<u>Extent of disclosure:</u>	
Information released in full	
Information partially withheld:	
Information entirely withheld: (If info is partially or entirely withheld one or more of the 'reasons for withholding information' boxes below <u>must</u> be completed.	
One or more entire document(s) within a request withheld	
No Information was found:	
<u>Reasons for withholding information:</u>	
If exemptions were used, which one(s)?	
Neither confirm nor deny used on all of the	

Information:	
Neither confirm nor deny used on some of the of the information:	
Request exceeded fees limit	
The request was vexatious	
The request was repeated	
Request was unclear	
Further information:	
Number of pages of information that were considered, when processing the request:	