



Deportation of Foreign Nationals Procedure

Policy

[Immigration Policy](#)

Procedure

1. Introduction

- 1.1 To identify the procedure to be followed when dealing with foreign nationals detained in custody.

2. Statement

- 2.1 Until 2 June 2021 European Union Nationals were permitted to live and work within the UK and receive the same benefits and rights as British Nationals. After this date, European Union Nationals will need to have either settled or pre-settled status.

Details of countries that are included in the European Economic Area (EEA) and the terms and conditions of entry can be found on the following GOV.UK website:

Visas and immigration - GOV.UK (www.gov.uk)

- 2.2 Non- European Union Nationals have to obtain authority from Home Office Immigration Authority to either enter, visit, study or remain in the UK.

For all foreign nationals, checks should be carried out with NCCU to establish their immigration status. NCCU will verify their status and advise if a person is in breach of their conditions.

- 2.3 Checks can be made 24/7 on 0345 019 0999. This is the national command and control centre (NCCU) for UK Immigration.
- 2.4 If a foreign national is arrested and taken into custody an immigration check **must** be carried out as a matter of course by the officer dealing to establish their immigration status and any conditions attached.

- 2.5 If a foreign national does not have the right of abode in the UK, is over the age of 17 and has been charged with a criminal offence punishable with imprisonment then Notice of liability to Deportation (IM3) form, (Also found in NICHE custody record (Foreign National IM3) Notice to be Served Under Section 6(2) Of the Immigration Act 1971. This must be served no later than 7 days prior to sentencing.
- 2.6 Service of this form enables a judge or magistrate to consider the person for recommendation for deportation on conviction. If form IM3 is not served at the time of charge or before sentencing the court has no opportunity to consider deportation.
- 2.7 EU nationals can be served with a form IM3 but this does not apply to Irish citizens. However, the offence must be one of a serious nature i.e., rape, drugs or violent offences or were sentenced to 12 months imprisonment or more. Advice should be sought with NCCU. For all encounters where an officer has immigration concerns, the officer must complete the following checks, NCCU check, PNC and PND checks and it is paramount that an ACRO check is completed on all encounters.