From: European Operational Policy Team

Subject: Interim Policy Instruction - PNC Checks in European Casework

Date: 10 April 2012

Issue number: 03/12

Background

1. Further to the recent commencement of PNC checks in European casework, this Notice provides supplementary information regarding the handling of PNC checks further to the Process Instructions Notice of 14 March 2012.

2. The guidance below represents the interim policy position being taken whilst wider work on a final policy is concluded with Home Office colleagues and relevant changes to the Immigration (European Economic Area) Regulations 2006 are progressed.

Additional Guidance

3. **No Traces**, as per the PIN of 14/3/12, can be considered by caseworkers through routine caseworking

4. **Spent convictions**, as per the PIN of 14/3/12, should be disregarded for Euro purposes.

5. **Unspent Convictions**

   The PIN of 14/3/12 indicated that all cases involving an unspent conviction should be placed on hold. That guidance is now being substituted with the following:

   - We will **issue** documents where there is a single non-custodial sentence that is more than one year old – a decision on when this is the case will have been made before allocation of the file

   - We will **hold** cases where there is a sentence over 12 months – a decision of this nature will mean the case is not allocated for action
We will hold cases where the offence(s) have a sexual, violent or drugs (supply not simple possession) element – a decision of this nature will mean the case is not allocated for action.

We will hold cases where there is a fine, reprimand, warnings or caution - a decision of this nature will mean the case is not allocated for action.

We will hold cases where there is an impending prosecution - a decision of this nature will mean the case is not allocated for action.

We will hold, until further notice, all other cases not falling within the classifications set out above – a decision of this nature will mean the case is not allocated for action.

6. Should any queries arise in relation to the application of these criteria enquiries should be made in the first instance to Fiona Hatton.

7. Further refinement of this interim policy is likely to follow by way of additional casework instructions.

Referrals to CCD

8. Cases in which CCD have not already noted their interest on CID must be referred by the European PNC Co-ordinator to CCD when the applicant has served or is serving a custodial sentence of:

   o 24 months or more OR

   o 12 months or more for offences falling within the following categories:

       ▪ drug offences
       ▪ sex offences
       ▪ violent offences.

<REDACTED UNDER SECTION 40(2) (PERSONAL INFORMATION)>
10th April 2012