

From: <redacted>
Sent: 01 March 2017 11:14
To: <redacted>
Cc: <redacted>
Subject: ICE Cast 1st March 2017 <redacted> 3. EEA Regulations Stage 1 decision <redacted>



ICECast

To ensure that Sutton 2 rules on instructions and guidance are adhered to all contributions for ICE Cast need to be cleared by the director from the contributing area. Please make sure that a Director's confirmation is attached or is contained within the email trail of the contribution.

Please ensure messages from ICE Cast are cascaded to all relevant staff

Contents:

<redacted>

3. Implementation of the Immigration (EEA) Regulations 2016 – Deportation on public policy grounds in cases of sham and fraud

Following the ICE Cast of 1 February please see below for further information on how ICE officers should process stage 1 notices in cases of sham/fraud. Training has been delivered to all ICE BETs on how to serve a stage 1 notice and if you have not received this training please make enquiries with your regional BET who can advise when training will be delivered.

When to serve a stage 1 notice

From 1 February 2017, in cases of suspected sham, fraud (and, in rare cases, rough sleeping where there are aggravating factors), ICE teams will need to consider whether there is a case for taking deportation action against the EEA national (or a someone with a **genuine** EEA right) on grounds of public policy. If there are grounds to pursue deportation then the ICE officer should serve a stage 1 notice notifying the individual that they are liable for removal on the grounds of public policy.

The stage 1 notice for **non-criminal** public policy deportations is attached, a separate case type on CID will be created for these case types in due course, until then please use the attached template and follow the CID instructions below:

- Create the case type - *“Criminal Case - Public Policy (Security or Health)”*
- Serve the stage 1 on DocGen using the attached template (this will soon be on DocGen under 4932)

- Use process set out below to refer to RP for stage 2 consideration

Following the service of a stage 1 notice

Cases should be referred to Returns Preparation through the existing signposting process; by adding the **RCC – ICE Signpost** admin event to the deportation case type and with a clear person note on CID stating that the case is for consideration of a public policy deportation. Returns Preparation workflow will accept all cases that have been issued with a stage 1 notice.

Stage 2 consideration

Once the case has been referred to Returns Preparation they will consider whether to pursue the deportation and will serve the relevant paper work on the individual – they will also consider what length of re-entry restriction will be associated with the deportation order.

Returns Preparation and the NRC will deal with all detention casework, further representations and appeal casework.

Once a non-detained case is barrier-free, Returns Preparation will refer it to the relevant ICE team through the existing CID Tasking process.

EEA regulation changes: further information

In addition, ICE teams should also note that changes the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations 2016) have effectively re-numbered the regulations, include those directly relating EEA administrative removal, detention and deportation.

The changes are summarised in the following table:

Category of EEA removal	Regulation number until 31 Jan 2017	Regulation number after 1 Feb 2017
Does not or ceases to have a right to reside	19(3)(a)	23(6)(a)
Public policy, public security or public health	19(3)(b)	23(6)(b)
Misuse of a right to reside	19(3)(c)	23(6)(c)
Entry in breach of a deportation or exclusion order	24(4)	32(4)
Anticipatory powers of detention	24(1)	32(1)

The relevant templates have been updated on CID with the new regulation numbers therefore please ensure that any papers served from 1 February refer to the 2016 Regulations and the correct regulation numbers.

You can find links to the relevant guidance on Horizon below:

Public Policy Guidance: <redacted>

Enforcement Instructions and Guidance: <redacted>

<redacted>

**Please send any contributions for ICE Cast by 12pm each Friday to:
Training and Skills Unit inbox**

Also use these contacts if you wish to be added on; or no longer wish to receive ICE Cast.

**Training and Skills Unit
Home Office**