
Service of immigration documents by prison staff

During the process of consideration for deportation the Criminal Casework case owners will at certain stages in the process send documents to the prison for service upon an FNP. It is a requirement laid down in the relevant PSI that any documentation received from Immigration Enforcement for service upon a prisoner must be served within 48 hours of receipt. In practice, any time limits (for example, on appeals) run from the date on which an immigration document is served on a prisoner, so prison staff should write the date of service on any documents that they serve.

Some thought should be given by prison staff as to how immigration documents are served. The contents of immigration documents can have a significant impact on an FNP's life and may cause emotional upset or stress. It is important that the process is well-managed.

When documents are served is something which should be carefully considered. As noted above, the documents must be served within 48 hours of receipt; this gives little opportunity to plan a convenient time but it is suggested that it is not advisable to serve documents on a Friday afternoon or at any other time when services are likely to be reduced, such as before a public holiday if it can be avoided. Therefore, if the 48 hour period runs up to a Friday evening, for example, it would be best to serve the documents as early as possible. An FNP may wish to speak to their legal adviser as soon as possible after service of a document and a wait of several days before they are able to do that may cause high levels of anxiety. In addition there may be fewer welfare staff available in a prison over weekends and public holidays meaning that the FNP has less opportunity of seeking external support.

It is particularly important to serve notice of flights (forms ISE312 or ISE 303) promptly. It is a legal requirement that all deportees are given a minimum of 72 hours notice of the time of the flight on which they will be removed. The 72 hours must include at least two working days. Failure to give at least the minimum amount of notice would make the deportation illegal. This is the case even if the FNP consents to the removal and is happy to go ahead.

Home Office documents are only printed in English. If an FNP's levels of English are

not fluent they may need assistance to understand the content of the document. Even those who do speak English may well need assistance to understand the content. Consideration should be given as to how an FNP might be assisted so that they are able to understand the content of documents served, particularly as time limits for any responses are often short. In considering this, it should be remembered that notices of deportation often include a large amount of sensitive personal information.

Even with these precautions prison staff should understand that service of immigration documents can cause huge stress to FNPs and be alert to any safety or welfare implications that this may have.

Many Home Office documents come with a receipt which should be faxed back to the HOIE CC with the date that the documents were served on the FNP, completed by the serving officer. It is important that this date is correct as any time limits for response or appeals run from the date of service.