



Home Office

Criminal casework

Appeals against conviction and sentence

Appeals against conviction and sentence

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This guidance tells criminal casework (CC) caseworkers the general policy and approach on deportation action in cases where there is an appeal against a criminal conviction and/or sentence.

This relates to all categories of deportation available under current legislation, see related links, for both non-European Economic Area (EEA) and EEA nationals:

- Conducive deportation under section 3(5)(a) of the Immigration Act 1971
- Court-recommended deportation under section 3(6) of the Immigration Act 1971
- Automatic deportation under section 32(5) of the UK Borders Act 2007.

This guidance must be used in conjunction with various others, including:

- EEA foreign national offender cases
- Automatic deportation.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.

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This page tells criminal casework (CC) caseworkers what has changed since the previous version of the 'Appeals against conviction and sentence' guidance.

Date of the change	Details of the change
18 February 2014	New guidance compiled by the criminal casework operational process and policy team and the modernised guidance team.

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Legal mechanism for appealing conviction and sentence in the UK

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This page tells criminal casework (CC) caseworkers about the legal mechanism, grounds and time limits for appealing criminal convictions and sentences in the UK.

A person can lodge an appeal with the relevant court against any conviction and/or sentence handed down by the following:

- a magistrates' court (England, Wales and Northern Ireland)
- a Crown court (England, Wales and Northern Ireland)
- a justice of the peace (Scotland)
- a sheriff court (Scotland)
- the High Court (Scotland).

Appeals against a conviction and/or sentence must be made within 28 working days (or 21 working days for magistrates' courts cases) from the date of conviction and/or sentencing. If the person is in custody, they may lodge an appeal in person by handing it to a prison officer.

Appeals may be brought after the 28 day (or 21 day) deadline, but leave must first be sought from the following:

- the appropriate magistrates' or the Court of Appeal Criminal Division (England and Wales)
- the appropriate magistrates' or the Court of Appeal Northern Ireland Criminal Division (Northern Ireland)
- the Criminal Court or Appeal at the High Court of Justiciary (Scotland).

An appeal may be brought against one of the following:

- a conviction and sentence
- a specific conviction and/or sentence where convicted of more than one offence (multiple indictment)

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- a sentence only (not the conviction)
- a recommendation from a court for deportation (under section 3(6) of the Immigration Act 1971).

In all cases, once an appeal is lodged, that person cannot be removed or deported from the UK while the matter is under judicial consideration.

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Courts hearing appeals against criminal conviction and sentence in the UK

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused Deportation orders</p>	<p>This section tells criminal casework (CC) caseworkers the courts in the UK where a foreign national offender (FNO) may appeal to against their conviction and/or sentence.</p> <p>England and Wales</p> <p>The appeal is heard either at:</p> <ul style="list-style-type: none">• a Crown court (for those convicted and sentenced at a magistrates' court), or• the Court of Appeal (conviction on indictment and sentenced at a Crown court). <p>Hearings usually take place at the Royal Courts of Justice in London. The Court of Appeal also hears appeals in cases referred to it by the Criminal Cases Review Commission (CCRC). For more details on the background and function of the CCRC, see related link: CCRC.</p> <p>Northern Ireland</p> <p>Appeals are heard either at a Crown court (for those convicted and sentenced at a magistrates' court), or at the Court of Appeal (conviction on indictment and sentenced at a Crown court).</p> <p>Northern Irish Court of Appeal hearings take place at the Royal Courts of Justice in Belfast. The Court of Appeal also hears appeals in cases referred to it by the CCRC, see related link.</p> <p>There are a number of differences in law between the Northern Irish and the Welsh and English legal system. Examples which apply only to Northern Ireland include the:</p> <ul style="list-style-type: none">• Restriction of hearings in the most serious indictable offences to senior judges.• Ability to try 'hybrid' offences either summarily or on indictment. If tried:<ul style="list-style-type: none">○ summarily the case will be dealt with by a magistrates' court,○ on indictment the case is the exclusive jurisdiction of a Crown court.	<p>Related links</p> <p>Criminal Cases Review Commission procedure – England, Wales and Northern Ireland Criminal Cases Review Commission procedure – Scotland Supreme Court of the UK procedure</p> <p>External links</p> <p>CCRC</p> <p>CCRC (Scotland)</p>
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Scotland

The appeal mechanism is different in Scotland, due to the differences between the Scottish and English or Welsh legal system, although the time allowed to lodge an appeal with a court is the same, 28 days.

The High Court of Justiciary is the supreme criminal court in Scotland. It also takes cases referred by the Lord Advocate on a point of law which may arise in the course of a case, allowing the High Court to give directions which will set out the law for future similar cases.

It is also a trial court for the more serious criminal indictments and sits in Edinburgh, Glasgow and Aberdeen in permanent venues, and on circuit in local sheriff court buildings of other large cities and towns.

Cases are presided over by a single judge and tried by a jury of 15 men and women. When exercising its appellate jurisdiction, it sits only in Edinburgh and hears criminal appeals arising from the High Court and lower courts (sheriff and justice of the peace).

The High Court also hears appeals referred to it by the Scottish CCRC. For more information on the Scottish version of the commission, see related link: [CCRC \(Scotland\)](#).

The Supreme Court of the UK

This is the final court of appeal for all UK criminal cases from England, Wales and Northern Ireland.

There is no further right of appeal in Scotland, except in devolution issues under the Scotland Act 1998.

The Supreme Court cannot consider cases from England, Wales, Northern Ireland and Scotland unless a relevant order granting leave to appeal has been made by one of the relevant lower court listed below:

- The Court of Appeal Criminal Division (England, Wales)
- The High Court Criminal Division (Scotland)
- The Court of Appeal in Northern Ireland Criminal Division (Northern Ireland).

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Criminal Cases Review Commission – England, Wales and Northern Ireland

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circumstances and relative complexity of the case. Contact is made at the screening stage with public bodies (such as the police, courts and Crown Prosecution Service), instructing them to keep all files relating to the case.

Reviews

Once the case is allocated, it is reviewed to see if there might be grounds for referring it. The review examines all the issues raised in the application, as well as any identified by the CCRC during the review itself.

When the case review is complete, it is sent for provisional view by either a single commissioner or a committee of at least three commissioners to make a decision on the evidence presented. A committee of three commissioners must meet before any case can be sent on to the Court of Appeal.

- If they decide there are grounds for the case to be referred, then a final statement of reasons is issued and the case is sent to the Court of Appeal. This is the end of CCRCs involvement.
- If they decide there are no grounds for the case to be referred, then a provisional statement of reasons is issued.

Provisional view

If the CCRC reaches a provisional view that there are no grounds for referring a case, the applicant is given 20 working days to respond:

- If no response is received within that time, a final decision is made and a statement of reasons setting out the basis for the CCRCs decision not to refer the case is issued. The case is then closed.
- If a response is received within that time, the CCRC consider all matters raised before a final decision is made.

Final decision

The final CCRC decision is usually made by the commissioner(s) who took the provisional view, and who will reconsider in view of representations made, and make their final decision.

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| | <ul style="list-style-type: none">• If they decide there are grounds for the case to be referred, then a final statement of reasons is issued and the case is sent to the Court of Appeal. This is the end of CCRCs involvement.• If they decide there are no grounds for the case to be referred, then a final statement of reasons setting out the basis for the CCRCs decision not to refer the case is issued. The case will then be closed. However, a fresh application can be made subsequently if new evidence is presented. | |
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Referral of a case by the CCRC to the Court of Appeal does not guarantee the appeal will be successful. It merely states to the court there might have been a miscarriage of justice based on the review of the evidence, and in the interests of justice they should reconsider the case.

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Criminal Cases Review Commission – Scotland

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review proceeds. The chief executive provides daily assistance to the legal officer during the review, and the committee give any further guidance if and when required. The review should take no longer than nine months for conviction cases and four months for sentence only.

Once completed, the legal officer prepares a draft statement of reasons for referring (or not referring) the case for the committee's consideration, and decides whether the case can be referred to the High Court. Once the committee is content with the draft statement, the case is submitted to the board of the commission for a decision.

The legal officer presents the case to the board of the commission, and the committee answer any questions the board has concerning the case's review. The board decides if the case can be referred to the High Court.

- If the board decides there are grounds for the case to be referred to the High Court, they issue a statement of reasons for referral. This is the end of the SCCRC's involvement.
- If the board decides there are no grounds for the case to be referred to the High Court, they issue a statement of reasons for non-referral.

If the SCCRC board of the commission reaches a provisional view that there are no grounds to refer a case, the applicant is given 21 days to submit any further representations. However, they will consider any requests to extend the 21-day period and will normally allow this, if required:

- If no response is received within that time, a final letter is issued after the 21-day period expires, stating the SCCRC has finally decided not to refer the case.
- If a response is received within that time, the SCCRC board consider the matters raised before deciding if there are now grounds which may affect their decision not to refer:
 - If the board's original decision is changed, they issue a statement of reasons for referral to the High Court. This is the end of SCCRCs involvement.
 - If there is no change to the board's original decision as no further issues have been raised, they will issue a final letter refusing to refer the case. This is the end of

SCCRCs involvement.

A fresh application can be made. However, SCCRC may decide not to accept a further application for review if no new issues are raised. The applicant can also seek a judicial review of the SCCRCs decision not to refer the case to the High Court.

The fact that the SCCRC refers a case does not guarantee the appeal will be successful. A referral from the SCCRC is a statement to the High Court saying there might have been a miscarriage of justice in that case, and it is therefore in the interests of justice for the court to reconsider the case.

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Supreme Court of the United Kingdom

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused Deportation orders</p>	<p>This page tells criminal casework (CC) caseworkers about the Supreme Court of the UK.</p> <p>The Supreme Court is the final court of appeal for all the UK in most areas of law, but in criminal cases they only consider appeals from England, Wales and Northern Ireland.</p> <p>Appeals to court in criminal proceedings are subject to special restrictions limiting such appeals to exceptional cases of general public importance, or on a specific point of law.</p> <p>For criminal cases in Scotland there is no onward right of appeal from the High Court of Justiciary or any other Scottish court. This is except for criminal matters arising from compatibility issues under the Scotland Act 2012. This took effect on 22 April 2013, and relates to cases where it is argued the European Convention on Human Rights or other EU law applies to matters relating to the conviction or appeal against it.</p> <p>In such cases, it is now possible for the matter to be referred by the High Court to the Supreme Court (for more detail see related link: Section 35 Scotland Act 2012).</p> <p>The Supreme Court cannot consider a case unless the relevant order granting leave to appeal is made by the appropriate lower court.</p> <p>If an application for permission to appeal is made and the lower court refuses permission, an application may be made to the Supreme Court, but the permission to appeal to them is subject to a number of statutory restrictions. For more information on this and all aspects of the Supreme Court, see related link: Supreme Court UK.</p> <p>If leave to appeal is granted by the appropriate lower court and an application for permission to appeal is made to the Supreme Court, the matter can take several weeks or months to resolve.</p>	<p>Related links</p> <p>Criminal Cases Review Commission procedure – England, Wales and Northern Ireland Criminal Cases Review Commission procedure – Scotland</p> <p>External links</p> <p>Supreme Court UK</p> <p>Section 35 Scotland Act 2012</p>
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This page tells criminal casework (CC) caseworkers how to deal with a foreign national offender (FNO) case once they receive notification that an appeal against a criminal conviction and/or sentence has been made.

Once you are notified a FNO has lodged a criminal appeal, you must:

- Create a diary action on CID with a note saying you are waiting for the result of a pending judicial appeal.
- Update the Home Office file and the notes screen on CID, outlining the appeal type, for example, against sentence, the court where the appeal is to be heard, the provisional hearing date, and who is bringing the appeal.

If the case is still at the stage of collation by the workflow teams in CC, they should complete this action unless the hearing date is imminent, in which case it must be passed directly to a CC caseworker.

If the earliest date of release from custody is before the appeal listing date (excluding appeals by the Attorney General), you must start relevant deportation action, working to the earliest date of release.

Action taken depends on which legislation is being used to pursue deportation. Discussion with a senior caseworker may be necessary about how to continue consideration, for example, can deportation proceed on the basis of previous convictions (where relevant), or solely on the current conviction.

If the criminal appeal is due to be heard shortly before the earliest date of release from custody (known as an 'imminent release' case), you must make a considered decision how to proceed based on available information from the court (for example, the judge's remarks when granting leave to appeal, or any decision to grant bail).

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If the appeal will be heard well before the earliest date of release from custody, workflow collate the case, and hold it until the appeal date, when it is passed to a caseworker to monitor the appeal and register the outcome.

The notes screen on CID must be regularly updated during the appeals process, and only closed when the case is finally determined.

Once the outcome is known, you must consider proceeding on the basis of that outcome and all other available information, in the light of the criteria laid down by CC for deportation consideration. If necessary, the case may have to be returned to workflow for collation of court papers.

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Action to take following notification of a valid application in CCRC cases

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Scotland

In Scotland, once the SCCRC makes a referral to the High Court, it is for the court to decide whether to proceed, but they only refuse to accept the referral in very exceptional circumstances. In SSCRC referrals, the point at which the criminal appeal becomes live will depend on whether the FNOs conviction was summary or by a jury.

In summary convictions, once the referral is received by the High Court, they will fix a date for a procedural hearing. Once the hearing has established the terms of appeal, the appeal will proceed as normal.

If conviction was by a jury, the FNO must lodge a note of appeal with the High Court setting out the grounds for their challenge to the conviction, within eight weeks of the date of the referral. Once lodged, the appeal is treated by the High Court as if leave to appeal has already been granted.

You must remember, although an outstanding live criminal appeal acts as a barrier to enforce actual departure of a FNO using either deportation or removal action, it does not stop you taking the appropriate preparations to start enforcement action against them.

If deportation is being pursued by CC on the grounds of the conviction being appealed, the process may continue until the conviction is overturned by the relevant court. In that scenario, deportation may no longer be appropriate, but that must be determined on the facts of each individual case.

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Action on deportation appeals when a criminal appeal becomes live

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This page tells criminal casework (CC) caseworkers about the action they must take when they receive notification that an appeal against conviction or sentence is now live, and an appeal against the decision to deport is already in progress.

If a deportation appeal is already in progress when notification is received about a live conviction or sentence appeal, you must formally seek an adjournment of proceedings from the Immigration and Asylum Chamber (IAC), until the outcome of the conviction or sentence appeal is known, as this will have a material bearing on the deportation issue.

This request should be made in writing, and if a presenting officer is assigned, they must also be informed.

If your request to adjourn does not reach the IAC before a scheduled hearing takes place, you must make sure you contact the presenting officer assigned to the case to ask them to advise the immigration judge, at the hearing, that an adjournment is being sought by the Secretary of State on the grounds that a live appeal against conviction or sentence is now with the Court of Appeal.

You must be aware that most adjournments are only allowed for 28 days. The IAC will only agree to longer periods in exceptional circumstances. However, the 28-day period may be adequate in some cases as the Court of Appeal tries to determine CCRC referred cases with minimum delay after the certificate of referral is issued.

If an adjournment is accepted, the appeal may resume following the issue of the Court of Appeal's judgement. If they allow the appeal against conviction or sentence and this effectively removes the justification for pursuing deportation, the decision, and consequently the appeal, must be withdrawn.

However, if the Court of Appeal dismisses the appeal, deportation can proceed and a new hearing date for the appeal against that decision can be scheduled.

Related links

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[Re-trials in appeals against conviction in 1971 Act cases](#)
[Upheld appeals against sentence only in 1971 Act cases](#)
[Upheld appeals against a court recommendation in 1971 Act cases](#)

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It is your responsibility to keep the IAC updated on the progress of the criminal appeal. In most cases a determination will be available within weeks of it being listed by the Court of Appeal.

If no determination is available within one month of the adjournment having been accepted, you must write to the IAC to explain that the Home Office is still awaiting the outcome of the criminal appeal.

If the adjournment request is rejected, the deportation appeal will continue on the merits of the case as it stands. The decision should not be withdrawn on grounds that there is a live appeal against conviction or sentence that is yet to be determined.

If the appeal is allowed, whether deportation continues depends on whether it is deemed appropriate to challenge that determination further. If it is not appropriate, deportation will be conceded and the matter of whether the criminal appeal is successful becomes irrelevant.

If the deportation appeal is dismissed, deportation itself cannot proceed until the Court of Appeal determines the criminal appeal. If they dismiss it, the CC caseworker must consider any new evidence or changes in circumstances that might have arisen since dismissal of the deportation appeal, to make sure that deportation remains the appropriate course. Any further representations or other barriers to removal must be resolved before action can be taken to enforce deportation.

Appeals against conviction and sentence

Deportation action: Immigration Act 1971

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused Deportation orders</p>	<p>This section tells criminal casework (CC) caseworkers how to proceed with 1971 Act deportation action against foreign national offenders (FNOs) who appeal against their criminal conviction and/or sentence.</p> <p>For the legislation that defines the categories of deportation available to the Secretary of State referred to in this guidance, see related link: UK Immigration Act 1971.</p> <p>Under this act deportation is started with the issue of a notice of intention to deport by the Secretary of State. Following disposal of any appeal, the process then moves to the deportation order stage.</p> <p>There is no legal barrier to issuing a notice of intention to deport (form ICD.1070 available on the CID document generator) if there is a current appeal against criminal conviction and/or sentence outstanding. It will not be possible to enforce the FNOs departure while the appeal remains live, but preparations for this can be progressed during that period.</p> <p>If a decision to serve an ICD.1070 notice is made, after receiving notice that there is an outstanding criminal appeal, then this must be acknowledged in the accompanying reasons for deportation letter (ICD.1914).</p> <p>At this stage you may not be in a position to pre-judge the outcome of the appeal on the basis of the grounds, so further consideration will need to be given depending on the outcome once it becomes known.</p> <p>If you are basing the deportation decision on the conviction the FNO is appealing against, and the appeal is successful, this will have significant impact on your decision and a review will be essential.</p> <p>However, if deportation is being pursued regardless of the conviction currently being appealed (so on the basis of previous convictions which still exceed the threshold for consideration of deportation by CC and justify it on conducive grounds), it can still be</p>	<p>Related links</p> <p>Upheld appeals against conviction in 1971 Act cases Re-trials in appeals against conviction in 1971 Act cases Upheld appeals against sentence only in 1971 Act cases Upheld appeals against a court recommendation in 1971 Act cases</p> <p>External links</p> <p>UK Immigration Act 1971</p>
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pursued, even if the FNO's appeal succeeds. Discussion with a senior caseworker may be required. If deportation is pursued in such circumstances, mention must still be made of the appeal against the last conviction in the ICD.1914 letter.

If you have served the ICD.1070 notice before you receive notice of an outstanding criminal appeal, a notification of variation of wording (ICD.0070) may be used to reflect this, and any other changes in circumstances not apparent when the original ICD.1914 letter was issued.

A new ICD.1914 or ICD.1070 is not needed in these cases, and the decision does not need to be withdrawn. However, if an appeal is lodged by the FNO against the ICD.1070 decision, any hearing should ideally be adjourned, subject to tribunal direction, until the outcome of the live criminal appeal is known. For more information about this see link on left: Action on deportation appeals in progress when a criminal appeal becomes live.

As above, if you are basing the deportation decision on the conviction being appealed, and that appeal succeeds, it will have a direct bearing on the case which will trigger a full review. However, if deportation would be pursued even in the event of a successful criminal appeal (so on the basis of previous convictions) then the decision may stand, even though a successful appeal against the last conviction still needs to be taken into account.

You must update the Home Office file and CID with each action taken before and during the life of a criminal appeal lodged by a FNO whom you are considering for deportation. As and when decisions are taken, the relevant outcome needs to be entered on the appropriate case record, and full justification for actions set out in both file minutes and CID notes.

Appeals against conviction and sentence

Upheld appeals against conviction in 1971 Act deportation cases

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This page tells criminal casework (CC) caseworkers the action to take if a foreign national offender's (FNOs) appeal against conviction and/or sentence is upheld by the relevant court and they are liable to deportation under the Immigration Act 1971.

In a case where appeal against conviction is upheld, it is not lawful to continue considering the FNO for deportation on the basis of the now-overturned conviction.

However, if there are multiple indictments and not all have been overturned, and/or there are previous convictions which meet or exceed the threshold applied by CC for conducive deportation under section 3(5) of the 1971 Act (or the FNO was court-recommended for deportation under section 3(6)), despite the overturning of the conviction appealed, action can still continue.

CID updates where an appeal against conviction is upheld

If deportation can no longer continue because it relied upon a conviction which has been overturned on appeal (and there are no other convictions or, there are, but these are insufficient to justify pursuing deportation), you must update CID to show the relevant outcomes on the case record ('DO Not Pursued – Appeal Allowed' and 'DO Not Pursued – Does not fit criteria').

You must update the notes screen and the Home Office file, outlining the Court of Appeal's (in English, Welsh or Northern Irish cases) or High Court's (in Scottish cases) decision, the date of hearing, and any other considerations applicable to the decision to concede.

You must then pass the file to a team leader to remove the conviction details from the offences screen (accessed through the case details screen), and clear the restrictions screen of any conviction detail. You can then close the case and send the file to the appropriate location.

If the overturned conviction is one of multiple indictments, you must update CID if appropriate to show which conviction was overturned, and whether deportation action will

Related links

[Re-trials in appeals against conviction in 1971 Act cases](#)
[Upheld appeals against sentence only in 1971 Act cases](#)
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proceed despite this. This depends on whether the extant conviction(s) and/or previous conviction(s) meet or exceed the threshold applied by CC for deportation.

You must:

- Enter the outcome decision on the CID case record.
- In all cases a team leader must make sure the overturned conviction(s) is removed from the offences screen.
- The earliest date of release must be altered if applicable on the restrictions screen.
And
- You must update the notes screen and HO file minutes to reflect the Court of Appeal's decision, date of hearing, and all other considerations applicable to the decision to either concede or pursue deportation.

If the extant conviction(s) is below the threshold applied by CC for deportation, you must update CID to show the outcome 'DO Not Pursued – Appeal Allowed' and if the case no longer fits the criteria, enter 'DO Not Pursued – Does not fit criteria' before closing the case and sending the file to an appropriate location.

Appeals against conviction and sentence

Re-trials in appeals against conviction in 1971 Act deportation cases

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused Deportation orders</p>	<p>This page tells criminal casework (CC) caseworkers the action to take if a foreign national offender's (FNOs) appeal against conviction and/or sentence is upheld and a re-trial is ordered by the relevant court, and they are liable to deportation under the Immigration Act 1971.</p> <p>In a case where a re-trial is ordered, it is unlawful to continue to consider a person liable to deportation on the basis of the previous, now-overturned conviction.</p> <p>The exception is where there are multiple indictments still standing, and/or previous convictions which meet or exceed the threshold applied by CC for conducive deportation under section 3(5) of the 1971 Act that justify continuation, or the FNO is the subject of a previous court-recommendation for deportation under section 3(6).</p> <p>If a re-trial is ordered (and deportation is no longer being pursued because of existing or previous convictions), you must establish the date set for the new trial with the relevant court, and place the HO file in a local hold to await the outcome.</p> <p>If the FNO is re-convicted and the deportation threshold is again met, you must retrieve the file and begin the case afresh. This means it needs to go through CC workflow for collation and then to a caseworker for consideration.</p> <p>CID updates where a re-trial has been ordered</p> <p>Before placing a file on hold pending the outcome of a re-trial, you must update the CID case maintenance screen to show deportation action is not currently being pursued, using the outcome 'Deportation Action Suspended awaiting outcome of Appeal or Retrial'.</p> <p>You must update the notes screen and HO file minutes outlining the Court of Appeal's decision, date of hearing, and any other considerations applicable at the point of suspension.</p> <p>The file must be sent to a team leader to remove the appropriate conviction from the</p>	<p>Related links</p> <p>Upheld appeals against conviction in 1971 Act cases Upheld appeals against sentence only in 1971 Act cases Upheld appeals against a court recommendation in 1971 Act cases</p> <p>External links</p>
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Appeals against conviction and sentence

Upheld appeals against sentence only in 1971 Act deportation cases

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers the action to take if a foreign national offender's (FNOs) appeal against sentence is upheld but they are still liable to deportation under the Immigration Act 1971.</p> <p>Unless an appeal is conducted by the Attorney General and only the appeal against a sentence is upheld, you must not continue with consideration of the case. This is unless either any remaining sentence(s) and/or previous convictions meet or exceed the threshold applied by CC for consideration of conducive deportation under section 3(5) of the 1971 Act, or the FNO is the subject of a court recommendation for deportation under section 3(6).</p> <p>CID updates where only an appeal against sentence has been upheld</p> <p>You must update CID and the HO file to show what, if any, deportation action is being taken. This depends on whether the FNO still meets or exceeds the relevant threshold.</p> <p>You must update the offences screen on CID to reflect the new sentence in respect of the recorded conviction.</p> <p>You must update the HO file minutes and notes screen with details of the Court of Appeal's decision, date of hearing, and any other considerations applicable to the decision to either pursue or concede deportation.</p> <p>The earliest date of release must also be altered on the restrictions screen as appropriate. If deportation cannot proceed, the outcome 'DO Not Pursued – Appeal Allowed' and 'DO Not Pursued 'Does not fit criteria' must be entered on the CID case record before closing the case and sending the file to an appropriate location.</p>	<p>Related links</p> <p>Upheld appeals against conviction in 1971 Act cases Re-trials in appeals against conviction in 1971 Act cases Upheld appeals against a court recommendation in 1971 Act cases</p> <p>External links</p>
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Appeals against conviction and sentence

Upheld appeals against a court recommendation for deportation in 1971 Act deportation cases

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This page tells criminal casework (CC) caseworkers the action to take if a foreign national offender's (FNOs) appeal against a court's recommendation for deportation only is upheld and they are liable to deportation under the Immigration Act 1971.

If an appeal against a court recommendation for deportation is upheld, but the conviction and the custodial element of the sentence still stand, it is lawful for the Secretary of State to then consider if the FNO can be deported on conducive grounds under section 3(5)(a) rather than section 3(6) of the 1971 Act.

When you reconsider these cases, you must set out why deportation can continue, giving regard to the Court of Appeal's decision. You must then send the case to a senior caseworker to agree the proposal to continue.

If agreed, you must issue an ICD.0070 notification of variation of wording, along with a fresh ICD.1070 intention to deport notice and appeal forms. No other papers are needed.

CID updates where an appeal against court recommendation has been upheld

You must update the CID notes screen and HO file minutes to reflect the Court of Appeal's decision, date of hearing and any other considerations applicable to the decision to either concede deportation, or pursue it under section 3(5)(a) instead.

If a senior caseworker agrees the continuation of conducive deportation under section 3(5)(a), you must update all relevant CID screens to show that section 3(6) deportation is no longer being pursued. This includes closing off the previous deportation 'Court Recommended' case record and opening a new one under the 'Conducive' case type.

If a senior caseworker disagrees with a proposal to pursue conducive deportation, you must update CID to show 'DO Not Pursued – Appeal Allowed' and 'DO Not Pursued – Does not fit criteria', before closing the case and sending the file to the appropriate location.

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[Upheld appeals against conviction in 1971 Act cases](#)
[Re-trials in appeals against conviction in 1971 Act cases](#)
[Upheld appeals against sentence only in 1971 Act cases](#)

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Appeals against conviction and sentence

Deportation action: UK Borders Act 2007

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused Deportation orders</p>	<p>This section tells criminal casework (CC) caseworkers how to proceed with 2007 Act deportation action against foreign national offenders (FNOs) who appeal against their criminal conviction and/or sentence.</p> <p>For the legislation that defines the category of deportation available to the Secretary of State see related link: UK Borders Act 2007.</p> <p>Unlike the 1971 Act procedure, under the 2007 Act, there is no notice of intention to deport served, as the decision to deport is presumed following a FNOs conviction and where their sentence satisfies the automatic deportation criteria (for more information on the process see related link: Automatic deportation).</p> <p>This means the process moves directly to the deportation order (DO) stage, subject to any further representations or appeals.</p> <p>However, section 34 of the 2007 Act specifically forbids the making of a DO while an appeal or further appeal against a criminal conviction or sentence has been made, or could be brought (for time limits see link: Legal mechanism for appealing conviction and sentence in the UK).</p> <p>The only exception is if a FNO informs the Secretary of State in writing that they do not intend to lodge a criminal appeal, in which case they are treated as no longer being able to appeal.</p> <p>Where an appeal has been lodged against automatic deportation and that appeal is in progress when notification is received of an appeal against conviction/sentence going live, any hearing should be adjourned until the outcome of the live criminal appeal is known.</p> <p>For more information about this see related link: Action on deportation appeals in progress when a criminal appeal becomes live.</p>	<p>Related links Upheld appeals against conviction in 2007 Act cases Re-trials in appeals against conviction in 2007 Act cases Upheld appeals against sentence only in 2007 Act cases Upheld appeals against a court recommendation in 2007 Act cases</p> <p>Links to staff intranet removed</p> <p>External links UK Borders Act 2007</p>
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Appeals against conviction and sentence

Upheld appeals against conviction and/or sentence in 2007 Act deportation cases

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers the action to take if a foreign national offender's (FNOs) appeal against conviction and/or sentence is upheld by the relevant court and they are liable to deportation under the UK Borders Act 2007.</p> <p>If appeal against conviction is upheld, it is not lawful to continue considering a person as liable to deportation on the basis of the overturned conviction.</p> <p>However, if there are multiple indictments and not all have been overturned, and/or there are previous convictions which meet or exceed the threshold for deportation under section 32(5) of the Act (and no exceptions apply under section 33), despite the overturning of the conviction appealed, action can still continue.</p> <p>CID updates where an appeal against conviction has been upheld</p> <p>The guidance to follow in 2007 Act cases is the same for 1971 Act cases – see link: Upheld appeals against conviction and/or sentence in 1971 Act deportation cases.</p> <p>You must note that if other convictions still stand following a successful criminal appeal by a FNO, and they do not meet the threshold for automatic deportation, they may still meet or exceed those set by CC for consideration of conducive deportation (or there may be an extant court-recommendation for deportation). In either case, you must consider if 1971 Act deportation can be pursued.</p> <p>If automatic deportation under the 2007 Act cannot be pursued but you decide conducive (or court-recommended) action under the 1971 Act is appropriate, you must close the 'Automatic Deportation Not Pursued (Conducive/Court Recommended Followed)' CID record, and open a new record as appropriate. You must also amend the case maintenance and restrictions screens, if necessary.</p>	<p>Related links</p> <p>Re-trials in appeals against conviction in 2007 Act cases Upheld appeals against sentence only in 2007 Act cases Upheld appeals against a court recommendation in 2007 Act cases</p> <p>Upheld appeals against conviction and/or sentence in 1971 Act deportation cases.</p> <p>External links</p>
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Appeals against conviction and sentence

Re-trials in appeals against conviction in 2007 Act deportation cases

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers the action to take if a foreign national offender's (FNOs) appeal against conviction and/or sentence is upheld and a re-trial is ordered by the relevant court, and they are liable to deportation under the UK Borders Act 2007.</p> <p>In these cases, the same procedure applies to those who are being re-tried and are subject to 1971 Act deportation.</p> <p>See related link: Re-trials in appeals against conviction in 1971 Act deportation cases.</p>	<p>Related links</p> <p>Upheld appeals against conviction in 2007 Act cases Upheld appeals against sentence only in 2007 Act cases Upheld appeals against a court recommendation in 2007 Act cases</p> <p>Re-trials in appeals against conviction in 1971 Act deportation cases.</p> <p>External links</p>
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Appeals against conviction and sentence

Upheld appeals against sentence only in 2007 Act deportation cases

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers the action to take if only the foreign national offender's (FNOs) appeal against sentence is upheld but they are still liable to deportation under the UK Borders Act 2007.</p> <p>Unless an appeal is conducted by the Attorney General, and only the appeal against a sentence is upheld, you must not continue with consideration of the case.</p> <p>This is unless either any remaining sentence(s) and/or previous convictions meet or exceed the threshold for deportation under section 32(5) of the 2007 Act. Or failing that, those applied by CC for consideration of conducive deportation under section 3(5) of the 1971 Act (or if the FNO was the subject of a court recommendation for deportation under section 3(6)).</p> <p>CID updates where an appeal against sentence has been upheld</p> <p>The guidance to follow in 2007 Act cases is the same for 1971 Act cases – see link: Upheld appeals against sentence only in 1971 Act deportation cases.</p> <p>If 2007 Act deportation cannot proceed but you decide 1971 Act deportation can, you must note the process on CID for closing automatic and opening conducive or court-recommended deportation action, set out at this link: Upheld appeals against conviction and/or sentence in 2007 Act deportation cases.</p>	<p>Related links</p> <p>Upheld appeals against conviction in 2007 Act cases Re-trials in appeals against conviction in 2007 Act cases Upheld appeals against a court recommendation in 2007 Act cases</p> <p>Upheld appeals against sentence only in 1971 Act deportation cases.</p> <p>External links</p>
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Appeals against conviction and sentence

Upheld appeals against a court recommendation for deportation in 2007 Act deportation cases

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This page tells criminal casework (CC) caseworkers the action to take if only the foreign national offender's (FNOs) appeal against a court's recommendation for deportation is upheld but they are liable to deportation under the UK Borders Act 2007.

In a case where an appeal against a recommendation by a court for deportation is upheld but the conviction and custodial elements of the sentence still stand, there is no effect on liability to automatic deportation under the 2007 Act. Section 32(5) insists the Secretary of State makes a deportation order (unless one of the exceptions defined under section 33 can be shown to apply).

However, you must still make sure appropriate parts of the FNOs CID and file records are updated accordingly, including the notes screen and minutes of the Court of Appeal's decision and date of hearing.

Related links

[Upheld appeals against conviction in 2007 Act cases](#)
[Re-trials in appeals against conviction in 2007 Act cases](#)
[Upheld appeals against sentence only in 2007 Act cases](#)

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[Sections 32 and 33 UK Borders Act 2007](#)

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Appeals against conviction and sentence

Appeals for review of sentence by the Attorney General

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers the action to take when the Attorney General requests a review of a foreign national offender's (FNOs) sentence.</p> <p>On rare occasions, if a sentence, handed down by a court for a criminal offence, is arguably exceptionally lenient, the Attorney General may ask the Court of Appeal to review that sentence. If the Court of Appeal upholds that view, there may be an increase in the sentence to a tariff they consider appropriate for the crime.</p> <p>An appeal brought by the Attorney General under the Criminal Justice Act 1988 has no effect on any type of deportation action taken by the Secretary of State under the Immigration Act 1971. It also does not affect deportation taken under the UK Borders Act 2007 (specifically section 34(2)(b), which states a deportation order (DO) cannot be made while an appeal has been instituted, this does not apply in this scenario).</p> <p>If CC were not pursuing deportation action previously, on grounds that the FNOs sentence did not satisfy either the 2007 Act or 1971 Act criteria, a decision to pursue it in future will depend on whether the Attorney General's appeal is successful, and if so, whether the new increased sentence meets the relevant thresholds.</p> <p>When an appeal is notified and there is a good likelihood that with a small increase in the length of custodial sentence, the FNO will meet the criteria, then the usual action taken in FNO cases not meeting criteria (so those which are normally referred to an immigration compliance and engagement team for consideration of removal action) should not be followed.</p> <p>Instead, the Home Office file must be placed on hold, and the appeal monitored. When the outcome is known, you must decide how to proceed based on whether the appeal was accepted, and if so, what the increase in sentence was (it may be necessary for the case to be sent back to workflow for re-collation first).</p>	<p>Related links</p> <p>External links</p>
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Both the file minutes and notes screen on CID must be kept up to date with these developments:

- If an Attorney General appeal is unsuccessful and there is no increase to the FNOs sentence, the file minutes and CID notes must be updated and action continued as previously.
- If an Attorney General appeal is successful and there will be an increase in the FNOs sentence, the CID offences screen must be updated to show the new sentence detail:
 - Both file minutes and CID notes screen must be updated to reflect the Court of Appeal's decision, date of hearing, and any other considerations applicable to the decision on whether deportation action will now be taken.
 - The earliest date of release must be altered on the restrictions screen to reflect the new date, which will have been recalculated by the Prison Service (workflow can get these details from the prison, along with the new court certificate).

Appeals against conviction and sentence

Appeals made after the relevant time limit ('out of time')

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused Deportation orders</p>	<p>This page tells criminal casework (CC) caseworkers the action to take if a criminal appeal is made after the relevant time limit (28 days for the Courts of Appeal and High Court of Justiciary, and 21 days for magistrates' courts).</p> <p>Appeals can be made after the relevant time limit stipulated by the courts. If previous appeals are dismissed or refused through the Criminal Cases Review Commission (CCRC) or Scottish CCRC (SCCRC), they may return the case back to the relevant appeal court or after an investigation.</p> <p>Strictly, a late (S)CCRC appeal is not a barrier to obtaining a deportation order (DO). In 2007 Act automatic deportation, a DO cannot be obtained while an appeal is pending if it was made within the prescribed time limits. However, if a DO is still to be obtained, and notification of a late (S)CCRC appeal is received by CC, realistically the best practice is to defer obtaining it, as such appeals are usually still accepted for hearing despite their lateness.</p> <p>CID updates where an out of time appeal has been made</p> <p>You must update the Home Office file minutes and CID with every action taken while the appeal is being determined. If the appeal is accepted, once it is live you will need to withdraw any deportation decision taken previously.</p> <p>The reasons for this must be clearly-noted on the file minutes and CID notes screen. The case record must be updated with 'Deportation Action Suspended Awaiting outcome of Criminal Appeal/Retrial'. Where a DO has already been signed against the foreign national offender (FNO) which is being revoked, the outcome 'DO Revoked' will also be needed. The case maintenance screen must be updated to reflect the action taken.</p> <p>Any action taken after this will depend on the outcome of the criminal appeal, which must be monitored in the usual way.</p>	<p>Related links</p> <p>External links</p>
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Appeals against conviction and sentence

Unsuccessful appeal applications made after leave to appeal has initially been refused

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers the actions needed if a foreign national offender (FNO) renews their application for their criminal appeal to be referred to the relevant court following initial refusal of leave to appeal.</p> <p>If the court refuses a criminal appeal at the initial stage the FNO can request that their application is still put forward to the relevant court. If they consider the appellant's appeal had been brought without good reason in law, the relevant court has the power to impose a range of stringent penalties.</p> <p>These include increasing the original sentence or ordering time already spent in custody (up to the point the court refused the initial application) not to be counted as time served under the sentence.</p> <p>CID updates where an application is renewed for an appeal You must update both CID and the Home Office file. In all cases the offences screen must have the sentence details altered with the new sentence, and the notes screen updated with the Court of Appeal's decision and the date of hearing.</p> <p>The earliest date of release must be amended on the restrictions screen (this will have been re-calculated by the Prison Service depending on what penalty the court has imposed).</p> <p>Details may need to be obtained from the relevant prison, and where necessary a new court certificate will have to be obtained by workflow.</p>	<p>Related links</p> <p>External links</p>
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Deportation orders

<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page tells criminal casework (CC) caseworkers when they can obtain a deportation order (DO) where a criminal appeal is, or could be, brought by the foreign national offender (FNO).</p> <p>Deportation under section 3(5) of the Immigration Act 1971 If a notice of intention to deport (ICD.1070) is issued and the FNO makes no appeal against this decision within the time limit set down by the Nationality, Immigration and Asylum Act 2002, there is no reason in law to prevent you obtaining a DO under section 3(5) during the time an appeal against conviction or sentence could be brought but has yet to be. Nevertheless, it is good practice to defer until the time limit allowed has passed.</p> <p>An exception to this is if the DO is being obtained solely on the basis of other previous conviction(s) or an earlier court recommendation, not the current conviction or sentence which may be appealed against. In such cases, the present proceedings only need to be mentioned in the deportation summary.</p> <p>However, whilst a DO can be obtained, no directions for removal can be set until any current appeal to the relevant court is determined.</p> <p>Deportation under section 3(6) of the Immigration Act 1971 If deportation is being pursued following recommendation by the convicting court, a notice of intention to deport can be served, but section 6(6) of the 1971 Act prevents you from obtaining a DO until the time allowed for an appeal against conviction or sentence has passed (even in cases where the FNO requests early deportation and does not wish to pursue their right of appeal), or until an appeal that has been brought is resolved.</p> <p>An exception to this is the same as for deportation under section 3(5) of the Immigration Act 1971 (see above).</p> <p>1971 Act deportation and out of time appeals</p>	<p>Related links</p> <p>See also</p> <p>Links to staff intranet removed</p> <p>External links</p>
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If an out of time appeal is made after a DO under the 1971 Act is obtained and before any leave to appeal is granted by the court, no removal directions can be set until the appeal is determined.

Deportation under section 32(5) of the UK Borders Act 2007

If the Secretary of State is obliged to initiate deportation action against a FNO and the relevant criteria are met, section 34 of the UK Borders Act 2007 prevents you from obtaining a DO while an appeal or further appeal against the conviction or sentence is brought (or could be).

Only if section 34(3)(b) applies, where the FNO has informed the Secretary of State in writing they do not intend to appeal and so will be treated as being no longer able to do so, will there be no reason in law to prevent you from obtaining a DO.

2007 Act deportation and out of time appeals

If an out of time appeal is made after a DO under the 2007 Act is obtained and before any leave to appeal is granted by the court, no removal directions can be set until that appeal is determined.

For more details on the process for 2007 Act deportation, see related link: Automatic deportation.

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the relevant court the power to release a FNO on bail or restrictions where they feel this is appropriate.

Unlawful detention

If a FNO subject to deportation action (under either 2007 or 1971 Act provisions) because of a conviction, is detained awaiting deportation, and their conviction is subsequently quashed by the (S)CCRC, that detention is not automatically considered as unlawful in retrospect.

If a FNO liable to deportation because of a conviction is detained whilst the DO still stands, the Secretary of State will have acted in good faith and in accordance with their statutory powers, provided all appropriate policy and practice associated with that detention is observed correctly.

If a FNO is detained for immigration reasons, any questions about its lawfulness are assessed according to the 'Hardial Singh' principles, which say a foreign national's detention is only be reasonable (and therefore lawful) if there is a realistic prospect of effecting their enforced departure in the foreseeable future. See chapter 55.3.2.4 of the related link: 55 Detention and temporary release.

Although this factor must be carefully balanced with other key issues such as risk of absconding and seriousness of harm, you must keep this consideration central to your regular assessments made under the detention review process (see related link: Detention reviews) to make sure any challenge on this point is defensible.

An application or appeal to the (S)CCRC is not a strict legal bar to enforcing departure, but as a rule you should not try to set any removal directions while the (S)CCRC is considering the person's case.

If a (S)CCRC appeal is pending and is taking a particularly long time to resolve, it may be arguable that the prospect of enforcing departure is not imminent, and there is a risk that continued detention might be regarded as unlawful by a court because it is not in accordance with 'Hardial Singh' principles.

Legal advice suggests it is likely that a court considering any judicial review of the

lawfulness of detention would look sympathetically on the claimant if their detention was especially prolonged because of their ongoing application or appeal to the (S)CCRC. You must make sure you only seek to detain if it can be reasonably argued that deportation remains likely in the near future.

You must take care when making initial decisions to detain, and on following reviews, to ascertain the likelihood of any pending (S)CCRC application or appeal being resolved in the foreseeable future.

For example, if an application is yet to be resolved but is likely to be soon because the (S)CCRC confirm the application before them is obviously frivolous, greater weight will be added to the argument for detention, be that initial or ongoing.

If you ask for and get the views of the (S)CCRC, you must fully minute these on the HO file, and note on the CID notes screen, as this will be directly relevant to future decisions on the detention of that person.

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Royal Courts of Justice appeals: contact details

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<p>About this guidance Legal mechanism for appealing against conviction and sentence Courts hearing appeals against conviction and sentence Action following notification of a criminal appeal Action following notification of a valid application to CCRC Action on deportation appeals in progress when a criminal appeal becomes live Deportation action – Immigration Act 1971 Deportation action – UK Borders Act 2007 Appeals for review by the Attorney General Appeals made after the relevant time limit ('out-of-time') Unsuccessful appeal applications made after leave to appeal has been initially refused</p>	<p>This page explains who to contact for more help with the 'Appeals against conviction and sentence' guidance.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email criminal casework operational process and policy team (CCOPPT) using the related link.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, who will ask MGT to update the guidance, if appropriate.</p> <p>MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>Related links Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p>
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This page tells you about this version of the 'Appeals against conviction and sentence' guidance and who owns it.

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Valid from date	18 February 2014
Policy owner	Criminal casework operational process and policy
Cleared by director	Kristian Armstrong
Director's role	Director, asylum criminality and enforcement, immigration and border policy
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Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, see related link, who will ask the MGT to update the guidance, if appropriate.

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