

NCC6 Guidance on Filtering –21st February 2007

Mark to:

<p>NCC1: <i>TL Symone King x 33612 SCW Peter Ring x 33614</i></p> <p>This team currently deals with Certificate of Approval cases which are charged cases. They receive these cases directly from DPT.</p> <p>Applications for COA on file</p> <p>Caseworking error.</p>	<p>TL</p> <p>TL</p>
<p>NCC2: <i>TL Lucy Fernandes x 33654</i> <i>SCWs Entry Clearance cases: Mary Statham x 33656</i></p> <p style="padding-left: 40px;"><i>Medical cases: Andrew Webb x 33660</i> <i> Gina Jaques x 33665</i></p> <p>Referred entry clearance cases from posts abroad (these should not come through filter team) however, you may find old referrals on file which may have been overlooked.</p> <p>Entry clearance errors which need to be corrected, EXCEPT : amend Date of Birth, Sex, Nationality or Name</p> <p>Immigration Officers errors confirmed by BCPI and asked to grant leave.</p> <p><u>Article 3 Medical cases</u> (i.e. applications to remain here outside the Immigration Rules, to receive medical treatment on the NHS, provided the application was not made more than 6 months after the previous leave expired and <u>provided the applicant is not an illegal entrant, failed asylum seeker or otherwise on temporary admission, e.g. a port applicant</u>). Allowed and Dismissed Non charged Medical Appeals</p> <p>Any case in which the application is for private medical treatment is charged and not for NCC2</p>	<p><i>Applications for further HPDL medical on HPDL form should be flagged as the above and forwarded to DPT to create a case on CID</i></p> <p>NCC2 SCW Entry Clearance Team</p> <p>NCC 2 Entry Clearance Error</p> <p>NCC2 IO Error</p> <p>All cases to 'Medical EO' Officer of the day</p> <p>ICC</p>

<p>Applications for DL on medical grounds, (regardless of type of leave previously granted). As there is no prescribed application form in law, applications can be made by letter. However, they are frequently made on an application form, including the HP/DL form, in error. Medical claims are made under Article 3. However, medical claimants do not have to refer directly or Article 3, to make a valid claim. Similarly, they do not have to refer directly to discretionary leave (DL).</p> <p>In all cases, please read the covering letter, if any. In NCC2 medical claims, the reason for the application should include either an explicit or an implied reference to Article 3, amongst other articles. In short, if claimant cites any one (or more) of following, it is likely to be an implied Article 3 claim:-</p> <ul style="list-style-type: none"> - lack of medical treatment in country of origin - shortened life expectancy if removed to country of origin, for lack of medical treatment - medical treatment would not be affordable to claimant abroad - medical treatment would not be accessible to claimant abroad - needs to stay here to access life-saving medical treatment - if removed, there would be no-one to care for claimant abroad and he/she would die alone in pain, or in inhuman and degrading circumstances. - reference to case of `D` or case of `N`. <p>Ticking the `fear of return` box on the application form, does not automatically turn a medical claim into an asylum claim, as medical claimants can legitimately claim `fear of return` because medical treatment is not available/ affordable /accessible abroad. For further guidance, please see Gina, Andrew or an OOD.</p>	<p>'Medical EO' Officer of the day</p>
<p>NCC3: <i>TL Margaret Kelly x 33575 SCW Peter Herman x 33588</i></p> <p>Pre charging (ie <u>pre 1.8.03</u>) applications for further leave to remain or ILR from those who had lawful leave to enter or remain (ie not illegal entrants) and whose applications were made either "in-time" or not more than 6 months "out of time".</p> <p><u>Pre1.4.05</u> or Noncharged applications for no time limit (NTL) and transfers of conditions (TOC).</p> <p>Applications for NTL following grant of ILR by letter under Family ILR exercise</p> <p>Applications/requests for revocation of deportation orders from non EEA nationals which have been enforced (ie the applicant is</p>	<p>NCC3 EO Q or NCC3 AO Q (detailed breakdown between these Qs is shown in note 5)</p> <p>NCC3 NTL</p> <p>NCC3 NTL</p> <p>NCC3 EOQ</p>

<p>abroad).</p> <p>Nationality queries where Nationality Directorate ask whether we are likely to grant ILR to a person if their current exemption from control ceases</p> <p>Applications for leave on behalf of a child who is under 18 and being supported by a local authority under the Children Act 1989, provided the child was either born in the UK (excluding those cases where the child's parent/parents are either illegal entrants or overstayers); or the application was not made more that 6 months after the previous leave expired; or the child was not an illegal entrant.</p> <p>Curtailment of leave to enter and leave to remain (but only where the grant flowed from a pre 1.8.03 application and excluding grants to work permit holders and other special categories) where the subject is currently in the United Kingdom. (irrespective of any leave left e.g. less than 6 months)</p>	<p>NCC3 HOLD 4</p> <p>NCC3 TL</p> <p>NCC3 Q2</p>
<p>NCC4: <i>TL Paula Dickson x 33593 SCW Samantha Edwards x 33591</i></p> <p>This team currently deals off file with charging cases and receives its cases direct from DPT.</p> <p>Caseworking error.</p>	<p>TL</p>
<p>NCC5: <i>TL Jim Saunders x 33670 SCW Andrea Wares x 33674</i></p> <p>This team currently deals with European cases and receives its cases direct from Euro Group. No files should at present be filtered to this team.</p>	
<p>NCC6: <i>TL James Gopinadhan x 33632</i> <i>SCW Gita Dalal x 33641</i></p> <p>Urgent Enquiries</p> <p>Urgent 3rd party enquiries</p> <p>General Group 2 Freedom of Information and Section 40 3rd party</p>	<ul style="list-style-type: none"> - AAs to allocate - AAs to allocate - Team Leader

<p>enquiries via FOI Central Team</p> <p>Gen Group 2 complaints (relating to status letters and where the Unit/department has been disbanded)</p> <p>Lost applications/passport/documents letters/ special searches re pre-charging or other General Group 2 cases</p> <p>Dismissed appeals for pre-charging cases and other decisions made by General Group 2</p> <p>Nationality queries, where Nationality Directorate ask for immigration status*</p> <p>Lost/Stolen/Damaged Immigration Status documents (ISD) or change of name (<u>only General Group Decision*</u>)</p> <p>Non case specific General enquiries (e.g. how to apply for immigration visa, hours of work for students, WHM etc)</p> <p>General enquiries</p> <p>Freeform enquiries from DMC with no file</p> <p>Request for Status Letter (Non charged Gen Group decision or employment purpose etc for applicants arriving with Entry Clearance)</p> <p>Status letters concerning Entry Clearance errors which need to be corrected to amend Date of Birth, Sex, Nationality and Name.</p> <p>Allowed Port appeals (after port has granted 6 months LTE)</p>	<ul style="list-style-type: none"> - DOT - Team Leader - AAs to allocate J Gopinadhan - Hold 2 - INEB - Hold 2 - None via filter Team - Hold 2 - Hold 2 - AAs to allocate to experienced EO&AOs
<p><u>NOT FOR GENERAL GROUP 2:</u></p> <p>Applications from those who have overstayed for more than 6 months prior to submission of application</p> <p>Applications from illegal entrants (both where papers have been served and those who admit illegal entry or have forged documents)</p> <p>Port applicants (ie those who have not been granted leave to enter after their arrival)</p> <p>Failed asylum seekers (FAS)</p> <p>Cases where enforcement papers already served</p>	<p>LWT/LEO</p> <p>LWT/LEO</p> <p>LWT/LEO</p> <p>LWT/LEO</p> <p>LWT/LEO</p>

7 year Child concession from overstayers (unless application in-time)	LWT/LEO
Post-decision representations (including HR) from overstayers who have been refused leave by General Group	LWT/LEO
Long residence applications from overstayers under 14 year rule	LWT/LEO
Application for NTL from recognised refugee.	SCWT3
Applications from children who have been granted ELR until their 18 th birthday and this period is less than 4 years.	SCWT3
Applications from those refused asylum but granted ELR for less than 4 years in one block and who have applied either for further ELR/Discretionary Leave (DL)/Humanitarian Protection (HP) or for indefinite leave to remain.	SCWT3
Dependants of those with refugee status or HP , including requests made by letter.	WIP's 230 with a note
Applications wrongly submitted on ELR forms from those who have not been refused asylum but who have been granted ELR on compassionate grounds etc.	CST
Sangatte Applications	DPT
Post 1.4.05 applications for no time limit (NTL) and transfers of conditions (TOC).	CST
Applications for extension of DL from failed asylum seekers where they have expressed NO FEAR OF RETURN (Normally HPDL form) (NON CHARGED)	SCWT3 (attach PQ on file) (22/02/07 from gita e-mail)
Applications for extension of DL from failed asylum seekers where they have expressed FEAR OF RETURN (Normally HPDL form) or any application where Article 3 is raised stating fear of return to their home country excluding medical basis claim . (NON CHARGED)	ACU11 attention of Paula O'Neill (including overstayers)
Applications for extension of DL (Applicants who have never applied for asylum and have previously been granted DL only Article 8 basis, mostly conceded removal cases) (CHARGED)	CST
Applications further DL on Medical basis by letter or HPDL form.	DPT (flagged as Medical case)
Applications for dependents of DL including made by letter and children born in the UK. (CHARGED)	DPT
Any purported applications by letter or an application form which has	DPT

not been created on CID	
Applications/requests for revocation of deportation orders which have not been enforced (ie the applicant is in the United Kingdom)	LWT/LEO
Request for action to be taken against a person alleged to have gained ILR or limited leave by deception. Consideration of removal under section 10 (1)(b) by UKIS is appropriate.	LWT/LEO
Asylum status letters	SCWT3
All Asylum related enquiries	SCWT3
Grounds of appeal	APC1
Variation of applications while appeal is pending	APC1
Deferred Entry Clearance Applications	Evidence & Enquiry
<u>European cases</u>	
All European cases including European Allowed and Dismissed Appeals	Euro Support Team
<u>Military Cases</u>	
Applicants seeking leave to remain with armed forces & dependants	ICC1
<u>Charged Cases</u>	
ICC charged cases	ICC Support
ICC post decision cases	ICC by number split
CLC post decision cases	ICC Support
Dismissed appeals (charged Croydon decisions)	ICC Support (FAO Rashmi Patel)
All Charged Enforcement cases (applications from overstayers) including any enquiries about these cases.	LSCU 6
<u>Sheffield</u>	
Post decision Sheffield cases	Sheffield (unit which made decision)
Dismissed appeals (charged Sheffield decisions)	Sheffield CLS 18

All ECAA cases (including ECAA Turkey)	ECAA team in Sheffield
In time CHARGED domestic violence cases only (i.e not illegal entrants or overstayers)	CLS11 in Sheffield
All Work Permit UK applications including dependants and Curtailment of leave	Work Permits UK In Country
All Seasonal Agricultural workers and their dependants	Work Permits UK In Country
Dismissed Asylum Appeal	LWT/LEO
APC1 decisions, following their consideration of grounds of appeal or variation of an application where an appeal is pending, to grant leave in pre-charging cases	AIU Leeds
Deportation Allowed & Dismissed Appeals (Decision made to make a Deportation Order or served with Deportation Order)	LWT/LEO
Port Allowed & Dismissed Appeals (Applicant Refused Leave to Enter)	Port of Entry
Withdrawn Appeals	Unit that made the decision
Dismissed Non Asylum Enforcement Appeals	LWT/LEO
Entry Clearance Allowed and Dismissed appeals (ECO informed)	Layby
Applications for indefinite leave to remain (ILR) from those refused asylum but granted exceptional leave to remain (ELR) for a period of 4 years, provided the 4 years was granted in one block and the application was not made more than 6 months after the previous leave expired. Kosovans to be treated in a similar way.	LNC1
EU applicants with ELR seeking ILR after 4 years in a block.	LNC1
Dependants of those with ELR including child born in the UK	LNC1
Post Decision ELR/ILR from CST, Travel docs and NCC groups no longer doing ELR work	LNC1
Curtailment of leave to remain involving Charged cases .	Unit that made the decision
Curtailment of leave involving Work Permit UK applications	Work Permits UK In Country
All pre-charged, charged, enforcement and asylum Allowed	

Appeals	AIU Leeds
Immigration Officers errors	BCPI

Please sign and date your minute sheet.

NOTES

Note 1 All files allocated within General Group 2 to have red stickers attached to bottom left corner with application date.

Note 2 Files to be marked as per following example – NCC 3 Q1

Minutes should be as per following example:

NCC 3 Q1
 Revocation of Deportation Order
 G Dalal
 NCC6
 DATE

Note 3 Any priority/immediate files to be marked direct to team leaders.

Note 4 Evidence & Enquiry Section send court requests for information, and ICC send adoption intervention enquiries, direct to SCWs as follows:
 File nos ending: 1-33 Peter Ring, NCC1; 34-66 Samantha Edwards, NCC4;
 and 67-00 Peter Herman, NCC3. If any such requests/enquiries are mistakenly sent to NCC6, they should be taken by hand to the appropriate SCW listed above.

Note 5

NCC 3 pre 1.8.03 split of work between AO Q and EO Q

EO Casework Types:-

Visitors in Transit
 Visitors for Medical treatment
 Visitors exercising access rights to child resident in the U.K
 Ministers of Religion
 Adoption
 Spouses
 Common Law Spouses
 Fiancés- Fiancées
 Same Sex Relationships
 Children of settled parents or relatives under Para. 296-303
 Abandoned Children
 U.K. born Children who are not Brit. Cits.
 Revocation of Deport Orders
 Domestic Servants

Domestic Violence
Private Domestic Servants in Diplomatic Services
Carers outside rules
10 year lawful long residence applications

AO Casework types:-

Visitors (general)
Students
Prospective Students
Student Nurses
Doctors
Dentists
U.K. Ancestry
Au pairs
Working Holiday Makers
No Time Limit
Transfer of Conditions
Seasonal Agricultural Workers
Work Permit Employment ILR
Trainees & Work Experience Schemes
Dependant Spouses (except under Para. 2)
Dependant Children (except under Para. 2)
Note 6

UKIS cases.

To Locate Region Finder:

- I. My Computer,
 - II. Transfer Folder,
 - III. LWT Files,
 - IV. Sifting Tools,
- London V Regions Finder

Note 7

ICC number split (NB charged applications should always be flagged)

	File numbers ending
ICC 1 :	01-17
ICC 2 :	18-34
ICC 3 :	35-51
ICC 4 :	52-67

ICC 5 : 68-84

ICC 6 : 85-00

Note 8

EO number split in NCC6

Sara Methanda: 0-49

James Gopinadhan : 50-00