



PRESIDENT OF THE
FAMILY DIVISION

COMMUNICATING WITH THE HOME OFFICE IN FAMILY PROCEEDINGS

Originally issued December 2002
Re-issued October 2010

- 1) The 'Communicating with the Home Office in Family Proceedings' protocol enables the family courts to communicate with the Home Office (UK Borders Agency and Identity and Passport Service) to obtain immigration, visa and passport information for family court proceedings.
- 2) This guidance has been reissued to replace & amalgamate previous guidance issued in 2002, 2004 & 2006 (including the Communicating with the Passport Service 2004) to reflect the new contact details for the Home Office Liaison Officer who has responsibility for administering requests made under the Protocol. It does not alter the nature or purpose of the Protocol.
- 3) Where an order is made against the Home Office in Family Proceedings, the court shall draw up the relevant order. The HMCS form EX660 should be fully completed (including specifying the details of the relevant family members and their relationship to the child). Parties should provide details of *both* mother and father if known, whether or not they are involved in the proceedings.
- 4) The sealed order and the completed EX660 should be sent immediately to:

Home Office Liaison Officer
Her Majesty's Court Service
Post Point 1.16
102 Petty France
London
SW1H 9AJ

Email: homeofficeliasion@justice.gsi.gov.uk
Telephone: 020 3334 3310/4401
Fax: 0203 334 2228

- 5) Please note that all information provided in the EX660 will be forwarded to the Home Office. Parties should ensure that any additional information, such as a case synopsis, which it wishes the Home Office to view, has the required leave of the court, set out in the order, to be disclosed to the Home Office. (Note that it is a contempt of court to disclose this information otherwise).

- 6) Where the query relates to the proposed adoption of a foreign national minor, the Home Office Liaison Officer can advise as to the additional information which will be required.
- 7) The order and EX660 should clearly state the time by which the information is required. In order to comply with the agreed four (4) week period in for the Home Office to provide a response to the court, parties and court staff should ensure that the Home Office Liaison Officer receives the court order on the day the order is made.
- 8) Where it will not be possible for court to send the sealed order to the Home Office Liaison Officer on the day it is made, the court when stating the required date of receipt by the court of the information should allow any additional time necessary for the preparation and sending of the order. This is in order to ensure that Home Office has 4 weeks to provide a response from the time it receives the order from the Home Office Liaison Officer. Any reduction in this period may result in a request by the Home Office for further time in which to reply.
- 9) The request or order should identify the questions it wishes to be answered by the Home Office.
- 10) Parties should provide the name and contact details of someone who has agreed and is able to provide further information should it be needed.
- 11) The order and EX660 should be forwarded to the Home Office Liaison Officer together with such information as is sufficient to enable the Home Office to understand the nature of the case, to identify whether the case involves an adoption, and to identify whether the immigration issues raised might relate to an asylum or non-asylum application.
- 12) The Home Office Liaison Officer will then send to an appropriate officer in the Home Office the enquiry, together with a copy of any order made. The Home Office official will be personally responsible for either:
 - (a) answering the query themselves, by retrieving the file and preparing a statement for the court; or
 - (b) forwarding the request to a caseworker or relevant official with carriage of that particular file.
- 13) The Home Office Liaison Officer will follow up as required in order to ensure that the information is received by the court in time, and will receive the information before forwarding it on as instructed by the judge or court making the request.
- 14) Attached is a sample court order and completed EX660 which should provide further useful guidance. **Please note the change in contact details in the form EX660.**



In the Principal Registry of the Family Division

Case Number: FD05C00345

The full name(s) of the child(ren)

Date(s) of Birth

Child Y

12.02.05

Order

Children Act 1989

UPON HEARING Counsel for all parties

IT IS ORDERED THAT:-

1. In accordance with the President's Protocol of December 2002 the Home Office is requested to provide the following information (also detailed in the attached form EX660) to the court by 4pm on 25 November 2005:
 - a. What is the current immigration status of the father, *adult Y*?
 - b. Does *adult Y* have any outstanding applications pending before the Home Office?
2. There be leave to disclose the case synopsis/summary/background to the Home Office.
3. There be permission granted for any information received from the Home Office to be disclosed to the parties.

Ordered by Mrs Justice Bloggs this 14th day of October 2005

Court request for information to the Home Office (Immigration and Nationality Directorate)

Please note that all information provided in this form will be forwarded to the Home Office

In the <i>PRFD</i>	
Case no	<i>FD05C12345</i>
Serial no.	
Date	<i>4 October 2005</i>

In the matter of *The Children Act 1989*

In the matter of

<i>Child Y</i>

To the judge: Each of the following fields must be completed to assist the Home Office to find the relevant records. Once completed pass the form to your Court Clerk. The Court Clerk will then produce a separate order directed to the Home Office, using the information provided on this form. The form must be sent **without delay** together with the court order to the Family Division Lawyer.

Name of Judge: <i>Mrs Justice Bloggs</i>					
Full name of each party, including relationship to child(ren)	Female/Male (please tick)	Date of birth	Country of Origin	Date arrived in UK	All relevant Home Office reference
<i>Child Y (child)</i>	<input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	<i>12/02/2005</i>	<i>UK</i>	<i>N/A</i>	
<i>Adult X (mother)</i>	<input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	<i>01/01/1975</i>	<i>UK</i>	<i>N/A</i>	
<i>Adult Y (father)</i>	<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	<i>21/05/1970</i>	<i>Iraq</i>	<i>June 2001</i>	<i>A1234567</i>
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				

<p>What questions would you like the IND to answer?</p>	<p>1. <i>What is the current immigration status of Adult Y?</i></p> <p>2. <i>Does Adult Y have any outstanding applications pending before the Home Office?</i></p> <p>(please note – these are sample questions only.)</p>
<p>Please provide a brief summary of case and any other information which will be useful to the IND in dealing with the request eg any details relating to immigration:</p> <p>(Please attach any documents, such as Case Summaries, in respect of which the Court has given leave to disclose to the Home Office).</p>	<p><i>Please see attached case synopsis (which the court has given leave to disclose in the order)</i></p>
<p>Has the court given leave to disclose any supporting documentation to the Home Office?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - <i>leave given in order</i></p>
<p>Contact details of person from whom additional information can be sought.</p>	<p><i>Details of lead person as agreed by the parties</i></p>
<p>By what date is the information required? (Please allow a minimum of 4 weeks from the date of sending to the Home Office Liaison Officer)</p>	<p><i>25 November 2005</i></p>

To the court clerk

Please send this document, **together with the order** and any attached documents, **without delay** to: Home Office Liaison Officer, Her Majesty's Court Service, Post Point 1.16, 102 Petty France, London, SW1H 9AJ. homeofficeliasion@justice.gsi.gov.uk. Telephone: 020 3334 3310/4401 Fax: 0203 334 2228