



The One Stop Notice of Decision to Deport - What it is and how to reply

July 2023

Who is this leaflet for?

This leaflet is for those who are not EEA nationals or direct family members of EEA nationals who are facing deportation.

What is the purpose of the leaflet?

The purpose of the leaflet is to provide advice on how to respond to the One Stop Notice, which is 'Stage 1' of the Home Office deportation process.

I have received a letter from the Home Office called a 'Notice of Decision, Decision to Deport' One Stop Notice. What does it mean?

If you have committed criminal offences in the UK, the Home Office may take steps to deport you from the UK. The 'Notice of Decision, Decision to Deport' is also known as the One Stop Notice and is the 'Stage 1' letter in the deportation process.

This One Stop Notice asks you to explain to the Home Office why you believe you should be allowed to stay in the UK. The reasons are normally human rights reasons, such as because of your family in the UK or because you have lived in the UK for a long time.

Can I appeal against a One Stop notice?

No. The One Stop Notice is not a decision that can be appealed against. However, *some EEA Nationals and their family members may have a right of appeal. People with leave to remain under the European Union Settlement Scheme (EUSS) may have a right of appeal under regulation 6 of the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020. If there is a right of appeal, the Home Office letter should state that and the appeal deadline.*

If the Home Office decides to continue with deportation action after considering your reply to the One Stop Notice, it will issue a 'Stage 2' letter. The Stage 2 letter is called a 'Decision to Refuse a Human Rights claim'. That is usually given to you with a Deportation Order. The stage 2 decision can normally be appealed to the Immigration Tribunal

Do I need a lawyer to reply to the One Stop notice?

If you do have a lawyer, your lawyer will help you to reply to the Home Office. However, legal aid (free legal help from a lawyer) is usually not available for people who argue against their deportation because of their family life or how long they have lived in the UK.

You may be able to apply for Exceptional Legal Aid funding to pay for a legal aid lawyer to help you with your case so that they can explain to the Home Office why you should not be deported. You can find our leaflet that explains 'Exceptional Funding: Applying for Legal Aid in Deportation cases' on the BID website or you can ask BID for a copy which we can send to you.

If you do not have a lawyer, you must reply to the One Stop Notice yourself. At this stage, you just need to tell the Home Office why you should be allowed to stay in the UK. For example, because you have a family life in the UK or you have lived for a long time in the UK.

Give as much information as you can. The more information the Home Office has about your life in the UK and the reasons you have for wanting to remain in the UK, the better.

Is it important that I fill in the form and return it to the Home Office ? Office?

Yes, it is very important that the form is completed and returned to the Home Office before the deadline that they give you passes.

It is very important to give *all of your reasons against deportation*, even if all your supporting evidence cannot be given to the Home Office when you reply to the One Stop Notice.

If you do not reply, the Home Office will make a decision based on any evidence or information that it has about you. This may include old and out of date information.

The Home Office may also decide not to give you a right of appeal against a Stage 2 deportation decision refusal of a Human Rights claim, if you have not told them why you think deportation would breach your human rights and did not have a good reason for failing to tell them.

If you do not tell the Home Office in the One Stop reply about something that you later think is important and you want to rely upon, the Home Office may decide not to consider the new evidence.

How should I fill in the One-Stop notice?

The One Stop Notice usually comes with an information sheet called 'Statement of Reasons'. This gives information on some of the reasons that you may include in your reply to the One Stop Notice. It gives examples of the kind of evidence that the Home Office thinks you should give to support your case not to be deported and why you should be allowed to stay in the UK.

You should write a letter to the Home Office. The letter should be a statement of reasons for why you should not be deported. You should give as much supporting evidence as you can. If you are in prison, you may need to ask a family member or friend to help you collect evidence.

Make sure that you keep a copy of your reply and any supporting documents sent with it.

You should give as much information as possible, for example on:

- **Your relationship with your spouse or partner and with any children under age**

For example, you should explain if you have kept in contact with your partner or children. If possible give any evidence that you might have such as letters or cards. If you are still in prison you can ask your wing Welfare Officer for a copy of the prison visit and telephone records to show that you kept in contact with your family.

You should also provide copies of the birth certificates of the children.

- **How you think your children would be affected if you were to be deported.**

For example, you should give any evidence to show the impact on your children of your separation from the family while you have been in prison (or in immigration detention). This can help you to show what impact there will be on your children if you are deported and separated from your children and your family.

- **Length of time in the UK**

You should give as much evidence as possible to show how long you have lived in the UK. For example, medical records, and school attendance records. This will help you to argue that you have friends and connections in the UK, and it may also help to show that you have not lived abroad or in your country of origin for a long time. This will help you to show that you do not have any close friends or family in your country of origin who could help you to re-integrate.

- **Rehabilitation courses you are taking or have completed**

If you have attended any rehabilitation courses in prison, you should provide evidence of this to the Home Office. This might help you to argue that you are not a risk of reoffending if you allowed to stay in the UK.

- **Physical or mental health issues**

If you have any health issues, physical or mental, that should be explained. Supporting evidence should be provided. You can ask health care to provide you with your medical records from your time in prison or detention if that will help you and you can write to your GP to ask for copies of your medical records.

Remember: The most important thing is to reply to the One Stop Notice within the deadline with as much information as you can. Do not delay sending the reply while you wait for supporting evidence.

In the reply, explain what further evidence you are planning to obtain and when you think you are likely to be able to provide it to the Home Office.

Once I have sent my One Stop Reply back to the Home Office, do I still need to tell the Home Office about any change of circumstances that are important for my case?

Yes. There is an ongoing duty to keep the Home Office informed of any changes in your circumstances that are relevant to your case. There is often a long gap between issue of a Stage 1 decision and issue of a stage 2 decision so there may be changes in your family life after you have replied to the Stage 1 letter but before the Stage 2 letter is issued, e.g., new relationship/marriage/new baby etc.

This is important to ensure the Home Office has up-to-date information on which to make a decision. Also, the Home Office also has the power to refuse to accept a new reason for remaining in the UK as a new ground of appeal if it is not something that you have already told them about.

The letter says that if the Home Office decides to deport me, I may have to appeal from abroad. It asks me to give reasons why I should be allowed to appeal from the UK. How should I reply?

If your case has been certified under S.94B of the Immigration and Asylum Act 2002), you will only be allowed to appeal from abroad. In most cases the Home Office is not removing people from the UK before they have appealed. If the letter asks you for reasons why you should be allowed to remain in the UK to take part in your appeal while you are here, you will need to explain why you believe that you could not have a fair hearing if you are forced to appeal from abroad.

There may be lots of reasons why it would be very hard for you to prepare your appeal from abroad. Below are some examples of the type of problems you may face in preparing your case from abroad. These are just examples. You may have other reasons you want to raise as well.

You could say:

'If I am removed before my appeal, I will not be able to effectively prepare my appeal from abroad because I will not be able to...' and raise any points below that apply to you:

- *Gather the necessary evidence of my length of residence in the UK and of my integration into British society.*
- *Gather the necessary evidence of the strength of my family life in the UK. In particular, I will not be able to obtain expert reports that may be required such as an Independent Social Work report to comment on my relationship with my children because the expert would need to be able to observe me with my children.*
- *Obtain expert evidence on my risk of reoffending, such as a Forensic Psychologist report. This is because I would need to be present in the UK for the assessment by the expert to take place.*
- *I need to be present in the UK to give oral evidence at my appeal hearing. This is because I need to be able to answer points taken against me by the Home Office through cross-examination.*
- *I do not have access to video link facilities abroad to give evidence from abroad.*
- *Giving evidence by video link would be unfair as it would be too difficult for me to try to follow the hearing process from abroad on a small screen. I need to be able to follow references to pages in the Home Office Appeal Bundle. I also need to be able to properly see and hear the Home Office representative, the Immigration Judge and all participants at my hearing so as to follow my appeal and to be able to give my evidence in a fair and effective manner.*

Is there a time limit for replying?

Yes. The Home Office letter and One Stop Notice will tell you how long you have to reply and the deadline for the Home Office to receive your reply.

This is usually explained as being 'X' number of days from 'date of service'. The date of service of the letter should be stated in the '*date of service*' box at the end of the letter.

Note that the date that the letter is written may be different to the date on which you receive it. This is often the case if you are held in prison.

If the Home Office letter and One Stop Notice was not given to you on the same date as the date on the letter or in the 'date of service' box at the end of the letter, you should state in your reply the date that you actually received it and attach any evidence that you may have to support this. This will be helpful to show that you have responded within the deadline.

What happens after I have replied to the One Stop Notice?

The Home Office will consider the information that you have provided and decide whether to continue with deportation action. Unfortunately, there is no set time within which the Home Office must give you a decision and there is often a long delay between the issue of a Stage 1 and a Stage 2 deportation decision.

If the Home Office decides that you should be deported, you will be served with a Stage 2 deportation decision called a 'Decision to Refuse a Human Rights Claim. This is normally a long letter that explains your immigration history and your criminal history and explains why the Home Office believes that you should be deported, despite the reasons you have given to stay in the UK.

In most cases the Home Office decides to continue with deportation action. If the Home Office issues a Stage 2 Refusal of a Human Rights Claim and a Deportation Order, you may find it helpful to read the BID self-help advice leaflet *Deportation Appeals: Preparing your Article 8 Deportation Appeal*'. The leaflet is available on BID's website and we can send them to you upon request.

What happens if I send my reply to the One Stop notice late?

The Home Office should consider information received after the deadline, if there is 'good reason' that it is late. You should explain the reasons why it is late in writing when you reply to the Home Office.

What if I need more time to reply to the One Stop Notice?

If you are definitely unable to reply within the deadline, for example, if you are too unwell or because of significant language barriers, or difficulties with reading or writing, you can ask the Home Office for more time to reply.

However, this should only be a last resort. To ask the Home Office for more time you will need to write to the Home Office. Your letter should:

i) Give some very basic information about why you want to stay in the UK, (for example; *'I have family in the UK' or 'I have lived in the UK for a very long time'*).

ii) State that you need more time and cannot reply within the deadline;

iii) State why you need more time and provide any supporting evidence you might have, (e.g. medical evidence)

iv) State when you think you will be able to reply fully and what sort of information you plan to provide in the future, for example your children's birth certificates

Example letter

An example of letter asking the Home Office to give you more time to reply is at **Appendix 1**.

Remember: Try to reply within the deadline. Only ask for more time if it is absolutely necessary.

Make sure that you keep a copy of the letter and proof of faxing or posting it to the Home Office. If you hand it to a Home Office officer, make sure you note their name and the date and time you gave it to them.

Appendix 1

Example of a Letter to the Home Office to request more time to reply to the One Stop Notice

NOTE: THIS IS AN EXAMPLE LETTER ONLY. YOU SHOULD ONLY TICK THE BOXES THAT APPLY TO YOUR CASE AND PROVIDE MORE INFORMATION WHERE YOU CAN

Home Office

[the address will be on the One Stop letter]

Date:

Re: [your name]

HO Reference Number:

Re: Request for more time to reply to the One Stop Notice

I am writing to ask for more time to reply to the One Stop Notice asking me for reasons why I should not be deported from the UK.

I received the One Stop Notice on **[date]**.

I cannot reply within the deadline because:

[Tick any of the boxes that apply to you - and provide supporting evidence where possible. There may be other reasons that apply to your case. If so, you should state them].

- I am held in prison and I do not have access to any legal advice and I am not able to reply without a lawyer for the reasons below
- I am held in an Immigration Removal Centre and I have not yet been able to see a Duty Legal Adviser. *[If you have an appointment with a Duty Legal Adviser but you will not be able to see them before the deadline, you should state the appointment date]* and I am not able to reply without a lawyer for the reasons below
- I need help with reading or writing
- English is not my first language and I need help with understanding the letter.
- I suffer from psychological ill-health. This condition and my medication affect my ability to cope with paper work. *[If you have a diagnosed condition, you should state what it is and whether you have been prescribed medication].*

- Other [Briefly state your reason].....

I would like to ask for more time to reply. I should be able to send my reply to the Home Office by [Date - State when you think you will be able to reply to the Home Office]

The main reasons I want to stay in the UK are:

- I have family in the UK
- I have lived in the UK for a very long time
- Other [Briefly state your reason].....

I am going to try to get supporting evidence e.g.

- Children's birth certificates
- Marriage certificate
- Evidence of employment
- Other [Briefly state the type of evidence].....

Yours faithfully

Signed.....

How to contact BID

By post:

Freepost RTSU-ZJCB-XCSX
Bail for Immigration Detainees (BID)
1b Finsbury Park Road
London
N4 2LA

Fax: 020 3745 5226

General enquiries: enquiries@biduk.org

Casework enquiries: casework@biduk.org

Advice Line: 020 7456 9750
(Mon-Thurs, 10am - 12 midday)

BiD Bail for
Immigration
Detainees

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