
Annex 1

COMMUNICATING WITH UK VISAS AND IMMIGRATION (UKVI) IN FAMILY PROCEEDINGS

Protocol agreed between the President of the Family Division and the Home Office issued on 16 May 2018

1 This Protocol enables the family courts (the Family Division of the High Court of Justice and the Family Court) to communicate with UK VISAS AND IMMIGRATION (UKVI), the relevant division of the Home Office, to obtain immigration and visa information for use in family court proceedings. Although it replaces and supersedes the previous guidance issued in 2002, 2004, 2006, 2010 and 2014, in particular to reflect new UKVI processes and contact details, it does not alter the nature or purpose of the Protocol.

2 There are three parts of the process:

(1) *HMCTS form EX660* (rev 04/18), a copy of which is annexed to this Protocol, must be completed by the parties and approved by the judge.

(a) The EX660 must be typed, not handwritten.

(b) The EX660 must be completed in full, specifying the details of the relevant family members and their relationship to the child(ren). Details of **both mother and father/adoptive parents** if known should be provided, whether or not they are involved in the proceedings, as this enables UKVI to trace the child(ren)'s records.

(c) The EX660 and the order must specify the questions the court wishes to be answered by UKVI.

(d) The EX660 must contain the name and contact details of someone who has agreed and is able to provide further information if needed.

(e) The EX660 must clearly state the time by which the information is required.

Failure to do this may cause delay in the time it takes UKVI to process the request.

(2) *An order* in the relevant form, a copy of which is annexed to this Protocol, must be drawn up, approved by the judge and sealed by the court.

(a) The order must clearly state the time by which the information is required.

(b) The order must specify any additional information or documents, such as a synopsis, which it wishes UKVI to have and set out in the order that the leave of the court to make disclosure to UKVI has been given. (Note that it may be a contempt of court to disclose this information otherwise.)

(3) *The UKVI SVEC pro-forma* must be completed by the court staff utilising the information in the EX660 and the order.

(a) All relevant fields in the SVEC pro-forma must be completed:

i. Section A - All fields to be completed if known

ii. Section B - Enquiry Type - Select Standard

iii. Section C - Select Subject 1 and complete all fields.

iv. Section D - Enter "Y" in "Other " field only.

v. Section E - Enter " Please refer to court order and EX660".

vi. For more than one subject, select subject 2 and so on, completing steps C-E for each one.

(b) In Section B there are two fields, "Court date" and "required date", which must be completed. In both fields the date the information is required should be entered, not the court date. These fields generate the target date on UKVI systems and, as the information ordered by

the court will be required before the date of the court hearing, this will ensure that the information is provided in time.

3 The EX660 and the order must contain sufficient information to enable UKVI to understand the nature of the case, to identify whether the case involves an adoption, and to identify whether the immigration issues raised relate to an asylum or a non- asylum application.

4 In order to comply with the agreed four (4) week period for UKVI to provide a response to the court, the sealed order should be available to be sent by the court staff to UKVI on the same day that the order is made. Where that is not possible, the court, when stating the required date of receipt by the court of the information requested, must allow any additional time necessary for the preparation, sealing and sending of the order. This is to ensure that UKVI has four (4) weeks to provide a response from the time it receives the order.

5 The sealed order, completed EX660 and SVEC pro-forma should be sent immediately by the court to ICESSVECWorkflow@homeoffice.gsi.gov.uk including EEREQUEST on the subject line of the email. **The request for information will be rejected by UKVI if either the sealed order or the SVEC pro-forma is not provided.**

6 Where the court wishes to progress a case that may be delayed, it may send an email to SVECManagement@homeoffice.gsi.gov.uk

7 The UKVI official will be personally responsible for either:

- (i) answering the query themselves, by retrieving the file and preparing a statement for the court; or
- (ii) forwarding to a caseworker or relevant official with carriage of the particular file.

8 UKVI will ensure that their information is received by the court in time, as instructed by the judge or court making the request.