



# Ministry of JUSTICE

National Offender  
Management Service

TARIFF EXPIRED REMOVAL SCHEME (TERS)		
This instruction applies to :-		Reference :-
NOMS Agency staff (Headquarters) Prisons Probation Services Immigration Enforcement		AI 05/2012 PSI 18/2012 PI 11/2012
Issue Date	Effective Date	Expiry Date
10 October 2013 (Revised)	02 May 2012	01 May 2016
Issued on the authority of	NOMS Agency Board	
For action by (who is this instruction for)	Governors/Directors of Contracted Prisons/Area Managers/ NOMS Agency Staff (Headquarters)/ Immigration Enforcement  All staff responsible for the development and publication of policy and instructions (Check in box as appropriate) <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> All prisons <input checked="" type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> Governors <input type="checkbox"/> Heads of Groups <input type="checkbox"/> Contract Managers in Probation Trusts <i>* If this box is marked, then in this document the term            Governor also applies to Directors of Contracted            Prisons</i>	
For information	All staff in NOMS HQ Prison establishments Immigration Enforcement	
Provide a summary of the policy aim and the reason for its development/revision	This Instruction updates the Tariff Expired Removal Scheme (TERS) for indeterminate foreign national prisoners (IFNPs) with an additional refusal criterion and updated terminology. The scheme allows IFNPs, who are confirmed by Immigration Enforcement to be liable to removal from the UK, to be removed from prison and the country upon or any date after the expiry of their tariff without reference to the Parole Board.  <b>Updates: Paragraph 2.3 has the additional refusal            criterion added; annexes have been removed - CC</b>	

	<b>Referral Form, CC Request for Information and LISP 1 and referenced instead; Annex B has been updated in light of the changes set out in the amended paragraph 2.3.</b>
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<b>Associated documents</b>	<p><i>PSI 52/2011 Immigration, Repatriation and Removal Services</i>  <i>PSI 65/2011 Foreign National Prisoners Liable for Deportation</i>  <i>PSI 04/2013 The Early Removal Scheme and Release of Foreign national Prisoners</i>  <i>PSI 36/2012 Generic Parole Process (GPP) amended to incorporate Electronic Working</i></p>
<b>Replaces the following documents which are hereby cancelled :-</b>	
None	
<b>Introduces amendments to the following documents.</b>	
None.	
<b>Audit/monitoring :</b>	
<i>Governors and Directors of Contracted Prisons must ensure that discipline/custody office staff are familiar with this PSI and the mandatory requirements it contains. The Public Protection Casework Section at NOMS HQ will monitor and report on cases.</i>	

## CONTENTS

Section	Subject	Applies to
1.	Executive Summary	All staff responsible for the management of foreign national prisoners
2.	Eligibility	
3.	Process and Forms	
4.	Parole Process	
5.	Removal	
6.	TERS Breach Processes and Notification	
Annex A	Tariff Expired Removal Scheme Authorisation Form	
Annex B	Tariff Expired Removal Scheme Refusal Form	
Annex C	Process chart	
Annex D	Information Pro-Forma	
Annex E	Information Letter	

## **1. Executive summary**

### Background

- 1.1 The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 introduced a new Tariff Expired Removal Scheme (TERS) for indeterminate foreign national prisoners (IFNPs) (lifers and IPPs). The scheme allows IFNPs, who are confirmed by Immigration Enforcement to be liable to removal from the UK, to be removed from prison and the country upon or any date after the expiry of their tariff without reference to the Parole Board.
- 1.2 *TERS is mandatory; all IFNPs who are liable to removal must be considered by the Public Protection Casework Section (PPCS) for removal under the scheme.* The scheme only applies to those prisoners serving an indeterminate sentence for public protection or a life sentence; determinate sentenced foreign national prisoners continue to be eligible for removal under the existing Early Removal Scheme (ERS). By definition, IFNPs can only be removed under TERS if Immigration Enforcement is able to effect their removal.

### Desired outcomes

- 1.3 *Early identification of those IFNPs who must be considered for TERS and their early referral to Immigration Enforcement Criminal Casework (CC).*
- 1.4 Transparent process for prisoners and staff in NOMS and Immigration Enforcement, with effective ongoing communication between PPCS, prisons and Immigration Enforcement regarding TERS cases.
- 1.5 Removal of eligible IFNPs on the expiry of their tariff or as soon afterwards as possible.

### Application

- 1.6 *All staff working with indeterminate foreign national prisoners must be aware of and understand this mandatory scheme and its requirements and benefits.*

### Mandatory actions

- 1.7 *Governors must ensure that all staff responsible for the management of indeterminate foreign national prisoners, including Custody / Offender Management Unit staff, are familiar with this instruction and the mandatory actions contained within.*
- 1.8 *PPCS must ensure that the TERS process is followed for all indeterminate sentenced foreign national prisoners identified as liable to removal.*
- 1.9 *PPCS continue to be responsible for correctly calculating the prisoner's tariff expiry date and ensuring Immigration Enforcement Criminal Casework (CC) are informed of any subsequent changes to this date (e.g. where a tariff has been reduced on appeal).*
- 1.10 *PPCS must ensure that indeterminate sentenced prisoners subject to the parole process are considered for TERS in accordance with this instruction but should Immigration*

*Enforcement confirm that the prisoner is not liable to removal, or should removal fail, PPCS must ensure that the prisoner is reviewed for parole in line with the parole process timetable.*

- 1.11 *Offender Managers (OMs) must ensure that they inform Victim Liaison Officers (VLOs) when an IFNP is being considered under TERS and the decision reached.*
- 1.12 *IFNPs must not be removed under TERS before their tariff has expired nor without PPCS authorisation.*

## Resources

- 1.13 There are no additional resource implications. The changes introduced by this PSI are intended to facilitate the removal of IFNPs integrated as far as possible with existing processes and documentation for the removal of foreign national prisoners. There should be some savings achieved through IFNPs being removed at the earliest opportunity who would otherwise remain in custody and continue to go through the parole process.

## **2. Eligibility**

### Eligibility and Reasons for not Presuming an IFNP as Suitable for Removal

- 2.1 *TERS is mandatory therefore any IFNP liable to removal from the UK must be considered under the scheme. All IFNPs will be presumed suitable for removal under the scheme unless they meet the criteria for refusal set out below. Decisions confirming suitability for removal are taken by the relevant Head of Casework within NOMS PPCS and will be conveyed to the prisoner, prison and Immigration Enforcement (CC Workflow). Decisions that an IFNP meet the criteria for refusal are taken by the Head of PPCS.*
- 2.2 *Prisoners approved for removal will be issued with a TERS Authorisation Form (see Annex A). Where a prisoner is considered not to be suitable for removal the Head of PPCS must provide reasons for the decision which will be notified to the prisoner in the TERS Refusal Form (see Annex B). This will enable Immigration Enforcement to annotate their records that the prisoner cannot be removed until such time the Parole Board considers it safe to direct release.*

### Reasons for considering a prisoner unsuitable for removal

- 2.3 PPCS will consider the following criteria when deciding whether to refuse removal under TERS:
- *The prisoner has a confiscation order or is subject to confiscation order proceedings. Where a prisoner has a confiscation order made against him or is subject to confiscation order proceedings, then, in the absence of any exceptional circumstances, PPCS should normally refuse removal under TERS on the grounds that the prisoner still owes money and should not be permitted to avoid their liability to pay by leaving the UK earlier than might otherwise be the case. Exceptional circumstances might include, for example, a prisoner who has served a long tariff and the amount of money owed is relatively small. Where a*

confiscation order has been made but yet to be paid, comments should be sought by PPCS from the enforcement authority.

- The prisoner has outstanding criminal charges. IFNPs should not be removed from the country until the conclusion of any outstanding criminal proceedings or police investigations (e.g. a further sentence is imposed or charges are dropped / discontinued). The prison should notify PPCS of any outstanding criminal proceedings or police investigations and report the outcome as soon as it is known.
- There is evidence that the prisoner is planning further criminal offences, including plans to evade immigration control and return to the UK unlawfully.
- *The prisoner is serving a sentence for a terrorism or terrorism-related offence. PPCS must consider, on a case by case basis, whether TERS should be refused to IFNPs serving a sentence for a terrorism or terrorism-related offence due to the very serious nature of such offences and the significant risk that such prisoners might present both in the UK and abroad. In doing so, PPCS must always consult with the NOMS Extremism Unit before a final decision is made.*
- The removal of the prisoner from prison would undermine the confidence of the public in the criminal justice system.

Paragraph 3.12 below provides further advice on the circumstances in which an IFNP refused permission to be removed under the scheme may be able appeal the decision through the Request/Complaints procedure.

#### IFNPs given a default term or further sentence

- 2.4 Where an IFNP is also given a determinate custodial sentence or a default term for non-payment of a confiscation order or fine, the court will normally order that it be served concurrently to the indeterminate sentence. In such circumstances, the new sentence or term is likely to have expired before the prisoner's Tariff Expiry Date (TED), in which case removal under TERS can go ahead as normal on or as soon as possible after the TED. If the new sentence or term has not expired before the prisoner's TED, PPCS will calculate the earliest release date.
- 2.5 In some cases, however, the further sentence or term may be ordered by the court to be served consecutively to the indeterminate sentence. Where that happens, PPCS will calculate how long beyond the TED the prisoner is required to serve before removal can be made under TERS or release considered by the Parole Board.

#### Young Offenders

- 2.6 *Those IFNPs serving an indeterminate sentence in a young offender institution (DYOI) must be considered for removal under TERS in the same way as set out above for adults.*

### IFNPs who have previously been removed from the UK

- 2.7 IFNPs who have been deported from the UK previously are not excluded from removal under TERS. They can be considered in the normal way, subject to the refusal criteria outlined above.

### IFNPs Unlawfully At Large

- 2.8 IFNPs who have been unlawfully at large (UAL) are eligible for consideration for TERS as above when they have completed their tariff. The time spent UAL will not count as time served against the tariff.

### IFNPs serving sentences passed by a court martial

- 2.9 IFNPs serving sentences of imprisonment imposed by courts martial and subject to the same sentencing framework under the Crime (Sentences) Act 1997 as offenders who have been sentenced by non-military courts should be assessed for TERS on the same basis as other offenders.

## **3. Process and Forms**

### The TERS Process

- 3.1 Annex C contains the TERS process chart. Like all prisoners identified as foreign nationals, IFNPs will initially be referred to CC within 5 days of sentence using the CC Referral Form (see Annex A of PSI 52/2011 Immigration, Repatriation and Removal Services). *The form must be sent by the holding establishment to CC's Workflow team either by fax to 0870 336 9223 or by e-mail to [fnpfax@homeoffice.gsi.gov.uk](mailto:fnpfax@homeoffice.gsi.gov.uk).* It will not be known at that stage, however, what the prisoner's TED will be; this will be notified by PPCS once it has been confirmed.
- 3.2 It is the responsibility of the holding prison to inform PPCS of all newly sentenced lifers and IPPs within 7 days of sentence. *A LISP 1 form (see Appendix 1 of the OM Phase 3 Implementation Manual) must be completed for all indeterminate sentenced prisoners and sent together with a copy of the Court Warrant to PPCS.*
- 3.3 PPCS will calculate the TED and will separately inform the prisoner, the holding prison, the OM and Immigration Enforcement of the date. PPCS will also ensure that any subsequent change to the TED (e.g. following an appeal) is notified to the prisoner, the holding prison and Immigration Enforcement.
- 3.4 Once CC Workflow has received both the CC Referral Form and the TED, they should record the TED on their database of removal cases ('CID') and on the prisoner's paper file. The details on the CC Referral Form and notification of the TED will alert Immigration Enforcement to the earliest point at which they can commence their removal processes - this is usually 18 months before the TED.
- 3.5 On receipt of the CC Referral Form and notification of the TED from PPCS, Workflow sends a Request for information form to PPCS, confirming their contact details and asking for

copies of: Trial Judge's sentencing remarks; psychiatric reports; pre-sentence reports; police report; the TED; PPCS reference number and contact details. *The PPCS case manager must e-mail CC Workflow their contact details and the relevant documents.* An Immigration Enforcement case owner will not be allocated until 18 months prior to TED. Until that time, the case will be retained by Workflow who should be the contact point for any changes/queries regarding the prisoner's removal.

- 3.6 PPCS will issue to Immigration Enforcement an Information Pro-forma (Annex D) 18 months prior to TED requesting details of the IFNP immigration history and what stage the deportation process has reached. This will also serve as a reminder to Immigration Enforcement to arrange for the case to be allocated to an Immigration Enforcement case owner if the 18 month stage has been reached and to commence deportation action if not already started. Workflow will inform PPCS by email when a case has been allocated to a case owner. It is for CC to confirm whether an IFNP can or cannot be removed by completing the appropriate section of the pro-forma. *Once CC confirms that the prisoner can be removed on or after TED, PPCS must then consider whether to approve removal under TERS.* On receipt of the completed pro-forma PPCS will inform the holding prison and the OM via the Information Letter (Annex E), about the prisoner's current immigration status, that consideration of deportation has/will shortly commence and that the prisoner will be considered for removal on TED under TERS. The OM should liaise with the prison and the prisoner about the implications of the possibility of deportation. *The OM must also ensure that the relevant VLO is kept informed of developments in order that they can inform the victims.*
- 3.7 *PPCS must at this stage consider whether an IFNP can be presumed suitable for TERS, on the basis that Immigration Enforcement CC have confirmed that they are able to remove the prisoner from the UK.* PPCS will presume that an IFNP is suitable for removal unless they are deemed to meet the criteria for refusal set out in Section 2. *A PPCS Head of Casework must authorise removal under TERS or refer the case to the head of PPCS to consider refusal if the criteria are met.* CC is unable to set removal directions until they receive confirmation from PPCS that the IFNP's removal under TERS has been authorised. This authorisation will be confirmed using the TERS Authorisation Form (Annex A). A copy of the completed form will be sent by PPCS to CC to inform them that the prisoner can be removed under TERS. *The OM must also be advised of the decision by PPCS and they should ensure that the relevant VLO is informed in order that they can inform the victims.* CC must then liaise with the prison to confirm the date Immigration Enforcement will effect the removal. *Once the date has been set, the prison must inform PPCS.*
- 3.8 *If an IFNP is not presumed suitable to be removed under TERS on the grounds that one or more of the refusal criteria are met or because CC has confirmed that they are unable to remove the prisoner, PPCS must complete the TERS Refusal Form (Annex B) and issue it to the prisoner, explaining the reason for refusal as appropriate.* A copy of the form will be sent by PPCS to CC to inform them of the reasons why the prisoner cannot be removed under TERS. *The OM must also be advised of the decision by PPCS and they should ensure that the relevant VLO is informed in order that they can inform the victims.*
- 3.9 The IFNP will continue to be subject to regular parole reviews by the Parole Board in accordance with the processes set out in PSI 36/2012 unless and until PPCS has confirmed that the prisoner has been presumed suitable for removal and Immigration

Enforcement have set a date for removal. *Similarly, if CC indicate the prisoner is not liable for removal, the prisoner must be treated as a domestic prisoner and be considered for parole on and after tariff expiry.*

#### Completing the TERS Refusal Form

- 3.10 *The TERS Refusal Form (Annex B) is a multi-purpose form which covers all reasons for refusal and must be issued by PPCS in all cases where TERS has not been authorised (see section 2).*
- 3.11 *In each case, PPCS must ensure that the relevant reason for refusal is highlighted and the non-applicable sections deleted. A copy of the completed form must be issued to the prisoner. It is important that a copy is also sent by PPCS to Immigration Enforcement to make them aware when they are setting removal directions that the prisoner cannot be removed under TERS and must, therefore, await a release direction by the Parole Board.*
- 3.12 *There is no formal right of appeal where TERS has been refused because of further charges, an outstanding confiscation order or because Immigration Enforcement cannot effect removal on or shortly after the TED. Where a prisoner wishes to challenge a decision to refuse TERS for 'other reasons', however, they must do so through the Requests and Complaints procedure (see Prisoners Requests and Complaints Procedure PSO 2510). In this instance the appeal must be dealt with by the Head of OMPPG and the IFNP must be given reasons, in writing, where the outcome is to uphold the original decision.*

#### 4. Parole Process

- 4.1 All indeterminate sentence prisoners are eligible to be considered for release by the Parole Board on expiry of their tariff and at regular intervals thereafter. They can only be released on licence within the UK by this route.
- 4.2 Although release of indeterminate sentence prisoners can only be authorised by the Parole Board, such prisoners can be removed under TERS at the discretion of the Secretary of State, without having their case considered by the Board. PPCS, on behalf of the Secretary of State, may authorise removal under TERS without referring the case to the Parole Board.
- 4.3 *However, if IFNPs cannot be removed on or after expiry of tariff they must undergo the normal GPP parole process and cannot be released on licence without having been granted parole by the Parole Board.*
- 4.4 PPCS will liaise closely with CC in order to judge the likelihood of removal on or shortly after tariff expiry or on or before the timing of the next scheduled parole review. *Where CC is unable to confirm when removal will be possible, then PPCS must begin the parole process as normal. The prisoner may still be removed under TERS before their parole review takes place, but the normal GPP timetable should still be followed in order to avoid the possibility of the prisoner reaching their tariff expiry or the date of any subsequent review without having been removed and without having had the statutory entitlement to a parole review. If a dossier is submitted to the Parole Board and CC subsequently remove the prisoner, the PPCS case manager must contact the Parole Board to cancel the review*



*as soon as possible after removal. As with all other IFNP dossiers, PPCS must ensure that it includes up to date information on the IFNP's immigration status.*

## **5. Removal**

### Removal under TERS

- 5.1 If TERS is approved and the TERS Authorisation Form at Annex A completed a long time in advance of the TED or removal date, then PPCS should liaise with Immigration Enforcement to carry out a "final check" for any barriers to removal or reasons to refuse TERS before the prisoner is removed.
- 5.2 This is particularly important where the TERS Authorisation Form has been completed a long time in advance of removal directions being set, as there is an increased possibility that the prisoner's circumstances will have changed. Where changes have occurred that prevent the prisoner being removed under TERS (*i.e. new further charges or a confiscation order etc*) then the prison must alert PPCS as soon as possible so that they can review the case and inform CC.
- 5.3 *When removal directions are received, establishments must follow guidance contained in the Discharge PSI 25/2011.*
- 5.4 *Where a prisoner's TED falls on a Saturday, Sunday or Public Holiday, they must not be removed under TERS until the following working day. **The TED date cannot be brought forward.***
- 5.5 Prisoners being removed under TERS do not receive a discharge grant.

### Licences

- 5.6 *IFNPs who are removed under TERS do not need to be issued with a licence, but must be issued with the TERS Authorisation Form ([Annex A](#)).*
- 5.7 IFNPs who are released at the direction of the Parole Board may continue to be held in detention under immigration powers, pending their removal. *In such cases, a release licence must be prepared by PPCS and kept on file in case the prisoner is granted immigration bail and must, therefore, be released into the UK.*

### When prisoners can be handed over to Immigration Enforcement

- 5.8 Where possible, Immigration Enforcement will take the prisoner directly to the port of departure from the prison, but in some circumstances this is not possible, for example where the prisoner is booked onto a morning flight and may need to be held overnight in an Immigration Removal Centre (IRC).
- 5.9 The Governor has the lawful authority to hand a prisoner over to Immigration Enforcement for the purpose of removal from the UK **provided this is on or after the expiry of the prisoner's tariff**. An IFNP who has been approved for TERS can be transferred into a detention centre provided that s/he is held under Immigration Enforcement's powers at the

point of transfer and that the point of transfer is on or after the expiry of tariff and is within a reasonable timescale of when the deportation is to take place.

- 5.10 Where a deportation fails and Immigration Enforcement considers that the individual is still liable for deportation and there is a realistic prospect of re-arranging removal quickly, the prisoner may continue to be held in an IRC under Immigration Enforcement's powers. *If, however, removal cannot be achieved within a reasonable timescale, or there is no longer considered to be a realistic prospect of removal, the prisoner must be returned to the custody of a prison establishment as soon as possible.* This should take place as soon as is operationally practicable and normally within **48 hours**.
- 5.11 *In all cases, establishments must contact the CC case owner 48 hours after the prisoner was due to be removed from the country, to confirm either that removal has taken place successfully or that the prisoner has been returned to a prison establishment.*

## **6. TERS BREACH PROCESS AND NOTIFICATION**

- 6.1 Section 32B of the Crime (Sentences) Act 1997 (as inserted by section 119 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) applies to those offenders who re-enter the UK following removal under TERS and states:
- (1) This section applies if P, having been removed from prison under section 32A, is removed from the United Kingdom.
  - (2) If P enters the United Kingdom –
    - (a) P is liable to be detained in pursuance of the sentence from the time of P's entry into the United Kingdom;
    - (b) if no direction was given by the Parole Board under subsection (5) of section 28 before P's removal from prison, that section applies to P;
    - (c) if such a direction was given before that removal, P is to be treated as if P had been recalled to prison under section 32.
  - (3) A person who is liable to be detained by virtue of subsection (2)(a) is, if at large, to be taken for the purposes of section 49 of the Prison Act 1952 (persons unlawfully at large) to be unlawfully at large.
  - (4) Subsection (2)(a) does not prevent P's further removal from the United Kingdom.
- 6.2 An IFNP removed under TERS who re-enters the UK is therefore liable to be returned immediately to custody to continue serving their custodial sentence until such time as the Parole Board directs their release or they are further removed from the UK.

### Who to inform

- 6.3 *PPCS must be contacted by the receiving establishment if an IFNP who has been removed under TERS returns to the UK. Contact details for PPCS can be found on the first page of this instruction.*
- 6.4 *PPCS will issue a breach notification providing authorisation for the offender to be detained. The IFNP will be held in custody until the Parole Board directs their release or they are further removed from the UK. The breach notification will advise which prison released the offender and the receiving establishment must obtain the offender's original sentencing warrant and prison records.*

Prisoners in Northern Ireland and other UK jurisdictions

- 6.5 *Arrangements must be made to transfer offenders held in custody in Northern Ireland and other UK jurisdictions to an establishment in England and Wales as soon as possible once they have been identified as having been removed under TERS and are liable to continue serving their sentence in custody.*

(Approved for Publication by)

**Digby Griffith**  
**Director of National Operational Services. NOMS**

**TARIFF EXPIRED REMOVAL SCHEME (TERS) AUTHORISATION FORM**

PPCS Contact:	
Prisoner Surname:	Other Names:
NOMIS No (and/or Prison Number):	HO Ref No:
Tariff Expiry Date (TED):	
Life or IPP sentence:	
Country to be removed to:	

The Secretary of State has approved your removal under the Tariff Expired Removal Scheme (TERS), pursuant to Section 32A of the Crime (Sentences) Act 1997 (as inserted by Section 119 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

You will be removed by Immigration Enforcement to the country stated above. The earliest you can be removed from the UK is **DD/MM/YYYY**. Should it not be possible for you to be removed on or after this date you will remain in custody either until you can be removed or until you are released by the Parole Board.

Should you return to the UK following your removal you will be deemed unlawfully at large and liable to be detained in accordance with section 32B of the Crime (Sentences) Act 1997 (as inserted by the LASPO Act 2012). If prior to your removal no direction for your release was given by the Parole Board, you will continue to be detained in pursuance of your sentence as if you had not been removed. If the Parole Board had directed your release before your removal, you will be treated as if recalled to prison under section 32 of the 1997 Act. In any case, you will remain in custody until you are either released by the Parole Board or further removed from the UK.

Signed (PPCS): ..... Name: .....

Date: .....

Signed (Prisoner): ..... Name: .....

Date: .....

**TARIFF EXPIRED REMOVAL SCHEME (TERS) REFUSAL FORM**

<b>PPCS Contact:</b>	
<b>Prisoner Surname:</b>	<b>Other Names:</b>
<b>NOMIS No (and/or Prison Number):</b>	<b>HO Ref No:</b>
<b>Tariff Expiry Date (TED):</b>	
<b>Life or IPP sentence:</b>	

**The Secretary of State has not authorised your removal from the UK under the Tariff Expired Removal Scheme (TERS). There is no formal right of appeal against this decision, however you can seek review of the decision through the request complaints process.**

The grounds for this decision are that **(delete as appropriate)**:

- ⇒ You have been charged with a further offence and are awaiting trial. There is no formal right of appeal against this decision; however you can seek review of the decision through the request complaints process.
- ⇒ There is an outstanding Confiscation Order against you and the Secretary of State has decided that you should not be removed until you have paid the amount you are liable for or you have been released by the Parole Board. There is no right of appeal against this decision.
- ⇒ Immigration Enforcement has confirmed that it cannot effect your removal at this stage. Should this situation change and it is possible to remove you before the Parole Board directs your release, this decision will be reviewed. There is no right of appeal against this decision.
- ⇒ There is evidence that you are planning further criminal offences, including plans to evade immigration control and return to the UK unlawfully
- ⇒ You are serving a sentence for a terrorism-related offence
- ⇒ Your removal from prison would undermine the confidence of the public in the criminal justice system.

Your removal under TERS should be refused because (insert grounds for refusal – see section 2 of the PSI) .....

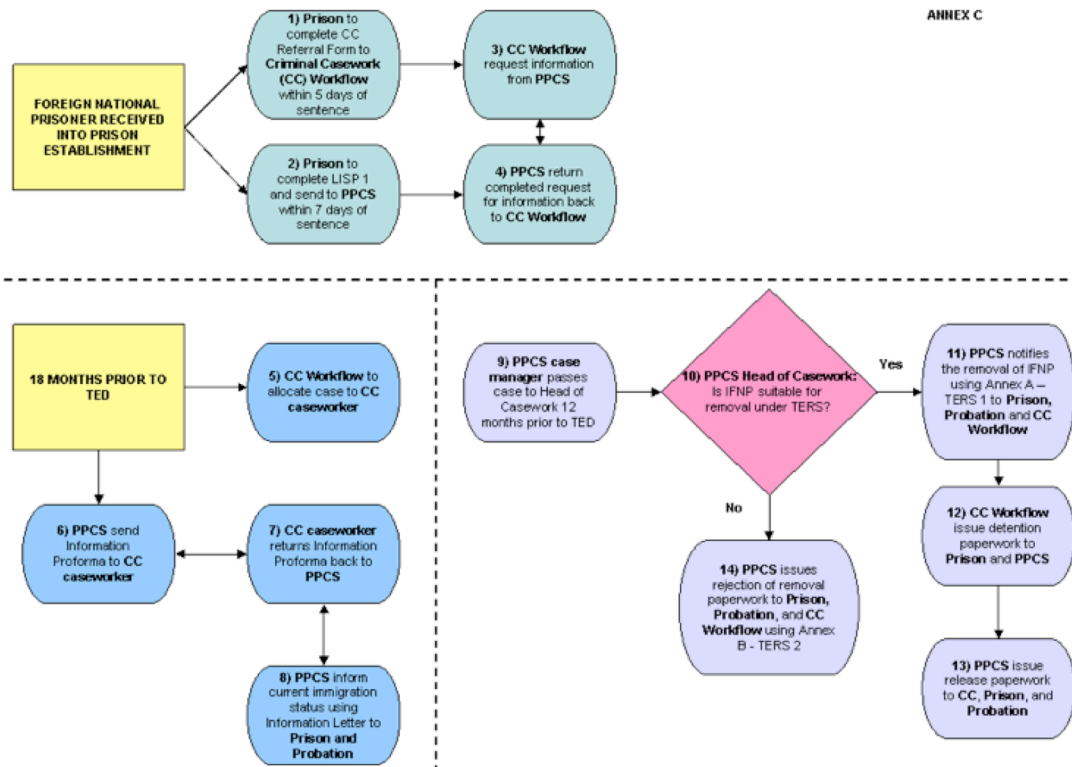
.....  
.....

If you wish to seek a review against this decision, you should submit representations through the normal Request/Complaints procedure to the Head of Offender Management and Public Protection Group.

You will continue to be detained in pursuance of your sentence unless the Parole Board directs your release.

You may be removed by Immigration Enforcement on your release or may be liable to be further detained under the powers of the Immigration Act 1971 pending removal.

Signed (PPCS): ..... Name: .....  
Date: .....



**Information Pro-Forma****ANNEX D**

*As this foreign national prisoner is within 18 months of his/her Tariff Expiry Date (TED) and possible release both sections of this form must be completed with as much detail as possible.*

A foreign national prisoner who is serving either a life sentence or an Imprisonment for Public Protection (IPP) sentence can only be released from custody and removed from the UK if:

- a) the Parole Board has directed his/her transfer or release; or
- b) the foreign national prisoner meets the criteria for removal under the Tariff Expired Removal Scheme (TERS) as introduced in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. In order to make its assessment as to whether the foreign national prisoner meets the criteria it is vital that PPCS is informed of current immigration status, the likelihood of deportation and reasons why they may not be deported under TERS on TED.

**It is important that you provide us with any objections you might have to this prisoner being deported under TERS. Any evidence to support your views should be contained within the section below entitled “Current immigration status and history of compliance”.**

The form should be completed and returned to: [omppg.fnp@noms.gsi.gov.uk](mailto:omppg.fnp@noms.gsi.gov.uk) and copied to [pre-releaseteamH@noms.gsi.gov.uk](mailto:pre-releaseteamH@noms.gsi.gov.uk).

<b>SECTION A – To be completed in all cases</b>	
Surname	
Forename(s)	
Prison Number	
Tariff expiry date (TED)	
Home Office Reference	
Date of birth	
Nationality	Known <input type="checkbox"/> Believed <input type="checkbox"/>
Details of the Offender Manager and Offender Supervisor	
Recommendations from Offender Manager/Offender Supervisor – if available	
Prisoners family background, especially if they have any children	
Criminal case type	Automatic Deportation <input type="checkbox"/> Conducive <input type="checkbox"/> Court recommended <input type="checkbox"/>
Date liability for deportation notice served	
If consideration has not yet begun, what is the earliest date that active consideration from deportation will commence?	

<b>SECTION B - To be completed in all cases 18 months or less away from tariff date</b>	
<p><b>Summary of immigration history</b>, to cover:</p> <ol style="list-style-type: none"> <li>1. Date arrived in UK</li> <li>2. How arrived and purpose (if known)</li> <li>3. Age at entry</li> <li>4. Date came to attention of Immigration Enforcement</li> <li>5. Reason for coming to attention of Immigration Enforcement</li> </ol>	
<p><b>Current immigration status and history of compliance</b>, to cover issues such as:</p> <ol style="list-style-type: none"> <li>1. Current immigration status</li> <li>2. Any claim for asylum and outcome if determined?</li> <li>3. History of compliance with immigration conditions</li> <li>4. Any other information relevant to subject's immigration history (e.g. has the subject used forged documents/ does the subject have any previous history of absconding?)</li> <li>5. Any indication the subject wishes to make a voluntary departure from the UK</li> </ol>	
<p>What stage of the deportation process has been reached?</p> <ol style="list-style-type: none"> <li>1. <i>If 1971 Act case</i>: date of service notice of intention to deport (1070) / date of service notice of deportation order</li> <li>2. <i>If Automatic Deportation case</i>: date of service of deportation order</li> </ol>	
<p>Has the prisoner appealed?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Appeal still possible <input type="checkbox"/> Although not likely.</p>
<p>Details of appeal (dates, outcomes, ongoing appeal rights, whether appeal rights exhausted)</p>	
<p>Is there evidence of the subject's identity (i.e. a copy of passport/ ID card/ birth</p>	



certificate)	
<b>I am not currently aware of any reason why this prisoner could not be removed under TERS on TED.</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> If no please provide details in response to the question below.
I do not currently expect the prisoner to be removed under TERS on TED for the following reasons.	
Outline any known barriers which will prevent immediate removal from the UK	
Date completed	
Name and contact number of case owner / Workflow contact ( <i>delete as applicable</i> ) completing the form.	

Information Letter

ANNEX E

**National Offender Management Service**  
*Offender Management and Public Protection Group*  
*Public Protection Casework*

[Offender Management Unit  
Establishment]

Ground Floor  
Grenadier House  
99-105 Horseferry Road  
London  
SW1P 2DD

Telephone: 0300 047 4505  
Email: [ajay.mungur@noms.gsi.gov.uk](mailto:ajay.mungur@noms.gsi.gov.uk)

[Date]

**[Name of Case Manager]**  
**Case Manager**

Your ref:  
File ref:

Dear [Enters name],

[Enters prisoner's name]- [prison number]

I am writing to you in order to set out the current immigration status of the above prisoner's case.

PPCS has been in discussion with Immigration Enforcement to ascertain an exact chronology of [Enters prisoner's name] immigration history and to seek confirmation of his current immigration status.

I have been informed by Immigration Enforcement that [Enters prisoner's name] arrived in the United Kingdom on [Date] and at that time it is believed that the reasons for this were [set out reasons if known from Immigration Enforcement]. [Enters prisoner's name] was [Age] and was of [Nationality] nationality. [Enters prisoner's name] first came to the attention of Immigration Enforcement in [Date] following [reasons for coming to the UK].

The history of this case as known by Immigration Enforcement is as follows. [NB this should include issues such as:-

- Initial application to remain in the UK
- Further applications to remain in the UK
- Details of any appeals to applications
- Whether court issued deportation notice at the time of sentencing
- Information relating to any special conditions that the prisoner was subject to whilst in the community if so, what was their compliance with this
- Any security information held by Immigration Enforcement that can assist risk assessment whether arising from intelligence on behaviour in the UK, or abroad.]

The Home Secretary signed and served a deportation order against him/her on [Enter date]. [NB Delete sentence if not necessary]

A foreign national prisoner who is serving an indeterminate sentence can only be released from custody and removed from the UK if: a) the Parole Board has directed his/her release; or the Public Protection Casework Section (PPCS) decides that they meet the criteria for removal under the Tariff Expired Removal Scheme (TERS) as introduced in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

At such a time when PPCS decides to remove a foreign national prisoner under TERS, PPCS will ensure that Immigration Enforcement and yourselves are notified immediately. [Enter prisoner's name] will not be subject to supervision once s/he has left the jurisdiction of the UK. The foreign national prisoner should be handed over to Immigration Enforcement for removal once TERS has been authorised and removal directions have been set by Immigration Enforcement.

Further information regarding the TERS scheme can be found in PSI 18/2012.

A copy of this letter has been sent to [Enter prisoner's name] solicitors and Offender Manager. The Offender Manager should ensure that the relevant Victim Liaison Officer is informed in order that they can keep the victims informed.

Yours sincerely/faithfully

[Name of Case Manager]

Indeterminate FNP Case Manager

Cc Legal Representatives  
Offender Manager