



**Policy name:** Foreign nationals in prison, Home Office referrals, repatriation, immigration, deportation and consular access Policy Framework

**Issue Date:** 31 March 2026

**Implementation Date:** 13 April 2026.

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:** PSI 52/2011 Immigration, Repatriation and Removal Services

**Introduces amendments to the following documents:** None.

**Action required by:**

X	HMPPS HQ	X	Governors
X	Public Sector Prisons	X	Heads of Group
X	Contracted Prisons		Contract Managers in Probation Trusts
X	Probation Service	X	Under 18 Young Offender Institutions
	HMPPS Rehabilitation Contract Services Team		HMPPS-run Immigration Removal Centres (IRCs)
	Other providers of Probation and Community Services		

**Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.**

**For Information:** By the implementation date Governors<sup>1</sup> of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

## Official

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Section 5 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 4 of this Policy Framework. Whilst it will not be mandatory to follow this guidance, clear reasons to depart from it should be documented locally. Any questions concerning departure from the guidance can be sent to: [erdforeignnationals@justice.gov.uk](mailto:erdforeignnationals@justice.gov.uk)

In this document the term Governor also applies to Directors of Contracted Prisons

**How will this Policy Framework be audited or monitored:** No formal audit expected or required, but adherence to PF will be monitored through inter-action with Home Office Immigration.

**Resource Impact:** There is no resource impact as a result of this revision from PSI to PF. The main change to the referral of FNOs to the HO is not a new process but simply formalising the instructions issued in 2024

**Contact:** [erdforeignnationals@justice.gov.uk](mailto:erdforeignnationals@justice.gov.uk)

**Deputy/Group Director sign-off:** Helen Judge.

**Approved by OPS for publication:** Helen Judge, Chair, Operational Policy Sub-board, March 2026.

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## 1. **Purpose**

Foreign nationals who have committed criminal offences are liable to be deported, with any right to remain revoked. The Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS) will work with the Home Office (HO) to pursue their deportation as early as possible. Foreign national prisoners (FNPs) can be deported early (before their conditional release date (CRD) under the Early Removal Scheme (ERS), Prisoner Transfer Agreement (PTA) or Tariff Expired Removal Scheme (TERS). This framework sets out the processes for HMPPS in supporting HO to remove FNPs.

## 2. **Evidence**

- 2.1 Policies will be informed by MoJ/HMPPS management information/data and the available research evidence. This section will provide a brief summary of the evidence which the policy is based on.

## 3. **Outcomes**

To provide foreign national prisoners with clear and consistent information relating to their immigration status and resettlement arrangements as early as possible. Evidence shows this will lead to:

- More compliance with the removal process.
- Reduced risk of self-harm and suicide in custody.

Other outcomes include:

- Increased uptake of voluntary returns schemes including prisoner transfers and the Facilitated Returns Scheme.
- Faster immigration process times (timely access to foreign nationals by immigration officers and timely service/return of immigration documentation).
- Earlier removal within the Early Removal Scheme window.
- A higher percentage of foreign national prisoners removed under the Early Removal Scheme.
- Fewer failed removals.
- Increased prison staff awareness and knowledge of immigration procedures (especially Offender Management Unit staff).
- Improved working relationships with key partners including the Home Office and foreign governments.
- Effective integration with other criminal justice partners including Probation/Community Offender Managers.

## **4. Requirements**

### **RECORDING NATIONALITY ON PNOMIS**

- 4.1 The available fields on Prison National Offender Management Information System (PNOMIS) to record a prisoner's nationality are:
- Nationality (e.g. British; Japanese; Polish).
  - Unknown.
  - Refused.
  - Stateless.
  - Multiple Nationalities – Add Details.
- 4.2 Staff must record a prisoner's nationality on initial reception into prison custody, including British, on PNOMIS.
- 4.3 Prisons must never under any circumstances leave the nationality field on PNOMIS blank.
- 4.4 If a prisoner claims to be British and there is no reason to doubt this, staff must enter British on PNOMIS. If there is any doubt, prisons must enter 'Unknown'.
- 4.5 Where a prisoner is received with ID documentation, e.g. a passport, the nationality stated on the documentation should be recorded. In the absence of any documentation, the prisoner must be asked to self-declare their nationality and this should be recorded.
- 4.6 If a prisoner refuses to disclose their nationality, prisons must enter 'Refused' in the PNOMIS nationality field
- 4.7 The 'Unknown' field should be used in cases where there is conflicting information such as when ID documents conflict with the nationality declared by the prisoner.
- 4.8 When entering a nationality on PNOMIS, including British, the entry should be made in the 'Nationality' field and not in the 'Multiple Nationalities – Add Details' or 'City/Town of Birth'.
- 4.9 When prisoners hold dual nationality, staff should use the 'Multiple Nationalities – Add Details' field as well as the 'Nationality' field in order to record both nationalities. Where one of the dual nationalities is British, this should be recorded in the 'Multiple Nationalities –Add Details' field with the foreign nationality recorded in the 'Nationality' field.
- 4.10 When Home Office Immigration Enforcement (HOIE) confirms nationality and this differs to that recorded on PNOMIS, prisons must immediately update PNOMIS with a note entered preferably under 'Prisoner Alerts', to make it clear that nationality has been confirmed by HOIE and the date when the confirmation was received.
- 4.11 Where HOIE confirms nationality as British, the 'Nationality' field must be immediately updated to reflect this. In such cases, 'British' must not be added to the 'Multiple Nationalities' field.
- 4.12 Where nationality is recorded as 'Unknown', 'Refused' or 'Stateless', this should be reviewed regularly and updated accordingly.
- 4.13 Where ID documentation, such as a passport is held, staff must take a copy (in colour, where possible) and place it in the prisoner's core record with the actual document stored with the prisoner's valuables. If requested, prison staff should pass the actual document to their Home Office Immigration Prison Team (HOIPT) and record the name and contact details of the HOIPT staff member.

- 4.14 Foreign National Prisoners (FNPs) should not be permitted to send any passports/ID cards/driving licences held to a third party other than their own embassy, high commission, HOIE, or to the police where surrender of the passport is a condition of bail.

### **HOME OFFICE IMMIGRATION PRISON TEAM (HOIPT) AND ACCESS TO FOREIGN NATIONAL PRISONERS**

- 4.15 HOIPT is made up of immigration officers and is part of Home Office Foreign National Offender Returns Command (HOFNORC).
- 4.16 Prisons are expected to cooperate with HOIPT and arrange the most effective means of access for immigration officers to access foreign nationals in custody. This should allow HOIPT to complete induction interviews, take photographs/fingerprints, serve paperwork and provide information to the foreign national about their case.
- 4.17 If, whilst a FNP is on remand, HOIPT identify that they are of interest and liable for immediate removal from the United Kingdom (UK) following their court appearance, an IS91 detention document may be raised. PNOMIS should be immediately updated to state that HOIE has interest, regardless of the court outcome. When the foreign national returns to court, prison staff should notify HOIPT of the outcome, and HOIPT will notify the relevant HO department responsible for administrative removal.
- 4.18 If, whilst a FNP is on remand, HOIPT identify they are of interest but not liable for immediate removal from the UK following their court appearance, an IS91 will not be placed on the foreign national. If the foreign national is bailed by the court or receives a non-custodial sentence, then prison staff should notify HOIPT of the court outcome and the foreign national's release address.
- 4.19 If, whilst on remand, HOIPT identify the foreign national as being of interest, and following their court appearance they receive a custodial sentence, prison staff may need to refer the foreign national prisoner to HOFNORC as set out in paragraphs 4.49 to 4.61 and 5.20 to 5.30, and click here for the HO referral form: [Version 2 FNO time served imminent release referral form.xlsx](#)

### **TAKING FINGERPRINTS OF FOREIGN NATIONALS**

- 4.20 HOIE routinely fingerprint foreign nationals as part of the immigration and documentation process. A FNP who refuses to provide fingerprints is impeding the HO from pursuing its inquires which could have a real impact on the way in which the FNP is managed in custody.

### **COMMUNICATION WITH EMBASSIES**

- 4.21 Staff must inform all foreign nationals, including those whose nationality is not yet confirmed, on initial reception into prison custody, of their right to contact their embassy and this action must be recorded in the core record when completed. If a foreign national wishes to make contact, staff should provide the prisoner with both the address and telephone number of their embassy.
- 4.22 Details of embassy addresses and telephone numbers (*London Diplomatic List and other Representative Offices*) can be found on the Foreign, Commonwealth and Development Office (FCDO) website [Foreign embassies in the UK - GOV.UK](#)

### **Countries with a Bilateral Consular Convention Agreement with the United Kingdom (Annex M)**

- 4.23 Prisons must notify embassies upon initial reception of nationals of a country where a Bilateral Consular Convention has been signed with the UK (including prisoners who claim to be a national of one of these countries, but where nationality is not yet established),

irrespective of whether or not the prisoner wishes their embassy to be notified. Notifications should be sent using the letter at Annex P and a copy of this, along with the embassy's acknowledgement slip, must be placed in the prisoner's core record.

- 4.24 Where a Bilateral Agreement is in place, prisons must also notify the embassy when one of their nationals is recalled to prison.

#### **Countries without a Bilateral Consular Convention Agreement with the United Kingdom**

- 4.25 Information (including name, prison, offence and sentence length) about prisoners from any country without a Bilateral Consular Convention Agreement with the UK must not be disclosed to an embassy unless the FNP has given written permission (see pro-forma Annex Q and draft letter at Annex R to send to embassies).
- 4.26 The only exception is the detention of embassy officials when prisons must inform the embassy either directly or through diplomatic channels.
- 4.27 After a FNP has given their consent for their embassy to be notified, the prisoner retains the right to withdraw their consent for contact with the embassy at any time.

#### **Telephone calls to embassies**

- 4.28 Telephone calls to confirmed embassy telephone lines must be granted the same status as that of a legal representative and must not be listened to or recorded.

#### **Visits by embassy officials to their nationals**

- 4.29 Where a FNP consents, embassy staff should be given access to a prisoner who is a national of that country.
- 4.30 Access can only happen once the FNP has given their consent for their embassy to be notified and they have the right to withdraw consent for contact with the embassy at any time.
- 4.31 Visits with embassy officials should generally take place in sight of, but out of hearing range of, prison staff. Any such visit is considered to be an official visit and does not count against a FNPs statutory entitlement.

#### **FOREIGN NATIONAL PRISONER SAFETY IN CUSTODY**

- 4.32 Prison staff should be aware of the heightened risk of violence, self-harm and suicide among FNPs who can often experience isolation in prison due to language and cultural difficulties, a lack of family visits and support, and the pressures of an uncertain future.
- 4.33 Particular care should be taken when serving HO documentation relating to removal which may cause distress. The member of staff issuing the paperwork should be mindful of the potential impact on the prisoner and should consider whether there is a risk of violence, self-harm or suicide and whether additional support may be required, and whether or not any further action is necessary, for example if an ACCT needs to be opened or a CSIP referral made. The prisoner's history in terms of risk of violence and self-harm should be checked and the prisoner spoken to about how they feel about receiving the documentation. Staff should make a defensible decision about whether or not any further action is necessary and note this and the reasons for it on PNOMIS.
- 4.34 FNPs identified as being at risk of violence, self-harm and/or suicide, or presenting a risk to others, should be managed in line with the Prison Safety Policy Framework Consideration should be given to using professional translation services where necessary to aid communication and ensure staff fully understand potential triggers, and to ensure FNPs understand the support available.

## Communications

- 4.35 FNPs, or those with only close family abroad (including British nationals at the governor's discretion), must be permitted a free five-minute call once in a four-week period where the prisoner has had no social visits during the preceding four-week period. Time-served FNPs may have different entitlements, see Foreign National Offenders on Licence, PSS and IS91 Policy Framework

## Home Office staff working in prisons

- 4.36 HOIPT must be kept informed of any incidents of violence and self-harm. Governors should consider seeking the participation of HOIE in any Assessment, Care in Custody and Teamwork (ACCT) case reviews involving a foreign national prisoner in whom HOIE has an interest. See 'Prison Safety Policy Framework
- 4.37 Prisons must provide embedded immigration staff with a specific prison induction programme to include Security Awareness, Health and Safety, Fire Safety, Diversity, ACCT/relevant safety training, Challenge, Support and Intervention Plan (CSIP), Prison Awareness, Local Policies and Procedures Hostage Training and Personal Protection.
- 4.38 Prisons should make available to HO staff, whether embedded or not, the opportunity to attend prison-based refresher courses covering safety training.
- 4.39 Prisons should make available to embedded immigration staff all local communications relating to safety, including daily briefings, Notices to Staff, Notices to Prisoners, and prison communications strategy.
- 4.40 Where a governor decides to involve HOIE in a FNO's ACCT case review, and the prison does not have embedded immigration staff, the prison should contact the HOIPT Duty Desk on **Redacted**.

## DEATHS IN CUSTODY OF FOREIGN NATIONALS

- 4.41 Following the death of a foreign national, staff must inform the relevant embassy of the death (this includes all foreign nationals irrespective of whether the country is a signatory only to the Vienna Convention, has a Bilateral Agreement, or neither). The requirement to contact embassies in the event of the death of a foreign national should be incorporated into local 'Death in Custody' contingency plans. See <https://www.gov.uk/government/publications/follow-up-to-deaths-in-custody-policy-framework>
- 4.42 Following the death of a foreign national, prison staff must inform HOIE of the death by phoning HOIPT Duty Desk on **Redacted** between 09:00hrs and 17:00hrs, or Control and Command Unit in Manchester **Redacted** if outside of these office hours. Prisons should also email their local HOIPT team (see FNO Hub for appropriate HOIPT email address) and copy in **Redacted**.
- 4.43 Following the death of an immigration detainee, staff must carry out the above and, in addition, email Home Office Detainee Escorting and Population Management Unit (HODEPMU) **Redacted**.

## TRANSFERS TO HOSPITAL UNDER THE MENTAL HEALTH ACT

- 4.44 Where a FNP transfers to and from a secure hospital under sections 47 and 48 of the Mental Health Act, prison staff must ensure the hospital is informed of the prisoner's immigration status and any additional risks this presents.
- 4.45 HOIE must be notified of all FNP transfers under the Mental Health Act to secure hospitals.

## **HUMAN TRAFFICKING/MODERN SLAVERY**

4.46 Human trafficking/modern slavery involves the recruitment or movement of people for exploitation by the use of threat, force, fraud, or the abuse of the vulnerable. Guidance can be found by clicking on [HMPPS Modern Slavery Guidance](#)

## **REHABILITATION AND PREPARATION FOR RELEASE/REMOVAL**

### **Rehabilitation**

4.47 Where available, FNP's should not be excluded from behavioural interventions designed to reduce the risk of reoffending.

### **Preparation for release/removal**

4.48 FNP's, whether subject to removal or not, should be supported to prepare for release in a manner appropriate to the circumstances of their release and protected characteristics.

## **REFERRING SENTENCED FNP'S TO HOME OFFICE FOREIGN NATIONAL OFFENDER RETURNS COMMAND**

4.49 Prison staff must:

- Carry out sentence calculations as set out in the Sentence Calculation Policy Framework
- Calculate AND enter on PNOMIS the Early Removal Scheme Eligibility Date (ERSED) for all eligible foreign national prisoners sentenced to a determinate sentence at the same time as filling in other key dates on PNOMIS\*
- Refer to HOFNORC all FNP's who receive a custodial sentence and are time-served at court.
- Refer to HOFNORC all FNP's who receive a custodial sentence where release is within 10 working days of sentencing.
- Refer to HOFNORC all FNP's who receive a further custodial sentence which does not affect their key dates.

\*FNP's sentenced to an indeterminate sentence will have their Tariff Expiry Date (TED) calculated by HMPPS Public Protection Casework Section (PPCS). Once confirmed, the prison must enter the TED on PNOMIS as soon as possible.

4.50 The day of sentencing counts as day 1.

4.51 Where multiple sentences are received on the same day, only one referral is necessary.

4.52 All FNP's (and those whose nationality is not known) who receive a custodial sentence and are time-served at court, or where release is within 10 working days of sentencing, must be referred to HOFNORC, using the Excel referral form. See [Version 2 FNO time served imminent release referral form.xlsx](#) to download form, to enable drop-down menus on headings for use when completing form.

4.53 The referral form must also to be used when a sentenced FNP receives a further sentence which does not affect their key dates.

4.54 Once the referral form has been completed, and attached to an email, the email's subject header must read NOMIS number, full name, CRD e.g. A2323AA Justin Thyme CRD 10/02/2024

4.55 Staff should print off a copy of both the completed referral form and the email it was attached to and place them in the prisoner's core record in order to have a paper trail evidencing that a referral has been made.

- 4.56 If release is within 10 working days, prisons must phone HOFNORC on **Redacted** and then immediately email the completed referral form to **Redacted**.
- 4.57 If the referral is being made after 15:45 hrs on the day of release, prisons must phone HOIPT Duty Desk on **Redacted** and then immediately email the completed referral form to **Redacted**.
- 4.58 When phoning either HOFNORC or HOIPT duty desk, staff should record the date, time, and name of the member of HO staff spoken with and place the information in the prisoner's Warrant Folder.
- 4.59 Where the sentenced FNP is time-served at court, it will be for the prison where the FNP was detained immediately prior to their court appearance that is required to make the referral.
- 4.60 Where release is within 10 working days of sentencing, it will be for the prison where the FNP is detained immediately following sentencing that is required to make the referral.
- 4.61 Where the FNP has been sentenced from bail and has never entered prison custody, the local prison will be asked to carry out the sentence calculation. The local prison should make a referral if the FNP is time served due to time spent on tagged bail.

#### **SECURITY CLASSIFICATION POLICY AND ALLOCATION**

- 4.62 FNP's should be classified in accordance with the instructions set out in the 'Security Categorisation Policy Framework'
- 4.63 Whenever a change in immigration status is notified by HOIE, prisons must review the FNP's security categorisation and allocation to ensure that it remains appropriate given the change in circumstances.

#### **FNP's and open conditions**

- 4.64 FNP's must not be categorised to open conditions where there is both a deportation order against the prisoner and their appeal rights from the UK have been exhausted. These foreign national prisoners are referred to as 'Appeal Rights Exhausted' (ARE) and further information can be found in the 'Security Categorisation Policy Framework'

#### **ESCORTING FOREIGN NATIONAL PRISONERS**

- 4.65 Prisons must work with HMPPS Population Management Unit (HMPPS PMU) to ensure that serving FNP's are produced at Immigration and Asylum Chamber hearings. Category A serving FNP's are subject to their own arrangements and will be escorted to, and managed at, Immigration and Asylum Chamber hearings by Prison Service staff.
- 4.66 Where a FNP is serving a prison sentence, responsibility for the provision of escorts outside the prison is a matter for the Prison Service and relevant escort contractor. Whereas immigration detainees held solely under immigration powers are to be escorted to Immigration Asylum Chamber hearings, hospitals, embassies and Immigration Removal Centres (IRC) by the HO escort contractor, arranged through HODEPMU.

#### **PRISON STAFF RESPONSIBILITY FOR SERVING IMMIGRATION ENFORCEMENT DOCUMENTATION RELATING TO DEPORTATION/ADMINISTRATIVE REMOVAL**

- 4.67 HO deportation/administrative removal documentation will be sent to prisons' Offender Management Units (OMUs) and governors are required to ensure that they have in place a process for the service of documents and the return of the Confirmation of Conveyance receipt in line with the requirements set out in paragraph 4.71.
- 4.68 HOIE staff will serve HOIE documentation where they are embedded in a prison.

- 4.69 Prison staff must serve HOIE documentation relating to the deportation/administrative removal of FNPs and immigration detainees on behalf of the HO where there is no embedded HOIE team within the prison.
- 4.70 When HOIE documentation is served on a prisoner by prison staff, it is for prison staff to update PNOMIS. Where the service of such documentation is done by embedded HOIPT staff, OMU will be provided with a list of the previous day's service of papers to allow prison staff to update PNOMIS accordingly. See 4.33 in relation to heightened risks as a result.
- 4.71 Deportation/administrative removal documentation received from HOIE must be served within 48 hours of receipt. The Confirmation of Conveyance receipt (included with deportation documentation) must be returned to HOIE within five working days of service.
- 4.72 When serving HOIE documentation, staff should be aware of the heightened risk of violence, self-harm and suicide. The papers should be handed to the FNP and not put in the prison's internal post, left in the cell, nor posted under their cell door. Where possible, staff should issue the paperwork at times when prisoners can access appropriate support and language services.
- 4.73 Whenever an IS91 is served on a foreign national by HMPPS staff, this should be recorded on PNOMIS. Prison staff should explain to the prisoner that they are to be further detained and give the reason(s) why and ensure that the prisoner understands. See paragraph 4.33.
- 4.74 Prison staff are not routinely required to explain immigration paperwork to foreign national prisoners, with the exception of the IS91, IS91R, Removal Directions and the Confirmation of Conveyance. Staff should consult with the FNP Specialist, embedded or assigned to the prison, when trying to prepare foreign national prisoners who are to be detained beyond their conditional release in order to avoid any distress or unrest on or around the day they were due to be released from their custodial sentence.
- 4.75 All HOIE paperwork to be served on those under 18 (children and young people) should go via the Children's Casework team in Youth Custody Services. The allocated caseworker will then go through the paperwork with the young person concerned.
- 4.76 When dealing with a FNP, prison staff must ensure that the HOIE documentation they are referring to, e.g. an IS91, is applicable to the sentence the FNP is currently serving by checking the date(s) of the documentation.
- 4.77 FNPs who wish to seek legal advice relating to immigration documentation should be provided with the facilities to contact their legal representative.
- 4.78 If a FNP indicates that they do not wish to appeal, or they want to withdraw an outstanding appeal or application to stay in the UK, the prison must notify HOIE immediately. If a disclaimer form is not provided with the notice, the HOIE caseworker will arrange for one to be sent to the prison's OMU.

#### **IDENTIFYING OFFENDER MANAGERS AND WORKING WITH PROBATION**

- 4.79 HMPPS is responsible for ensuring that all prisoners, including FNPs, are allocated to the appropriate probation provider as outlined in PSI 14/2014 / PI 05/2014 Case Allocation.
- 4.80 HMPPS should notify HOIE of the responsible offender manager.
- 4.81 HOIE may, on occasion, need assistance from prisons to identify the relevant offender manager. This can change during a prisoner's time in custody and can be either a Prison Offender Manager or a Community Offender Manager. There are agreements between HMPPS and HOIE for offender managers to provide a range of risk reports including the Offender Assessment System (OASys) to help with their assessments of FNPs, for bail applications, and for reviews of immigration detention. The arrangements are set out in Foreign National Offenders on Licence, PSS and IS91 Policy Framework

## SERVICE PROVISIONS SPECIFIC TO FOREIGN NATIONALS

- 4.82 HOIE will undertake regular immigration surgeries or interviews with FNPs and prisons should make every effort to produce FNPs on time and provide adequate rooms and staff whilst taking account of security, regime and logistical requirements.
- 4.83 Prison staff must not offer advice on immigration law or procedures however it is important that prisons ensure FNPs have access to both HOIE and independent immigration advice when required. See paragraphs 5.36 and 5.37 for links to registered practitioners and official legal aid advisors.
- 4.84 An official interpreter must be used for confidential or sensitive matters such as healthcare, sentence planning or ACCT case reviews. Staff and other prisoners may be used to translate in non-sensitive, non-confidential matters (consent should be sought where practical).
- 4.85 HM Courts and Tribunal Service (HMCTS) will notify the prison as well as the prisoner when an immigration appeal is lodged: a copy of the IA17 (Acknowledgement Notice of Appeal) is sent directly to the prison for any detained appeal received. The notice will be posted inside the same envelope as the appellant's copy. The appellant's copy will be in a separate envelope marked for their attention. On receipt of this information:
- Court hearing dates/listings must be entered on PNOMIS, whether it is immigration or criminal.
  - If the prisoner must be transferred, notify the relevant hearing court by email and include the word "Detained" in the subject title (see paragraph 5.39).
  - If possible, the FNP should not be transferred in the fortnight before the hearing (unless he/she is returning to a reception prison to attend a court appointment) as their hearing slot cannot be replaced by another appellant.
  - In exceptional circumstances, on the day of hearing, if the FNP cannot be produced for his/her appeal (refuses, transport fails to show etc), the prison should notify the court immediately by telephone (see paragraph 5.39). This will allow the Judge, interpreters, Presenting Officer etc to be released or redeployed.
- 4.86 Prison staff must not act as an advocate, surety, or write letters of support in respect of any immigration matter such as a bail or immigration appeal hearing. If a general character reference is provided to a foreign national, staff must not comment or offer an opinion on any immigration matters and the reference must clearly state in the body of the letter that it should not be used for any immigration purposes. Immigration matters raised in general character references give rise to a conflict of interest. They not only compromise HMPPS position of neutrality but more importantly undermine HMPPS publicly stated objective of supporting the HO in the reduction of foreign nationals who have no right to remain in the UK.

## FOREIGN NATIONAL PRISONER RELEASE ARRANGEMENTS

### Release on temporary licence (ROTL)

- 4.87 In the case of FNPs liable to removal from the UK, the prison must obtain information about their immigration status from HOIE before making any ROTL decision.
- 4.88 FNPs with a deportation order who have exhausted all deportation appeal rights in the UK are statutorily prohibited from ROTL under Prison Rule 9 (1A) / YOI Rule 5 (1A) unless the prisoner is located in open conditions. If a notification is received that appeal rights have been exhausted then the relevant security alert, "Appeal Rights Exhausted" (ARE) must be activated on the FNPs PNOMIS record.

4.89 There may be cases where a decision has been made to release a FNP on ROTL, or the FNP is on ROTL, when they become statutorily excluded; i.e. they exhaust their in-country appeal rights against deportation. Where the FNP has yet to be released the decision should be rescinded. Where they are on ROTL at this point, the governor, must revoke the licence and recall the FNP to prison unless they are due back from ROTL on the same day the notification is received.

4.90 For further guidance on ROTL, see the Release on temporary licence policy framework

#### **Home Detention Curfew (HDC)**

4.91 Before considering a FNP for HDC, the prison must obtain information about their immigration status from HOIE before making any HDC decision.

4.92 FNPs who have been recommended for deportation by the court and those who are liable to deportation and a decision to deport has been served (i.e. not just those with a deportation order) are statutorily excluded from HDC.

4.93 FNPs liable to deportation but not yet served with a decision to deport are presumed unsuitable for HDC.

4.94 For further guidance on HDC, see the Home Detention Curfew Policy Framework

#### **Bail and bail information (criminal)**

4.95 Foreign nationals who are eligible for bail, should be able to access legal advice. Bail information schemes should not exclude remand prisoners who are, or may be, foreign nationals.

4.96 Where bail information is to be provided to a court in respect of a prisoner who is known, or believed, to be a foreign national, the bail information officer should confirm the prisoner's nationality and immigration status with Home Office Immigration Enforcement National Command and Control Unit (HOIENCCU) on **Redacted** and ask HOIE to confirm that they have no interest in the prisoner that would prevent release on bail, and/or to offer any information which the court may need to know when considering bail. The information on nationality and immigration status should then be included by the bail information officer in the report to the court or Crown Prosecution Service.

4.97 Where there is reason to suspect that the prisoner is a foreign national, but nationality cannot be verified, and HOIE cannot provide information in time for the next court appearance, the bail information report must record that nationality and immigration status have not been verified.

#### **Release from court (remands)**

4.98 Where a foreign national held on remand is released on court bail they should be released in line with bail conditions unless there is a valid IS91 in place.

#### **Release from court (criminal proceedings)**

4.99 Where a foreign national is due for release from court on conclusion of judicial proceedings, e.g. not guilty verdict or dropped charges, and an IS91 has been served, the individual should be detained under immigration powers and the local Home Office Immigration Compliance and Enforcement (HOIEICE) team notified.

4.100 If an IS91 is held, the foreign national should be returned to the original sending prison after court proceedings unless otherwise directed for operational reasons. See 4.33 in relation to heightened risks as a result.

4.101 Prisoners recommended for deportation by the court, but who would otherwise be eligible for immediate release because of time spent on remand, may be detained on the court's

recommendation only where consideration of their case by HOIE has taken place and an IS91 issued by the Home Office.

4.102 In all cases, whether recommended for deportation or not, if no IS91 has been issued and the sentence calculation has been confirmed, the prisoner must be released from court if:

- The custodial period has already expired; or
- The prisoner is sentenced to a lesser punishment (fine or community penalty)

4.103 If the custodial period of the sentence passed matches exactly, or is less than, the number of days served on remand/tagged bail, on the day of sentence, the normal expectation is that the prisoner will be held until 19:00hrs on that day, at the court or returned to the sending prison, to allow HOIE the opportunity to consider the case and to serve an IS91 if appropriate. See paragraphs 4.49 to 4.61 and 5.20 to 5.30, and [Version 2 FNO time served imminent release referral form.xlsx](#) for referral to HOFNORC following sentencing.

4.104 If the prisoner is not to be detained:

- HOIE should telephone the prison to say they do not intend to further detain the prisoner. Prison staff must record the name of HOIE member of staff, their phone number, and the date and time of the call. Prison staff should then notify the court accordingly.
- A licence should be raised.

4.105 If the prisoner is to be detained:

- HOIE should telephone the prison to notify they intend to further detain the prisoner and should immediately email an IS91 to the prison. Prison staff should then notify the court with instructions to return the prisoner to the prison. See 4.33 in relation to heightened risks as a result.

### **End of custodial sentence**

4.106 All FNPs must be released from custody at the relevant release point in their custodial sentence in accordance with the normal release arrangements unless subject to further detention under immigration powers or arrangements are in place for their removal from the UK.

4.107 In cases where HOIE has not notified the prison whether they intend to detain a FNP under immigration powers, the prison is responsible for emailing HOFNORC at **Redacted** 21 days before the end of the custodial sentence to confirm if the HO has any further interest in the prisoner (see [Annex E](#) for sample email template). The prison must ensure that a copy of the email is placed in the prisoner's core record. The HO is responsible for taking all follow up action following receipt of the 21-day notification.

4.108 If the decision to detain/IS91 is to be served on the prisoner by prison staff instead of immigration enforcement staff, prison staff should explain to the prisoner that the HO has made a decision to detain them beyond their conditional release date under immigration powers, and that an assessment will shortly be undertaken to decide whether they will continue to stay in prison or be moved to an IRC. Prison staff should also explain that the reasons for their detention, and information on how to apply for bail, are set out in the paperwork. Prison staff should facilitate access to the prisoner's legal representatives or to HO staff should the prisoner want further information. Staff should be aware of the heightened risk of violence, self-harm and suicide at this time and must act on such identified risks, for example by opening an ACCT. Prison Safety Policy Framework.

4.109 If no decision has been received from HOIE, the prisoner should be released in accordance with the normal release arrangements.

- 4.110 Even if the expectation is that the prisoner will be deported on, or shortly after, their Conditional Release Date (CRD), a licence must be raised as the removal may fail or be delayed. It is the case that a prisoner is on licence during an 'IS91 hold', even if they do not move from the prison to an IRC.
- 4.111 When a prisoner is to be removed/deported at the end of their custodial sentence, or is being transferred into the custody of HOIE, the prison must ensure that there is no further reason to hold the prisoner.
- 4.112 Probation processes and notifications outlined in Foreign Nationals on Licence, PSS and IS91 Policy Framework should be followed. Once arrangements for collection of the prisoner by HOIE have been confirmed, pre-release checks must be done, and records updated accordingly.
- 4.113 Where HOIE has confirmed that a prisoner eligible for release on parole is to be deported, prisons must ensure that the prisoner is not released from prison custody until their Tariff Expiry Date/Parole Eligibility Date (TED/PED) has expired and the Parole Board has directed their release. HOIE should only be taking custody of a prisoner at that stage. Different arrangements apply for those to be removed under Tariff Expired Removal Scheme (TERS). See paragraph 4.117.

### **Early Removal Scheme (ERS)**

- 4.114 Governors of all prisons must ensure that the ERS process is followed for all determinate sentenced foreign national prisoners who are confirmed as liable to removal by HOIE. ERS authorisations should be completed 3 months prior to the Early Removal Scheme Eligibility Date (ERSED). See 'PSI 04/2013 Early removal scheme and release of foreign national prisoners Any cases where public confidence is an issue, e.g. high profile FNPs, must be passed to HMPPS Chief Executive Officer for consideration.

### **Facilitated Returns Scheme (FRS)**

- 4.115 Prison staff should ensure that eligible foreign national prisoners are made aware of the provisions of FRS and that contact with the FRS team in HOIE is facilitated. The HO FRS telephone number is **Redacted** and the inbox is **Redacted**. If prison staff become aware of a FNP who wishes to apply for FRS, they should also inform IPT. See HO guidance [Facilitated return scheme \(FRS\) \(accessible\) - GOV.UK](#)

### **Relationship between Early Removal and Facilitated Returns Schemes**

- 4.116 It is important that when a FNP enquires about ERS and/or FRS, prison staff are clear about what each scheme does and its benefits.

### **Tariff Expired Removal Scheme**

- 4.117 All FNPs with indeterminate sentences and confirmed by HOIE to be liable for removal from the UK, must be considered by the Public Protection Casework Section at HMPPS headquarters for removal under TERS. See Generic Parole Process Policy Framework

### **Discharge and transfer**

- 4.118 Property must be dealt with under normal discharge procedures. However, if the prisoner is being removed from the UK, or transferred to an IRC, they must be made aware of any baggage restrictions. If the prisoner has excess baggage, they should be advised how it is to be disposed of. For further guidance, see Prisoners' Property Policy Framework
- 4.119 To help enable appropriate care and management of immigration detainees who move from prison to IRCs, prisons must provide IRCs with the core record and any other appropriate files such as health and relevant ACCT information/documentation. The requirement to share healthcare information between the prison and an IRC, should be assigned to the

healthcare provider. The prison healthcare provider will complete a handover with the IRC healthcare provider to ensure continuity of care. Where a detainee with social care needs is transferring, the prison should notify their local authority to co-ordinate with the IRC local authority. Where a detainee is on an open, or post-closure, ACCT or CSIP, prison staff should alert the receiving IRC of this as part of the handover. Where available OASys must also be included. The core record/files must transfer with all detainees including those whose move includes a stopover in a short-term holding facility. The files must be transferred to an IRC in the same manner as inter-prison transfers.

- 4.120 The warrants folder however should not be included as IRCs do not need the sentencing court documentation. The warrants must be kept in their folder in the prison and placed with the core record once it is returned from the IRC.
- 4.121 IRCs should return the files once the detainee has been removed from the UK. If files are not returned, prisons should email [ERDForeignNationals@justice.gov.uk](mailto:ERDForeignNationals@justice.gov.uk) with the appropriate details.

### **REPATRIATION (Transfer to a prison in another country)**

- 4.122 Repatriation can take place either on a voluntary basis or, where provided for by the relevant international arrangements, on a compulsory basis. A prisoner can normally only transfer to a country of which he or she is a national, but some countries will consider applications from non-national residents. Further information on the requirements of individual countries can be obtained from Cross Border Transfer Section (CBTS) at HMPPS headquarters.
- 4.123 Prison staff should advise foreign national prisoners of the possibility of repatriation at the earliest opportunity following sentence. If requested by the prisoner, arrangements should be made to enable the prisoner to contact their legal adviser to discuss issues relating to repatriation.

#### **Voluntary repatriation**

- 4.124 Foreign national prisoners serving a sentence of 4 years or more can apply for voluntary repatriation if an international arrangement exists between the UK and the country of origin. Those wishing to apply must do so using the 'Repatriation Application' form at [Annex T](#) (revised)
- 4.125 All completed application forms must be sent to CBTS, together with copies of the supporting documentation listed on the reverse of the form, within 28 days of the prisoner submitting the application. Any application forwarded to CBTS without all the requested supporting documentation will be returned to the initiating prison for completion.
- 4.126 If a prisoner wishes to transfer to a country which is not on the list at [Annex S](#), CBTS can be contacted for confirmation of possibility of transfer.

#### **Compulsory repatriation**

- 4.127 Compulsory transfer of a prisoner may be sought where this is provided for by the relevant international arrangement. This normally applies to those serving a very lengthy sentence with many years remaining who are also subject to a deportation order. Prisoners eligible for compulsory transfer will be identified by either the HO or CBTS. Where a prisoner is being considered for compulsory transfer, they will be notified of this by the HOIE in writing and provided with information about the process and their ability to make representations. See 4.33 for possible action required if heightened risks are identified as a result.
- 4.128 Key documents required by CBTS for compulsory or voluntary transfer include, but are not limited to, the signed application form [Annex T](#) (revised) sentence calculation/sheet, indictment, order of imprisonment and police report.

- 4.129 To progress a compulsory or voluntary transfer, CBTS will require copies of the supporting documentation listed on the reverse of the Repatriation Application form [Annex T](#) (revised) within 14 days of the CBTS requesting them. It is the responsibility of the OMU to obtain any documents that are not already held by the prison.

### **FOREIGN NATIONALS HELD SOLELY UNDER IMMIGRATION POWERS IN PRISON (Immigration detainees)**

- 4.130 For more information and guidance about immigration detainees in prison, see Foreign National Offenders on Licence, PSS and IS91 Policy Framework.

#### **Legal status of immigration cases**

- 4.131 An immigration detainee is a foreign national detained solely under immigration powers (often referred to as an immigration warrant or 'IS91'). The IS91 must contain a photograph of the foreign national and is invalid without one. Where an IS91 does not have a photograph, prison staff must immediately contact HO to alert them to the fact that the document is not valid.
- 4.132 All foreign nationals who have served the required period in custody for their sentence and who are to be detained under immigration powers, must be provided with a copy of their licence as set out in Foreign National Offenders on Licence, PSS and IS91 Policy Framework The original documents should be placed in the foreign national's core record and a note made on PNOMIS that copies have been provided to the detainee.
- 4.133 The transition from sentenced prisoner to immigration detainee can be a difficult time for the prisoner and may act as a trigger for self-harm and suicide. Staff should be aware of the heightened risk of self-harm and suicide. Prison Safety Policy Framework

#### **Authority to detain**

- 4.134 Foreign national prisoners cannot be held on a remand/custodial warrant and an IS91 simultaneously (dual detained). Detention is sequential. Remand warrants and custodial warrants supersede an IS91. If an IS91 is issued when a prisoner is on remand or serving a custodial sentence, the IS91 is 'inactive'.
- 4.135 An IS91 must be in place, and be applicable to the custodial sentence being served, to further detain a foreign national beyond their Conditional Release Date (CRD).
- 4.136 An IS106 to rescind the IS91 must be served to release an immigration detainee held on an IS91. However, in the case of bail granted by an immigration judge at the First-tier Tribunal (Immigration and Asylum Chamber) then the grant of bail court order, signed by the immigration judge is sufficient to provide the authority for release and an IS106 is not required.
- 4.137 If an IS91 is issued whilst a foreign national is on remand, and the foreign national is then granted bail by the court, HOFNORC must be notified.
- 4.138 If an IS91 is issued whilst on remand and the foreign national receives a custodial sentence, HOFNORC will, if the foreign national prisoner is still of interest at their CRD, issue a new IS91 with reviewed reasons for detention.

#### **Allocation of foreign nationals detained solely under immigration powers**

- 4.139 Foreign nationals who reach their CRD may be detained in custody under immigration powers. Where a foreign national is further detained under immigration powers the expectation is that they should normally be transferred to an IRC. Where a risk assessment deems that a detainee cannot safely be accommodated in an IRC, the detainee will be held in a prison.

- 4.140 An immigration detainee who completes their prison sentence and who is detained solely under immigration powers must be transferred as soon as practicable to a local/reception prison in accordance with the national allocation process as determined by HMPPS PMU. In most cases, the detainee is expected to be returned to the last local/reception prison in which they were most recently detained. If this is not possible due to security or safety concerns, an alternative prison must be identified by the relevant Prison Group Director's Office.
- 4.141 Where an Immigration detainee is held in a prison beyond the end of their custodial sentence which does not normally hold unconvicted prisoners, the detainee may request to remain in the prison however the request is subject to operational requirements and the agreement of the governor of the holding prison.
- 4.142 A detainee wishing to remain in convicted conditions must sign the form at [Annex C](#) 'Detainees in Convicted Conditions' If they choose to remain in convicted conditions they will be treated as an immigration detainee but may not receive all the rights and privileges available to them if they were in a local/reception prison. A detainee who has requested to remain in convicted conditions and who has signed [Annex C](#) may withdraw their request at any time. Where a detainee withdraws their consent to remain in convicted conditions, arrangements should be made to transfer the individual to a local/reception prison as soon as it is practicable.
- 4.143 Immigration detainees should be held in conditions equivalent to remand (unconvicted) prisoners. See [pso-4600-unconvicted-unsentenced-civil-prisoners.pdf](#) (Remand Prisoners Policy Framework (to be published)).
- 4.144 Immigration detainees are to be escorted and transported by the HO escort contracted service provider, arranged through HODEPMU.

### **Bail (Immigration)**

- 4.145 All immigration detainees held solely under immigration powers have a right to apply for bail, either to the Secretary of State for the Home Department or to the Immigration and Asylum Chambers.
- 4.146 If a detainee is granted bail at court but release is deferred for practical reasons, e.g. to allow for suitable bail accommodation to be approved, the prison holding the detainee is no longer obliged to take back the detainee from court unless there is an appropriate warrant in place from the court. As the detainee has been deemed safe by the tribunal to be released into the community, HODEPMU should make arrangements for detention in an IRC until release.
- 4.147 Tagging in court is not always practical however foreign nationals who are granted bail with tagging restrictions by an immigration judge should not routinely be returned to prison to have their tag fitted. It is preferable that the tag is fitted at the foreign national's bail address (without an address a tagging restriction is unlikely to be granted), or if necessary, transferred to an IRC. For bail hearings held by video-link, arrangements, where possible, can be made to fit the tagging device before release from HMP.
- 4.148 A licence must be raised for those foreign national prisoners going to an immigration bail hearing and a copy given to the prisoner if bail is granted.

### **Bed watches of immigration detainees**

- 4.149 The HOIE escorting contractor is responsible for staffing bed watches of immigration detainees.

- 4.150 If an immigration detainee held in prison has to attend hospital as an in-patient, prisons should contact the Duty Officer at HODEPMU on **Redacted** providing the details of the detainee, the prison, and hospital location, as well as any relevant security information.
- 4.151 The HOIE escort contractor has a target to provide staff for the bed watch within four hours of an immigration detainee being admitted to hospital, although this will depend to some extent on the location of the hospital and time of admission.

#### **Time-served at hospital**

- 4.152 HOIE must be made aware of serving foreign national prisoners transferred to hospital under the Mental Health Act or for other in-patient treatment, who are likely to reach their conditional release date whilst in hospital.
- 4.153 If HOIE has been informed, and no IS91 has been issued, the prisoner should be discharged under normal procedures.
- 4.154 If an IS91 is in force, advance arrangements must be made with HOIE to hand over bed watch on the day of the conditional release date.
- 4.155 A foreign national prisoner who reaches their CRD or becomes time-served whilst in hospital but is deemed unsuitable to be transferred to an IRC upon completion of their treatment, should only be returned to the prison estate with the agreement of the Head of HMPPS Population Management Unit (PMU).
- 4.156 Time-served detainees returning to prison from mental health inpatient services will return to the reception prison in the area where the inpatient treatment has been provided.
- 4.157 Time-served detainees are subject to different release arrangements in respect of escorts and transport. See paragraphs 4.65 and 4.66.

#### **Pregnant immigration detainees**

- 4.158 Staff must notify HOFNORC of any pregnant immigration detainee immediately upon discovery of their being pregnant, either as soon as they become detained solely under immigration powers or whilst a detainee. To ensure equitable care and support for foreign national pregnant women in custody, please refer to the Pregnancy, Mother and Baby Units (MBUs), Maternal Separation from Children up to the Age of Two in Women's Prisons policy framework. This covers requirements on financial support, family contact and continuity of care for pregnant foreign national pregnant women.
- 4.159 The detention of a pregnant foreign national woman under immigration powers must not exceed a maximum period of 72 hours (or seven calendar days with ministerial approval), and upon expiry of these time periods the pregnant woman must be released from immigration detention.
- 4.160 It is therefore essential that HOFNORC is made aware of any pregnant immigration detainees at the earliest possible time, and immediately upon discovery of a detainee being pregnant prison staff should email HOFNORC at **Redacted** with the detainee's full name, date of birth, nationality, location and prison number. In addition, appropriate prison contact details should be provided so that HOFNORC can contact the prison to discuss the case. A copy of the email should be placed in the detainee's record.
- 4.161 When a foreign national woman who is accompanied by her baby/young child in a Mother and Baby Unit (MBU) completes her custodial sentence, the HO can only detain the mother if removal or deportation will take place shortly or there are exceptional circumstances, and only with permission from the relevant minister.
- 4.162 In general, foreign national women prisoners with babies/young children should almost never be detained at the end of their custodial sentence using immigration powers. Where an IS91

is in force and an IS106 has not been received from the HO to rescind the IS91, or where there is any uncertainty about what should happen to a foreign national woman and her baby/child at the end of the custodial sentence, prison staff should immediately contact HOIE Minors, Mothers and Baby Team on **Redacted** for advice.

## **5. Guidance**

### **RECORDING OF NATIONALITY ON PNOMIS**

- 5.1 For the purpose of this policy, a foreign national is an individual who does not have British nationality. Foreign nationals include those who have been granted temporary or permanent right to remain in the UK such as students or spouses, or for work purposes. Nationality is not therefore the same as residency or 'Leave to Remain'.
- 5.2 A foreign national prisoner is defined as a person known or believed to be involved in criminality in the UK or abroad who cannot be confirmed as a British citizen.
- 5.3 Prison staff should be mindful that place of birth is not necessarily indicative of nationality.
- 5.4 Where nationality has been confirmed by the HO, this confirmation, along with the date the confirmation was received, should be noted on PNOMIS preferably under 'Prisoner Alerts', so that in future, staff are clear that nationality has been conclusively established. This is particularly important in cases where the HO has confirmed that the prisoner is British, for example, as it will prevent staff from making any unnecessary future referrals. Additionally, the prisoner will rightly no longer be captured in the weekly batch referrals taken from PNOMIS by HMPPS HQ.
- 5.5 Staff should complete the 'Languages' page on PNOMIS for all FNPs on initial reception into prison custody.

### **HOME OFFICE IMMIGRATION PRISON TEAM OPERATIONS AND ACCESS TO FOREIGN NATIONAL PRISONERS**

- 5.6 HOIPT carries out induction interviews for newly sentenced FNPs, takes photographs and fingerprints and serves paperwork. HOIPT also holds regular surgeries at prisons in order to address ongoing immigration matters. HOIPT will also interview asylum applicants or facilitate the interview via video-link. Whether in person or via the Cloud Video Platform (CVP), it is essential prisons provide adequate time and space for the interview to be completed. Delays to an asylum application will impact the deportation process.

### **TAKING FINGERPRINTS OF FOREIGN NATIONALS**

- 5.7 Where a foreign national refuses to provide fingerprints, see the Prisoner Discipline Procedures (adjudications) Policy Framework and Use of Force Policy Framework.

### **COMMUNICATION WITH EMBASSIES**

- 5.8 For the purpose of the disclosure of information about foreign national prisoners to foreign embassies, countries that are not signatories to the Vienna Convention on Consular Relations 1963 are treated the same as those that are signatories.
- 5.9 Under the terms of the Vienna Convention on Consular Relations 1963, prisons must facilitate contact between foreign nationals and their embassy/high commission if the prisoner has given their written consent. Contact may be in the form of telephone calls and visits, both virtual and face-to-face at the prison. The prisoner has the right to withdraw consent for contact with their embassy/high commission at any time.
- 5.10 There is no requirement for prisons to take foreign national prisoners to their embassy/high commission for consular matters. However, in those circumstances where the prisoner must be interviewed at their embassy/high commission before a travel document can be issued for deportation, the decision on whether the prison can facilitate such a production is at the discretion of the individual prison concerned and the governing governor. The decision will depend on local resource availability and individual risk assessment. Such

productions must be carried out by HMPPS whilst the foreign national is a serving prisoner however for those who are time-served (immigration detainees) it will be for the HO to facilitate. Travel document interviews are usually arranged by the HO who can advise on logistics and timings.

## **FOREIGN NATIONAL PRISONER SAFETY IN CUSTODY**

- 5.11 Due to their possible uncertain immigration status, sense of isolation, language difficulties and lack of family support, foreign national prisoners can often be of higher risk of violence, self-harm and suicide. When providing information to foreign nationals about safety in custody, consideration should be given to using translation services where necessary to ensure FNPs fully understand how they can seek support and confirming they understand.

### **Communications**

- 5.12 FNPs, or those prisoners with only close family abroad, including British nationals at the governor's discretion, are allowed a free five-minute phone call once in a four-week period where the prisoner has had no social visits during the previous four-week period. For further information see Prison Service Instructions - 49/2011 - prisoner communication services

### **Frequently asked questions**

- 5.13 Q: What is the definition of 'close family'?

A: Parents, grandparents, children and siblings. If the FNP is exceptionally close to an extended relative, for example brought up by an uncle/aunt, or in the absence of any other close family members, then they may be considered to be close family.

Q: Should FNPs be allowed the call irrespective of whether or not their close family is abroad?

A: Yes.

Q: Should FNPs be allowed the call if they do not have any phone numbers listed on their foreign national PIN?

A: No, they should only be allowed the call once they actually have someone listed.

Q: Should a FNP that only has a cousin or friend abroad, with the rest of their family living in the UK, be allowed the call?

A: Yes, especially if they are of interest to HO and are liable to immigration action.

Q: If a FNP has close family in a number of different countries, to whom should the call apply?

A: The call would usually be to the family member located in the country of the prisoner's nationality. However it would be for the prisoner to choose.

Q: Should a FNP who is a dual national be given the phone call?

A: If both nationalities are foreign, then yes. If one of the nationalities is British and HO has confirmed the prisoner is of interest to them, then yes. If however, one of the nationalities is British and HO has confirmed the prisoner is of no interest, then no.

### **Visits**

- 5.14 For information about accumulated visits for those whose families are located in other countries, and immigration official visits to immigration detainees, see PSI 16/2011 Providing Visits and Services to Visitors.

### **Particular vulnerabilities for foreign nationals**

- 5.15 There is a known link between debt and violence in prisons, with particular vulnerabilities for foreign nationals who:
- May be less aware/able to understand the risks of borrowing.
  - May be less able to understand/access prison kit and other services.
  - May be less likely to have a job or be engaged with offender management programmes and so more likely to experience boredom, potentially increasing their likelihood of debt.
  - May often have less access to private cash (and therefore spending power).
  - May need to make phone calls that are more expensive.
- 5.16 For guidance on risks and triggers on violent behaviour and the Challenge Support Intervention Plan, the case management model for violent behaviour and victims of assaults, see:
- [Supporting and managing prisoners who pose a high risk of violence](#)
- [Safety in prisons](#)
- 5.17 For more information on foreign national prisoner safety in custody, [Understand risk and share information](#)

## **REHABILITATION AND PREPARATION FOR RELEASE/REMOVAL**

### **Rehabilitation**

- 5.18 Meaningful and effective rehabilitation courses should be made available to all prisoners including FNPs. If spaces on these courses are limited, they should be allocated based on need irrespective of nationality. Rehabilitation activities will consist of activities that address offending behaviour such as drug offender treatment courses.

### **Preparation for release/removal**

- 5.19 Resettlement activity should be provided to all FNPs whether they are being released into the UK or removed abroad. Consideration should be given to the circumstances of their release and protected characteristics. Information can be found on [Working with foreign national offenders](#)

## **REFERRAL TO HOME OFFICE FOREIGN NATIONAL OFFENDER RETURNS COMMAND OF SENTENCED FOREIGN NATIONAL PRISONERS**

- 5.20 It is important that HOFNORC is made aware of any prisoner who is, or may be, a foreign national, who is either time-served at court, or where release is within 10 working days of sentencing, or where the FNP receives a further custodial sentence which does not affect their key dates. This is so HOFNORC can determine/confirm the prisoner's nationality and decide whether or not the prisoner should be considered for deportation or administrative removal from the UK.
- 5.21 For referral form and guidance see [Version 2 FNO time served imminent release referral form.xlsx](#)

### **Categories of foreign national prisoners that need to be referred**

- 5.22 Referrals of those time served at court or where release is within 10 working days of sentencing, or those that receive a further custodial sentence that does not affect their key dates, must be made for all FNPs including:
1. Dual nationals (including those where one nationality is British).
  2. Those whose nationality is unknown.

3. Those whose nationality is unclear (i.e. where there is doubt about the nationality that the prisoner has disclosed).
4. Those who are recorded on PNOMIS as 'Stateless'
5. Those recorded on PNOMIS as 'Refused'\* (i.e. where they have refused to disclose nationality).
6. Those from British Overseas Territories.
7. Those from British Independent Territories.
8. Those where HOFNORC has previously indicated (either prior to sentencing or during a previous sentence) that they will not be taking any further action.
9. Those where the prisoner is already known to HOFNORC (e.g. has claimed asylum).
10. Those prisoners whose appeal against deportation on a previous sentence was allowed.

\*Where nationality is recorded on PNOMIS as 'Stateless', 'Refused' or 'Unknown' this should be reviewed regularly and updated accordingly

### **Categories of foreign national prisoners that should not be referred**

5.23 A referral should **NOT** be made for:

1. Those prisoners on remand.
2. Those prisoners who receive a non-custodial sentence e.g. community order.
3. Civil 'Terms of Imprisonment' - For guidance on civil terms of imprisonment please see Chapter 15 of the [sentence-calculation-pf.pdf](#) If further advice on civil terms is required please contact **Redacted**
4. Those prisoners who receive a suspended sentence.
5. Those prisoners who are granted bail.
6. Those prisoners who prison staff accept are British.
7. Those prisoners HO has already confirmed as British.
8. FNOs who have been acquitted (found not guilty).

### **Irish nationals**

5.24 Irish nationals should be referred only when they are the subject of a court recommendation for deportation.

### **Batch referrals to Home Office Foreign National Returns Command by HM Prison and Probation Service headquarters**

5.25 Those FNOs who receive a custodial sentence where release is 11 working days or more from the date of sentencing are captured centrally by HMPPS HQ from PNOMIS and batch referred weekly to HOFNORC. The batch referrals include those FNOs with changes to key dates and prisoner location.

### **Home Office Foreign National Offender Returns Command acknowledgement email, request for further information and case ownership**

- 5.26 In addition to the automated response, HOFNORC will send an acknowledgment email within 10 working days following receipt of the referral of a new sentence, providing the name and contact details of the HO case owner if one has been allocated.
- 5.27 HOFNORC may request further information following a referral such as any proof of identity documentation that the prison may hold, the photograph of the prisoner on PNOMIS, and other supporting documents such as letters from family abroad.
- 5.28 HOFNORC will notify the prison where the FNO is held of any decision not to pursue deportation action and/or any changes in case ownership.

5.29 In those cases where HOFNORC has previously advised of a decision not to deport and HOFNORC has passed the case to Immigration Enforcement National Non-Criteria Foreign National Offender team who will establish whether the prisoner can be administratively removed, the Non-Criteria team is responsible for notifying the prison where the foreign national prisoner is held of any decision not to pursue administrative removal action.

### **Referral process contact details**

5.30 Queries about the referral process, form and guidance:

- Email: [erdforeignnationals@justice.gov.uk](mailto:erdforeignnationals@justice.gov.uk)

HOFNORC:

- Telephone: Redacted
- Email: Redacted

HOIE National Non-Criteria FNO Team

- Telephone: Redacted
- Email: Redacted

HOIPT Duty Desk

- Telephone: Redacted
- Email: Redacted

### **REQUESTS FOR PRISON STAFF TO SERVE HOME OFFICE IMMIGRATION ENFORCEMENT DOCUMENTATION RELATING TO DEPORTATION/ADMINISTRATIVE REMOVAL**

(See 4.33 in relation to heightened risks as a result.)

5.31 An awareness session on HOIE processes, including deportation, may be delivered to all prisons by HOIPT on request. Refresher training and training for new staff will be delivered on request.

5.32 Prison staff will not be asked to serve HOIE documentation that does not relate to deportation/administrative removal processes.

5.33 All appeal details, including time limits and relevant contact details, will be included with the served documentation. Prisoners should send completed appeal forms direct to the First Tier Tribunal and Asylum Chamber or, return them to their legal representative. Appeals documentation should not be returned to HOIE staff for dispatch.

### **SERVICE PROVISIONS SPECIFIC TO FOREIGN NATIONALS**

5.34 The Immigration and Asylum Act 1999 made it unlawful for anyone to provide unregulated immigration advice or immigration services. The code setting out the standards that immigration advisers must meet is set, maintained and regulated by the Immigration Advice Authority (IAA). Immigration advisors must be registered with the IAA unless they are regulated by one of the designated professional bodies e.g. solicitors registered with the Law Society.

5.35 It is important to ensure that any immigration advisor is registered, as immigration advice and services covers a wide range of activities ranging from advocacy before the First Tier Tribunal Immigration and Asylum Chamber to ensuring that an applicant completes the correct application form. This is because of the seriousness of the outcome for the prisoner of such advice or action.

- 5.36 Further details and a list of registered practitioners can be found on the Immigration Advice Authority website [Office of the Immigration Services Commissioner - GOV.UK](#)
- 5.37 Legal aid can help pay for legal advice. More information on how to access legal aid can be found at: [Check if you can get legal aid - GOV.UK](#) Official legal aid advisers in England and Wales can be found at: " [Find a legal aid adviser for immigration or asylum](#)
- 5.38 The translation of documents other than those relating to immigration matters should be done locally at governor discretion.

5.39 Contact details for most used Immigration Tribunals:

Birmingham  
Redacted

Bradford  
Redacted

Hatton Cross  
Redacted

Manchester  
Redacted

Newport  
Redacted

Taylor House  
Redacted

## **FOREIGN NATIONAL PRISONER RELEASE ARRANGEMENTS**

### **Licences**

- 5.40 Licences should be generated and served on the FNP prior to the CRD. The cover letter which is given to the prisoner to explain the licence and potential release into the community, can be found in and [Travel and Transfer on Licence and PSS Outside of England and Wales](#). For licences and terrorist related crimes, see the Terrorism Act 2000 (TACT) [Terrorism Act 2000](#). For licences and sex offenders, details are recorded when the prisoner is sentenced and forms part of the court paperwork. The police will lead on holding any formal paperwork linked to sex offender registration, sexual harm prevention orders and sexual risk orders. These are also stored nationally on the Violent and Sex Offender Register (ViSOR).

### **Address checks**

- 5.41 Address checks need to take place as a risk contingency against sudden Secretary of State bail or immigration judge bail. Addresses need to be provided and checked by the offender manager. Accommodation for FNPs on licence will be restricted due to the restrictions imposed by HO. For further information see the Address Checks Policy Framework

### **Discharge and release**

- 5.42 The HO is responsible for ensuring all documents (including IS91 or at least an indication to detain) are sent to the prison no later than 30 days prior to the prison release date. Where this is not possible, all documents should be sent no later than one week prior to the prison release date.

- 5.43 Once the 21- day email has been sent, it is for HOIE to notify the prison of their decision to further detain the prisoner or not. It is not necessary for prison staff to send any further reminders or continue to chase a decision once the 21 day email has been sent.
- 5.44 If a decision is made to detain under immigration powers within 48hrs of release, the HO is responsible for contacting the prison by phone to confirm receipt of the paperwork/IS91. If the HO cannot get through to the prison's OMU, the HO is responsible for confirming with the prison's Duty Governor.
- 5.45 It is not necessary for prison staff to undertake the 21 day email for those foreign national prisoners who have already been issued an IS91 (which relates to the sentence concerned) or for those prisoners in whom the HO has confirmed in writing they have no further interest in respect of their current sentence.
- 5.46 Prisons do not need to check with HOIE if a recalled (due to a breach of licence conditions and either a fixed term or standard recall) foreign national is of interest to HO prior to their re-release.

### **Early Removal Scheme (ERS)**

- 5.47 The ERS is a MoJ scheme which allows the Secretary of State to remove foreign national prisoners serving determinate sentences, who are confirmed by HOIE as liable to removal, from prison custody for the purposes of deportation and so to facilitate their removal from the country before they reach the normal point in their sentence when release from custody would otherwise take place. The ERS is not voluntary in England and Wales and all determinate sentenced FNPs who are confirmed by HOIE as being liable to removal, irrespective of sentence length, offence type, or country of origin, must be considered under the scheme. It is for prison governors to decide whether to grant or to refuse ERS. If a FNP has complied and wishes to be deported under the ERS, it is important to re-enforce the message that deportation is a complex process and removal may not necessarily take place as soon as they enter the ERS window.

### **Facilitated Returns Scheme (FRS)**

- 5.48 The FRS is a scheme operated by HOIE. FRS is designed to encourage foreign national prisoners to comply with removal and return to their home country by offering financial assistance and support. FNPs are accepted onto the scheme on the condition that they waive their right to appeal against removal and co-operate in full with their removal.

### **Relationship between Early Removal and Facilitated Return Schemes**

- 5.49 The ERS and the FRS are two separate schemes, however they can be implemented in parallel. The financial incentives are greater under the FRS for FNPs who apply while they are serving their custodial sentence. FNPs who apply for the FRS having completed their custodial term (time-served) will receive less money.

### **Tariff Expired Removal Scheme (TERS)**

- 5.50 The TERS is a scheme which allows FNPs serving indeterminate sentences (Life sentences and Imprisonment for Public Protection) who are confirmed by HOIE as liable for removal from the UK, to be removed (once there are no barriers), from prison for the purposes of deportation and so to facilitate their removal from the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. HMPPS Public Protection Casework (PPCS) will consider cases for removal under the scheme.

### **REPATRIATION (Transfer to a prison in another country)**

- 5.51 Repatriation is the process whereby a prisoner serving a sentence of imprisonment in one country will serve the balance of their sentence in their country of origin provided that there is an international agreement in place between the UK and the country of origin. A list of those countries with which the UK currently has a repatriation agreement is at [Annex S](#) (the list is subject to change as additional prisoner transfer agreements are concluded).
- 5.52 When repatriation (voluntary or compulsory) has been approved and a date of transfer agreed with the receiving jurisdiction, prisons are required to make arrangements for the transfer of the prisoner to an appropriate prison for departure from the UK. This will normally be Wandsworth for male prisoners and Bronzefield for female prisoners. CAT A prisoners are subject to different arrangements. CBTS will inform prisons when such arrangements should be made.
- 5.53 As transfer to either HMP Wandsworth or HMP Bronzefield will normally take place shortly before the date of departure from the UK, it is essential that the prisoner's property and private cash are transferred with the prisoner. Prisoners will normally be allowed to take hand luggage only on departure from the UK. Prisoners should be asked to make arrangements for the disposal of any property in excess of this before transfer to Wandsworth or Bronzefield or other departure prison. A record of the transfer of, or the disposal of, any property, must be made.
- 5.54 Where a transfer takes place on a voluntary basis, there is no automatic right to repatriation. Cases are considered on an individual basis and must usually meet the following conditions (these may vary according to the relevant international arrangement):
- There must be a signed agreement with the country to which the foreign national prisoner wishes to be repatriated (see [Annex S](#)).
  - There must be at least six months before the earliest point where the FNO can be deported.
  - The prisoner will normally be a national of the country concerned (although some countries may accept non-national residents).
  - There must not be any appeals outstanding either against conviction or sentence
  - The offence for which they have been convicted must also be an offence in the country of origin.
  - Both the UK and the government of the other country concerned must agree to the transfer.
- 5.55 Prisoners who meet the criteria for transfer but who have outstanding criminal proceedings against them in the UK, will not be considered for transfer until the proceedings have been fully resolved. Prisoners with outstanding Confiscation Orders will be required to satisfy those orders or have had a term of imprisonment in default imposed before consideration for repatriation will be given.
- 5.56 Consideration of an application for repatriation involves consultation with other governments and can be a lengthy process. CBTS will issue a confirmation letter to the prisoner if the application is referred to the foreign government. A prisoner will be advised in writing of the outcome of their application once consultation with the foreign government is complete.
- 5.57 Alternatively, where there is a Prison Transfer Agreement (PTA) allowing for compulsory transfer, a prisoner may be transferred on a compulsory basis, i.e. without the consent of the individual concerned. Compulsory transfer will generally be considered where a prisoner is serving a sentence of 4 years or more and where a deportation order has been issued.

5.58 CBTS will usually proceed with a compulsory transfer only after the HO has carefully considered a foreign national prisoner's claims to remain in the UK and has exhausted their in-country rights of appeal.

5.59 A prisoner will normally have 28 days in which to make representations against a compulsory transfer. If requested by the prisoner, they should be allowed to contact their legal adviser. Where a prisoner makes such representations, they should be forwarded to CBTS within five working days of completion by the prisoner. Prison staff should be aware that some prisoners will not want to be transferred to a prison in their own country and that this could lead to a heightened risk of self-harm and/or suicide. See 4.33 for possible action required if heightened risks are identified as a result.

5.60 To contact CBTS:

Cross Border Transfer Section  
HM Prison and Probation Service  
9<sup>th</sup> Floor 1 Ruskin Square  
Croydon CR0 2WF

Email: [Crossbordertransfers@justice.gov.uk](mailto:Crossbordertransfers@justice.gov.uk)

### **FOREIGN NATIONALS HELD SOLELY UNDER IMMIGRATION POWERS (Immigration detainees)**

5.61 For more information and guidance about immigration detainees in prison, see Foreign National Offenders on Licence, PSS and IS91 Policy Framework.

#### **Allocation of foreign nationals detained solely under immigration powers**

5.62 If removal at the end of the custodial sentence is not possible, HODEPMU will carry out a risk assessment to determine whether the immigration detainee can be transferred to an IRC or remain in a prison as a detainee. HODEPMU may, as part of their risk assessment, request a copy of the detainee's OASys, and this should be provided, minus the non-disclosable sections, where available. Immigration detainees should only remain in, or be moved to, prisons, when they present specific risk factors that indicate they pose a serious risk of harm to the public or to the good order of an IRC, including the safety of staff and other detainees which cannot be managed within the regime applied in IRCs.

5.63 In some circumstances, e.g. when a detainee refuses to sign [Annex C](#) 'Detainees in Convicted Conditions' HMPPS will arrange and transfer immigration detainees between prisons.

## 6. Annexes

### Annex A

Referral of time-served at court and imminent release foreign nationals to the Home Office

<b><u>GUIDANCE</u></b>
<b>REFERRAL OF TIME-SERVED AT COURT &amp; IMMINENT RELEASE FOREIGN NATIONALS TO THE HOME OFFICE</b>
<b><u>Mandatory Actions</u></b>
<i>Prison staff must continue to:</i>
Carry out sentence calculations as set out in Sentence Calculation Policy Framework
<i>Calculate <b>AND</b> enter on PNOMIS the <b>Early Removal Scheme Eligibility Date (ERSED)</b> for all <b>eligible</b> foreign national prisoners sentenced to a determinate sentence at the same time as filling in other key dates on PNOMIS*. For guidance on the calculation of the ERSED and eligibility criteria please refer to the ERS PSI 04/2013: Early removal scheme and release of foreign national prisoners</i>
<i>Refer to the Home Office all newly sentenced foreign national prisoners who are <b>time-served at court</b> or where <b>release is within 10 working days of sentencing</b>.</i>
<i>*Foreign nationals sentenced to an indeterminate sentence will have their Tariff Expiry Date (TED) calculated by HMPPS Public Protection Casework Section (PPCS). Once confirmed, the prison must enter the TED on PNOMIS as soon as possible.</i>
Prisons <b>MUST never under any circumstances</b> leave the nationality field on PNOMIS blank.
If a prisoner claims to be British and there is no reason to doubt this, staff <b>MUST</b> enter British on PNOMIS. If there is any doubt, prisons <b>MUST</b> enter <b>UNKNOWN</b> . Likewise, if a prisoner refuses to disclose their nationality, prisons <b>MUST</b> enter <b>REFUSED</b> in the PNOMIS nationality field.
<b><u>Update</u></b>
As of <b>7 May 2024</b> , prisons will no longer need to refer foreign national prisoners who receive a custodial sentence where release is 11 working days or more from the date of sentence.
Referrals are also no longer necessary for changes to key dates or transfers. This is because details of newly sentenced foreign national prisoners will be captured centrally from PNOMIS and batch referred weekly to the Home Office by HMPPS headquarters.
<b><u>When must prison staff refer a prisoner to the Home Office?</u></b>

All foreign national prisoners (and those whose nationality is not known) who receive a custodial sentence and are <b>time-served at court</b> or where <b>release is within 10 working days of sentencing</b> , must to be referred to Home Office Foreign National Offender Returns Command (HOFNORC), using the new Excel referral form circulated with this guidance (click on the tab marked 'Form').
<i>If release is within 10 working days, prisons must phone HOFNORC on <b>Redacted</b> and then immediately email the completed referral form to <b>Redacted</b></i>
<i>If the referral is being made after 15:45 hrs on the day of release, prisons must phone HO Immigration Prison Team Duty Desk (HOIPT) on <b>Redacted</b> and then immediately email the completed referral form to <b>Redacted</b></i>
Where multiple sentences are received on the same day, only one referral is necessary. The day of sentencing counts as day one.
<b>NB</b> This referral form is also to be used when a sentenced FNP receives a further sentence which does <b>not</b> affect their key dates. This is because any such new sentence will not be picked up in the weekly batch referrals.
<b><u>Who is responsible for making the referral to Home Office?</u></b>
Where the sentenced foreign national prisoner is time-served at court, it will be for the prison where the foreign national was detained immediately prior to their court appearance that is required to make the referral.
Where the foreign national prisoner has been sentenced from bail and has never entered prison custody, the local prison will be asked to carry out the sentence calculation. The local prison should make a referral if the foreign national prisoner is time served due to time spent on tagged bail.
Where release is within 10 working days of sentencing, it will be for the prison where the foreign national prisoner is detained immediately following sentencing that is required to make the referral.
<b><u>Home Office phone calls</u></b>
Before emailing the referral form, prisons must phone either HO FNO RC or, if the referral is being made after 15:45 hrs on the day of release, HO IPT, to alert them to the urgency of the referral. Prison staff should record the date, time and name of the member of HO staff spoken with and place the information in the prisoner's Warrant Folder.
<b><u>Emailing the referral form to Home Office</u></b>
-
Once the referral form has been completed, and attached to an email, the email's subject header must read NOMIS number, Full name, Conditional Release Date, e.g. <b>A2323AA Justin Thyme CRD 10/02/2024</b> .

And be immediately sent to <b>Redacted</b>
The information in the email's subject header must be in the order given above with the release date at the end.
Staff should print off a copy of both the completed referral form and the email it was attached to and place them in the prisoner's core record in order to have a paper trail evidencing that a referral has been made.
<b><u>Referrals must be made for all foreign national prisoners including:</u></b>
1. Dual nationals (including those where one nationality is British)
2. Those whose nationality is unknown*
3. Those whose nationality is unclear (i.e. where there is doubt about the nationality that the prisoner has disclosed)
4. Those who are recorded on PNOMIS as ' <i>Stateless</i> '*
5. Those recorded on PNOMIS as ' <i>Refused</i> '* (i.e. where they have refused to disclose nationality)
6. Those from British Overseas Territories
7. Those from British Independent Territories
8. Those where HOFNORC has previously indicated (either prior to sentencing or during a previous sentence) that they will not be taking any further action.
9. Those where the prisoner is already known to HOFNORC (e.g. has claimed asylum)
10. Those prisoners whose appeal against deportation on a previous sentence was allowed
*Where nationality is recorded on PNOMIS as 'Stateless', 'Refused' or 'Unknown' this should be reviewed regularly and updated accordingly
<b><u>A referral must NOT be made for:</u></b>
1. Those prisoners on remand
2. Those prisoners who receive a non-custodial sentence e.g. community order
3. Civil 'Terms of Imprisonment' - For guidance on civil terms of imprisonment please see Chapter 15 of the Sentence Calculation Policy Framework If further advice on civil terms is required please contact: <b>Redacted</b>
4. Those prisoners who receive a suspended sentence
5. Those prisoners who are granted bail
6. Those prisoners who prison staff accept are British
7. Those prisoners HO have already confirmed as British
<b><u>Irish nationals</u></b>
Irish nationals should be referred only when they are the subject of a court recommendation for deportation.

<b><u>Referral Contact details</u></b>
Queries about the referral form and guidance
Email HMPPS HQ: ERDForeignNationals@justice.gov.uk
Home Office Foreign National Offender Returns Command
Telephone: Redacted
Email: Redacted
Home Office Immigration Prison Team Duty Desk
Telephone: Redacted
Email: Redacted

**SAMPLE FORM-** Download the form to enable drop down menus, access at this link [Version 2 FNO time served imminent release referral form.xlsx](#)

<b>OFFICIAL SENSITIVE WHEN COMPLETE</b>	
<b>REFERRAL OF TIME-SERVED AT COURT &amp; IMMINENT RELEASE FOREIGN NATIONALS TO THE HOME OFFICE</b>	
Please see Guidance tab and comments on field headers for help filling in the form	
<b>PRISON</b>	
<b>PRISONER'S SURNAME</b>	
<b>PRISONER'S FIRST NAME(S)</b>	
<b>DATE OF BIRTH</b>	
<b>PNOMIS NUMBER</b>	
<b>ALIAS NAME(S)</b>	
<b>ALIAS DATE OF BIRTH(S)</b>	
<b>NATIONALITY</b>	
<b>OFFENCE(S)</b>	

<b>PNC NUMBER</b>	
<b>SENTENCE DATE</b>	
<b>SENTENCE LENGTH</b>	
<b>SENTENCE EXPIRY DATE (SED)</b>	
<b>CONDITIONAL RELEASE DATE (CRD)</b>	
<b>EARLY REMOVAL SCHEME ELIGIBILITY DATE (ERSED)</b>	
<b>DETENTION TRAINING ORDER (Y/N)</b>	
<b>SENTENCING COURT</b>	
<b>COURT RECOMMENDED FOR DEPORTATION (Y/N)</b>	
<b>FORM COMPLETED BY</b>	
<b>FUNCTIONAL MAILBOX ADDRESS</b>	
<b>TELEPHONE NUMBER</b>	
To alert HO to the urgency, please phone HO FNO RC on <b>Redacted</b> or, if after 15:45 hrs on day of release, HO IPT on <b>Redacted</b>	
Then immediately email the completed form to <b>Redacted</b>	

## **Annex M**

### **LIST OF COUNTRIES WITH WHOM THE UNITED KINGDOM HAS SIGNED A BILATERAL CONSULAR CONVENTION AGREEMENT**

Consular conventions and mandatory notification obligations on gov.uk [\[LINK\]](#)

- Austria
- Belgium
- Bosnia-Herzegovina
- Bulgaria
- China
- Croatia
- Cuba
- Czech Republic
- Denmark
- Egypt
- France
- Germany
- Greece
- Hungary
- Italy
- Japan
- Mexico
- Mongolia
- Montenegro
- Netherlands
- Norway
- Poland
- Romania
- Russian Federation
- Serbia
- Slovakia
- Slovenia
- Spain
- Sweden
- Ukraine
- United States of America



# HM Prison & Probation Service

## Annex P

### TEMPLATE LETTER TO EMBASSIES WHERE A BILATERAL CONSULAR CONVENTION AGREEMENT IS HELD

Prison Address

The First Secretary

Embassy/High Commission Address

Date

Dear First Secretary

HM Prison Service is writing in fulfilment of its obligation under the Bilateral Consular Convention signed between the United Kingdom and **[country name]**. **[Prisoner name]** has stated that they are a citizen of **[country name]**.

We would appreciate if you could complete the attached slip to confirm that:

- **[Name]**
- **[Date of birth]**
- **[Prison number]**
- **[Sentence Length]**
- **[Offence]**

Detained in **[HMP/YOI]** is a national of your country, within 14 days of this letter. **[.....has expressed a desire that the Consulate contacts them to arrange a visit]**.

Yours faithfully

Name.....

The .....Consulate

can/cannot confirm that.....

held in.....

is a citizen of.....

Signed.....

Telephone/Email.....



# HM Prison & Probation Service

## Annex Q

### PRO-FORMA TO RECORD THAT A PRISONER CONSENTS TO EMBASSY CONTACT

#### Consent to Consular Access Form

I.....give permission to Prison Service staff  
 at HMP..... to contact the Embassy/High Commission of  
 .....and give them my:

Name.....

Date of Birth.....

Prison Number.....

Place of Birth.....

(Delete as appropriate)

I would like to have contact with my Embassy/High Commission: Yes/No



# HM Prison & Probation Service

## Annex R

### TEMPLATE LETTER TO EMBASSIES UNDER THE VIENNA CONVENTION ON CONSULAR RELATIONS 1963 WHERE A PRISONER CONSENTS TO CONTACT

Prison Address

The First Secretary

Embassy/High Commission Address

Date

Dear First Secretary,

HM Prison Service is writing to inform your consulate that we have gained permission from **[Prisoner's name]** as recorded in the Vienna Convention for Consular Relations to advise you that they are held in custody. **[Prisoner's name]** has stated that he/she is a citizen of **[Country]**

We would appreciate if you could complete the attached slip to confirm that:

- **[Prisoner's name]**

-**[Date of birth]**

Detained in **[HMP/YOI]** is a national of your country, within 14 days of this letter. **[.....has expressed a desire that the Consulate contacts them to arrange a visit]**

Yours faithfully

Name

The .....Consulate

can/cannot confirm that.....

held in.....

is a citizen of .....

Signed.....

Telephone/Email.....



# HM Prison & Probation Service

## Annex E

### TEMPLATE 21 DAY NOTIFICATION OF RELEASE EMAIL

Dear Home Office FNORC

Date: 1 August 20XX

Re: John Johnson A1234BC

Please note that the above prisoner is due to be released on [Monday 22 August 20XX] and that we have no authority to detain him/her beyond this date.

As a matter of urgency, please let me know before close [Monday 7 August 20XX] whether or not you intend to further detain the prisoner. If you do intend to detain, an IS91 will be required by this date. You may want to telephone the number below to ensure safe receipt of the emailed IS91.



# HM Prison & Probation Service

## **Annex S**

### **Compulsory PTAs also allows for voluntary applications**

The following nationalities may apply to serve their sentences in their home countries (repatriation):

Albanian Bilateral Compulsory  
American USA CoE Voluntary  
Australian CoE Voluntary  
Austrian CoE AP Compulsory  
Barbadian or Bajuns Bilateral Voluntary  
Belgian CoE AP Compulsory  
Brazilian Bilateral Voluntary  
Bulgarian CoE AP Compulsory  
Canadian CoE Voluntary  
Croat CoE AP Comp  
Cypriot CoE AP Compulsory  
Czech CoE AP  
Danish CoE AP Compulsory  
Dutch CoE AP Compulsory  
Egyptian Bilateral Voluntary  
Filipino Bilateral. Contact CBTS  
French CoE AP Compulsory  
German CoE AP  
Ghanaian Bilateral Compulsory. Contact CBTS  
Greek CoE AP Compulsory  
Grenadian CS Voluntary  
Hungarian CoE AP Compulsory  
Indian Bilateral Voluntary  
Iraqi Bilateral Voluntary  
Irish Check with CBTS

Italian CoE AP Compulsory  
Latvian CoE AP Compulsory  
Libyan Yes Bilateral Compulsory. Contact CBTS  
Lithuanian CoE AP Compulsory  
Malawian CS Voluntary  
Mauritian CoE Voluntary  
Moldovan CoE AP Compulsory  
Moroccan Bilateral Voluntary  
Nigerian Bilateral Compulsory Check with CBTS  
Norwegian CoE AP Comp  
Pakistani Bilateral Voluntary  
Polish CoE AP Compulsory  
Portuguese CoE AP Compulsory  
Romanian CoE AP Compulsory  
Russian CoE AP Compulsory  
Saint Lucian Bilateral Voluntary  
Saudi Arabian Bilateral Voluntary  
Serb CoE AP Compulsory  
Slovak Yes CoE Voluntary  
Spanish CoE AP Compulsory  
Sri Lankan Bilateral Voluntary  
Swede CoE AP Compulsory  
Thai Bilateral Voluntary  
Trinidadian, Tobagonian CoE Voluntary  
Turk CoE AP Compulsory  
Ugandan CS Voluntary  
Ukrainian CoE AP Compulsory CoE AP. Contact CBTS  
Vietnamese Bilateral Voluntary

- CoE – Council of Europe Convention on the Transfer of Sentenced Persons

- CoE AP – Council of Europe Convention on the Transfer of Sentenced Persons and its Additional Protocol

- CS - Commonwealth Scheme

## **TERRITORIES TO WHICH THE COUNCIL OF EUROPE CONVENTION ON THE TRANSFER OF SENTENCED PERSONS HAS BEEN EXTENDED**

Aruba  
Bouvet Island  
British Indian O.T.  
Cayman Islands  
Dutch Antilles

Falkland Islands  
Faroe Islands

Gibraltar  
Henderson, Ducie & Oeno  
Montserrat  
Peter I Island  
Pitcairn  
Queen Maud Land  
St Helena & Dependencies  
Sovereign Base Areas of Akrotiri  
& Dhekelia (Cyprus)

**Annex T**

**APPLICATION FOR REPATRIATION**

PART 1 (of 3) Prisoner Details (to be completed by the applicant)

Prison No: ..... Name: .....

Date of Birth: ..... Place of Birth: .....

Nationality: ..... Passport/ID No: .....

Country to which repatriation is requested: .....

Last Address in that country                      Address of family resident in that country

.....	.....
.....	.....
.....	.....

I wish to apply for repatriation and I authorise the British Government to disclose all and any information to the receiving Government in order to consider my transfer.

Signed: ..... Date: .....

**Annex T**

**PART 2 (of 3) Sentence Details (to be completed by the request/complaints clerk)**

Sentencing Court: .....

Date of Sentence: .....

Offence: .....

Sentence: .....

Release Date: (PED/CRD)..... (NPD).....

Any outstanding Appeals/Confiscation orders/other charges: Yes/No

If yes please give details: .....

.....

**ANNEX T**  
PART 3 (of 3)

**Application for transfer**

This form and listed documents below should be submitted to the Cross Border Transfers Section following request **within 14 days**. Any incomplete forms will be returned to establishments for completion.

Documentation

Attached

Warrant of Imprisonment	<input type="checkbox"/>
Trial record sheet	<input type="checkbox"/>
Indictment	<input type="checkbox"/>
Police Report (MG5)*	<input type="checkbox"/>
Conduct and Behaviour Report (for Albanian applications only unless directed)	<input type="checkbox"/>
Sentence Calculation Sheet	<input type="checkbox"/>
Copy of passport/ID card (if available)	<input type="checkbox"/>
Written confirmation from the applicant that there are no outstanding appeals against the sentence or any known confiscation order.	<input type="checkbox"/>

\*A police report (MG5) is necessary setting out the circumstances of the offence and the involvement of the prisoner in it. An application cannot be forwarded to the other jurisdiction without this report. If the police report is not already held by the prison, it is the responsibility of establishment originating the request to obtain one. A police report can be obtained from the police force responsible for the arrest.



# HM Prison & Probation Service

## Annex C

### IMMIGRATION DETAINEES IN CONVICTED CONDITIONS

FORENAME	PRISON NUMBER
SURNAME	DATE OF BIRTH

I understand that I cannot be held in unconvicted conditions at HMP / YOI .....  
and agree to be held with convicted prisoners.

Signed:

Date:

Any comments or observations:

## 7. Glossary of terms

ACCT – Assessment, Care in Custody and Teamwork (the care planning system for prisoners identified as at risk of self-harm)

CBTS - Cross Border Transfer Section (HM Prison and Probation Service)

CRD – Conditional Release Date

CSIP – Challenge, Support and Intervention Plan

CVP – Cloud Video Platform

EEA nationals – (includes EU countries and Iceland, Lichtenstein and Norway)

ERSED – Early Removal Scheme Eligibility Date

FCDO – Foreign, Commonwealth and Development Office

FNP – Foreign National Prisoner

FRS – Facilitated Returns Scheme

HDC – Home Detention Curfew

HMCTS - HM Courts and Tribunals Service

HMPPS PMU – HM Prison and Probation Service Population Management Unit

HO – Home Office

HODEPMU – Home Office Detainee Escorting and Population Management Unit

HOFNORC – Home Office Foreign National Offender Returns Command

HOICE – Home Office Immigration Compliance and Enforcement

HOIE – Home Office Immigration Enforcement

HOIENCCU – Home Office Immigration Enforcement National Command and Control Unit

HOIPT – Home Office Immigration Prison Team

IAA – Immigration Advice Authority

IRC - Immigration Removal Centre

IS91 – Authority to detain under immigration powers

IS91R – Reason for detention

MAPPA -Multi-Agency Public Protection Arrangements

MBU – Mother and Baby Unit

OASys – Offender Assessment System

OM – Offender Manager

OMiC – Offender Management in Custody

OMU – Offender Management Unit

PED – Parole Eligibility Date

PI – Probation Instruction

PNOMIS – Prison National Offender Management Information System

PPCS – Public Protection Casework Section

PSI – Prison Service Instruction

PSO – Prison Service Order

PTA – Prisoner Transfer Agreement

ROTL – Release on Temporary Licence

TACT – Terrorism Act 2000

TED – Tariff Expiry Date

TERS – Tariff Expired Removal Scheme

UK – United Kingdom

ViSOR – Violent and Sex Offender Register