HM Prison & Probation Service

Ministry of Justice

Policy name: Tariff Expired Removal Scheme (TERS) Policy Framework

Issue Date: 19 November 2026 **Implementation Date**: 19 November 2026

Replaces the following policies which are hereby cancelled: Chapter 3.3 of Generic Parole Process (GPP) Policy Framework – Indeterminate Sentenced Foreign National Prisoners (IFNPs)

Action required by:

☒	HMPPS HQ	☒	Governors[1]
☒	Public Sector Prisons	☒	Heads of Group
☒	Contracted Prisons	☒	The Probation Service
☐	Under 18 Young Offender Institutions	☒	Other providers of Probation and Community Services
☒	HMPPS Rehabilitation Contract Services Team		

Contact: ParoleRecallPolicy.ppops@justice.gov.uk

Mandatory Actions: All groups referenced above must adhere to the "What staff must do" sections of this Policy Framework, which contains all mandatory actions.

For Information: TERS is distinct from the Early Removal Scheme (ERS). TERS applies to eligible indeterminate sentenced Foreign National Prisoners (IFNPs) following tariff expiry and allows for their removal from the UK without a release direction from the Parole Board. ERS applies to eligible determinate sentenced Foreign National Prisoners (FNPs) and operates under separate policy and legislative provisions.

Governors must ensure that any new local policies that they develop because of this Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010). In this document the term "Governor" refers to the term Governing Governor and also applies to Directors of Contracted Prisons.

All groups must ensure that when handling personal data, they must have comprehensive and proportionate arrangements for collecting, storing, and sharing information, as set out in PSI 3/2018- The Data Protection Act 2018; General Data Protection Regulation; The Freedom of Information Act 2000; and Environmental Information Regulations 2004. For any data protection enquiries please contact dataprotection@justice.gov.uk.

[1] If this policy applies to Contracted Prisons, any reference in the document to Governors also applies to Directors of Contracted Prisons.

Audit/monitoring: HMPPS Prison Group Directors, the Director of the Probation Service and Youth Justice Services (YJS) in England and Director of HMPPS in Wales will monitor compliance with the mandatory actions set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated actions, as stipulated in the contract.

Resource Impact: This policy reflects current working practice therefore does not have any ongoing resource impact.

Approvals

Approved for implementation - Deputy/Group Director sign-off: Gordon Davison, Deputy Director, Public Protection Group, October 2026

Approved by HMPPS's Operational Policy Sub-board for publication: Helen Judge, Operational Policy Sub-Board Chair, November 2026

Associated Policies/Documents:

Generic Parole Process Policy Framework

Licence conditions policy framework - GOV.UK

Foreign national offenders on licence and IS91 policy framework

The Early Removal Scheme and Release of Foreign National Prisoners

Supervision of Indeterminate Sentences Policy Framework

Prison Safety Policy Framework

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1. Purpose

1.1. This Framework sets out the mandatory actions that apply to the consideration of indeterminate sentenced Foreign National Prisoners (IFNPs) for removal under the Tariff Expired Removal Scheme (TERS).

1.2. Its purpose is to ensure that all IFNPs are considered for removal from custody for the purpose of deportation at their tariff expiry date (TED), and in parallel with subsequent parole reviews.

1.3. TERS is an established process and supports the timely removal of eligible IFNPs following tariff expiry and without the need for a release direction from the Parole Board.

1.4. This Framework provides a standalone source of policy and operational requirements for TERS. It is intended to improve usability, consistency, and staff understanding.

2. Outcomes

2.1. Eligible prisoners are identified and considered for removal at the appropriate point, including at tariff expiry.

2.2. The TERS process is applied consistently and lawfully across all cases.

2.3. Information is shared effectively between Public Protection Casework Section (PPCS), prisons, probation and Home Office Immigration Enforcement (HOIE).

2.4. IFNPs who are not removed continue to progress through the parole process.

2.5. Decisions are transparent, appropriately communicated, and subject to correct authorisation, ensuring they are lawful, proportionate, and defensible.

3. Equalities Considerations

3.1. The Public Sector Equality Duty and Equality Act 2010 provides protection from unlawful discrimination in relation to the following characteristics: age, disability, gender reassignment, pregnancy & maternity (which includes breastfeeding), race, religion or belief, sex, marriage and civil partnership, and sexual orientation. When applying this Framework to female prisoners, staff should take account of the Women's Policy Framework and any associated guidance relating to the management and support of women in custody.

3.2. HMPPS is committed to eliminating all forms of discrimination, to promoting equality and diversity, and ensuring equal access to services. There is a potential for unconscious bias in decision making, therefore, it is recommended that HMPPS staff involved in working with offenders undertake Diversity and Inclusion Training. Those working in the Women's Estate should complete the new **Prison Officer Entry Level Training** (POELT) and trauma informed training.

3.3. Guidance on the Language Services available to the Probation Service is available on EQuiP. This includes translation, transcription, braille services and interpreting services

(including British Sign Language).

4. Safety Considerations

4.1. TERS may be used to deport eligible IFNPs with or without their consent and can therefore be a stressful experience for prisoners and may increase the risk of self-harm, suicide, or violence. Throughout the process, staff must remain alert to any indication that a prisoner's risk of harm to themselves, or others have increased and take appropriate action in accordance with local procedures and the Prison Safety Policy Framework. Particular attention should be given following notification of a TERS decision, removal date, or any change in immigration status, as these events may act as triggers for self-harm, suicide, violence, disorder, or other adverse behaviours.

4.2. Staff must ensure that any safety-related concerns relevant to a TERS case are identified, recorded, and shared appropriately through established prison procedures. This includes concerns relating to self-harm, suicide and self-inflicted death, violence, safeguarding, victim safety, risk to staff, and any other factors relevant to the safe management of the prisoner.

4.3. Prisons must take appropriate safeguarding and risk management actions where there are concerns about the safety of the prisoner, staff, family members, or others who may be affected by the TERS process, including the use of Assessment, Care in Custody and Teamwork (ACCT) or other local safeguarding procedures where appropriate.

4.4. Prisons must ensure that all relevant information and TERS decisions are communicated to prisoners promptly and clearly, as effective information sharing is essential for safety, transparency and the fair management of the TERS process.

5. The TERS process

This section explains how the TERS process works chronologically.

5.1. Prisons must have in place procedures to identify any indeterminate – that is, life or IPP – sentenced prisoners (ISPs) immediately upon reception after sentencing. See paragraphs 3.1.5 onwards in the Generic Parole Process (GPP) Policy Framework.

5.2. The Generic Parole Process (GPP) Policy Framework mandates that PPCS engage with HOIE through the Initial Notification Letter (INL) process at the start of a parole review. This enables immigration enquiries to commence in parallel with parole review activity. Information subsequently provided by HOIE regarding immigration status, deportation progress, and any barriers to removal will inform consideration under TERS.

5.3. PPCS will issue HOIE with an information proforma requesting details of the IFNP's immigration status and progress towards deportation. HOIE must complete and return the proforma to PPCS. Where HOIE considers an IFNP to be “barrier-free” and eligible for removal under TERS, the completed proforma must also be sent to TERSinbox@justice.gov.uk.

5.4. **Confirmation that there are no barriers to the IFNP’s removal from the UK will be received where all of the following apply:**

- Any in-country right of appeal against deportation or any other immigration decision

has been exhausted; and
- Appropriate travel documentation has been secured; and
A deportation order has been issued.

5.5. Where there are no barriers to removal from the UK, the presumption is that the IFNP is suitable for removal under TERS. PPCS are responsible for deciding whether removal under TERS should be refused in line with paragraph 6.3.

5.6. Where HOIE confirms that a prisoner is barrier-free, the TERS team (within PPCS) will confirm with the holding prison and the Community Offender Manager (COM) that removal under TERS is being considered and request further information on the prisoner's suitability for removal. The COM should liaise with the prison and the prisoner about the implications of the possibility of deportation.

5.7. The COM must notify the Victim Liaison Officer (VLO) once they receive confirmation of a prisoner's immigration status and that the prisoner will be subject to a TERS review. The VLO must ensure that any victims are updated as soon as possible following receipt of information from the COM. More information is available in the Victim Contact Scheme Policy Framework which provides guidance for COMs and VLOs on victims of FNOs (see paragraph 3.151 onwards).

5.8. The Prison Offender Manager (POM) and the COM must provide any information on the IFNP's removal under TERS **within seven calendar days** of the request. This should include whether any of the reasons for refusal under TERS might be met.

5.9. PPCS is responsible for making the final decision on whether an IFNP should be removed from prison via TERS for the purposes of removal from the UK by HOIE. See Chapter 6 for more information. PPCS will confirm the decision in writing and provide it to the prison, the POM, COM and HOIE. The COM must provide the VLO with the outcome. Where TERS has been approved, the COM must then keep the VLO updated with any progress so that the victim can be advised.

5.10. The prison must disclose the decision within one working day to the prisoner. Where a Parole Board review is ongoing, PPCS must ensure that the decision is communicated to the Parole Board as appropriate.

5.11. Where new and significant information is received, the POM or appropriate prison staff must inform PPCS who may reconsider whether the prisoner remains suitable for removal under TERS.

5.12. **Where TERS is approved**, upon receipt of the decision from PPCS, HOIE will finalise the removal arrangements, including all necessary checks, risk assessments, travel arrangements and escort requirements. Once these arrangements are confirmed, HOIE will notify the prison of the confirmed removal date. The POM or appropriate prison staff must notify PPCS of this date. The PPCS Case Manager with oversight of the parole review will withdraw the referral to the Parole Board once they have confirmation that removal has taken place.

5.13. **Where TERS is refused**, PPCS must notify the prison, the POM, COM and HOIE of the decision. PPCS will review suitability for TERS at subsequent points in line with the parole process. The holding establishment must notify PPCS of any outstanding proceedings or police investigations and report the outcome as soon as it is known.

What staff must know

5.14. Following an eligible IFNP's TED, where PPCS is notified by HOIE that there are no barriers to their removal from the UK, PPCS will consider the prisoner's suitability for TERS without waiting for the next scheduled TERS review point (commencement of the next parole review). This is to ensure that, where there are no barriers to removal, prisoners can be removed without unnecessary delay.

5.15. HOIE is unable to set removal directions until they receive confirmation from PPCS that the IFNP's removal under TERS has been authorised.

5.16. Once removal under TERS has been approved, the holding prison and HOIE may liaise to agree a suitable removal date and make the necessary arrangements for the transfer of custody in accordance with the relevant processes. Where TERS follows a Parole Board release direction, Probation must liaise with the prison and HOIE on any licence/supervision matters in the event HOIE may grant bail for the immigration matters.

5.17. TERS is a process for considering removal from prison for the purposes of HOIE removing individuals from the UK and is distinct from parole and recall reviews. As the Parole Board is not making a release decision under TERS, Victim Personal Statements (VPS) and victim views are not sought or considered as part of TERS decision-making.

6. Eligibility for TERS

6.1. **All IFNPs are presumed suitable for removal under TERS** once their tariff has expired and there are no barriers to removal from the United Kingdom (UK).

6.2. Removal under TERS can only happen on or after TED, and consideration takes place alongside the parole review process and does not require PPCS to wait for a Parole Board decision before considering whether a prisoner is suitable for removal. Where removal does not take place, the prisoner's case will continue through the parole process in the usual way.

6.3. PPCS will consider the below when deciding whether there are sufficient reasons to depart from the presumption that an IFNP is suitable for removal under TERS**:**

- There is a confiscation order made against them or is subject to confiscation order proceedings.
- There are outstanding criminal charges.
- The prisoner is planning further criminal offences, including plans to evade immigration control and return to the UK unlawfully.
- The prisoner is serving a sentence for a terrorism-connected offence. In these cases, PPCS must always consult with the Joint Extremism Unit (JEXU) before a final decision is made.
- The prisoner has committed offending involving stalking and/or harassment.
- The removal of the prisoner from prison would undermine the confidence of the public in the criminal justice system.

What staff should know

6.4. <u>Previous removal from the UK:</u> IFNPs who have previously been deported from the UK will be considered for TERS in the usual way, subject to any of the reasons for refusal.

6.5. Unlawfully at large: IFNPs who have been Unlawfully at Large (UAL) will be considered for TERS in the usual way when they have completed their tariff. Time spent UAL will not count as time served against the tariff.

6.6. Court Martial Sentences: IFNPs serving relevant sentences imposed by court martial will be assessed for TERS on the same basis as prisoners sentenced by civilian courts.

6.7. Mental Health Secure Hospitals: Where an IFNP has been transferred to hospital and is detained under the Mental Health Act 1983, PPCS will not progress consideration under TERS whilst the prisoner remains subject to detention in hospital and does not have access to the parole process. Where the prisoner returns to prison custody, PPCS will resume consideration of suitability for TERS in accordance with this Framework.

6.8. Extradition Proceedings: Extradition is a matter for the Home Office and does not necessarily prevent TERS from being considered. In cases where extradition is a factor, the Home Office will advise if they consider a case to be barrier free for removal via TERS.

7. Multiple Sentences

7.1. FNPs serving both indeterminate and determinate sentences **cannot** be removed under TERS or ERS until they reach both the TED of the indeterminate sentence and the Early Removal Scheme Eligibility Date (ERSED) of the determinate sentence. Where both TERS and ERS apply, the prisoner must be approved for removal under each relevant scheme before removal can take place. **Prisoners may not be removed to HOIE custody unless TERS has been approved by PPCS, and ERS has been approved by the prison Governor. HMPPS staff must contact the TERS team if there is any uncertainty on how to proceed in these cases.** However, if removal is refused under either scheme, the other scheme does not need to be progressed, as the prisoner cannot be removed. Where the Conditional Release Date (CRD) of the determinate sentence has passed before the TED, ERS consideration is not required and removal, if approved, will proceed under TERS only.

7.2. Once the prisoner reaches the ERSED, prisons must consider and decide whether the prisoner is suitable for removal under ERS, in accordance with the Early Removal Scheme of Foreign National Prisoners PSI. In such cases, prisons must contact PPCS to provide the outcome of the ERS consideration.

7.3. If an IFNP is given a further determinate custodial sentence or default term for non-payment of a confiscation order, then the prison must calculate the earliest release date, and notify PPCS via the functional mailbox: prereleaseteamA@justice.gov.uk.

7.4. Where a further sentence affects the point at which a prisoner may be lawfully removed under TERS, PPCS must determine the earliest release date and notify the relevant parties.

8. Complaints

What staff must do

8.1. Where a prisoner wishes to challenge a decision to refuse TERS they must do so through the Requests/Complaints procedure (see the Prisoner Complaints Policy Framework). Complaints must be sent to TERSinbox@justice.gov.uk, or by post to 9th Floor, TERS team, 1 Ruskin Square, Croydon, CR0 2WF.

8.2. The complaint will be considered by the Head of the Public Protection Group.

8.3. PPCS will inform the prison of the decision and reasons in writing. The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.

What staff should know

8.4. There is no formal right of appeal where TERS has been refused because of further charges, an outstanding confiscation order, or because HOIE cannot effect removal on or shortly after the TED.

9. Handover to Immigration Enforcement

What staff must do

9.1. PPCS will issue the TERS Authorisation form to the prison for IFNPs who have been approved for TERS. **IFNPs do not need to be issued with a licence**.

9.2. Where an IFNP is being held in an Immigration Removal Centre (IRC) pending removal following a release direction by the Parole Board, a release licence must be prepared by PPCS and kept on file in case the prisoner is granted immigration bail (and therefore released into the UK). If the IFNP is a sex offender released on immigration bail, the IFNP would need to register as per the sex offender registration notification requirements within 72 hours.

9.3. Where an IFNP is being held in an IRC for the purpose of removal from the UK, HOIE must confirm with the prison and the TERS team 48 hours after the prisoner's scheduled removal date that removal has taken place or that the prisoner has been returned to a prison establishment. If removal does not take place within this period, the prisoner must be returned to prison custody as soon as possible. Any subsequent removal attempt must be arranged in accordance with the relevant TERS and immigration processes.

9.4. Prisons must notify PPCS immediately where a prisoner is returned to prison custody.

10. TERS Process on returns to the UK

What staff must do

10.1. An IFNP who has been removed under TERS and returns to the UK is deemed UAL and must be returned to custody immediately to continue serving their indeterminate sentence. The receiving establishment or HOIE where relevant, must contact PPCS immediately via TERSinbox@justice.gov.uk.

10.2. Where relevant, the allocated POM must notify the Management of Sexual Offenders and Violent Offenders (MOSOVO) police of the prisoner's return, and the Violent and Sex Offender Register (ViSOR) record must be reactivated by the ViSOR admin within the prison if this was archived on removal from the UK.

10.3. The receiving prison in England and Wales is responsible for processing the return. The receiving prison in England or Wales will obtain the IFNP's file from the prison from which they were removed and process the return in accordance with this Framework and relevant prison procedures.

10.4. Where the IFNP is arrested or detained in another UK jurisdiction, the prison from which the IFNP was originally removed under TERS is responsible for taking forward the return process and liaising with the relevant authorities.

10.5. PPCS will issue a notification confirming the return of an IFNP to the UK. The notification is not authority to detain the prisoner. The prisoner is liable to detention under the original sentencing warrant and, where relevant, any revocation notice if they were removed during a recall period.

10.6. The IFNP must be held in custody until the Parole Board directs their release in line with the Generic Parole Process (GPP), or they are further removed from the UK.

10.7. Where the IFNP is arrested or detained in another UK jurisdiction, they are to be treated as serving the sentence from the point of arrest. Arrangements must be made for their transfer to an establishment in England and Wales as soon as possible, where they remain liable to serve the sentence in custody.

10.8. Any further consideration of removal under TERS must take account of the fact that the IFNP has previously returned to the UK following removal under TERS.