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# Release and Returns Schemes for Foreign National Prisoners – Factsheet

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**This factsheet explains some of the release and return schemes available for foreign national prisoners. It is designed to give you basic information about each scheme. For more detailed information you will need to talk to a staff member of the prison or other agency who know about foreign national issues.**

**Even if you are not removed or deported under one of the schemes below you may still be deported on completion of your sentence.**

## Early Release Scheme

The Early Release Scheme (ERS) is a scheme which allows foreign national prisoners (FNPs) to be deported from the UK before their sentence is finished.

- Any FNP serving a fixed term sentence should be considered for ERS.
- The prison will send information about FNPs to the Home Office who will decide if a prisoner will be released under ERS.
- ERS allows an FNP to be deported from the UK up to 270 days before the half way point of their sentence, providing that they have served at least a quarter of their full sentence.
- As ERS is voluntary those who are contesting deportation cannot be deported under the scheme.
- FNPs who are not eligible for ERS include:
  - those who are serving a sentence for a previous breach of release terms (e.g. Release on Temporary License, Home Detention Curfew );
  - prisoners who have not paid a fine or complied with a confiscation order;
  - Prisoners who, when they are sentenced, have less than 14 days left before the half way point of their sentence.
- The prison service can, in exceptional circumstances, refuse release under ERS. Examples of such circumstances include clear evidence that the FNP intends to carry out further criminal offences, dealing class A drugs in custody, evidence of violence or threats of violence on a number of occasions in prison or serving a sentence for terrorism or a terrorism related offence.
- If you are deported from the UK under the ERS you can be re-arrested and sent back to prison if you return to the UK before your sentence has expired.
- Even after your sentence has expired you will be subject to a ban on re-entry to

the UK of at least 5 years. Once the ban has expired you may apply to come back to the UK but it is highly likely that the application will be refused because of criminal record.

- Prisoners may complain about any refusal to release them under ERS using the Prison Service complaints system.
- A prisoner can withdraw from the ERS at any stage of the process.

More information about the ERS can be found in Prison Service Instruction 04/2013.

## **Tariff Expired Removal Scheme**

The Tariff Expired Removal Scheme (TERS) allows for the removal of Indeterminate or Life Sentence Foreign National Prisoners (IFNPs) on the expiry of their tariff or as soon as possible afterwards.

- All IFNPs who are liable for removal will be considered for the scheme by the Public Protection Casework Section at the National Offender Management Service (NOMS)
- TERS is voluntary, so those contesting deportation cannot be deported under the scheme.
- IFNPs who may be found unsuitable for release under TERS may include:
  - An IFNP who is facing further criminal charges or is subject to a confiscation order or confiscation order proceedings. Exceptions may be considered for example, if a prisoner has served a long tariff and the amount of money owed is relatively small.
  - There is clear evidence that the IFNP is planning further criminal offences.
  - Those serving sentences for terrorism or terrorism related offences.

More information about the operation of TERS can be found in Prison Service Instruction 18/2012.

## **Facilitated Returns Scheme**

The Facilitated Returns Scheme (FRS) is a voluntary scheme which gives financial assistance to those who return home.

- The FRS is only available to FNPs who are NOT from the European Economic Area (EEA).
- The scheme works with the ERS so that those who are accepted on the scheme can be returned home up to 270 days before the halfway point of their sentence.
- The scheme offers an amount of money and resettlement support to any FNP who accepts return to their country of origin and waives their right to appeal against deportation.

The following Foreign National Offenders (FNOs) will NOT be eligible for FRS:

- Any FNO serving a sentence of 4 years or longer
- Any FNO who has previously applied to the FRS twice and then withdrawn their application
- Any FNO who has appealed a deportation decision beyond the First-Tier Tribunal of the Immigration and Asylum Chamber including judicial review. You may need to check with your lawyer if this applies to you.

What you get under FRS	If you are serving a prison sentence	If you have served your sentence
When you leave the UK	£500	£500
When you have returned to your home country	£1,000	£250

- Single parents may receive an additional £100 for each child who returns with them. This will be put on the cash card with the £500 when you leave.
- The money will be put on a cash card. £500 will be given to you at the airport to be taken out when you return home with the remainder being charged to the card one month after return to your country.
- If you are deported under FRS, the authorities in your home country will NOT be informed that you have received money from the scheme.
- You can withdraw from the scheme at any time if you change your mind.
- You can apply by asking for help from a prison staff member or by calling the FRS team at the Home Office on 020 8760 8513.
- Removal under the FRS counts as deportation which means that there is a ban on re-entry to the UK for the period of the deportation order, usually a minimum of 5 years. Even after the ban has ended any application for entry to the UK could be refused based upon criminal record and bad character.

## Prisoner Transfer

If there is an agreement between your country and the UK then you can apply to serve your sentence in your own country. This is known as prisoner transfer.

Usually, for a prisoner to be transferred to their own country under a prisoner transfer agreement, the prisoner has to volunteer to be transferred. However, there are now agreements with some European countries that allow for a prisoner to be transferred to a prison in his or her own country without their consent. If you are notified by the Home Office that they are seeking to transfer you to a prison in your own country and you do not want to go you should seek legal advice on your options.

- A list of all countries that have a prisoner transfer agreement with the UK is available in Prison Service Instruction 52/2011 along with the application form for voluntary transfer.

- You will not be released upon return to your country but will simply serve out the rest of your sentence there.
- If you wish to pursue voluntary transfer to a prison in your own country you must be aware that it is a slow process typically taking at least 6 months and is usually not worth pursuing unless your sentence is 4 years or more and you have at least 6 months still left to serve.