

Criminal casework directorate

The early removal scheme (ERS)

The early removal scheme (ERS)

About this guidance

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This guidance tells criminal casework directorate (CCD) caseworkers about the early removal scheme (ERS) for foreign national offenders (FNOs).</p> <p>It tells you about eligibility for the scheme, owned by the Ministry of Justice (MOJ) and the National Offender Management Service (NOMS), and how it is administered by:</p> <ul style="list-style-type: none">• UK Border Agency• Her Majesty's Prison Service (HMPS), and• NOMS Public Protection Casework Section (PPCS). <p>Section 260 of the Criminal Justice Act 2003 (see external link) introduced an ERS for determinate-sentenced FNOs in England and Wales, which includes non-European and European Economic Area (EEA) nationals, and is mandatory for all who are liable for deportation or removal from the UK.</p> <p>The provisions came into force on 14 June 2004. This means eligible FNOs can be released up to 270 days before the halfway point of their sentence for the purpose of deportation or removal from the UK. For example, on or after their ERS eligibility date but before their conditional release date, automatic release date or parole eligibility date.</p> <p>From 7 April 2008 the maximum ERS period was doubled from 135 to 270 days, although the actual ERS period in each case varies according to the length of the sentence the FNO receives. This is because legislation says at least one quarter of a sentence must be served before removal can take place. Therefore, the maximum of 270 days applies only to sentences of at least three years, but will be proportionately shorter for shorter sentences.</p> <p>The prison is responsible for calculating the ERS eligibility date in each case, and notifying the UK Border Agency of this date on the referral form sent to CCD.</p> <p>Certain categories of prisoner were initially excluded from ERS by law (such as those serving extended sentences) but these exclusions were removed when provisions in</p>	<p>Related links See also</p> <p>Links to staff intranet removed</p> <p>External links Criminal Justice Act 2003 Criminal Justice Act 2008</p>
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	<p>sections 33 and 34 of the Criminal Justice Act 2008 (see external link) came into force from 3 November 2008.</p> <p>Details of the relevant parts of legislation governing the early removal scheme are available at annex H of the Prison Service Instruction (PSI) 38/2012, which was updated by PSI 4/2013 (see related link). This instruction also provides full details of how the process presently works in England and Wales from the Prison Service perspective, and should be referred to as a useful aid to these instructions. An overview of the process is at related link: ERS flowchart Nov 11.</p> <p>ERS was introduced in Scotland from 4 November 2011. However, Scotland continues to operate the scheme in line with the process in place before that date. The relevant guidance applying to Scottish ERS cases can be found at related link: Early removal scheme (Scotland). ERS does not currently operate in Northern Ireland.</p> <p>ERS is a mandatory scheme under which all eligible FNO must be considered. The scheme simply provides a power for the Secretary of State to release FNOs from prison for the sole purpose of removal or deportation from the UK at a different point in their sentence than would otherwise be possible. The scheme does not affect the UK Border Agency's normal consideration or processes for deportation or removal, except that the process should begin 18 months before the ERS eligibility date.</p> <p>You must note that where 'deportation' is referred to in this guidance, it presumes that the FNO meets the relevant criteria for this, and that CCD will be considering the case. Where deportation is not appropriate for any reason, other categories of 'removal' (administrative, as an illegal entrant) may be considered by immigration compliance and engagement teams (ICETs).</p> <p>For information on the tariff expired scheme for FNOs with an indeterminate sentence see related link:</p> <p>Changes to this guidance – tells you what has changed since previous versions of this guidance.</p>	
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	<p>Contacts – this page explains who to contact for more help with a specific question on public funds</p> <p>Information owners – tells you who the information owners are for public funds and tells how the guidance can be updated.</p> <p>Safeguard and promote child welfare – explains your duty to safeguard and promote the welfare of children and tells you where to find out more.</p>	
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Changes to this guidance

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page lists the changes to the early removal scheme guidance, with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>27 March 2013</td><td>Revised and modernised by criminal casework directorate process team and the modernised guidance team.</td></tr></table>	Date of the change	Details of the change	27 March 2013	Revised and modernised by criminal casework directorate process team and the modernised guidance team.	<p>Related links See also Contact Information owner</p>
Date of the change	Details of the change					
27 March 2013	Revised and modernised by criminal casework directorate process team and the modernised guidance team.					

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Eligibility for ERS

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This section tells criminal casework directorate (CCD) caseworkers which foreign national offenders (FNOs) are eligible under the early removal scheme (ERS) and which are not.</p> <p>The ERS is a mandatory scheme for all FNOs who are liable to deportation or removal from the UK, meaning that those eligible cannot opt out. However, a number of FNOs remain ineligible for the ERS. These are:</p> <ul style="list-style-type: none">• those with an indeterminate sentence (who should instead be considered under the tariff-expired removal scheme – see related link: Tariff-expired removal scheme)• those on remand or detained under immigration powers• those subject to further custodial requirements, outstanding criminal charges or an outstanding confiscation order <p>The prison governor, who is ultimately responsible for authorising release of a FNO from prison for the purposes of early removal, may still refuse to allow a FNO to be released under the ERS if there are other reasons to do so. Examples of possible reasons to refuse include:</p> <ul style="list-style-type: none">• clear evidence that the prisoner is planning further crime, including plans to evade immigration control and return to the UK unlawfully• evidence of violence or threats of violence in prison, on a number of occasions• dealing in class ‘A’ drugs in custody• serving a sentence for a terrorism-related offence• other matters of similar seriousness relating to public safety	<p>Related links See also</p> <p>Links to staff intranet removed</p> <p>External links</p>
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Required periods of custody

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This page tells criminal casework directorate (CCD) caseworkers the required periods of custody a foreign national offender (FNO) must serve before they can be removed under the early removal scheme (ERS).

The table below sets out the various periods a FNO must serve in custody before they can be removed. This is determined by the length of their sentence. These periods apply to all eligible determinate sentence FNOs liable to deportation or removal.

Sentence length	Requisite period to be served before early removal can take place	Approximate length of early removal period
Less than three years	One quarter of the sentence	One quarter of the sentence (up to 270 days depending on length of sentence)
Three years or more	270 days less than half the sentence (CRD or PED)	270 days

Responsibility for the calculation of ERS eligibility dates (ERSEDs) for FNOs is held by the Prison Service, and it is mandatory for them to make sure this calculation is made accurately and the UK Border Agency is notified of the correct ERSED.

This must be recorded on the CCD referral form submitted by the prison to the criminal casework directorate (CCD) within five days of sentencing and/or following the transfer of the prisoner to a different holding establishment.

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Specific case types

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Default or civil terms of imprisonment

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers about default or civil terms of imprisonment.</p> <p>The early removal scheme (ERS) only applies to foreign national offenders (FNOs), in custody, who are serving a ‘sentence of imprisonment’.</p> <p>The Criminal Justice Acts (CJA) 1991 and 2003 says a term of imprisonment imposed following non-payment of fines, confiscation orders or civil forfeitures is not a ‘sentence of imprisonment’ and as such, there is no provision in statute to remove prisoners early under ERS if they are serving such terms. If you are processing ERS cases you must not confuse such terms of imprisonment with those imposed directly by sentence.</p> <p>If a confiscation order is outstanding, ERS cannot be authorised, even if the order is made while the FNO is still serving their sentence for the original offence. Prison governors will usually refuse to release any such prisoner early on the basis that prisoners who owe (often large) sums of money should not be permitted to avoid their liability to pay by leaving the UK early.</p> <p>However, there may be circumstances where an exception to this rule may be considered. For example, if the prisoner is serving a long sentence and the amount of money owed is relatively small (and therefore carries a very short default term). It may not make sense to prevent the prisoner being removed nine months early for the sake of serving a very short default term. The prison governor must take the decision in consultation with relevant bodies. Once a prisoner starts serving a default term for non-payment, however, there is no power to allow ERS.</p>	Related links Young offenders People previously deported or removed under ERS or FRS Unlawfully at large (UAL) Sentences passed by a court martial Former enhanced risk assessment (ERA) cases European Economic Area (EEA) nationals Tariff-expired indeterminate-sentence FNOs
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Young offenders

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People previously deported or removed under ERS or FRS

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers about people previously deported or removed under the early removal scheme (ERS) or the facilitated return scheme (FRS).</p> <p>Foreign national offenders (FNOs) who have been deported or removed from the UK previously, whether early under ERS or not, are not excluded from ERS again on a subsequent sentence. They must be considered in accordance with the usual eligibility criteria.</p> <p>You should note that anyone who previously benefited from financial assistance under the FRS can also still be removed early under ERS on a subsequent sentence, but are unlikely to be awarded any further financial assistance (see related link: Facilitated return scheme).</p>	<p>Related links</p> <p>Default or civil terms of imprisonment Young offenders Unlawfully at large (UAL) Sentences passed by a court martial Former enhanced risk assessment (ERA) cases European Economic Area (EEA) nationals Tariff-expired indeterminate-sentence FNOs</p> <p>See also</p> <p>Links to staff intranet removed</p>
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Unlawfully at large (UAL)

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	will be eligible again for ERS.	
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Sentences passed by a court martial

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Former enhanced risk assessment (ERA) cases

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European Economic Area (EEA) nationals

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Tariff-expired indeterminate-sentence FNOs

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Responsibilities under ERS

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Process for ERS in England and Wales

<p>About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts</p>	<p>This section tells criminal casework directorate (CCD) caseworkers about the processes followed by both CCD and Her Majesty's Prison Service (HMPS) when managing foreign national offender (FNO) cases eligible for the early removal scheme (ERS).</p> <p>You must take particular actions when you receive certain triggers and responses from elsewhere, mostly the National Offender Management Service (NOMS) and HMPS.</p> <p>It is important that you review ERS cases regularly, and if there are delays in consideration or significant changes in circumstances, the prison holding the FNO in question must be informed immediately.</p> <p>In order for the full benefit of the scheme to be realised, all cases deemed eligible must be removed on or as soon after the ERS eligibility date as possible.</p> <p>This section documents the actions CCD must take, but does not cover in depth the actions taken by NOMS. Their processes under ERS can be found in Prison Service Instruction (PSI) 38/2012 (updated by PSI 4/2013) – see related link.</p> <p>A chart providing an overview of the current ERS process operating in England and Wales is available at annex A of the PSI, and also as a related link: ERS flowchart Nov 11.</p>	<p>Related links</p> <p>Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to a CCD caseworking team (deportation criteria met) Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met) Assessment of removability by CCD and referral back to the prison Authorisation or refusal of ERS and referral back to CCD Action post-authorisation of ERS Action post-refusal of ERS</p> <p>See also Links to staff intranet removed</p>
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Referral of an ERS case to CCD by the prison

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	be picked up usually in time for consideration to be given before their ERSED).	
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CCD Workflow process

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	<p>The relevant boxes should be ticked by prison staff at section 1C of the form to indicate which documents are accompanying it.</p> <p>If it shows the FNO wishes to depart with the assistance of the facilitated return scheme (FRS), workflow will refer the case to CCD's FRS casework team for continued action. For further information on FRS, see related link: Facilitated return scheme.</p>	
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The early removal scheme (ERS)

Allocation to a CCD caseworking team (deportation criteria met)

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers the process of allocation by the CCD workflow team of a referral of a foreign national offender (FNO) eligible for the early removal scheme (ERS) and who meets the criteria for deportation.</p> <p>ERS cases referred to workflow within the five days after sentencing are allocated for consideration to a CCD caseworker at different times, depending on the FNO's ERSED, or if that has elapsed, their conditional, automatic or parole eligibility date, which must be recorded on the file and CID. Allocation by workflow will be done as follows:</p> <ul style="list-style-type: none">• If the ERSED is less than four months away, the case is immediately referred to a caseworker• If the ERSED is four months or more away, but less than 18 months, the case is retained for collation of additional documents and issued to a caseworker once these are received• If the ERSED is 18 months or more away, the case will be retained and referred to a caseworker when 18 months before the ERSED is reached. <p>Once allocated, you must make an assessment of the FNO's removability within the ERS period. For more details on this process see link: Assessment of removability by CCD and referral back to the prison.</p> <p>If you come across any FNO case which appears to be potentially removable under ERS, and a referral has not been made, you must contact the relevant prison urgently to advise them that the FNO is liable to enforcement action and believed to be removable within their ERS period.</p> <p>Case already allocated</p> <p>If the FNO's case is already allocated to a CCD caseworking team who currently hold the Home Office file, the relevant documentation is sent to the case owner. A criminal case type will already have been entered on CID.</p>	<p>Related links</p> <p>Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met) Assessment of removability by CCD and referral back to the prison Authorisation or refusal of ERS and referral back to CCD Action post-authorisation of ERS Action post-refusal of ERS</p>
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	<p>Case not allocated</p> <p>If a Home Office file already exists for the FNO but their case has not been allocated, workflow must request the police national computer (PNC) record (if this has not been attached to the CCD referral form – the PNC reference can be found in section 1A) to establish if the FNO satisfies deportation criteria.</p> <p>If so, they must obtain the file, collate and attach the relevant documentation, enter the relevant criminal case type on CID, and assign the case to an appropriate caseworking team. The file must be flagged as ‘urgent – ERS’.</p> <p>No file exists</p> <p>If the FNO is previously unknown to the UK Border Agency and no file exists, workflow must request the PNC record, collate the documents and allocate the case as above.</p>	
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The early removal scheme (ERS)

Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met)

<p>About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts</p>	<p>This page tells criminal casework directorate (CCD) caseworkers the process of allocation by the CCD workflow team of a referral of a foreign national offender (FNO) eligible for the early removal scheme (ERS) and who does not meet the criteria for deportation.</p> <p>Prisons should no longer be referring cases to CCD where the deportation criteria are not met, and prison service staff have been instructed accordingly.</p> <p>If the police national computer (PNC) check confirms the FNO does not satisfy the relevant deportation criteria, CCD's workflow team have received a non-criteria case in error, and must refer the Home Office file with relevant documentation attached to the appropriate immigration compliance and engagement (ICE) team, determined by the FNO's current prison address, for consideration of administrative removal (or removal as an illegal entrant if applicable).</p> <p>If a particular prison persists in making incorrect referrals to CCD, they must be referred to the local team leader who will contact them to advise them the correct procedure is now to refer non-criteria cases directly to ICEs.</p> <p>The ICE team will then continue with the ERS process, including completion of the referral and authorisation forms as appropriate.</p> <p>For a tool to determine which ICET covers a prison address, see related link: ICET finder.</p>	<p>Related links</p> <p>Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to a CCD caseworking team (deportation criteria met) Assessment of removability by CCD and referral back to the prison Authorisation or refusal of ERS and referral back to CCD Action post-authorisation of ERS Action post-refusal of ERS</p> <p>See also</p> <p>Links to staff intranet removed</p>
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The early removal scheme (ERS)

Assessment of removability by CCD and referral back to the prison

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers how to complete the CCD referral form to indicate removability of the foreign national offender (FNO), and how it is referred back to the prison to seek the governor's authorisation for their early release for the purpose of deportation.</p> <p>Following allocation of an early removal scheme (ERS) case to CCD (or immigration compliance and engagement (ICE) team in non-European Economic Area (EEA) cases not meeting the deportation criteria), you must assess the FNO's immigration status and removability.</p> <p>You must enter the assessment onto the CCD referral form and returned it to the prison holding the FNO. If you consider the FNO will be removable within their ERS period, this will be with a view to seeking formal authorisation for early release for the purpose of their deportation, which can only be given by the prison governor.</p> <p>If you consider enforcement of departure will not be possible in the relevant period, this will be for notification purposes only. However, reasons why it will not be possible must be provided, as this will need to be recorded on the ERS refusal form issued by the prison, which explains to the FNO why release for ERS purposes cannot be authorised at that time.</p> <p>You must pay close attention to the other release dates provided on the referral form, which will indicate the halfway point of the FNO's sentence. If you do not consider there are any known barriers to completing deportation between the ERS eligibility date and the halfway point of sentence, this must be indicated at section 2 of the CCD referral form.</p> <p>This will be passed to the prison governor who will consider authorising release where applicable. Only on receipt of the completed CCD referral form can the governor consider the release of that FNO under ERS.</p> <p>If you consider deportation cannot be completed between the ERS eligibility date and before the halfway point of sentence, this must be entered at section 2 of the CCD referral form and</p>	Related links Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to a CCD caseworking team (deportation criteria met) Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met) Authorisation or refusal of ERS and referral back to CCD Action post-authorisation of ERS Action post-refusal of ERS
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	<p>the full reasons given (for example outstanding representations, inability to obtain a travel document). This will be passed to the prison to note and governor authority for release will not need to be sought.</p> <p>If at any point in the process you change your initial assessment of removability of an ERS-eligible FNO, you must make sure you notify the relevant prison urgently, using a fresh CCD referral form.</p> <p>You must note all assessments of removability and returns of the referral form to the prison on the Home Office file and CID records.</p>	
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The early removal scheme (ERS)

Authorisation or refusal of ERS and referral back to CCD

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers the function of early removal scheme (ERS) authorisation and refusal forms. which are used by the prison to confirm whether a foreign national offender (FNO) can be released early for deportation purposes.</p> <p>Prison governors have the sole authority to sanction a FNO's early release for deportation purposes.</p> <p>If a governor agrees to early release of a FNO prisoner under ERS, they will complete an ERS authorisation form. The form is served to the FNO and a copy is returned to you to proceed with the necessary deportation arrangements (see related link: Action post-authorisation of ERS). A blank copy of this form is available at annex C of PSI 38/2012 (updated by PSI 4/2013).</p> <p>If a governor does not agree to early release of a FNO under ERS, they will complete an ERS refusal form with reasons. The form is served to the FNO and a copy is returned to you to note deportation under ERS cannot now proceed (see related link: Action post-refusal of ERS), although you may continue to pursue deportation if appropriate despite this. A blank copy of this form is available at annex E of PSI 38/2012 (updated by PSI 4/2013) – see related link.</p> <p>Early release for deportation or removal will usually only be refused by a governor if:</p> <ul style="list-style-type: none">• the prisoner has further outstanding charges, and/or• they are subject to an outstanding confiscation order or are serving a default term for non-payment of money owed, and/or• there are serious concerns for public safety if the prisoner is released early (such as evidence of planned further crime, evasion of immigration control, violence or threats while in prison, dealing in class 'A' drugs in prison, serving a sentence for terrorism-related offences), and/or• other matters of similar gravity relating to public safety.	<p>Related links</p> <p>Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to a CCD caseworking team (deportation criteria met) Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met) Assessment of removability by CCD and referral back to the prison Action post-authorisation of ERS Action post-refusal of ERS</p> <p>See also</p> <p>Links to staff intranet removed</p>
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	<p>If a governor is minded to agree the release for ERS purposes of a FNO who has been convicted of terrorism or terrorism-related offences, they must refer the case to the National Offender Management Service's (NOMS) Extremism Unit for review before the final decision is made.</p>	
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The early removal scheme (ERS)

Action post-authorisation of ERS

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers the action undertaken following receipt of authorisation of early release of a foreign national offender (FNO) for deportation by a prison governor.</p> <p>You must make sure any caseworking barriers that may arise are properly-resolved, if possible before the expiry of the early removal scheme (ERS) period (halfway point of sentence) and ideally as close to the ERS eligibility date (ERSED) as is practical.</p> <p>You must also make sure the usual arrangements are put in place operationally for deportation to go ahead on or as soon after the ERSED and before halfway into sentence, liaising with CCD prison operations and removal team (PORT) and the detention estate population management unit (DEPMU) if needed. DEPMU staff must make sure they issue a movement order to the prison no less than 72 hours before removal directions are scheduled.</p> <p>If necessary, a FNO being removed under ERS may be accommodated overnight in an immigration removal centre (IRC), under immigration detention powers. This can only be permitted if the FNO's ERSED has elapsed, as they cannot be released from custody before that date.</p> <p>If the removal directions under ERS proceed as planned and the FNO is successfully-deported, you must make sure you have completed all the necessary post-removal actions before closing the case. These include:</p> <ul style="list-style-type: none">• updating the Home Office file and CID accurately and completely• notifying the police national computer (PNC) <div><div>Restricted do not disclose – start of section</div><div>The information in this page has been removed as it is restricted for internal UK Border Agency use only.</div><div>Restricted do not disclose – end of section</div></div>	<p>Related links</p> <p>Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to a CCD caseworking team (deportation criteria met) Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met) Assessment of removability by CCD and referral back to the prison Authorisation or refusal of ERS and referral back to CCD Action post-refusal of ERS</p> <p>See also</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> • notifying the offender manager. <p>For more details of these, see related link: Post-removal.</p> <p>If the removal directions do not go ahead as planned, arrangements must be made by operational staff to return the FNO to prison as soon as practicable, and not more than 48 hours from the date the attempted deportation failed. Subject to resolution of any new barriers that might have arisen, fresh removal directions can be set.</p>	
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The early removal scheme (ERS)

Action post-refusal of ERS

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers the action taken following receipt of refusal of early release of a foreign national offender (FNO) for deportation by a prison governor.</p> <p>You must make sure the decision of the prison governor is properly-recorded on file and CID, and record the conditional release date (CRD) or automatic release date (ARD) as the new earliest date of removal.</p> <p>Refusal of authorisation for removal under the early removal scheme (ERS) does not prevent ongoing consideration of deportation (or removal if deportation criteria are not met and the case is being considered outside CCD).</p> <p>In cases where the deportation criteria are met, you must make sure the case is managed towards that end wherever that remains appropriate.</p> <p>In cases which do not meet the deportation criteria, the relevant immigration compliance and engagement team (ICET) must proceed with appropriate removal action. Wherever possible, deportation or removal should take place on or as soon after the CRD, ARD or parole eligibility date (PED) where applicable.</p> <p>With regard to prisoners with a PED, following the commencement of provisions in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 on 3 December 2012, their release under ERS between their PED and non-parole date (NPD) can be authorised by the prison governor, in accordance with PSI 38/2012 (updated by PSI 4/2013) – see related link.</p> <p>From that date, it is no longer necessary for a Parole Board release decision before the FNO can be released under ERS. However, the Parole Board process does continue as normal, and should enforcement of departure not be effected, the FNO will be entitled to consideration by the Board for release in the usual way.</p>	<p>Related links</p> <p>Referral of an ERS case to CCD by the prison CCD Workflow process Allocation to a CCD caseworking team (deportation criteria met) Allocation to the immigration compliance and engagement (ICE) teams (deportation criteria not met) Assessment of removability by CCD and referral back to the prison Authorisation or refusal of ERS and referral back to CCD Action post-authorisation of ERS</p> <p>See also</p> <p>Links to staff intranet removed</p>
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The early removal scheme (ERS)

Previous process for ERS in England and Wales

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers the key changes made to the early release scheme (ERS) process in England and Wales in November 2011.</p> <p>Although the process formerly applied in English and Welsh ERS cases ceased to be used in those jurisdictions from November 2011 and was replaced by the streamlined procedures described in this instruction, you must be aware that the previous process is still used for Scottish cases (see related link: Early removal scheme (Scotland)).</p> <p>Also, as you will still come across items of documentation and references to the previous process in older cases, you need to retain some familiarity with it. In particular, you must note the functions of the old forms and which of the new ones replaced them.</p> <ul style="list-style-type: none">• The new CCD referral form replaced the old ‘CCD2’ form. It also replaced the old ‘ERS3’ form as the Ministry of Justice have integrated the ERS process with the foreign national offender (FNO) referral process. It must be sent by the prison to CCD to begin the ERS process.• The new ERS authorisation form replaced the old ‘ERS2’ form. This must be completed by the prison and sent to CCD in all cases where the governor authorises ERS. If you do not receive this form you cannot set removal directions for the FNO. It must also be issued to the FNO as it provides formal notification that they are being removed early and explains what will happen if they return to the UK before the sentence expiry date (SED).• The new ERS refusal form replaced the old ‘ERS2A/2C/2D’ forms. Prison staff must make sure the FNO is provided with the correct details regarding the reason for refusal under ERS. The form must also be sent to CCD to notify them the prisoner cannot be removed from prison early.• The old ‘ERS1’ form has not been replaced and is redundant. Similarly, as the enhanced risk assessment (ERA) process was removed in February 2011, the ‘ERS5’ form and all paperwork relating to ERA cases is also redundant.	<p>Related links</p> <p>See also</p> <p>Links to staff intranet removed</p> <p>External links</p>
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The early removal scheme (ERS)

Ministry of Justice – contacts

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice – contacts	<p>This page tells criminal casework directorate (CCD) caseworkers who to contact specifically in the Ministry of Justice (MOJ), who own the policy behind this guidance, for more help with a specific case involving the early removal scheme.</p> <div data-bbox="465 430 1769 981" style="border: 2px solid red; padding: 10px;"><p style="text-align: center;">Restricted do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal UK Border Agency use only.</p><p style="text-align: center;">Restricted do not disclose – end of section</p></div>	<p>Related links See also</p> <p>External links Links to staff intranet removed</p>
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The early removal scheme (ERS)

Contacts

About this guidance Eligibility for ERS Specific case types Responsibilities under ERS Process for ERS in England and Wales Previous process for ERS in England and Wales Ministry of Justice - contacts	<p>This page explains who to contact within UKBA for more help with a specific case involving the early removal scheme.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If they cannot answer your question, they or you may email the criminal casework operational process and policy team (CCOPPT) inbox (see related link: Email CCD process team).</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, who will consider your request and where applicable ask MGT to update the guidance.</p> <p>MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can email these to MGT (see related link: Email modernised guidance team).</p>	<p>Related links See also Changes to this guidance</p> <p>Information owner</p> <p>External links Links to staff intranet removed</p>
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The early removal scheme (ERS)

Information owner

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This page tells you about this version of the early removal scheme guidance and who owns it.

Version	1.0
Valid from date	27 March 2013
Guidance owner	Criminal casework directorate operational process and policy team (CCOPPT)
Cleared by director	Sonia Dower
Director's role	Director, operations and rules unit
Clearance date	27 March 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT (see related link: Email CCD process team), who will consider your request and where applicable ask MGT to update the guidance.

MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can email these to MGT (see related link: Email modernised guidance team).

Related links

See also

[Changes to this guidance](#)

[Contacts](#)

External links

Links to staff intranet removed