

# insidetime

the National Newspaper for Prisoners & Detainees

## Recent News



\*Jailbreak  
Stay Safe...

SEARCH NEWS - TYPE KEYWORD &amp; HIT ENTER



Trending Topics: [Headline](#) - [Mailbags](#) - [New sound](#) - [Comment](#)  
- [Information](#) - [Legal](#) - [Jailbreak](#) - [Poetry](#)

[insidetime](#) / [insideinformation](#) / [insidejustice](#)

## HEADLINES Stay Safe



[Home](#) [Headline](#) [Mailbag](#) [Newsround](#) [Comment](#) [Information](#) **[Legal](#)** [Jailbreak](#) [Poetry](#) | [Back Issues](#) [Subscribe](#) [Advertise](#) [Publications](#)

[Inside Information](#) [Visiting](#) [Regimes](#) [IRC](#) [FAQs](#) [Support](#) [Rules](#) [Grants](#) [Glossary](#) [Library](#) [Solicitors](#) [Barristers](#) [Addresses](#) [Training](#) [Links](#)

Published On: Fri, Jul 28th, 2017

\*Legal | By [Inside Time](#)

## Subscribe

You can subscribe to **insidetime** Newspaper and get the paper each month delivered to your door!

[Subscribe](#)

## Advert



You could save money by comparing your:

**Car Insurance**

[Get a quote now](#)

## Recent Comments

Your Name...Dr. Gary Graeme Jones: An interesting observation Sir. In particular I liked your phrase "Hate factory", describing locations used to house inm...

# Tariff expired!

*Call for judicial review to address discrimination against tariff expired Irish indeterminate foreign national prisoners*

**Maeve Thornton** – Solicitor Advocate at Duncan Lewis

I believe that the current TERS system must be amended to allow Irish Indeterminate Foreign National Prisoners the same rights as other Indeterminate Foreign National Prisoners. The current system is built on the close relationship between Ireland and the UK. But in reality the exceptional circumstances for being deported and thereby accessing TERS has led to many prisoners being refused deportation, despite applications being placed. This has led to the isolation and alienation of many Irish Prisoners in the UK.

The British Government introduced a strict new policy under which all foreign national prisoners sentenced to two or more years and any indeterminate sentence were automatically considered for deportation. This included, for the first time, Irish prisoners. The Minister for Foreign Affairs in Ireland, Dermot Ahern, wrote to the Home Secretary, John Reid, requesting a reconsideration of this new policy, bearing in mind the close ties between the two countries. The countries agreed a Common Travel Area

which proved successful in securing an agreement with the British Government to exclude Irish citizens from any EU compulsory deportation on completion of their sentence. This was supported to benefit not inhibit Irish Prisoners.

***” The refusal to deport Irish Nationals only in the most exceptional circumstances is unique to Irish Nationals only and at odds with the fairness attributed to all other nationals from other EU countries “***

First, let’s define what PS 18/2012 sets out under the TERS system. In generic terms it allows indeterminate foreign national prisoners (IFNPs) (lifers and IPPs), who are confirmed by Immigration Enforcement to be liable to removal from the UK, to be removed from prison and the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. The scheme only applies to those prisoners serving an indeterminate sentence for public protection, or a life sentence.

However, the situation is different for Irish Foreign National Prisoners. PSI 52/2011 on Immigration, Repatriation and Removal Services sets out the provisions for when Irish Nationals are liable for deportation under Annex H, which outlines that the deportation of Irish Prisoners will only be appropriate in exceptional circumstances. As a guide the following may be appropriate for deportation and should therefore continue to be referred to the UKBA using the CCD Referral Form:

*“Where an offence involves national security matters or crimes that pose a serious risk to the safety of the public or a section of the public. This might be where a person has been convicted of a terrorism offence, murder or a serious sexual or violent offence and is serving a sentence of 10 years or more (a custodial term of 5 years or more). This would include life sentence and those serving other indeterminate sentences for public protection with a tariff of 5 years or more”.*

The reality is that the Home Office regularly rules against deportation for many prisoners who are eligible for deportation despite the fact that these prisoners are considered a high risk to the public when taking account of behaviour in custody and views of National Probation Service.

The refusal to deport Irish Nationals only in the most exceptional circumstances is unique to Irish Nationals only and at odds with the fairness attributed to all other nationals from other EU countries.

---

Mark Humphreys: With regards to the above article, I don't want to knock anything that has been said, and I don't doubt.....

---

peter joyce: hello sarge or is it private, i was in kirklev in 74 .i joined the infantry in 78 and i.....

---

Vikki: I am utterly disgusted following today's visit. Our last visit as hes home in just over a week. Standard searches&hellip...

---

Dr. Gary Graeme Jones: I like your prose sir/madam. I usually eschew the poetry pages of IT believing that poetry is a bit like.....

---

## Advert

---

## Solicitor & Barrister Search

---

You can search our Solicitor & Barrister database for listings of solicitors & barrister in your area that provide the services you require.

[🔍 Solicitors](#) [🔍 Barristers](#)

## Advert

---

**FMW Law**  
Solicitors and Advocates

24 Hour Assistance  
for criminal matters  
07595 117421

Call us on 020 3012 1482

The effort involved for an Irish National Prisoner to have regular contact with family members whilst serving a custodial sentence is extremely difficult. Even when the prisoner has served the punitive element of their sentence, there is still a continued difficulty in maintaining meaningful contact with family members during the rehabilitative part of their sentence. The financial cost for some families to visit their imprisoned relative in the UK is often crippling or prevents them from coming.

The current restrictions and discriminatory application of TERS has been a matter of discourse for quite some time. Now the time has come for us to take legal action. Indeterminate Irish Foreign National Prisoners and those who are Post-Tariff, who seek to challenge the clear and obvious unfairness of TERS and change it for the better, should pave the way forward for change through the legal remedy of Judicial Review.

*Maeve Thornton is a solicitor advocate with experience representing defendants charged with the most serious offences of violence ranging from murder and armed robbery, to fraud and white collar crime.*

*For expert legal advice on prisoners' rights, call Duncan Lewis Criminal solicitors on 0333 772 0409.*

## About the Author

Inside Time -

## Related News

[Progressing through the system](#)

[Transferring legal aid in the Crown Court](#)

[Prison Law](#)

[Appeals - Applying to the CCRC about your sentence](#)

## Leave a comment

(Required)

(Will not be published) (Required)

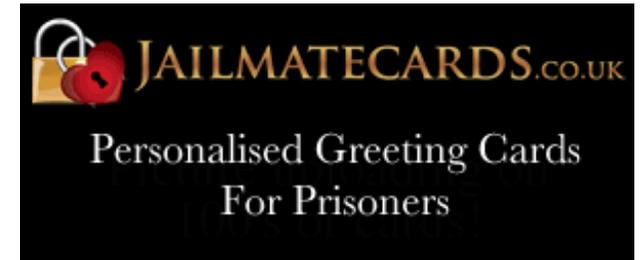
(Optional)

## Advertise

Advertise your business or solicitors office to a highly defined target audience.

[→ Find out more](#)

## Advert



## USP Service



The Useful Services for Prisoners scheme from **insidetime** provides discounts, vouchers and other benefits from USP Group Members for Prisoners, their families and legal advisors. Click the image above to read more about it.

## Advert

## Contact us

Let's get you to the right department