



## Deportation - Irish Prisoners in the UK

- ❖ Some Irish prisoners continue to receive letters, or notices of intent to deport, from the UK Home Office Immigration Enforcement (HOIE).<sup>1</sup> Such letters may ask that you sign a document or provide the HOIE with additional information. Prisoners in receipt of letters from the HOIE threatening deportation should contact their solicitor or ICPO for advice.
- ❖ It is ICPO's experience that such letters are sent out as a matter of course. Irish prisoners in the UK are exempted from deportation, save in exceptional circumstances. As such, it is highly unlikely that an Irish citizen would be deported from the UK and ICPO is, to date, unaware of any case where such a person was in fact deported. The exemption exists because of the close historical, community and political ties between the UK and Ireland.
- ❖ In February 2007 the then Home Secretary announced that Irish Nationals would only be considered for deportation in exceptional circumstances, so unless the prisoner has been recommended by the court for deportation or if there are exceptional circumstances (see paragraph 2.5 and Annex H of the Immigration, Repatriation and Removal Services PSI 52/2011 below) s/he cannot be removed under the Early Removal Scheme (ERS).
- ❖ Outstanding matters with HOIE regarding deportation may adversely affect decisions of the Parole Board and your progress through the system. It would be advisable to contact HOIE asking that matters be resolved in view of any forthcoming parole hearing.

### PSI 52/2011 Immigration, Repatriation and Removal Services

**Issue Date:** 4 November 2011

**Effective Date:** 18 November 2011

**Expiry Date:** 4 November 2015<sup>2</sup>

### Section 2.5 - Irish Nationals

'Except for prisoners who are the subject of a court recommendation for deportation or where there are exceptional circumstances (see Annex H) Irish nationals, including those who also hold other nationalities, need not be referred to UKBA.'<sup>3</sup>

<sup>1</sup> In 2013, the UK Borders Agency (UKBA) was replaced by UK Visas and Immigration (UKVI) and Home Office Immigration Enforcement (HOIE). The responsibilities of HOIE include the deportation of foreign national offenders.

<sup>2</sup> Although PSI 52/2011 expired on the 04 November 2015, it remains in force until it is replaced.

<sup>3</sup> PSI 52/2011 was issued before the changes to UKBA and therefore uses this wording rather than Home Office Immigration Enforcement (HOIE).

## **Annex H - Deportation of Irish Prisoners**

‘Deportation of Irish prisoners will only be appropriate in exceptional circumstances. These cases, by definition, will be rare. However, as a guide, the following may be appropriate for deportation and should therefore continue to be referred to UKBA:<sup>4</sup> Where an offence involves national security matters<sup>5</sup> 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 period of 5 years or more). This would include life sentences and those serving other indeterminate sentences for public protection with a tariff of 5 years or more.’

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<sup>4</sup> See footnote 3 above.

<sup>5</sup> Offences committed under the Terrorism Act 2000, Crime and Security Act 2001, the prevention of Terrorism Act 2005 and the Terrorism Act 2006