



Opening Statement

Joint Committee on Foreign Affairs and Trade and Defence

29th November 2018

Thank you Chair, and members of the Committee, for the opportunity to discuss the challenges and barriers facing returning Irish emigrants.

I will focus on the challenges facing a particular cohort of this group: Irish people returning from prison overseas. Often invisible, Irish people imprisoned abroad are one of the most marginalised and vulnerable groups of Irish emigrants. They face significant difficulties, including discrimination, language barriers, isolation, and dealing with an unfamiliar legal system. In some countries prison conditions are a major cause of concern and prisoners may experience extreme hardship, with limited access to food, water and medical treatment.

The Irish Council for Prisoners Overseas (ICPO) works to reduce the burden faced by these prisoners and their families. Established by the Irish Catholic Bishops' Conference in 1985, we provide information and support to approx. 1,100 Irish citizens in almost thirty different countries. An essential part of our work also involves supporting the families of prisoners overseas, who face significant additional pressures when a loved one is imprisoned abroad.

The exact number of Irish citizens returning to Ireland each year who have served a sentence abroad is unknown but is estimated to be less than 100.¹ Irish prisoners overseas do not have the same opportunities to prepare for release and to access post-release supports as those serving sentences in Irish prisons. They may be incarcerated in a country that doesn't provide resettlement services or courses to foreign national prisoners, or they may be unable to access these services as they are to be deported, leaving them largely unprepared for release and return to Ireland. The Irish Council for Prisoners Overseas works to bridge this gap, where possible, by providing them with advice and

¹ Irish Council for Prisoners Overseas (2015) [A Step at a Time: The Resettlement Needs of Irish People Returning From Prison Overseas](#).

information in advance of their release and in assisting them to access the services of organisations such as those present today (Crosscare Migrant Project and Safehome Ireland).

Returning prisoners face many similar challenges to other returning migrants. However they may be more likely to return to Ireland with little documentation or evidence of previous addresses, due to not having lived in the country for many years or as a result of the crisis nature of their return to Ireland. This makes it particularly difficult to meet the requirements of housing authorities and the Department of Social Protection in seeking to access accommodation and social welfare.

Demonstrating they fulfil the Habitual Residence Condition (HRC) can be an obstacle for former prisoners returning to Ireland, as can accessing a PPS number for older former prisoners who have not lived in the country for decades. Given the relatively small number of former prisoners seeking to return each year and the challenging circumstances they face, we recommend allowance be made for the relevant forms and assessments to be commenced and/or completed prior to their return.

Many former prisoners experience significant mental and physical health problems associated with their imprisonment overseas. Seeing a doctor on their release is critical however many will not have the resources to access medical care privately. To apply for a medical card they must have a PPS number first, and as the medical card eligibility is based on an assessment of means, they must apply for social welfare before they can then apply for a medical card. This means that they cannot get immediate medical treatment on arrival in Ireland. Measures should be put in place to allow Irish prisoners overseas apply for a medical card before arrival in Ireland, similar to the arrangements in place for prisoners in Irish prisons who can receive their medical card on release from prison.

Emigrants returning to Ireland as a result of deportation presents its own challenges. We have provided support to a small number of immigration detainees in the United States and Australia, both before and following their deportation to Ireland. In some cases the person hasn't lived in Ireland for many years and has no family or support structures here. There is something very stark about meeting a person in Dublin airport, often with just their deportation papers in their hand and the clothes they arrive in; having left Ireland when they were just a few years old. They require significant additional support in order to access appropriate services upon their return to Ireland.

The focus of this meeting is to look at the challenges and barriers facing returning Irish emigrants. I wish to turn to an issue of concern to Irish prisoners overseas who want to return to Ireland but who

can't. The Council of Europe *Convention on the Transfer of Sentenced Persons* came into force in 1985 and allows prisoners to be transferred to serve their sentence in their own country. At the heart of the Convention is the recognition that being imprisoned in a foreign country places additional burdens on prisoners and their families and that reintegration is best served by being imprisoned in a person's home country. Ireland ratified the Convention on passing the *Transfer of Sentenced Persons Act* in 1995 and since then has transferred 154 Irish prisoners into the State. As three times that many prisoners have been transferred out of the State, financial and resource implications should not be a concern.

Two rulings by the Irish Supreme Court (in 2014 and 2016) resulted in all applications for transfers into the State being put on hold. The rulings highlighted the problematic nature of the *Transfer of Sentenced Persons Act* and the difficulties in dealing with considerably different sentencing regimes in the UK and Ireland. No prisoner has been transferred into the state in two and a half years and some prisoners are waiting almost a decade for a decision on their application. The Minister for Justice has recently 'reactivated' all inward applications; however in the absence of the necessary legislative change a significant proportion of these applications will be refused.

In October the Minister stated that draft Heads of Bill to amend the *Transfer of Sentenced Persons Act* are currently being finalised. While this is welcome news the concern is that this legislation will struggle to compete for Oireachtas time among the many other competing and worthy Bills on the Legislative Programme. We recommend this legislation to be introduced without delay and that once passed into law, prisoners' applications are processed in a timely manner. Without this, prisoners and their families continue to bear the burden of imprisonment overseas and opportunities for providing prisoners with the supports they need to successfully reintegrate into Irish society are missed.

Mr. Chairman, thank you again for the opportunity to address the Committee today and I am very happy to take questions from the committee members.