



## Returning to live in Ireland while on licence in England and Wales

The majority of ICPO clients in England and Wales will spend time on licence following their release from custody. The ICPO receives many queries from clients who wish to return to live in Ireland or Northern Ireland during their licence period.

Prison Service Instruction (PSI) 08/2015<sup>1</sup> - *Permanent resettlement outside England and Wales of offenders subject to post-release supervision* – outlines the process for allowing offenders to transfer their licence to another UK jurisdiction or to permanently resettle outside of England and Wales. The PSI recognises the benefits of this for those on licence and their families while also meeting the aims of public protection, prevention of reoffending and successful reintegration.

### Licences in England and Wales

If you are serving a determinate or fixed sentence generally you will be released on licence half way through their sentence. Although you are still serving your sentence you can live in the community rather than being in prison. Those serving indeterminate sentences - life sentences or sentences of Imprisonment for Public Protection (IPP) - may also be released on licence. A life sentence will remain in force for life following release from prison. Those serving an IPP sentence will be subject to licence conditions for at least 10 years. All prisoners released on licence are subject to recall to prison if they breach the conditions of their licence.

### Can I move to Ireland while on licence?

It may be possible to move to Ireland while you are serving your licence period, if you meet certain criteria and if you have the approval of your Probation Officer.<sup>2</sup> The number of people being granted permission to move from England or Wales to Ireland while on licence each year is low in relation to the number of queries the ICPO receives on this issue.

When considering your request to move to Ireland while on licence your Probation Officer will look at the following questions:

1. Do you have close family or residential ties in Ireland, including, but not limited to, any compassionate reasons? If the answer is no, your application will be refused.
2. Is your index offence connected to or potentially connected to Ireland (for example, fraud involving companies set up in Ireland)? If the answer is yes, your application will be refused. If your application is still viable at this stage your Probation Officer will consider a third question:

3. Would resettlement in Ireland undermine the protection of the public, increase the risk of reoffending and/or undermine rehabilitation? If the answer is yes, your application will be refused.

While there is no restriction on people with violent or sexual offences applying to resettle outside of England and Wales while on licence they may find it more difficult to get approval as their risk of re-offending may be viewed as undermining the protection of the public.

### **How do I apply?**

If you wish to return to live in Ireland while on licence you should inform your Offender Manager of your intention to do so well in advance of your release date to allow adequate time for your request to be considered. You can log your request on the Complaints & Request form (or 'app'). If you know who your outside Probation Officer is it may also be helpful to put it in writing to them.

Your Probation Officer will assess whether you meet the criteria. If you do, your request has to be authorised by the Head of the NPS local delivery unit (determinate sentences) or the Public Protection Casework Section (indeterminate sentences).

Once approved by the relevant authorities in England or Wales, the International Desk of the Probation Service in Ireland will be contacted to begin the process of arranging your post release supervision in Ireland. The Probation Service in Ireland will consider your application and will undertake a visit to your address in Ireland to assess your family/residential situation. This is known as a Home Circumstances Report (HCR). If they are satisfied that they can safely manage your supervision, the Probation Service in Ireland will consent to your transfer and the specific arrangements of your resettlement in Ireland will be agreed between both Probation Services.

### **What should I expect if I am allowed to return to live in Ireland while on licence?**

You should expect to spend some time in England or Wales on licence before being approved for resettlement in Ireland so that Probation may assess your risk of reoffending. It is only in exceptional circumstances that a prisoner may be allowed to move to Ireland immediately following their release from custody.

You will be asked to enter into an agreement with the Probation Services involved in your resettlement (Irish Probation Service and the jurisdiction of your conviction) to confirm you agree to engage in post-release supervision in Ireland. Each case is different so the exact arrangements of your supervision (frequency, form of contact, etc.) will be developed by the Probation Service.

You are required to comply with the terms of your licence while in Ireland; if you do not, the Irish authorities can inform the relevant Probation Service and you risk being recalled to

prison in England or Wales. If you commit an offence while on licence in Ireland you will likely be subject to sanction in both jurisdictions.

If you return to the UK or Islands prior to the expiry of the licence, you should contact the relevant probation office within two working days. If you fail to do this, proceedings may be issued for breach of licence, the licence may be revoked and you may be recalled to prison.

If you need help accessing social supports on return to Ireland your Probation Officer may be able to assist you with this. You can also request a copy of the ICPO's *Resettlement Handbook*.

### **What if I am 'on tag'?**

If you are 'on tag' or Home Detention Curfew (HDC) you cannot apply to have this transferred to Ireland. HDC allows prisoners to live outside of prison providing they have an electronic tag fitted and do not breach the rules of their curfew.

### **Can I return to live in Ireland if I am serving a life sentence?**

Yes, providing you meet the criteria outlined above you can request to resettle in Ireland even if you are serving a life sentence.

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**This factsheet is for information purposes only and does not and is not intended to constitute legal advice. While every effort has been made to ensure that the content is accurate and up to date, the ICPO accepts no responsibility for errors and omissions.**

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<sup>1</sup> Although PSI 08/2015 expired on 1 February 2017 it remains in force until replaced.

<sup>2</sup> Probation Officer is used as a general term and includes Offender Managers and other professionals involved in providing post-release supervision.