REPATRIATION (TRANSFER OF SENTENCE) FROM ENGLAND AND WALES
FREQUENTLY ASKED QUESTIONS (FAQ)

I want to apply for repatriation but I have been told that the Irish authorities are not accepting applications from Irish prisoners in England and Wales?
The Irish authorities are accepting applications for repatriation from England and Wales. The law in Ireland changed in March 2023 to facilitate transfers from Irish prisoners in the UK.

Do I have a right to be transferred back to Ireland to serve my sentence?
No, you do not have a right to be transferred. However, if you fulfil the conditions below, you can apply and your application will be examined.

What conditions do I need to fulfil to apply for repatriation?

- You should be an Irish citizen
- Your sentence must be final (you should have no appeals outstanding)
- You should have at least 6 months left to serve and
- The crime you have been convicted must also be a crime in Ireland.

How do I apply to be transferred?
You should ask your offender manager for an Application for Repatriation form, fill it in and return it to them. Your application will then be sent to the Cross Border Transfer Section of HMPPS.

I am an Irish citizen but do not want to be transferred back to an Irish prison. Can I be transferred without my consent?
You must consent to your transfer and cannot be transferred from the UK without your consent. The Irish and British authorities must also consent to your transfer.

What happens when my application is sent to Ireland?
The Irish Prison Service (on behalf of the Minister for Justice) will then undertake a review of the application and this will include the preparation of reports by An Garda Síochána (the Gardaí), the Probation Service and the Chief State Solicitor's Office.

Will my family in Ireland be contacted by the Irish authorities?
Yes, your family in Ireland will be contacted by the Irish Probation Service. This is to ensure your family can support you while you are in prison in Ireland and after your release. The Probation Service will prepare a Home Circumstances Report which they will send to the Irish Prison Service.

I no longer have close family members in Ireland, does this mean I cannot be transferred?
It is unlikely that your application for repatriation will be approved if you do not have a family in Ireland who will visit you in prison there or provide you with support in the community following your release.

I am serving a life sentence, can I apply to transfer my sentence to Ireland?
While you can apply and your application may be approved by the Irish authorities, the British authorities are unlikely to approve your application. The reason for this is there is no provision for tariffs in Irish law and the British authorities may believe you would not serve your full sentence if

transferred to Ireland. It is the practice of the British authorities not to transfer people who have served over their tariff.

I am serving an IPP sentence, can I apply to transfer my sentence to Ireland?
If you are serving a sentence of imprisonment for public protection (IPP), you may apply to transfer your sentence to Ireland. However, your application is unlikely to be successful as there is no similar sentence in Irish law.

How long does the application process take?
It is not possible to say as each case is different. Changes were made to the law on repatriation in Ireland which came into force in May 2023 and as yet few if any prisoners have been transferred so it is not possible to estimate how long an application will take.

Does the Irish Prison Service make the final decision on my application?
No, the Minister for Justice makes the final decision on your application. The Irish Prison Service will provide a report to the Minister who will make a decision based on the information contained in this report.

If my application is not approved, can I appeal?
No, it is not possible to appeal a decision not to transfer you to Ireland. Depending on the reasons for refusal, it may be possible to re-apply. You may also wish to challenge the decision by way of judicial review but you must have legal representation.

Will I have to serve a period of time on licence in Ireland?
Yes. You will have to serve a period of time on conditional release if you are transferred to Ireland. This is similar to being on licence in the UK.

How long will I spend in prison if I am transferred to Ireland?
This will depend on several factors including the duration of your sentence and the length of time you have already served in the UK.

If I am transferred to an Irish prison, will I have a criminal conviction in Ireland?
If you are successful in your application to transfer your sentence to Ireland, your record in the Garda Criminal Records Office will show that you have served time in an Irish prison. You may be asked whether you have a conviction when applying for a job, housing, and insurance. It is strongly advised that if asked, you should declare your conviction(s), as failing to do so can have serious repercussions.

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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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