Returning to Ireland with a conviction for drug trafficking offences overseas

If you have received a conviction overseas for drug trafficking offences, you are obliged under Part 9 of the Criminal Justice Act 2006 to notify An Garda Síochána (the Gardaí) of certain information.

Section 95(1) of the Criminal Justice Act 2006 states that if a person has been convicted of an offence abroad and this offence would if committed in Ireland be drug trafficking offence under the Act, and that person is at the time of the conviction or later becomes resident in Ireland, they will be subject to the notification obligations set out in the Act.

The main obligations are described below:

What are drug trafficking offences under the Act?
Drug trafficking offences for the purposes of Part 9 of the Criminal Justice Act 2006 are set out in Section 3(1) of the Criminal Justice Act 1994 (as amended by Section 86 of the Criminal Justice Act 2006).

What information should I provide to the Gardaí?
You must **within 7 days** of your return to Ireland notify the Gardaí of:

- Your name and if you use another name or name, each of those names
- Your date of birth
- Your home address

Methods of notifying the Gardaí
You should notify the Gardaí at a Divisional or District Headquarters. Your local Garda station can tell you where the nearest Divisional or District headquarters is located. You can also send a written notification of the relevant information to any Garda station which is a Divisional or District Headquarters.

Do I need to inform the Gardaí if my circumstances change?
You must also inform the Gardai **within 7 days** of the following:

- If you change your name from the one you previously provided to the Gardai,
- If you change your home address
- If you intend to leave the state for a continuous period of 7 days of more. You must inform them of where you intend to stay while outside Ireland.

Duration of requirements to notify the Gardaí
The duration of the notification requirement varies, depending on the sentence received. You must provide the Gardaí with information required under the Criminal Justice Act for the following periods:

- 12 years if you were sentenced to a term of life imprisonment
- 7 years if the term of imprisonment was over 10 years but not life
- 5 years if the sentence was for more than 5 years but less than 10 years
- 3 years if the sentence imposed was between 1 and 5 years
- 1 year if your sentence was suspended.

What happens if I do not notify the Gardaí?
It is an offence not to inform the Gardaí without reasonable excuse and you may be arrested and if convicted you may be liable to a sentence of up to 12 months imprisonment and/or a substantial fine.

Where can I get further information?
You can find further information on the Garda website: National Drug Offender Register - Garda

Or from Citizens Information:
Drug Offenders Register

You can access the legislation here:
Criminal Justice Act 2006: Criminal Justice Act 2006

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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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