

MULTI-AGENCY REVIEW ARRANGEMENTS [MARA]

**POLICY AND GUIDANCE RELATING TO
APPLICATIONS TO:**

- **PERMANENTLY RESIDE OUTSIDE THE
UNITED KINGDOM**
- **TRAVEL TO UNITED KINGDOM
(INCLUDING NORTHERN IRELAND)**

*This policy gives effect to guidance issued under Article 50 of the Criminal Justice
(Northern Ireland) Order 2008.*

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Introduction

The Multi-Agency Review Arrangements (MARA) provide a mechanism to consider applications from terrorist-risk offenders (TROs) on licence to:

- travel within Northern Ireland where residence at a temporary address is required; or
- travel outside Northern Ireland to other parts of the United Kingdom;
- travel outside the United Kingdom; or
- change approved address; or
- transfer licence supervision to other parts of the United Kingdom; or
- permanently reside outside Northern Ireland (and any subsequent applications to travel to UK).

Purpose

This policy outlines the process for the submission and assessment of applications seeking approval to:

- a) permanently reside outside of the United Kingdom¹ from TROs, and
- b) travel to United Kingdom (including Northern Ireland) post approval to permanently reside outside the UK.

The policy applies to all TROs on licence subject to the following types of supervision for:-

- Licences issued under Article 17 of the Criminal Justice (Northern Ireland) Order 2008;
- Licences issued under Article 18 of the Criminal Justice (Northern Ireland) Order 2008;
- Licences issued under Article 19 of the Criminal Justice (Northern Ireland) Order 2008;
- Licences issued under Article 20 of the Criminal Justice (Northern Ireland) Order 2008;
- Licences issued under provisions within the Counter Terrorism and Sentencing Act 2021; and
- Licences issued under Article 6 of the Life Sentence (Northern Ireland) Order 2001.

This policy only relates to applications to permanently resettle outside of the United Kingdom.

For details of applications to permanently reside outside of Northern Ireland (but within the United Kingdom and Islands), please consult POLICY AND GUIDANCE - APPLICATIONS TO TRANSFER LICENCE SUPERVISION TO OTHER JURISDICTIONS WITHIN THE UNITED KINGDOM

¹ The United Kingdom and Islands includes England, Wales, Scotland, Northern Ireland, Isle of Man, Jersey, and the Bailiwick of Guernsey (including Alderney, Herm and Sark).

Resettlement outside of the United Kingdom

Permission to permanently reside outside of United Kingdom may only be granted where it is assessed that the application will fully support the purpose of a licence, namely to:

- i) protect the public;
- ii) reduce re-offending; and
- iii) support rehabilitation.

Allowing individuals subject to post-release supervision on licence to permanently resettle abroad can assist in the delivery of these aims and be of benefit to both the individual and the public in general. It can also afford the individual access to the support of their close family and may alleviate the hardships otherwise faced by family members seeking to maintain contact.

An individual is required to spend a suitable period of time (the length of which is dependent on the complexity of the case and the risk that the individual poses to the public) in the community in the United Kingdom and Islands before they can be considered for permanent resettlement in another country. This is to allow enough time to have passed in order to assess the likelihood of reoffending and compliance with requirements in the community. However, in exceptional circumstances it may be suitable to allow an individual to permanently resettle outside the United Kingdom and Islands directly from custody upon their release into the community. In general, this approach should be limited to those individuals who have been approved for early release on compassionate grounds, or where the Parole Commissioners for Northern Ireland have recommended this as part of the rehabilitation/risk management plan.

A licence imposed on an individual in Northern Ireland is not enforceable outside the United Kingdom and Islands. Therefore an individual would not be under any form of compulsory supervision by the local authorities if resettlement was approved. The licence however remains in force within the United Kingdom and Islands until the licence expiry date and any individual returning to the jurisdiction during that period will revert to being subject to post-release supervision of the conditions of their licence.

The criminal justice system has a duty of care to protect the public from those individuals under its supervision. **To ensure that individuals remain subject to appropriate post-release supervision, permanent resettlement outside Northern Ireland must be permitted only where it meets the appropriate criteria.**

APPLICATIONS TO PERMANENTLY RESIDE OUTSIDE THE UK

Criteria for resettlement applications

In assessing applications to permanently resettle outside of Northern Ireland, MARAP will consider the following:

- a) **Does the individual hold citizenship of the country s/he wishes to resettle?** *If the answer to this criterion is 'NO', then the application will normally be refused.*
- b) **Does the individual have immediate² family or residential ties in the place s/he wishes to resettle? This includes, but is not limited to, consideration of any compassionate reasons provided to support the resettlement application.** *If the answer to this criterion is 'NO', then the application will normally be refused.*
- c) **Is the individual's index offence connected or potentially connected with the country s/he wishes to resettle in, or is generally connected with extra jurisdictional activities?** (For example, fraud involving companies set up outside of the United Kingdom; sexual offences against children and wishes to travel/resettle in a country known for child sexual exploitation; people trafficking; terrorism/extremism with potential or actual international links³). *If the answer to this criterion is 'YES', then the application will normally be refused.*
- d) **Would the protection of the public (including victims), prevention of the risk of re-offending and rehabilitation of the individual be undermined by such resettlement?** *If the answer to this criterion is 'YES', then the application will normally be refused.*
- e) **Does the individual meet the requirements set out in the addendum section of this guidance?** *If the answer is NO, then the application will normally be refused.*

The addendum section of this guidance provides some further information which may assist an individual in preparing an application:

- Repatriation of Prisoners Act 1984
- Extant Orders/Notification Requirements
- Home Office Immigration Enforcement (HOIE)
- Deportation of Foreign Nationals
- Licences and post-sentence supervision (if an application has been approved)

Application Process for permanent resettlement outside the UK

TROs on licence in the community must obtain prior approval through MARA prior taking up permanent residence outside of the United Kingdom. Applications must be provided in writing to mara@licencesupervision.org.uk and include relevant

² Immediate family includes only the individual's spouse, civil partner, or a partner with whom the person was living immediately before committal to custody, parent or child (or child having "in loco parentis" relationship to the individual), grandparents or grandchildren, brother or sister).

³ International links may include actual or potential links to a country outside the UK and Islands

supporting information, to assist in determining whether an application may be approved. Each application will be considered on a case-by-case basis.

All post release licences contain the following standard conditions:

- “Not to travel outside the United Kingdom, the Channel Islands or the Isle of Man without the prior permission of the supervising officer”.
- “Permanently reside at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any change of address”

All applications to permanently resettle outside the United Kingdom and Islands will be assessed by the Multi- Agency Risk Assessment Panel (MARAP). All individuals on licence are required to obtain prior permission to change their permanent approved address. Any failure to adhere to this condition may result in a licence being revoked and the individual being recalled to prison custody.

Information required

All applications seeking to permanently reside outside of Northern Ireland must provide accurate and detailed information, including:

- Name;
- Date of birth;
- Current approved address;
- Proposed new address;
- Reason for proposed change of address;
- Start date for proposed residence at new address;
- Names and dates of births of all persons who it is intended will reside with the individual at the proposed new address (and their relationship to the individual);
- Names, age and contact information for owner of the property [if different from the individual]
- Details of immediate family or residential ties in the country in the proposed country of residence
- Details of any current ongoing criminal proceedings, extant orders or notification requirements e.g. Violent Offences Prevention Order, Sex Individual Registration Requirement, Foreign Travel Order
- Details of any known immigration/travel restrictions
- Details of any citizenship held for the proposed country of residence
- Details of any previous application for repatriation to another country
- Details of any offers of support from criminal justice organisations in the proposed country of residence

The above list is not exhaustive. Where relevant, individuals may be asked to provide further information. Failure to provide additional information may result in an application being refused.

Timeframe for submission of an application for resettlement

Any application to permanently reside outside of the United Kingdom must be sent to mara@licencesupervision.org.uk a minimum of 30 working days before the date of the proposed move.

Applications submitted with less than 30 working days' notice will normally be refused. Applications to change address on compassionate or exceptional grounds will be considered; in these circumstances the application must be supported by a full explanation setting out why the resettlement application should be considered on compassionate or exceptional grounds.

Assessment of resettlement applications

Applications will be assessed using the above criteria (and that set out in the addendum information below) to determine if permanent residence outside of the United Kingdom will fully support the purpose of a licence. Individuals may be asked to provide further information to support consideration of their application, and are encouraged to provide as much detail as possible when seeking approval.

Upon receipt of the required information your **Supervising Officer** will consider if the application supports, or adversely impacts on the purposes of a licence. The supervising officer will submit a recommendation to approve or refuse the application for consideration by the Multi-Agency Risk Assessment Panel (MARAP).

Within MARAP, the following individuals/ organisations will contribute, where appropriate, in discussions and the decision making to determine by consensus if an application should be approved or refused:

- **Supervising officer** – to speak to their recommendation to approve or refuse the application;
- **Northern Ireland Prison Service** – will provide any relevant information to inform the assessment process;
- **Police Service for Northern Ireland** – will consider an application from public safety perspective; and
- **Department of Justice** – will consider if an application supports, or adversely impacts on, the purposes of a licence, having due regard for the inputs provided by partners.

In considering requests to resettle in a country⁴ outside of the United Kingdom and Islands, the Supervising Officer and MARAP will also consult with the Northern Ireland Office (NIO) to consider if the National Security interests of the United Kingdom and Islands would be undermined by approving permanent resettlement outside the United Kingdom and Islands. The NIO view will be considered alongside information provided by the applicant to inform the decision taken by MARAP.

MARAP will make all reasonable efforts to contact the country where the individual is seeking to resettle in order to ascertain any other relevant information pertaining to risk management.

⁴ A nation state recognised within the UN Charter

Any offer of supervision by a criminal justice organisation outside of the United Kingdom and Islands will not be included in the assessment of applications as such supervision is voluntary and the individual can stop attending at any time. However, MARAP will contact the relevant authority within the receiving country should the application to resettle be approved, as they may be able to provide support to the individual on the basis of voluntary engagement following the transfer. If such support is made available, the details should be provided to MARAP in the resettlement application.

MARAP will also contact the Victims Information Scheme in order to ensure that any victim issues are considered in the decision making.

APPLICATIONS FOR TRAVEL TO UK (FOR THOSE RESETTLED OUTSIDE OF UK)

Individuals who have received approval to reside permanently outside the United Kingdom who wish to travel to the UK, must submit any application to return to the UK to mara@licencesupervision.org.uk

All applications to travel must provide accurate and detailed information, including:

- Name;
- Date of birth;
- Current address;
- Purpose of travel (provide details of planned activities);
- Return date to Northern Ireland;
- Proposed date the individual will return to their permanent address;
- Mode/s of transport (including vehicle details for non-air travel);
- Booking references/Travel agent details;
- Ports of entry and departure from the United Kingdom;
- If applicable, the address(es) and dates where the individuals will be residing
- If applicable, details of anyone travelling and/or residing with the individual during the proposed trip; and
- If applicable, frequency of travel – in cases where regular travel is being sought for employment or domestic reasons.

The above list is not exhaustive. Where relevant, individuals may be asked to provide further information.

You are reminded that you must seek and obtain prior permission to travel to the United Kingdom and you must reside at an approved address during your time within the UK. These are the conditions of your licence supervision which remains in force in the UK even if you have resettled elsewhere. Any failure to adhere to these conditions may result in your licence being revoked and you being recalled to prison custody.

Timeframe for submission of an application to travel to the UK

If you permanently reside outside the UK, any application to travel to the United Kingdom, including Northern Ireland, must be sent to mara@licencesupervision.org.uk a minimum of 5 working days before the proposed start date of your travel.

Applications submitted with less than 5 working days' notice will normally be refused. Applications to travel on compassionate or exceptional grounds will be considered; in these circumstances the application must be supported by a full explanation setting out why the travel application should be considered on compassionate or exceptional grounds.

Assessment of applications to travel to United Kingdom

Applications will be assessed to determine if travel to the United Kingdom will fully support the purpose of a licence. Individuals may be asked to provide further information to support consideration of their application, and are encouraged to provide as much detail as possible when seeking approval.

Upon receipt of the required information your **Supervising Officer** will consider if the application supports, or adversely impacts on the purposes of a licence. The supervising officer will submit a recommendation to approve or refuse the application for consideration by the Multi-Agency Risk Assessment Panel (MARAP).

Within MARAP, the following individuals/ organisations will contribute, where appropriate, in discussions and the decision making to determine by consensus if an application should be approved or refused:

- **Supervising officer** – to speak to their recommendation to approve or refuse the application;
- **Northern Ireland Prison Service** – will provide any relevant information to inform the assessment process;
- **Police Service for Northern Ireland** – will consider an application from public safety perspective; and
- **Department of Justice** – will consider if an application supports, or adversely impacts on, the purposes of a licence, having due regard for the inputs provided by partners.

Notification of decisions

A decision or request for further information will be communicated to the individual as soon as practicably possible after the application has been submitted.

Following assessment of the application, the individual will receive written notification to confirm if the application to resettle outside of the United Kingdom has been:

- a) Approved without conditions – the notification will outline reasons for this decision; or
- b) Approved with conditions – the notification will outline reasons for this decision and confirm details of any specific conditional requirements; or
- c) Refused – the notification will outline reasons for this decision.

Reconsideration of applications

There is no automatic right to appeal the decision. However, the applicant can submit any new information they consider would support their application. Additional material should be submitted to mara@licencesupervision.org.uk together with an explanation as to why the information was not provided with the original application. Where time permits, any new information will be considered.

Date Issued: 6 September 2021

Addendum Information

Repatriation of Prisoners Act 1984

The Repatriation of Prisoners Act 1984 (“the Act”) makes provision for facilitating the transfer of individuals currently detained in prisons, hospitals or other institutions by virtue of orders made in the course of the exercise by courts and tribunals within the United Kingdom and Islands to another country.

Individuals applying to resettle to a country outside the United Kingdom and Islands **must, (save in exceptional circumstances)**, have previously applied under the Act to transfer to that jurisdiction whilst in custody. Where such an application has not been made, the individual must provide a full explanation of the circumstances to MARA. Where an application under the Act has not been made, the application for resettlement will normally be refused, unless MARA consider the information provided by the applicant establishes exceptional grounds to enable the application to be considered further.

Extant Orders/Notification Requirements

Where an individual is subject to an extant order or registration requirement (for example, Sex Offences Prevention Order, Sex Individual Registration Requirement, Foreign Travel Order, Terrorist Notification Order etc.) the supervising authority must confirm if the extant order or registration requirement is recognised by the relevant authority in the receiving jurisdiction under EU Regulation 606/2013⁵. Where the relevant authority in the receiving jurisdiction confirm the extant order/registration requirement is recognised, MARA must record details of the correspondence confirming agreement to recognise the relevant civil measure within the receiving jurisdiction.

Where an extant order or registration requirement is not recognised under EU Regulation 606/2013 by the relevant authority in the receiving jurisdiction, there must be consideration of the reason(s) why the order/registration requirement was implemented, and the impact on such order/requirement if the resettlement application was approved. If it is considered by MARA that the reasons for resettlement outweigh the requirements of the extant order/registration requirement, the relevant order will need to be varied by court order to allow for the individual to resettle outside the United Kingdom and Islands.

If the court does not agree to modifying or cancelling the order/registration requirement, the individual should be informed that permission to resettle outside the United Kingdom and Islands has been refused due to the order remaining in place

⁵ EU Regulation 606/2013 on mutual recognition of protection measures in civil matters makes provision for a direct recognition of protection orders issues as a civil law measure between Member States.

Home Office Immigration Enforcement (HOIE)

If an application to resettle permanently outside the United Kingdom and Islands is approved, the supervising authority will liaise with the Home Office to ensure that the individual leaves the country on the expected date, and to ensure that they are not seeking to evade the requirements of their licence.

HOIE may also be able to indicate if the individual returns to the United Kingdom or Islands unexpectedly during the period of their licence, which in turn will allow the supervising authority to determine if any enforcement action is required.

Deportation of Foreign Nationals

The guidance on resettlement to a country outside the United Kingdom must not be seen as a replacement for the deportation process for foreign nationals. It is expected that the individuals applying for permanent resettlement will be limited to foreign nationals who do not meet the threshold for deportation and British nationals (including those who hold dual nationalities) who normally reside outside of the United Kingdom and Islands. It should be noted that, generally, Republic of Ireland nationals are not eligible for deportation except for exceptional cases. Therefore they will fall under the guidance in this document for resettlement outside of the United Kingdom and Islands should they wish to reside in the Republic of Ireland during their licence period.

Licences and post-sentence supervision when an application has been approved

If approval to permanently resettle is granted, the individual will be advised that the licence period remains in force within the United Kingdom and Islands until the sentence licence expiry date. For life sentence or indeterminate individuals, it must be made clear that the requirement will remain in place indefinitely, unless the licence conditions have already been suspended.