

Important changes to our deportation policy

As of 1 August 2008, we will now consider for deportation a new category of foreign national offender. From this date, non-EEA nationals who are convicted in the UK and receive a custodial sentence of any length for an offence relating to the supply of class A, B or C drugs* will be considered for deportation. This is in addition to those already considered for deportation.

Where the sentence imposed is 12 months or more, the duty to deport will remain under the automatic deportation provisions of the UK Borders Act 2007. Where the provisions of the UK Borders Act 2007 do not take effect, cases will be assessed under the provisions of the Immigration Act 1971.

*** Misuse of Drugs Act 1971 (c.38)**

1. s. 4(2) or (3) (production and supply, including offer to supply, of controlled drugs);
2. s. 20 (assisting in or inducing commission outside United Kingdom of an offence punishable under a corresponding law);
3. s. 5(3) (possession with intent to supply)
4. s.19 (incitement)
5. s.6 (cultivation of cannabis).
6. s.8(a) (occupying or managing premises where the production or attempted production of a controlled drug is knowingly permitted on those premises)
7. s. 8(b) (occupying or managing premises where the supply, or attempted supply, of or the offer to supply a controlled drug is knowingly permitted on those premises)

Customs and Excise Management Act 1979 (c.2)

8. s. 50(2) or (3) (improper importation)
9. s. 68 (1) and (2) (improper exportation),
10. s.170 (fraudulent evasion)
in connection with a prohibition or restriction on importation or exportation having effect by virtue of section 3 of the Misuse of Drugs Act 1971 (c. 38);

Other Laws

11. s. 19 of Criminal Justice (International Co-operation) Act 1990 (using ship for illicit traffic in controlled drugs);
12. s.12 of the Criminal Justice (International Co-operation) Act 1990 (manufacture or supply of substance specified in Schedule 2 to that Act). (Note: this offence relates to drug precursors as opposed to controlled drugs as defined by the Misuse of Drugs Act 1971]
13. s.1 of the Criminal Law Act 1977 (c. 45) or Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983 1120 (N.I. 13)), or in Scotland at common law, of conspiracy to commit any of the offences listed at para 1-12 above;

14. s.1 of the Criminal Attempts Act 1981 (c. 47) or Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, or in Scotland at common law, of attempting to commit any of the offences listed at para 1-12 above;
15. Part 2 Serious Crime Act 2007 (encouraging and assisting) any of the offences listed at para 1-12 above *;
16. Common law offences (includes aiding, abetting, counselling or procuring the commission of any of the offences listed above at para 1-12 above);

* yet to be commenced by MOJ