



Home Office

Crown Dependencies Deportation

Version 1.0

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About this guidance

This guidance explains whether and how deportation orders made by the Crown Dependencies take effect in the United Kingdom (UK) and action you must take if you encounter a person who is the subject of a Crown Dependency deportation order.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Migrant Criminality Policy Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **19 December 2024**

Changes from last version of this guidance

This is new guidance.

Related content

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Introduction

This section outlines which Islands make up the Crown Dependencies and their relationship to the UK. It also explains certain terms used within this guidance.

The Crown Dependencies

The Crown Dependencies consist of the:

- **Isle of Man**
- **Bailiwick of Jersey**
- **Bailiwick of Guernsey**, which also includes **Alderney** and **Sark**

The Islands are self-governing and are not part of the UK. They have their own legislative assemblies, immigration and prison services.

Terms within this guidance

- The terms “Crown Dependencies” and “Islands” are interchangeable
- “Insular authorities”, is used to describe the authorities in any of the Crown Dependencies
- “Islands deportation order”, means a deportation order made under the immigration laws of any of the Crown Dependencies
- “Agreements” mean the [Withdrawal Agreement](#), [Swiss Citizens’ Rights Agreement](#) and [EEA EFTA Separation Agreement](#)
- ‘permission to enter or stay’ includes ‘leave to enter or remain’ in the UK

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Deportation provisions in the Crown Dependencies

This section explains the Crown Dependencies' deportation provisions and how they are integrated with those of the UK.

Deportation powers

The Crown Dependencies' deportation powers come from the [Immigration Act 1971](#) ('1971 Act'), which is extended by [Orders in Council](#) to the Islands.

Deportation decisions taken in the Crown Dependencies are the responsibility of the relevant Insular Immigration Service and for the Isle of Man the Minister for the Cabinet Office, for Guernsey their Lieutenant Governor (Governor), or in the case of Jersey, the Minister of Home Affairs.

Deportation orders made in one of the Crown Dependencies extend automatically to all the other Crown Dependencies once they are signed by the relevant Islands' Minister for the Cabinet Office, Lieutenant Governor, or Minister for Home Affairs, but do not necessarily have automatic effect in the UK – see [Application of an Islands deportation order to the UK](#).

Once served, an Islands deportation order invalidates any leave the person had been granted by the Crown Dependency and it continues to invalidate leave for as long as the order remains in force, meaning that for immigration purposes the person is no longer lawfully present in the Crown Dependency.

Integration of the UK's and the Islands' deportation laws

The Islands' immigration laws are integrated with those of the UK by way of [Schedule 4 to the 1971 Act](#); paragraph 3 relates specifically to deportation.

The deportation provisions of the [UK Borders Act 2007](#) do not extend to any of the Islands.

Application of an Islands deportation order to the UK and exceptions

Subject to certain exceptions, an Islands deportation order is automatically treated as if the order was made under the 1971 Act, prohibiting the person from entering the UK.

Exceptions

Following amendments to Schedule 4 to the 1971 Act made by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving,](#)

[Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020](#) and effective from 11:00pm GMT on 31 December 2020, the exceptions to the automatic extension of an Islands deportation order to the UK apply to:

- a British citizen
- an Irish citizen
- the family member of a British citizen where that family member is neither a British citizen nor an Irish citizen
- the following ‘relevant persons’, as provided for by paragraph 3A of Schedule 4 to the 1971 Act:
 - a person who is in the UK having arrived with leave or entry granted through the EU Settlement Scheme (EUSS)
 - a person who has EUSS leave to enter or remain in the UK
 - a person who is granted, or may be eligible for entry clearance or permission under Appendix S2 Healthcare Visitor of the Immigration Rules
 - a person who may enter the UK with a frontier worker permit, whether or not they have entered the UK

Other relevant persons

People in the following groups are also treated as ‘relevant persons’, meaning that an Islands deportation order made against such a person does not automatically extend to the UK:

- a Service Provider from Switzerland as provided for by the [Swiss citizens’ rights agreement](#)
- those protected by the [Citizens’ Rights \(Application, Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020](#), or so called ‘grace period savings’, who were lawfully resident in the UK in accordance with the Immigration (European Economic Area) Regulations 2016 (‘EEA Regulations’) immediately before 11:00pm GMT on 31 December 2020, or had a retained permanent right of residence under the EEA Regulations, who do not have EUSS leave to enter or remain in the UK, but applied by the specified deadline and a decision or appeal is pending on their application to the EUSS

With the exception of a British citizen, the Secretary of State may decide to extend an Islands deportation order to the UK in any of the above cases.

In practice, if the individual is a ‘[relevant person](#)’ consideration must be given to:

- refusing an application for leave or permission, or for a frontier worker permit
- cancelling existing leave or permission while the person is outside the UK or, on arrival at the UK border
- revoking a frontier worker permit

For information on the operation of a deportation order within the Common Travel Area (CTA), which comprises the Crown Dependencies, Ireland and the UK, see the [Common Travel Area](#) guidance.

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Extension of an Islands deportation order to the UK

This section explains how to consider whether to extend an Islands deportation order to the UK.

Where an insular authority notifies FNO Returns Command (FNO RC) that it has made an Islands deportation order against a non-British citizen you must consider whether to extend that deportation order to the UK.

Where none of the [exceptions](#) in paragraph 3(2) of [Schedule 4](#) to the 1971 Act apply, paragraph 3(1) provides that the Islands deportation order automatically extends to the UK. In such cases no further consideration is required.

Where an exception applies and the order does not automatically extend to the UK, you must consider whether to extend the Islands deportation order to the UK, as provided for by paragraph 3(4) of [Schedule 4](#) to the 1971 Act, or, in the case of a 'relevant person', must consider refusing or cancelling leave or permission as set out [below](#).

Information required to consider extending an Islands deportation order

When considering whether to extend an Islands deportation order to the UK, you will need the following information:

- the person's full name (including any known aliases), nationality or nationalities and date of birth
- the person's immigration history and their immigration status in the Common Travel Area (Crown Dependencies, Ireland and the UK)
- a copy of the Islands deportation order
- the reason for making a deportation order, with details of any conviction or convictions
- judge's sentencing remarks, if available
- the reason the Islands deportation order does not automatically extend to the UK
- details of any family or private life in the UK
- any other reasons the person has for not extending the Islands deportation order to the UK
- expected release date

Where not already available on casework systems, information should be requested from the relevant insular authority.

The foreign national's conviction details can be sought from the relevant Island's courts or prison service if unavailable from the Insular Immigration Service. For contact details see [Crown Dependencies information](#).

You should make a written request for information to the relevant insular authority and advise when you need to receive the information.

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Notification of intention to extend Islands deportation order

Where you are considering whether to extend an Islands deportation order, you must consider whether to make and issue a stage 1 deportation decision. You must use the ICD.5451 stage 1 decision letter (or its Atlas equivalent) to notify the person of the intention to extend an Islands deportation order to the UK. You must allow at least 28 working days from the date of service of the letter for the person to provide any reasons why the order should not be extended. Additional time can be provided when there are compelling reasons to do so (for example, delays in providing information from a person's country of origin or in providing a social worker or medical professional's report). FNO RC Intake and Triage will issue the notice of intention.

Representations concerning the extension of an Islands deportation order to the UK

Once the 28 working days to make representations has expired, or if you have allowed the person additional time to provide information, once that period has ended, you must make a decision on whether to extend the Islands deportation order to the UK. If no representations are received, you must base your decision on the information available to you.

Part 13 of the [Immigration Rules](#) does not apply to decisions to extend an Islands deportation order to the UK. However, where you are considering whether to extend an Islands deportation order and the person makes representations based on family life in the UK, you must consider those representations in line with the Part 13 rules. See criminality guidance in Article 8 cases for further information.

Decision to extend an Islands deportation order

If you decide to extend an Islands deportation order to the UK, you must notify the person using a 'Crown Dependency DO extended to UK' stage 2 decision letter. The extension of a Crown Dependency deportation order to the UK is considered by FNO RC and extension referrals can come from any of the Crown Dependencies.

The decision letter must also tell the person, as is relevant to their case, that:

- they are prohibited from entering the UK (except to transit the UK from the Crown Dependency for onward travel to a destination outside the UK as permitted by virtue of paragraph 3(5) of the Immigration Act 1971)
- any leave or permission they held in the UK before the deportation order was extended is invalidated, meaning they no longer have permission to enter or stay in the UK in accordance with [section 5\(1\) of the Immigration Act 1971](#)

Regardless of whether a decision is taken to extend the order to the UK, the Islands deportation order will continue to have effect within the Crown Dependencies.

If the person was told that consideration was being given to extending the Islands deportation order and you decide not to extend the order, you must notify them of this decision using the 'Crown Dependency DO not extended' notice. The person will still be expected to meet any immigration requirements for entry to the UK if they wish to come here and their criminality may be a relevant factor in any consideration.

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Exclusion by a Crown Dependency

This section tells you what you must do if a person has been excluded by a Crown Dependency.

Where a Crown Dependency decides to exclude a person from its territory the exclusion decision applies only to that Island; it does not extend to any of the other Islands, or to the UK and there is no discretionary power to direct that it be extended to the UK.

If you have information that a foreign national has been excluded by one of the Crown Dependencies, you must consider whether the person should also be excluded from the UK. See exclusion from the UK for further guidance.

Related content

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Encounters with Island deportees

This section outlines action you must take if you encounter a foreign national who is subject to an Islands deportation order.

A foreign national who is the subject of an Islands deportation order may be encountered:

- applying for an entry clearance or permission to enter or stay
- at the border
- in the UK

If encountered, you must establish:

- that the person is the subject of the Islands deportation order
- whether the order extends to the UK (see Application of an Islands deportation order to the UK and exceptions)
- the reason the order was made
- if the order is still in force
- any immigration status the person holds in the UK

If any of the above information is unavailable on casework systems, you must contact the relevant insular authority for further information.

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How to deal with an individual who is the subject of an Islands deportation order will depend on whether that deportation order extends to the UK or not.

Deportation order extends to the UK

A person who is subject to an Islands deportation order that extends to the UK and who seeks to enter the UK, must be treated as if they are subject to a deportation order made by the Secretary of State under the 1971 Act.

A person entering the UK in breach of an Islands deportation order that extends to the UK is an illegal entrant under s.24 of the 1971 Act. This also applies to a person who had an Islands deportation order made against them for a breach of the immigration laws before the Crown Dependency adopted the administrative removal provisions in section 10 of the Immigration and Asylum Act 1999. The deportation order remains extant until it is revoked.

This does not prevent agreement being given to allow a person who is subject to an extended Islands deportation order, to transit the UK from the Crown Dependency for onward travel to a destination outside the UK. This is provided for by paragraph 3(5), [Schedule 4](#) to the 1971 Act. This may be necessary if there is no direct route from the Crown Dependency to the country or territory that the person is to be deported to.

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Where entry to the UK is necessary, arrangements must be agreed between the insular authorities and Border Force for the person to be met and held on arrival in the UK pending their departure to their onward destination.

Except where the person is travelling to the UK by agreement, they are expected to apply to have the Islands order, or extension of the order [revoked](#) if they wish to travel to or apply for an entry clearance to come to the UK. If there is no agreement to allow the person to enter the UK for onward travel and the deportation order remains in force, you must refuse any application for entry clearance or permission to enter the UK.

Where there is an application for entry clearance or permission to enter the UK from a person who is the subject of an extended Islands deportation order, the application

would fall to be refused on the grounds the person is subject to a deportation order. This is regardless of whether it was automatically extended or following a decision to extend.

Refusal would be under [paragraph 9.2.1.\(c\)](#) of the Immigration Rules (or under the relevant suitability rules appropriate to the route the person is applying) on the basis that the applicant is the subject of a deportation order.

Where there is an application to the EU Settlement Scheme (EUSS) from a relevant person who is subject to an Islands deportation order, the application must be considered for refusal under paragraph EU15(3) of [Appendix EU to the Immigration Rules](#). If a decision is taken to refuse the application, the person has a right of appeal against that decision. If the person's appeal against the refusal of their application to the EUSS is finally dismissed, withdrawn, or abandoned, and provided no other exception applies, they are no longer a relevant person, and the Islands deportation order will extend to the UK.

If the person wins their appeal against the refusal of their EUSS application under paragraph EU15(3), the relevant threshold to extend the Islands deportation order will not be met.

Deportation order not extended to the UK

If a person who is the subject of an Islands deportation order that does not extend to the UK applies to come to the UK, or arrives at the UK border, or is encountered in the UK, the action to take will depend on whether a decision was actively taken not to extend the Islands deportation order to the UK.

Where a decision was taken not to extend the Islands deportation order to the UK and there has been no material change since then to justify a different decision, the person should be dealt with in line with the Immigration Rules as usual, otherwise check the reason the order was made and decide whether there are grounds to:

- refuse an application for entry clearance
- refuse entry to the UK if encountered at the border
- refuse an application for permission to stay made in the UK
- consider deportation action if encountered in country

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If there is an application for entry clearance or permission to enter from a person with a non-extended Islands deportation order, this must be dealt with in line with the Immigration Rules whilst taking into consideration the nature of the criminality which lead to an Islands deportation order being made. Such an application may still be refused on grounds of criminality or non-conducive grounds.

[Paragraph 9.3.1.](#) of the Immigration Rules provides that an application for entry clearance, permission to enter or permission to stay must be refused where the applicant's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds). If Part 9 suitability rules do not apply, you must consider refusing the application under the relevant suitability rules appropriate to the route the person is applying.

For further information on how to consider non conducive grounds, including refusal and cancellation wordings, see Non-conducive grounds for refusal or cancellation of entry clearance or permission.

Where a relevant person is subject to an Islands deportation order that does not extend to the UK has made an EUSS application, whether the conduct occurred before or after 11:00pm on 31 December 2020 which resulted in the order being made will determine how to consider action such as the refusal of the application. For further information see: Public policy, public security or public health decisions and Non conducive grounds

Related content

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Prisoner transfer arrangements

This section tells you about information on prisoner transfer arrangements between the Crown Dependencies and the UK.

Prisoner transfer agreement

Reciprocal agreements between the Islands Authorities and the 3 UK jurisdictions (England and Wales, Scotland, and Northern Ireland) allow prisoners to be transferred from a Crown Dependency to serve the majority or whole of their prison sentence in the UK ([Schedule 1 to the Crime \(Sentences\) Act 1997](#)).

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Where the prisoner is subject to an Islands deportation order that extends to the UK, or the person is excluded from the UK, a transfer request will be refused. If an Islands deportation order has been made that does not automatically extend to the UK, FNO RC must consider whether to extend the order.

Restricted and unrestricted transfers

A prisoner who is serving a prison sentence or who has been released and is subject to licence conditions or post sentence supervision, can, subject to the agreement of both jurisdictions' authorities, be transferred from a Crown Dependency to the UK, or vice versa, by way of a restricted or unrestricted transfer.

Restricted transfer

With a restricted transfer, the person remains subject to the same provisions governing release, supervision, and recall that applied under the law of the place they were transferred from. For all other purposes, they are subject to the laws and regulations applicable in the jurisdiction to which they are transferred.

A prisoner may be transferred for either a short period to receive visits, or for the whole of the remainder of the sentence.

Unrestricted transfer

With an unrestricted transfer, the person is subject to the law of the place they are transferred to, including issues relating to a prisoner's release, supervision and

recall. The sentencing jurisdiction plays no further role in the administration of the sentence.

A prisoner transferred to one of the 3 UK jurisdictions on an unrestricted basis is treated for all purposes in the same way as a prisoner sentenced in that jurisdiction. FNO Returns Command should do likewise, and where appropriate, consider the person for deportation action, but check for any outstanding [appeal](#) in the Crown Dependency.

Facilitated Returns Scheme (FRS)

Unrestricted transfer prisoners may be eligible for the FRS in the same way as any other foreign criminal provided they meet the criteria and are being deported.

As prisoners on restricted transfer remain under the jurisdiction of the relevant Island's prison authority, they are ineligible for FRS, which is a scheme only available in England and Wales.

Early Removal Scheme (ERS)

Those serving determinate sentences in England and Wales who are on unrestricted transfer from an Islands jurisdiction should be considered for the ERS on the same basis as all other foreign national offenders.

Prisoners on restricted transfer remain under the relevant Island's prison authority and are not eligible for the ERS.

Tariff-Expired Removal Scheme (TERS)

The TERS will only apply to foreign national offenders serving an indeterminate sentence (life or imprisonment for public protection) on unrestricted transfer.

How to confirm transfer conditions

Where the prison is unsure of a foreign criminal's transfer status or their eligibility for a UK government scheme, for example the Facilitated Returns Scheme (FRS), you should contact the relevant island's prison authority or the appropriate authority in the receiving jurisdiction.

Complaints about prisoner transfer schemes

An Island prisoner on restricted transfer is ineligible for any HMPPS, Prison Service or UK government scheme and cannot apply for repatriation under UK treaties, even if they are in a UK prison.

Complaints received relating to any of these programmes or the terms and conditions of the prisoner's incarceration, adjudications and calculation of sentence should be forwarded to the relevant Prison Service or Department of Home Affairs.

Complaints by those on unrestricted transfer regarding the refusal of FRS should be treated in the same way as any other FRS refusal complaints. Representations relating to refusal of ERS, TERS, repatriation (under UK treaties), release on temporary licence (ROTL), or home detention curfew, as well as those on adjudications should be either forwarded to the Prison Service or in the case of repatriation and TERS to the relevant department in HMPPS.

Related content

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Revocation of an Islands deportation order

This section tells you about applications to revoke an Islands deportation order or to revoke their extension to the UK.

Requests to revoke an Islands deportation order

Applications received by the Home Office or an Entry Clearance Officer to revoke an Islands deportation order must be returned to the sender and the person advised to contact the relevant Crown Dependency. Decisions to revoke an Islands deportation order must be taken by the Minister for the Cabinet Office in the Isle of Man, the Lieutenant Governor in Guernsey or the Minister of Home Affairs in Jersey and not the Home Secretary.

Islands deportation order revoked by Crown Dependency

Where the Minister for the Cabinet Office, Lieutenant Governor or Minister of Home Affairs agrees to revoke an Islands deportation order, any extension to the UK, automatic or otherwise, will cease to have effect.

Where the Home Office is notified that a Crown Dependency has revoked an Islands deportation order, consideration must be given to whether the person should still be prohibited from entering the UK. If they are to be prevented from entering the UK you must decide whether to exclude the person from the UK. If the person is encountered in the UK consideration must be given to whether there are grounds to remove or deport them from the UK.

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Revocation of the extension of an Islands deportation order to the UK

The Home Office can consider revoking the extension of an Islands deportation order where the Secretary of State has discretion to extend the order to the UK under paragraph 3(4) [Schedule 4](#) to the 1971 Act. It is not possible to revoke the extension of an Islands deportation order that automatically extends to the UK.

Revocation of the extension of an Islands deportation order to the UK can be considered in a similar way to the revocation of a UK deportation order. Although [section 4 of Part 13 of the Immigration Rules](#) does not apply to the revocation of the extension of an Islands deportation order to the UK, this section can be used as a guide to help you consider whether revocation of the extension of the order would be appropriate. Guidance on revocation of a deportation order is at: [Revocation of a Deportation Order guidance](#)

Where it is decided to revoke the extension of the Islands deportation order to the UK it must be made clear to the person that they remain subject to an Islands deportation order and are still barred from entering any of the Crown Dependencies. You must notify the person using the Extension of Islands deportation order revocation template.

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[Exclusion from the UK](#)

Appeal rights

This section tells you about the appeal rights associated with an Islands deportation case.

There is no right of appeal against a decision to extend an Islands deportation order to the UK or against the refusal to revoke the extension of an Islands deportation order to the UK.

Appeal rights in the Crown Dependencies

The following rights of appeal, available in the Crown Dependencies, may be relevant in the case of a person who is subject to an Islands deportation order and in some cases may be a barrier to deportation while the appeal is pending.

Appeals against court recommended deportation

Unlike in the UK, there is a right of appeal in the Crown Dependencies against a court recommendation for deportation made under [section 3\(6\)](#) of the 1971 Act. The right of appeal is to the relevant Insular Court of Appeal.

Appeals against conviction and or sentence and miscarriages of justice

All appeals against conviction and / or, sentence are first heard by the Appeal Court within the relevant Island. Where all other avenues of legal appeal have been exhausted and there continues to be a claim of a miscarriage of justice, any further appeal must go to the [Judicial Committee of the Privy Council](#).

It is possible that a prisoner who has been transferred to the UK will have an appeal pending in the Crown Dependency they were transferred from. You must check whether there is an ongoing criminal appeal.

Information on appeals listings, criminal appeals and court certificates, will need to be requested from the relevant court in the Crown Dependency if the relevant Insular Authorities' Immigration Service is unable to provide them; this information is not available on the UK's court IT systems.

Criminal appeals and removal from the UK or the Crown Dependencies

While there is a live criminal appeal with any Court or the Privy Council, the foreign criminal cannot be removed or deported from the UK. You must monitor progress and take action when it is possible to do so. The foreign criminal may have to be returned to the jurisdiction of the relevant appeal court while the hearing is taking place. This could mean that an open transfer prisoner is returned to the Crown Dependency where they were convicted, for the duration of the court hearing.

Related content

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Crown Dependencies contacts

This section provides sources of further information and contacts for the Crown Dependencies.

Guernsey

Courts

[Courts web page](#)

Prison

Guernsey Prison Service
Sir Charles Frossard House
La Charroterie,
St Peter Port,
Guernsey, GY1 1FH

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Immigration

[Guernsey Border Agency](#)

Jersey

Courts

[Royal Court of Jersey](#)
[Magistrate's Court](#)
[Youth Court](#)
[The Royal Courts](#)
[Court of Appeal](#)

Prison

[Jersey Prison Service](#)

Immigration

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