

Factsheet: Deportation

Deportation is the technical term used to describe a decision made by the Secretary of State for the Home Department (SSHD) to remove a non-EEA foreign criminal from the UK.

The effect of deportation is to cancel any existing leave to enter or remain.

A person who is deported will be barred from return to the UK for a specific period of time, normally at least 10 years, unless the Secretary of State agrees to revoke the deportation order.

The Secretary of State has powers to deport a foreign criminal on the ground that his or her presence in the UK is not conducive to the public good (section 3(5)(a) Immigration Act 1971).

The Secretary of State must automatically make a decision to deport in cases where the foreign criminal has been sentenced to a period of imprisonment of 12 months or more (section 32 UK Borders Act 2007) unless one of the exceptions apply.

The most commonly argued exceptions to automatic deportation are that removal in pursuance of the deportation order would amount to a breach of the Human Rights or Refugee Conventions.

Significant changes have been made to the process of deportation in relation to most decisions made after 10 November 2014 (see illustration).

