

Travelling with convictions: A travel guide to Europe

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Unless you're on licence, there's rarely anything stopping you from travelling abroad and at the moment you can travel freely within the EU.

When and where you can travel to will depend on the country you wish to visit, the nature of your offence and sentence you received. Visiting countries like the USA or Australia will usually mean applying for a visa. However, don't be put off by this. We know of many people with a criminal record who've successfully been granted visas.

Travelling abroad whilst on licence

It's more than likely that you'll face restrictions on travelling abroad all the time you're on licence. A standard condition of any licence is 'not to travel outside the UK, the Channel Islands or the Isle of Man without the prior permission of the responsible officer'.

Therefore if you're considering travelling abroad, it might be an idea to approach your probation officer informally to start with. You'll be able to get an idea of whether they'd give you permission prior to putting your request in writing. Each probation area will have their own approach to travelling abroad, so get a copy of your area's policy to find out how closely you meet their criteria. If you're refused you can go through the complaints system, details of which you should be able to get from your probation officer.

Moving abroad whilst on licence

Moving to another country can be extremely problematic all the time you're on licence. Although you're not in prison, the time you're on licence is still classed as part of the sentence given to you by the court.

Usually, you'll need to spend some time in the community in the UK on licence before you can be considered for resettlement overseas. This is to ensure that any risk you pose of reoffending can be assessed as well as evidencing that you're able to conform to all your licence conditions.

In deciding whether to grant you permission to move abroad, your probation officer will consider whether you have any family ties or other connections (for example you lived overseas prior to going to prison) as well as reviewing whether your offence is related to the country you wish to travel to.

Travelling when you're on the sex offenders register

If you've been convicted of a sexual offence, you may find that even when your licence ends, you will remain on the register. If this is the case, you'll need to continue to notify the police if you intend leaving the country for 3 days or longer.

Once you've informed the police of your travel plans, your supervising police officer may decide to 'flag' your passport with an Interpol Green Notice. This notification on your passport will alert overseas immigration officers that an individual who is on the sex offenders register is visiting. Depending on the country you're travelling to, you may be denied entry and sent back to the UK. Examples of people we've heard this happen to are those looking to visit places like Thailand, the Philippines and Vietnam.

What information is held about you on your passport

The UK has been using 'biometric' passports since 2006. These passports contain a microchip which stores a digitalised image of your passport photograph as well as the biographical details printed on the passport. **It does not contain any information which can't be found on the physical version of the passport. It's a myth that the chip holds details of your criminal record.**

Travelling to the European Union (EU) post-Brexit

Until Brexit is finalised and we know the exact outcome, there is talk that the ease with which we currently travel to the EU may change.

The European Union has proposed a new visa scheme for all visitors to the EU, called a European Travel Information and Authorisation System. If approved, it will place some restrictions on who can and cannot travel. However, until the withdrawal date and during the transition, the current immigration arrangement for British nationals will continue as they are currently.

The rules for the [EU](#), specifically the Schengen Area, regarding character concerns is relatively lax. Questions about criminal convictions are not asked when applying for a Schengen visitor/business visas, and border agent and landing cards (there aren't any) don't ask this either.

If any officials or forms ask you if you have a criminal history, you still have to answer truthfully, but in general if it's not more than 3 years of imprisonment, or crimes involving alien smuggling or drug offences that resulted in more than 2 years of imprisonment, then generally they will not refuse you entry or visa on that ground. Countries like Germany have specific rules that state anyone convicted of an offence relating to public order with a sentence of more than 3 years, a drug offence with a sentence of more than 2 years, and any offence related to alien smuggling is deportable (a "must deport"). Like the UK they are more concerned with offences committed in their country, rather than outside of the EU. Do not lie in any visa application or when answering questions to officials, because in Germany that is a "can deport". Not all countries have the same rule regarding character concern, so some EU countries may be more lax, however Germany is known to be a rather strict country so it is a good guideline on rules for the EU.

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an offence relating to public order with a sentence of more than 3 years, a drug offence with a sentence of more than 2 years, and any offence related to alien smuggling are subject to deportation. Like the UK, they are more concerned with offences committed in their country, rather than outside of the EU. Do not lie in any visa application or when answering questions to officials, because in Germany this lie will mean you *can* then be deported. Not all countries have the same rule regarding character concerns, so some EU countries may be more lax, however Germany is known to be a rather strict country so it is a good guideline on rules for the EU.

In Schengen visa applications, there does not seem to be a question about any criminal past. Nevertheless, this might come up in a visa interview, and the ETIAS system which is going to be implemented for visa-free visitors to the Schengen area (similar to for example the American ESTA) reportedly will include background checks with questions related to criminal records, deportations and such.

EU Members that do not fall under Schengen

Bulgaria

Currently applying for Schengen Status – No Visa required for holders of UK or Irish Passports

Croatia – No visa required for visits of under three months for UK or EU passport holders.

Cyprus – No Visa required for UK or EU Passport holders.

Ireland

Citizens of most countries in Europe and the Americas and a few countries elsewhere in the Eastern Hemisphere can get in visa free. No crime-related questions in the visa form.

Romania

Currently applying for Schengen Status. No visa requirements for holders of UK or Irish Passports.

Non-EU Schengen Members

Of non-EU States, Iceland, Norway, **Switzerland** and Liechtenstein have joined the **Schengen** Area. No Visa requirements.

Other European Nations outside of Schengen and/or the EU

Belarus

Foreign nationals may **visit** any place in **Belarus** within 30 days of their **visa**-free stay. However, they must arrive and leave the country only through Minsk National Airport. The **visa**-free entry **rules** do not extend to any other international border checkpoints or airports of the country. Visitors must have adequate health insurance. Visits longer than five days must be registered with local police. No questions on Visa application concerning criminal convictions.

Montenegro

No visa required for visits of under three months for UK or Irish passport holders for periods of up to ninety days.

Russia

The shorter variant of the Russian visa application form is applicable to most nationalities who need a visa, and there applicants are just asked about their planned trip, current employer and relatives in Russia. The more extensive form is for UK, US, Canadian, Australian and Georgian citizens and there applicants have to report former arrests and convictions among others. According to the visa form replying in affirmative to such questions don't automatically mean you don't get a visa but you may have to go to the consulate for an interview.



Serbia

No visa required for visits of under three months for UK or EU passport holders for periods of up to ninety days.

Turkey

On the Turkish visa form there are no questions about criminal history, other than having being deported from Turkey. People that are deemed to pose a public order, security or health risk can be refused entry.

Ukraine

Nationals of most first world countries (but not Australia and New Zealand), countries from the former CIS and some Latin American countries are allowed in visa-free, the rest need to apply for a visa (e-visa for most Latin American and many Asian countries). The visa form doesn't include crime-related questions.

United Kingdom

Character requirements for the United Kingdom are considerably stricter than that of the Schengen area.

The United Kingdom has a concept of "spent" convictions - this act has recently been updated so check these: application forms. Immigration officers wishing to exclude or remove someone on the basis of a criminal conviction must prove that the offence is not spent and therefore the person is not rehabilitated. A conviction is "spent" if more than 10 years has passed since imprisonment (if any) between 6 and 30 months. Any imprisonment over 30 months cannot ever be spent and therefore will always count against you. Imprisonment of less than 6 months or fines have an even shorter rehabilitation period (around 5 years or less).

The immigration officer wishing to deport you, or refuse entry on the basis of criminal conviction must prove that your convictions have not been "spent". The burden of proof is on them, not you, so if you were refused entry due to a criminal conviction chances are your offence is not spent. If the offence is spent, then you don't even have to tell them about it and they cannot use it against you even if they do know. For consecutive prison sentences the rehabilitation period would begin at the time you were last in prison, unless the sentence is over 30 months.

Although citizens of the EU, EEA and Switzerland are usually allowed to live and work in the UK indefinitely with only a valid ID card, they can still be denied entry on the basis of character concerns. However current EU laws do not allow for entry to be denied solely on the basis of previous criminal convictions, and immigration officials must be able to demonstrate that you "pose a credible threat to public security" in order for them to deny you entry.

Your visa waiver (if available) should not be affected by a spent conviction.

The information listed has been taken from a variety of online sources and is not exhaustive. This information is intended as an advisory. Should you wish to apply for entry to any of the countries listed, you should always check with the local embassy or consulate to verify if there have been any recent changes to regulations.

Sources:

Unlock.org for information



NACRO for information

En.wikivoyage.org for information on individual countries and possible visa problems – This was used as a base document

For any further information, please contact Niacro on

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