

Experiences of Poles deported from the UK in the context of criminal justice system involvement

The project will aim to develop knowledge in Poland and the United Kingdom (UK) with respect of post-deportation and/or post-extradition experiences of Polish nationals removed from the UK due to their contact with either the British or Polish criminal justice systems (or both). In particular, it will focus on the following groups:

- a) individuals who have been convicted of criminal offences in the UK – this group will encompass those who are sentenced in the UK and are later deported to Poland due to a court order or the order of the Secretary of State, at the end of their sentence;
- b) individuals who are sought by Poland under the European Arrest Warrant (EAW) proceedings – this group will encompass those who were subject to extradition from the UK under the EAW due to having committed an offence in Poland.

The project will focus on different aspects of the above processes, including on decision-making and preparation for deportation; post-deportation experiences of former Polish prisoners removed from the UK; decision-making processes and preparation for extradition; and post-extradition experiences.

The study aims to fill gaps in our understanding of what happens after deportation or extradition within the bounds of the European Union, from an empirical, qualitative perspective. The study responds to academic calls for understanding deportations and extraditions as a *process* and one that involves not only the person directly subjected to those processes, but also a variety of institutions, family members and communities.

The study is also timely as it will take place in the context of UK's exit from the EU given the potential changes to the legal framework and resulting changes to the practice in deportation and extradition cases. The study's timeline will allow the researchers to observe and examine those changes in 'real-time', potentially enriching the project's findings.

The removal of 'unwanted' migrants is one of the key policy issues in a number of EU member states. The ability of the British government to maintain (or restore) control over migration was, at least in part, the focus of the 2016 Brexit referendum. Societal belief about migration being outside of the British Government's control is deeply engrained even though the UK retains much control of its borders, including through deportations and removals, and denial of entry. For example, in 2016 alone, the Home Office forcibly removed over 12,000 people, and denied entry to a further 17,500 (Home Office, 2017).

Among those removed from the UK are increasing numbers of EU nationals; in fact, since the Brexit referendum the numbers have increased by 20% (year to June 2017). Romanians and Poles both feature in the top ten nationalities removed from the UK in 2016 (ranking third and eighth respectively) (Blinder 2017). The overall number of EU nationals returned from the UK to their countries of origin reached just over 5,300 in 2017 (Home Office 2017). It is difficult to assess how many of the latter were Poles deported after serving a sentence in UK prisons, as the UK does not publish country-specific statistics on deportations. However, the number of Polish prisoners in the UK has been growing steadily in the last decade, reaching the status of the largest group of so-called 'foreign national prisoners' (at the level of a daily number of 802 at the end of March 2018). It is not clear, how many of those prisoners are awaiting extradition decisions under European Arrest Warrant (EAW) and how many are serving a sentence; however, it is reasonable to assume that the majority of the daily number are in prisons serving sentences for criminal offences committed in the UK. As such, they are subject to a variety of legal measures, such as the *UK Borders Act 2007* and the *Immigration Act 1971*, some of which require that they are automatically considered for deportation. In fact, since 2006 the UK Government invested considerable resources in speeding up deportations which is reflected in the growing numbers of people removed across national borders, referred to above.

However, deportation is not the only reason for which Poles in contact with the criminal justice system are moved across national borders. Poles are regularly transferred on foot of the European Arrest Warrant proceedings as a result of Polish authorities seeking extraditions with respect of offences committed in Poland. Between 2004 and 2017 Polish courts issued 38,815 EAWs. 8,336 warrants were issued for Poles residing in the UK, and the UK authorities authorized and transferred 6,638 people upon Poland's requests (with the largest number of transfers in 2013 at 852). EAW proceedings are often a source of anxiety and frustration for those subjected to the process as Polish authorities regularly issue warrants for relatively minor offences. In the extreme these included, for example, exceeding a credit card limit or a theft of a wheelbarrow.