



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-005561

First-tier Tribunal No: HU/03708/2019

THE IMMIGRATION ACTS

Decision & Reasons Issued:

30 August 2024

Before

UPPER TRIBUNAL JUDGE HANSON

Between

SHELDON COORE
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person.

For the Respondent: Mr Diwnycz, a Senior Home Office Presenting Officer.

Heard at Bradford Magistrates Court on 11 July 2024

DECISION AND REASONS

1. I shall refer to the Appellant as Sheldon, as that is how he was addressed during the course of the hearing, with his consent.
2. Sheldon is a citizen of Jamaica born on 29 December 1978.
3. His immigration history shows he arrived in the United Kingdom on 17 May 1988, aged one year and four months, with his mother, Doret May Miller. He travelled on his mother's Jamaican passport which contained an Entry Clearance endorsed 'Settlement/To join mother'. Sheldon was granted Indefinite Leave to Enter.
4. Between 12 October 1993 and 6 March 2017 Sheldon was convicted on 25 occasions for 48 offences.
5. On 7 June 2015 at Bradford Crown Court he was convicted of robbery and was sentenced to an Imprisonment for Public Protection order ('IPP'), in accordance

with the Police, Crime, Sentencing and Courts Act 2002, with a minimum tariff of 2 years and 65 days. There was no appeal against his conviction or sentence.

6. The Imprisonment for Public Protection (IPP) sentence was introduced in 2005 as an indeterminate sentence targeted at serious offenders who, although they were thought to pose an ongoing risk to public safety, did not merit a life sentence. An IPP sentence could be received for sexual and violent offences such as robbery, indecent assault on a child, or wounding with intent. Under the sentence, offenders were given a minimum term which had to be served in custody in full. At the end of the minimum term, they could only be released if the Parole Board was satisfied that they were safe to be released on licence.
7. Although IPP sentences were abolished in 2012 by the Legal Aid, Sentencing and Punishment of Offenders Act, because they were used too widely and inconsistently, abolition was not applied retrospectively. The Government recognised that to re-sentence those relevant individuals would result in the immediate release of many without an assessment by the independent Parole Board that they could be managed safely in the community. This would have exposed the public to unacceptable risk of serious harm. Therefore, those who had already been sentenced to and were serving an IPP sentence in prison, such as Sheldon, continued to serve the sentence either because (1) they had not yet served the minimum term of imprisonment or, (2) where they have served the minimum term, because the independent Parole Board had determined that their risk remained too high for them to be safely managed in the community. It is for the second reason Sheldon remains subject to the IPP at the date of the hearing.
8. Although Sheldon was unrepresented on this occasion he has had the benefit of legal advice previously, including representation by counsel. His representatives confirmed Sheldon had withdrawn instructions on 7 June 2024.
9. One issues that arose at the error of law hearing in this appeal, at which Sheldon was represented by his barrister, was that he had a number of things he wished to say in relation to the evidence that felt he had not had the opportunity to do. For that reason great care was taken during the course of this hearing to ensure Sheldon had the opportunity to say what he wanted to say and to set out clearly his case in relation to why he believes he should not be deported. Sheldon spoke about a number of relevant issues, engaged fully with the Tribunal, answered questions put to him by Mr Diwnycz in cross examination, and was able to make submissions in which he drew together the threads of his thinking. I am satisfied Sheldon received a fair hearing during which he was able to set out everything he wanted to me to hear and to take into account when arriving at my conclusions in relation to this appeal. All such submissions and the evidence he relies upon has been fully considered with the required degree of anxious scrutiny, even if not referred to specifically or only in the briefest terms in the decision.
10. Sheldon has not remained in detention for the whole since he was sentenced for the robbery and given the IPP, as he was released on licence by the Parole Board into the community but was recalled, subsequently committed an offence of affray for which he was convicted on 25 November 2016 and subsequently sentenced to 15 months imprisonment, and on 6 March 2017 was also convicted of assault on a prison officer for which he was sentenced to 16 weeks imprisonment.
11. On 31 January 2012 as a result of earlier offences the Respondent made a deportation order against Sheldon and on 1 February 2012 refused his human

rights claim. Sheldon's appeal against that decision was allowed by the First-tier Tribunal in a decision promulgated on 3 July 2012.

12. As a result of Sheldon's conviction in 2015 the Respondent served him with a stage 1 deportation notice on 17 August 2018. Representations were invited from Sheldon and sent by his representative, and on 3 February 2019 his human rights claim was refused. An appeal was lodged on 26 February 2019 against the refusal of the human rights claim resulting in the hearing before the First-tier Tribunal on 12 January 2023. Although not relevant to the issues, I note the explanation for the lengthy procedural history set out in the decision of the First-tier Tribunal.

The law

13. Under s.32(5) of the UK Borders Act 2007, the Respondent must make a deportation order in respect of a foreign criminal (as defined in s.32(1)) and that, for the purpose of section 3(5)(a) of the Immigration Act 1971, the deportation of such a person is conducive to the public good.
14. It is not disputed that Sheldon is a "foreign criminal" for the purpose of s.32(5).
15. The mandatory requirement to make a deportation order in respect of a foreign criminal does not apply if one of the prescribed exceptions in s.33 apply. For the purpose of this appeal, it is effectively argued that Exception 1 applies, in that Sheldon's removal in pursuance of the second deportation order will breach his rights under the ECHR.
16. Section 117A(2) of the Nationality, Immigration & Asylum Act 2002 ("the 2002 Act") provides that where a Tribunal is required to determine whether a decision of the Secretary of State would be unlawful under section 6 of the Human Rights Act 1998 it must, in considering 'the public interest question', have regard in all cases to the considerations listed in s.117B. Section 117(3) provides that the 'public interest question' means the question of whether an interference with a person's right to respect for private and family life is justified under Article 8(2).
17. Section 117C of the 2002 Act sets out that the deportation of a foreign criminal (as defined in s.117D) is in the public interest and that the more serious the offence committed by such a person, the greater is the public interest in their deportation. It sets out the circumstances in which the public interest requires the foreign criminal's deportation unless prescribed exceptions apply. Where a foreign criminal has not been sentenced to a term of imprisonment of four years or more, the public interest would require his/her deportation unless either Exception 1 or Exception 2 applies.
18. Exception 1 applies where: i. The person has been lawfully resident in the UK for most of his/her life; ii. The person is socially and culturally integrated in the UK; and iii. There would be very significant obstacles to the person's integration into the country to which it was proposed they would be deported (s.117C(4))
19. Exception 2 applies where the foreign criminal has a genuine and subsisting relationship with a qualifying partner (as defined), or a genuine and subsisting parental relationship with a qualifying child (as defined), and the effect of the person's deportation on the partner or the child would be unduly harsh (s.117C(5)).

20. Where a foreign criminal has been sentenced to a term of imprisonment of at least four years, the public interest requires their deportation unless there are very compelling circumstances, over and above those described in Exception 1 or 2.
21. As has been subsequently clarified, a foreign criminal who has not been sentenced to a term of imprisonment of four years or more, can also argue that there are very compelling circumstances over and above those described in Exception 1 or 2.

The claim

22. Sheldon's claim, in summary, is that he came to the UK with his mother on 17 May 1980 as a child. His mother herself was only 16 years of age. They came to join Sheldon's maternal grandparents who had settled in the UK during 'Windrush'.
23. Sheldon states he has lived in the UK ever since. He has five children the elder two being over the age of 18 and three younger children who live with their mother who were conceived during the 16-month period in 2015/2016 when he enjoyed his liberty.
24. Sheldon has returned to Jamaica for a holiday once, claims have no immediate family there, and asserts the decision will breach his human rights.

The Evidence

25. A number of experts have been instructed to provide medical reports about the Sheldon over the years.
26. One of these is a report prepared by Mr Robert Allen, a Chartered Psychologist, on the instruction of Sheldon's previous solicitors, to provide a psychological report to enable the court to decide whether Sheldon is a dangerous offender and a risk to the public. The report is dated 17 August 2005 and relates to the proceedings before the Bradford Crown Court.
27. Having undertaken an appropriate assessment Mr Allen writes:
 - 3.1 Sheldon Coore has had behavioural problems from a very early age. He uses violence as a means to an end and has no compulsion in using it to obtain from life what he thinks he justly deserves. Hard illegal drugs in the form of heroin have obviously played a large part in both his behaviour and his need for offending. However, he is also shown that he is incapable of self-denial from illegal drugs without some sort of forced abstinence.
 - 3.2 From the evidence available Sheldon Coore is assessed as being a high risk of future violent offending.
28. The second document is a letter from the Southwest Yorkshire Partnership NHS foundation Trust, Yorkshire Centre for Forensic Psychiatry, dated 30 April 2018 written by Dr R Page.
29. The report is described as a Gatekeeping Assessment in respect of Sheldon following a review of his prison care records, a psychiatric report written by Dr Paige dated 23 February 2018, a report by Dr Puri dated 11 January 2014, a psychological report for the parole board dated 28 August 2013, following

discussions with Sheldon's mental health team leader and a Higher trainee in Forensic Psychiatry Dr Page, and an interview with Sheldon at HMP Dovegate on 19 April 2018.

30. The report highlights Sheldon's history of imprisonment, including transfers between various prisons, and engagement with mental health services, especially following a bereavement within his family which appears to have occurred in 2017. In relation to his transfer to HMP Dovegate and engagement with mental health services it is written at [2.5 - 2.8]:

2.5 He was transferred to HMP Dovegate on 8 September 2017. There were routine attempts to assess Mr Coore by the Inreach mental health team but given his limited engagement, it was difficult to complete the assessments. There were concerns from the Inreach team that he may be suffering from a mental illness given his comments referring to his water being contaminated at Lowden Grange and feeling paranoid. It was also reported that he was hearing voices telling him to "kill white people". Mr Coore self-referred to the mental health Inreach team in November 2017 stating that he felt that "he had a mental breakdown" he presented with bizarre ideas of the water being infected. There were concerns that he may be presenting with symptoms from NPS use.

2.6 Prison officers reported a changeable presentation 'very quickly shifting from being calm to aggressive'. He was described as agitated when submitting a compensation form due to a leak in his cell. He was otherwise reported to function well partaking in good diet and worked as painter decorator with no concerns.

2.7 Assessments by Dr Paige on 15 February and 22nd February described Mr Coore as "suspicious irritable and paranoid". On the first assessment, Dr Paige reports Mr Coore left after one minute of the assessment. He was reported as hostile towards the mental health team on the 21 February 2018 following their attempts at a further review. He insisted on being referred to as Mr Coore and presented with "bizarre beliefs in relation to his food" Mr Coore declined to attend to healthcare outpatient department. He was then reviewed in the presence of three officers. Dr Paige concluded that he was "unable to obtain a full history due to Mr Coore's poor level of cooperation and his level of agitation. Mr Coore was described with pressure of speech and was noted to be hostile and difficult to interrupt. He was reported to present with Loosening of association and racing thoughts. He made reference to female prison officers contaminating his food with mensuration blood. He was described as "physically intimidating and hostile". He was not observed, "responding to unseen stimuli and denied experiencing hallucinations or thoughts of self-harm".

2.8 Dr Paige's opinion following discussions with Dr Indrannal Ray, Consultant Forensic Psychiatrist, was that Mr Coore was "highly likely suffering with a psychotic disorder with unclear aetiology" and given the difficulties in engaging him was unable to fully review Mr Coore's mental health in the given environment. But that given Mr Coore's current presentation, history and potential NPS use, a full assessment in a hospital was required to rule out Schizophreniform disorder. He was therefore referred to a Regional medium secure unit on the 23 February 2018.

31. Section 9 of the report contains comment on Sheldon's mental state examination which is recorded in the following terms:

9.1 Mr Coore is a tall Caribbean male of medium build. He looks his chronological age and appeared well kept and was dressed in prison attire. He made good eye contact and shook the author's hand. He attended the interview with a stack of organised documents and files and insisted on the presence of his offender supervising officer during the consultation "I know she will make notes so nothing gets misunderstood.

- 9.2 Rapport was easily established. He answered questions in a measured manner. Carefully choosing his words. His tone was normal as was his content. He was initially guarded but this improved during the process of the interview. He presented as polite and respectful. He was able to maintain concentration. He did not overly appear anxious or distracted.
- 9.3 There were no abnormal movements noted. He did not appear to be responding to unseen external stimuli. On enquiring regarding his feelings, he denied being angry but merely “frustrated” with his predicament.
- 9.4 He denies hearing voices or experiencing any hallucinations or delusions. He denied he experienced paranoid delusions but explained that the nature of prison and his recent assault meant that the environment itself had eroded his trust of institutions.
- 9.5 He described his mood is “okay” and objectively was euthymic. He presented with normal affect and reactivity. He denied experiencing pervasive low mood, anhedonia or fatigue. He denied experiencing suicidal thoughts and stated he had carried out previous acts as a means to gain provisions from prison. He expressed fear following his recent serious assault and was worried of further assaults. He also described sadness in regards the passing of his grandmother and niece.
- 9.6 There was no evidence of thought disorder.
- 9.6 Insight was intact.
- 9.8 Denied thoughts to harm himself or others and there was no evidence of any self-harming behaviour.
- 9.9 Cognition was not formally tested but he appeared oriented in space and time.
32. I set out that diagnosis and the opinion formed of Sheldon in this section of the report as that also reflects how Sheldon behaved during the course of the hearing and when giving his evidence before the Tribunal.
33. The reference to the assault upon Sheldon relates to an event on 17 March 2018 when he was assaulted by four other inmates and required medical assessment and treatment in hospital, which may relate it to a drug debt or other issues.
34. At section 10.4 of the report is written:
- 10.4 In my opinion, Mr Coore does not suffer from mental illness of either effective or psychotic nature. It is difficult to entangle the effects of institutional behaviour and of his personality. I do agree that there is evidence of personality dysfunction and significant interpersonal difficulties and how much of this is amplified by his given environment is difficult to ascertain. Reviewing his multiple reports I find evidence of at times Mr Coore is curious about his difficulties and searching for a diagnosis. I am careful to refrain from making a diagnosis but thought it would be more appropriate to think what might be helpful to Mr Coore.
35. I have also seen a report prepared by Emily Pearson compiled on behalf of the Secretary of State, dated 6 February 2019. Emily Pearson is described as a Chartered Psychologist Registered Forensic Psychologist. At the date of the preparation of the report Sheldon was at HMP Full Sutton in York.
36. Following an appropriate comprehensive assessment Emily Pearson’s diagnosis is that Sheldon’s responses would indicate that he exhibits a pattern of problematic personality traits to the extent that would constitute a probable diagnosis of antisocial personality disorder [6.7].

37. Such condition is described within the DSM-IV as a pervasive pattern of disregard for, and violation of, the rights of others that begins in early childhood or adolescence and continues into adulthood. The traits associated with antisocial personality disorder that had been identified as having been particularly relevant to Mr Coore are:
- Evidence of conduct disorder before the age of 15.
 - repeated acts that are grounds for arrest in adulthood.
 - irritability and aggressiveness.

38. At [6.14] it is written:

6.14 The results of this assessment would appear to support the findings of the previous psychiatric assessment completed in October 2014, namely evidence to indicate the presence of problematic personality traits relating to antisocial and emotionally unstable personality disorders. As discussed in section 5 of this report, a previous psychological assessment (2013) also diagnosed that Mr Coore was suffering from schizoid personality disorder. Within the current assessment, although it was noted that he had a tendency to present as emotionally flat at times, Mr Coore could describe developing close emotional bonds with both family and friends, becoming distressed when discussing the death of his grandmother and the suicide of a friend within custody. He has also been described in the past as engaging well with others both on the wing generally and receiving an IEP recognition in 2010 for a role that involves working closely with others. It is possible that Mr Coore's periods of presenting this emotionally detached is more representative of a learned response to feelings of distrust, fear and emotional difficulties. It is difficult to be certain however without Mr Coore engaging more openly with the psychological assessment process.

39. The most recent substantive report appears to be that dated 28 April 2019 prepared by Dr Nici Grace, a Clinical Psychologist, for the Parole Board. Using the HCR-20v3 risk assessment methodology it was noted that Sheldon had past problems with violence, past problems with other antisocial behaviour, relationship instability, past employment problems, past substance use problems, past problems with personality disorder, a history of traumatic experiences, a history of violent attitudes and a history of problems with treatment or supervision response. That is, he had a material history in relation to nine of the ten risk factors.
40. Dr Grace referred to a previous diagnoses of schizoid personality disorder, although noted that the validity of the assessment might be questionable. She also noted that he had previously been deemed to show potential traits of paranoid personality disorder and has met the criteria for diagnosis of Antisocial Personality Disorder and traits of Emotionally Unstable Personality Disorder. Dr Grace concluded that the Sheldon presented with a moderate level of risk of future violent behaviour and that:

"it is deemed that there remains a likelihood of aggressive and intimidating behaviour should [the Appellant] find himself in an unsatisfactory situation or an assault when in conflict with others. At this time, I do not feel that [the Appellant] has progressed to the extent to which he would be safely manageable in the community or an open prison".

She also opined that Sheldon's *"personality functioning is inherent to both his risk to the public and his ability to engage with, and benefit from, any ongoing support or treatment"*.

41. Later in the report Dr Grace stated that Sheldon:

“has significant difficulties in engaging with others, due to mistrust and a perceived need for protection, alongside difficulty in acknowledging needs other than his own...and I am of the view that anti-social personality disorder is highly relevant. It also appears that traits of other styles of relating e.g. paranoid, emotionally unstable, are already identified as being relevant to the case formulation”.

42. In a final summary section Dr Grace confirmed that the Sheldon has

“significant difficulties in relation to interpersonal and emotional functioning. He does not acknowledge the need for continued intervention, but it is my opinion based on his presentation at interview, and the information available to me, that he requires further intervention prior to being able to be safely managed in the community”.

43. It is the professional opinion of Dr Grace that Sheldon has complex mental health and behavioural needs and would require extensive supervision in order to effectively manage, and be managed, in the community.

44. As noted above, Sheldon does not accept this diagnosis but I was not provided with any up-to-date medical evidence or anything that would indicate a basis for challenging the substantial number of assessments that have been made in relation to Sheldon, to be found in his appeal bundle, all of which point in the same direction.

45. When discussing this aspect of the evidence Sheldon indicated that none of the questions he had been asked by the authors of the reports applied to him, claiming that this undermined their conclusions. It was pointed out to Sheldon that although some of the questions may not appear to him to have been subjectively relevant they would have been part of the assessment tool developed over a substantial period of time by recognised experts in the field of psychiatry and psychology to assess how a person’s presentation stands up against the recognised diagnostic criteria. That would have required both an objective and subjective assessment. Sheldon appeared to have understood and accepted this explanation.

46. Even if Sheldon was right in that he does not have a mental health illness but accepts the personality disorder diagnosis, that does not undermine the conclusion of Dr Grace and others that he has behavioural issues and would require extensive supervision in order to effectively manage and be managed in the community, to prevent risk of harm to the public.

47. I have also seen a letter from the Community Health Team based at HMP Full Sutton addressed to Sheldon confirming he has never been under the care of the Mental Health Team since he has been at HMP Full Sutton since September 2018, and that he has engaged with the Recovery Team Substance Misuse Services since November 2019.

48. I have also seen a number of earlier reports in relation to which it is not necessary to make specific reference as they predate the reports referred to above.

49. I have also considered the OASys report dated 23 October 2020. That indicates that Sheldon was first released from the IPP sentence on 26 January 2015 but that

he was recalled on 20 May 2016 because he had sent abusive messages on Facebook to an ex-partner. The report explains that Sheldon was “at large” for ten days until he was arrested on 30 May 2016. The report also comments on Sheldon’s most recent conviction on 6 March 2017 when he was convicted of assaulting a prison officer on 3 August 2016, for which he was sentenced to 16-weeks imprisonment.

50. It is apparent from the OASys reports and other evidence that since September 2005 Sheldon has been in detention for over 18 years, save for the 16-month period between 26 January 2015 and 30 May 2016.
51. The OASys report also documents the issues around Sheldon’s behaviour during that period of liberty. He had been initially released to St John’s Approved Premises in Leeds but his behaviour became increasingly difficult to manage and he was intimidating and aggressive to staff. He was issued with an eviction notice in October 2015 and, whilst an extra period of residence was negotiated, no progress was made because Sheldon refused to pay his arrears to the housing agency. He was found a bed elsewhere but was hostile and aggressive there. He did, though, begin to pay his housing arrears and was offered his own accommodation in which he settled well. Sheldon was also banned from the job centre for three months due to his aggressive behaviour.
52. In terms of employment, Sheldon was involved in a very brief apprenticeship in June 2015 and there was a suggestion it ended because he was not managing well with it. The author of the OASys report writes: *“it may be that [the Appellant] needs support to help him get into work and to manage relationships with co-workers/superiors etc”*.
53. There was a discussion about Sheldon’s risk of offending given his drug addiction history. He was addicted to class A controlled drugs from an early age. The author notes that *“in order to reduce [the Appellant’s] long term risk of reoffending and harm, it will be imperative to take account of his dual diagnosis when determining which services are best placed to support him, particularly on his release back to the community”*. The report refers to a diagnoses made by Dr Puri in 2014 of a personality disorder with comorbid substance misuse.
54. As a result of Sheldon’s open distrust of the Huddersfield office of the Probation Service they took the unusual step of transferring Sheldon to a new offender manager from the Dewsbury office. This further demonstrate the difficulties Sheldon had with proper and appropriate engagement with the supervision put in place by the Probation Service.
55. The author’s assessment of the risk Sheldon posed to the public was given in the following terms: *“Given that Mr Coore had been in the community for over 12 months prior to being recalled with no evidence of further offending or relapse into drug use his risk to the public was assessed as medium. The circumstances leading to his recall to custody have not raised concerns that his risk to the public has increased and remains at a medium level. Risk would be greatest if Mr Coore’s emotional wellbeing deteriorated and if he relapsed into drug use and a criminal lifestyle. Risk may also increase if he becomes embroiled in a situation which he perceived to be confrontational or disrespectful”*.
56. Sheldon was assessed as posing a high risk to Ms Kelly (the mother of his twin daughters and the person to whom his abusive Facebook messages had been sent) and a medium risk to Ms Wood (with whom the Appellant also has a

daughter, conceived during his period of liberty). There were various reasons why his risk would increase, including financial difficulties, deterioration of emotional well-being, high levels of stress and anxiety and being unable to respond appropriately to challenge or not getting what he wants.

57. The author of the OASys report has provide a quantifiable probability of certain events happening. That is, there is a 36% chance of Sheldon engaging in proven recidivism within 1 year and a 53% of that happening within two years. Broken down into violent and non-violent types of offending, there is a 32% chance of the former occurring within one year and 47% chance within two years and 30% chance of the latter occurring with one year and 44% chance within two years.
58. The quantifiable risk assessment indicates that there is a more than 50% chance of Sheldon reoffending within two years and a near 50% chance of the specific offence being a violent one. I find on that basis there is a reasonable likelihood of Sheldon committing further offences upon release and, given the risk that that will involve violence, a reasonable likelihood that such offending will result in a return to custody in the UK.
59. If he is in the UK, and is released into the community, Sheldon will receive intensive supervision from the Probation Service. He is on a lifetime licence as a result of his IPP sentence. The OASys report sets out the extent of the supervision that was in place during 2015 when he was released. Such supervision did not prevent problems occurring at hostels where Sheldon was living or at the job centre. He could not hold down a job during that period and relied on benefits. His conduct towards a partner was sufficiently aggressive and inappropriate to trigger a recall which ultimately led to a further conviction for affray when officers attended to effect that recall. On 20th May 2016 five police officers attended his home address in Huddersfield in order to arrest him for prison recall. Sheldon had been released about 16 months prior and was the subject of a recall because it is stated he has sent abusive messages on Facebook to an ex-partner. When the police officers attended at the property Sheldon approach them with a knife that he had taken from the kitchen, indicated he was in possession of a firearm, and ran at the police officers with the knife held aloft causing them to fear for their safety. As a result, the police officers left the scene, as did Sheldon, and armed officers, a dog unit, and the police helicopter were employed to find and arrest him. Sheldon managed to remain at large for 10 days until he was arrested on 30 May 2016.
60. It was as a result of the recorded concerns and risk posed by Sheldon that detailed discussion occurred with him during the course of the hearing about his claim he is a reformed character who would not reoffend, and that the coping strategies that he had adopted would mean if confronted with a situation which had led to violence in the past, he would not react in that way again. Sheldon was adamant, by giving practical examples of how he would react and effectively apply thinking strategies he developed in prison, by walking away from any point of conflict, that he would not reoffend. Sheldon was also cross-examined on this point by Mr Diwnycz.
61. During the course of the hearing Sheldon did demonstrate some insight into the issues that were being considered and why he finds himself in the predicament that he is. He had, as has been commented upon by another, a bundle of documents with him and clearly kept up to speed with the evidence. He developed his own view on the merits of the evidence and it may be that the

reason he withdrew instructions from his previous solicitors was that he did not agree with the way in which they were handling his case.

62. Sheldon has also had support from family and friends in the UK. Although family member had attended previous hearings to support Sheldon they did not attend on this occasion.
63. In her witness statement dated 12 April 2022 Sheldon's mother, Mrs Miller-Douglas, confirms the family's immigration history and states that growing up Sheldon was always a good boy at home with no issues arising and that his issues started at school.
64. Mrs Miller-Douglas stated that Sheldon only started getting in trouble with the police when he was 14 years of age and it was claimed by his mother he would be blamed a lot for things that weren't his fault. It is accepted that drugs were a major part of his criminal behaviour and that he was very young when he started using drugs and had a terrible drug problem and that when taking drugs he was "horrible and not himself".
65. Sheldon's mother states that Sheldon managed to avoid taking drugs for a while and went on to father a daughter, Karrera, with a British citizen mother. She stated Sheldon has always had a strong bond with his daughter although the child's mother wanted nothing to do with her so she and Sheldon took the child in when she was two weeks old and obtained a Residence Order.
66. Sheldon's mother states he has always been a great dad who is incredibly close to his children which has continued with Karrera, who at the date of the statement was 24 years of age. Sheldon's other daughter Jene was 20 years of age at the date of the statement and has a child of her own.
67. It is said that the mothers do not allow Sheldon to have contact with any of his younger children.
68. The statement refers to Sheldon now having a grandchild which he himself referred to during the course of the hearing.
69. In relation to deportation, Mrs Miller-Douglas state Sheldon knows nothing about Jamaica although as a family they have talked about Jamaica in the past around him although he has no memory of living there. It is stated Sheldon visited Jamaica on a short holiday around 1999 that although it is Mrs Miller-Douglas' birth country Sheldon only knows life in the UK.
70. Mrs Miller Douglas states that in her opinion Sheldon would not survive if he was sent to Jamaica. She states they would think he has money because he is foreign and comes from the UK, and they may attempt to rob or even kill him.
71. In relation to the prospects of rehabilitation and plans for the future, Mrs Miller-Douglas states Sheldon had never disclosed his mental health to her so she does not know about it if he does have a condition, and that she feels like it/he should have been dealt with differently in the system. I do not find any merit in this claim for when one looks at the expert reports it appears that part of the problem with treating Sheldon differently has been Sheldon's refusal to engage with professionals and services made available to him.

72. Mrs Miller-Douglas states she believes that Sheldon is changed and that when he came out on the previous occasion he was a different person. At that time he had flat, changed his demeanour, put on healthy weight, and kept himself to himself and did not take drugs. She stated that when he was released previously he worked well with probation, would comply, and there were never any issues that she was aware of. Mrs Miller-Douglas states that having stayed clear of drugs in prison Sheldon has been able to think more positively and focused on sorting out his life, and in dealing with his legal issues. He has taught himself law, wants to learn things, and is frustrated because he wishes he could do it all himself but knows he needs a solicitor. Mrs Miller-Douglas claims that Sheldon gives advice about employment law when she is having problems at work and always wants to help from inside the prison. She states Sheldon really does want to better himself and use his knowledge and experience to help others, that he has undertaken health and safety and other things as well and is more interested in educating himself and was never interested in practical work such as bricklaying. Mrs Miller-Douglas states Sheldon loves his family and is willing to do anything for them even when he is in prison and that it will ruin them if he is deported.
73. I have also seen a witness statement from Karrera Coore dated 6 April 2022 confirming her relationship with Sheldon. She states he is very caring and protective of his family and her biggest supporter. She states that she and Sheldon speak every day or if they can't then every two days and have maintained their relationship whilst he has been in prison. Regular visits that occurred were stopped during the Covid restrictions, but she is now able to see him again in person on prison visits.
74. Karerra states that in her opinion prison has really affected Sheldon's mental health and that it has been particularly hard for him because he has not been able to be there for her or her sister. She believes that Sheldon is rehabilitated and refers to a granddaughter who he is very excited about. She sets out a subjective view in relation to rehabilitation and her opinion that Sheldon is not likely to reoffend in future.
75. In relation to deportation, Karerra states she has been to Jamaica more times than Sheldon and that he would struggle. The whole family would be broken if he was deported as she claims they know what Jamaica is like. She states it is dangerous and Sheldon would not be able to handle it. She claims everybody in the family just wants him home as they miss him, that she herself would be "gutted" as she will be robbed of even more time with her dad as will her sister, that her Nan's mental health will seriously deteriorated should Sheldon be sent to Jamaica. Karerra hopes his appeal will be granted.
76. I have also seen a statement from Sheldon's other adult daughter, Jene, dated 14 April 2022 reflecting the same opinion as her sister in relation to the bond with Sheldon and the impact of deportation.
77. I have also seen a statement from Tamara Russell, Sheldon's sister, dated 12 April 2022 reflecting the views of the family and herself, claiming it would be wrong to send Sheldon to Jamaica amongst other points being made.
78. I have seen a statement from Nickesha Russell dated 12 April 2022 in support of Sheldon who is described as the author's oldest brother. The statement speaks of the time they grew up together, their relationship, impact of Sheldon's imprisonment, ongoing contact between Sheldon and family members, impact of deportation, and rehabilitation and the future.

79. A statement from Doniquea Russell, Sheldon's sister, dated 18 April 2022 confirms a similar view to that recorded by other family members.
80. I have also seen a character reference written by Raymond Qureshi dated 7 February 2022, an undated letter from Helen Lynch a friend of Sheldon, undated letters from Sinead Peart and Elisha Reid, a letter dated 5 May 2021 from Krystal Russell, an undated letter from Camilla Boussaada, all expressing the view that Sheldon should not be deported and should be permitted to remain in the UK.

Discussion and analysis

81. As noted above, it is not disputed that Sheldon is a foreign national prisoner who the Secretary of State must deport unless an exception to that obligation is established on the evidence.
82. Section 117A of the 2002 Act places an obligation upon decision-makers when considering a human rights appeal take into account section 117 B and, in a deportation case, section 117 C of the 2002 Act.
83. Section 117B(1) states the maintenance of immigration control is in the public interest. The legitimate aim been relied upon by the Secretary of State in this appeal is the protection of the public from acts of violence, the prevention of crime and disorder, and deterrent effect.
84. As noted below, on the facts, Sheldon has no genuine subsisting parental relationship with a qualifying child.
85. Sheldon speaks English which is a neutral factor and has been financially independent in the past. He remains dependent on the state as a result of his imprisonment and there is evidence of support available from family members and so I find this aspect to be neutral.
86. Sheldon's private life was formed at the time he was in the UK lawfully warranting a proper weight being given to it.
87. Section 117C of the 2002 Act reads:

117C Article 8: additional considerations in cases involving foreign criminals

- (1) The deportation of foreign criminals is in the public interest.
- (2) The more serious the offence committed by a foreign criminal, the greater is the public interest in deportation of the criminal.
- (3) In the case of a foreign criminal ("C") who has not been sentenced to a period of imprisonment of four years or more, the public interest requires C's deportation unless Exception 1 or Exception 2 applies.
- (4) Exception 1 applies where—
 - (a) C has been lawfully resident in the United Kingdom for most of C's life,
 - (b) C is socially and culturally integrated in the United Kingdom, and
 - (c) there would be very significant obstacles to C's integration into the country to which C is proposed to be deported.

- (5) Exception 2 applies where C has a genuine and subsisting relationship with a qualifying partner, or a genuine and subsisting parental relationship with a qualifying child, and the effect of C's deportation on the partner or child would be unduly harsh.
 - (6) In the case of a foreign criminal who has been sentenced to a period of imprisonment of at least four years, the public interest requires deportation unless there are very compelling circumstances, over and above those described in Exceptions 1 and 2.
 - (7) The considerations in subsections (1) to (6) are to be taken into account where a court or tribunal is considering a decision to deport a foreign criminal only to the extent that the reason for the decision was the offence or offences for which the criminal has been convicted.
88. Sheldon's case is that Exception 1 applies which makes his deportation unlawful.
 89. In relation to the individual elements, I find Sheldon has been lawfully resident in the UK for most of his life.
 90. In relation to whether he is socially and culturally integrated into the UK, whilst it may have been the case Sheldon was prior to his period of imprisonment as a result of the IPP, the extent of his pre-detention integration would have been reduced in part as a result of his offending, drug use, and antisocial behaviour, resulting in Sheldon coming to the attention of the police from the age of 14. Since 2005, bar one brief period when he was released but rearrested, he has been within the prison estate. Sheldon has maintained contact with his family but has no realistic or effective integration with society in the wider context.
 91. "Socially and culturally integrated" means the acceptance and assumption of the culture, core values, customs and social behaviour of the UK - see [Binbuga \(Turkey\) v Secretary of State for the Home Department \[2019\]](#) EWCA Civ 551 at [57]. This does not include social integration with other criminals. Since his period of imprisonment Sheldon's interaction has been with other criminals. Although Sheldon may have been socially and culturally integrated before his period of imprisonment the evidence before me shows that he has contravened the core values of society and expected social behaviour within the UK to the extent that I find he is no longer socially and culturally integrated. I therefore find that Exception 1 is not met by Sheldon.
 92. Had it been found Sheldon is socially and culturally integrated it would be necessary to consider the third aspect, which is whether there were very significant obstacles to his integration into Jamaica. Sheldon's case, and that of his family, is that he has never lived in Jamaica, has little knowledge of life in Jamaica, would not be able to establish himself in Jamaica, will face a real risk of harm as a result of being targeted by others in Jamaica who either perceive him to be a person of means having come from the United Kingdom, and/or face destitution.
 93. The very significant obstacle test requires an assessment of whether a person is "enough of insider" to form a meaningful private life in the country to which they are being removed, see [Secretary of State for the Home Department v Kamara \[2016\]](#) EWCA Civ 813.

94. The fact being removed to, and living in, Jamaica may be a culture shock to Sheldon does not amount to very significant obstacle per se - see Secretary of State for the Home Department v Olarewaju [2018] EWCA Civ 557.
95. The appellant in Kamara was a citizen of Sierra Leone who the Secretary of State wished to deport as a foreign criminal. He had come to the UK as a young child, aged six, with his sister, was brought up in the UK, and was granted indefinite leave to remain in 1995.
96. The Upper Tribunal had found that Mr Kamara had no ties to Sierra Leone, could not speak any of the local languages used in Sierra Leone, and was found to be fully integrated into society in the UK. The Tribunal noted that Mr Kamara had been sentenced to a period of imprisonment of three years and six months for possession of Class A drugs with intent to supply, had demonstrated remorse for his offending, and that his conduct whilst in prison had been exemplary, leading to it being found his deportation would involve an infringement of his right to respect for private life under Article 8 ECHR.
97. There is clearly a difference between the period of imprisonment to which Mr Kamara was sentenced and that of Sheldon whose IPP means he has effectively been sentenced to a period in excess of four years and is therefore a higher level offender, and the fact Sheldon speaks English which is the language widely used in Jamaica.
98. I accept that the guidance of the Court of Appeal in relation to the concept of integration is that it is a broad one, not confined to the mere ability to find work or sustain life whilst living in the other country, and that the idea of "integration" calls for broad evaluative judgement to be made as to whether the individual will be enough of an insider in terms of understanding how life in society in that other country is carried on and has capacity to participate in it, to have a reasonable opportunity to be accepted there, to be able to operate on a day-to-day basis in that society, and to build up within a reasonable time a variety of human relationships to give substance to the individual's private or family life - see Kamara at [14].
99. Sheldon is not a young man but neither is he old. There is no evidence of any physical health needs and the overall assessment of the experts appears to be that he has no mental health illness, albeit he has a personality disorder. The evidence of the family and of Sheldon himself, is that if released from prison he will seek employment, engage with society, and behave himself. It was not made out he would not be able to do that in Jamaica.
100. It is accepted that Sheldon has been in the UK for what is effectively all his life. It is not disputed before me that Sheldon has visited Jamaica on holiday on one occasion, although members of his family have visited Jamaica more frequently, and the evidence indicates that the family have spoken about life in Jamaica in his presence. I find therefore he will have some knowledge of life in Jamaica. I have taken into account country information relating to Jamaica provided by Sheldon in his appeal bundle.
101. The fact Sheldon will be deported to Jamaica if his appeal fails is material. It is not a case of Sheldon being placed on an aeroplane by the Secretary of State, being flown to Kingston in Jamaica, and effectively being abandoned at the airport. I accept that in such a situation he may find it difficult to adjust to life in Jamaica.

102. There are a number of NGOs whose specific purpose is to assist deportees. One of which, which was part funded by the UK Home Office in the past, is the National Organisation of Deported Migrants, which is run by Jamaican citizens who have been deported, predominantly from the USA, and who offer services to those being returned to Jamaica in assisting with obtaining necessary documents, accommodation, and providing advice on employment and other related issues.
103. There is also an organisation known as the Hibiscus Initiative, a British NGO offering guidance and case management services to facilitate resettlement of foreign nationals detained or imprisoned in the UK, including those being returned to Jamaica. There is no evidence that this organisation could not be contacted and made aware of Sheldon's arrival if he is deported, with a view to making contact with him or him with them at the earliest opportunity, to enable them to assist him with obtaining the necessary documentation he may require to live a normal life in Jamaica and to establish himself in that country.
104. Sheldon also confirmed that his mother and brother retained their businesses in the UK and there is clear evidence of strong family support for Sheldon including financial assistance when required. It is not made out on the evidence that such support would not be available if Sheldon is deported. It is not made out family members will be unable to arrange suitable accommodation for Sheldon, in a hotel initially, if necessary, in Jamaica, whilst more settled accommodation is provided for him. It is not made out that any funds that are available would not be sufficient to meet Sheldon's needs while he re-established himself.
105. On the employment front, Sheldon was recognised for his work in prison painting and decorating which it has not been shown is a type of work that he could not undertake in Jamaica. He also clearly has intellectual abilities having undertaken a course of study with the Open University in law. It is not made out that he does not possess the necessary skills to obtain an administrative position in Jamaica if he did not wish to undertake manual work.
106. I also set out at Appendix A information available in the public domain from the Ministry of Foreign Affairs and Foreign Trade in Jamaica relating to assistance available to Jamaican citizens deported to Jamaica. Sheldon is a citizen of Jamaica who will be entitled to such assistance as is available to any citizen.
107. I accept that Sheldon has been in prison for a considerable period of time and money, to a certain extent, be institutionalised. I accept Sheldon will find it difficult if deported to Jamaica as you will have to cope with settling into a new environment and one which is outside the confines of the restrictions in which she has lived within the prison estate. I do not find it made out, however, that with the assistance that is available Sheldon will be unable to obtain an understanding of life in Jamaica and assimilate himself into the same within a reasonable time. I do not find insurmountable obstacles to integration have been made out.
108. In relation to Exception 2 and section 117C(5) it is not made out Sheldon has a genuine subsisting relationship with a qualifying partner or a genuine subsisting parental relationship with a qualifying child. The two daughters who filed witness statements are both over the age of 18 and are adults. There is no evidence of any subsisting parental relationship with any minor child. I accept that Sheldon has a grandchild who he is clearly very fond of, but that does not amount to subsisting parental relationship on the facts. I do not find it made out that Exception 2 is satisfied on the facts.

109. For the sake of completeness, I also find it has not been established it will be unduly harsh upon any family member for Sheldon to be deported as the term 'unduly harsh' does not equate to uncomfortable, inconvenient, undesirable or merely difficult, but poses a considerably more elevated threshold. As confirmed in KO (Nigeria) v Secretary of State the Home Department [2018] UKSC 53, 'Harsh' in this context denote something severe or bleak. The addition of the adverb "unduly" raises an already elevated standard still higher.
110. I must also consider section 117C(6) which reads:
- (6) In the case of a foreign criminal who has been sentenced to a period of imprisonment of at least four years, the public interest requires deportation unless there are very compelling circumstances, over and above those described in Exceptions 1 and 2.
111. Although the IPP imposed a minimum term of imprisonment of less than four years that was the minimum term Sheldon was required to actually serve, as the period of imprisonment is indefinite unless he is released by the Parole Board. Although Sheldon was released on parole he was re-arrested and continues to serve that period of imprisonment.
112. When considering whether there are very compelling circumstances over and above the exceptions it is necessary to note that this should not be interpreted literally as that the phrase just means there are circumstances that are more compelling than the existing exceptions – see Akinyemi v Secretary of State for the Home Department [2017] EWCA Civ 236 at [14].
113. A decision-maker considering this element is required to arrive at a conclusion that is compatible with Article 8 ECHR, which means it is necessary to balance the competing arguments.
114. Sheldon has not established on the facts he has family life in the UK recognised by Article 8 ECHR. I accept, however, that he has a private life recognised by Article 8 ECHR even though for the later period of his life he has been in prison. Sheldon's private life include his relationship with his daughters, his grandchild, any other family members or friends who he communicates with from time to time, and any other ties developed as a result of his time in the UK.
115. I accept that if Sheldon is deported from the United Kingdom he will be unable to enjoy his private life as he currently does. I find, however, that any such interference will be lawful.
116. The question is therefore the proportionality of the decision that interferes with Sheldon's private life.
117. Sheldon's arguments are set out above, namely that as a result of his time in the UK, strength of the private life he has developed, connection with his family, his desire to live a proper meaningful and constructive life in the future, his desire not to reoffend, lack of ties to Jamaica and difficulties he may experience if deported, any interference is not proportionate.
118. The Secretary of State's case is that the public interest requires Sheldon's deportation. He was sentenced by the Crown Court to an IPP on the basis the evidence provided to the sentencing judge indicated he poses a real risk to society who needed to be detained to protect the public. There was no successful

appeal in relation to either conviction or sentence. The nature of the risk, and the fact it is ongoing, is supported by the expert evidence I have referred to above including the OASys report which clearly indicates Sheldon poses a medium risk to society of further acts of violence. There is insufficient evidence to enable a finding to be made that Sheldon is rehabilitated such that that risk no longer exists at the date of the appeal hearing, as there is no expert evidence to support such a finding, the statements by family members to this effect have to be considered in light of the fact they want Sheldon to remain in the UK at all costs, and is a view taken in apparent ignorance of the content of the expert psychological/psychiatric reports. There is also insufficient evidence the underlying causes of Sheldon's behaviour, namely his underlying personality disorder, has been adequately dealt with.

119. It is also important to note this is not a case of an individual subject to an IPP who has remained in detention since the passing of the sentence with no evidence that they pose a risk to society if they were released. Sheldon was released as a result of the recommendation of the Parole Board but was subsequently rearrested and convicted of further offences including the incident involving the police officers who went to arrest him as a result of the Sheldon's recall to prison, in which he branded an offensive weapon, a knife, and claimed he had a gun, and the assault on the prison officer referred to above. It is also important to note the date of the reports assessing Sheldon postdate these events. The most up-to-date report we have, dated 2019, highlights the ongoing risk Sheldon poses to society. Although Sheldon in his discussions with the Tribunal denied that he poses such a risk he accepted that he has the personality disorder set out in the assessment. It is that disorder and how it manifests itself if Sheldon is faced with certain circumstances that gives rise to the risk of further harm. Although Sheldon appears to have some awareness of these issues I find insufficient evidence has been provided to show that he is at a stage where the risk identified in the report has been reduced to a point that enables me to find he poses no real risk or that the risk he poses is reduced to the point that there will be no need to remove him from United Kingdom, and that any ongoing management could be undertaken within the UK. It is important in this regard to note comments made by professionals regarding the difficulties experienced when trying to engage with Sheldon who at times can be cooperative but at other times obstructive.
120. In relation to the concerns of the First-tier Tribunal in their determination, that the assessment of Sheldon as a person with a personality disorder who is likely to resort to violence if faced with a situation in which he is confronted or with which he is not happy, leading to his being imprisoned in Jamaica and a breach of his Article 3 ECHR rights, I remind myself of the legal doctrine *Ex turpi causa non oritur actio* which means a person will not be able to pursue a cause of action if it arises from his own illegal act. That doctrine is based upon public policy considerations.
121. The Court of Appeal in the case of Alexander Lewis-Ranwell v G4S Health Services (UK) Ltd (1) Devon partnership NHS trust (2) and Devon County Council (3) [2024] EWCA Civ 138 found this is a long-standing common law principle that the courts will not assist a party whose case is based upon an immoral or illegal act.
122. A claim Sheldon is entitled to succeed as a result of a criminal act in Jamaica, contrary to the Jamaican law, entitling him to protection, is a claim placing reliance upon an initial act of illegality.

123. It is also relevant to note Sheldon is adamant that he will not reoffend. Even if he does it cannot be said that what he does will infringe the criminal law of Jamaica if he is confronted by an individual who threatens serious violence and he reacts in that manner, as a plea of self-defence will be available to him. It is also not established that even if he does offend as he has in the UK he will be imprisoned within Jamaica. There was insufficient expert or other evidence to support such a finding.
124. It is also important to consider Article 1 ECHR which reads: “the High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section 1 of this Convention.
125. Jamaica is not within the jurisdiction of the United Kingdom. It is not made out the United Kingdom authorities will have any part or responsibility for any acts that Sheldon may commit in Jamaica.
126. In OA (Somalia) CG [2022] UKUT 00033 it was held there must be a causal link between the removal decision and any “intense suffering” feared by the returnee. A returnee fearing “intense suffering” at some unknown point in the future is unlikely to be able to attribute responsibility for that suffering to the Secretary of State. In that case the issue was living conditions. The same principle that a person cannot rely upon Article 3 based upon their own illegal acts in the situation being considered in this appeal is of equal application. I do not find it made out that even if Sheldon does reoffend in Jamaica at some point in the future and is imprisoned, that responsibility for his experience in the Jamaican penal system is the responsibility of the Secretary of State.
127. This is not a case in which, on the balance of probabilities, a real risk arising from the action of deporting Sheldon will result in his being subjected to torture or inhumane main or degrading treatment or punishment of which the UK government should be aware or can be held to be responsible for.
128. Balancing up the competing interests with the required degree of anxious scrutiny, and standing back from the individual facts and giving proper consideration to the cumulative effect of all the relevant arguments, I find the Secretary of State has made out that any interference in a protected right recognised by Article 8 ECHR available to Sheldon, or any member of his family, are outweighed by the strong public interest in his deportation based on the risk of future harm to members of the community and the protection of those within the UK from criminal acts.
129. I do not find this is a case in which I can find, even taking into account the need to approach the public interest flexibly, this is one of those unusual cases in which Sheldon circumstances outweigh the strong public interest in removal. As found in Hesham Ali v Secretary of State the Home Department [2016] UKSC 60 at [46] and KO (Nigeria) [2018] UKSC 53 at [34], the public interest “almost always” outweighs countervailing considerations of private or family life in a case involving a ‘serious offender’.

Notice of Decision

130. Appeal dismissed.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

15 August 2024

Appendix A

From Ministry of Foreign Affairs in Jamaica



MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE

- [Home](#)
- [Deportation](#)

Deportation

The Ministry recognises that it is the right of every country to remove persons deemed undesirable to reside in their territory. The primary reasons for deportation include criminal activities, certain types of misdemeanors, overstaying of visas or entry permits, and other practices which may be deemed unacceptable in those countries. The Government of Jamaica is obligated to accept Jamaicans who have been ordered deported. As such the Ministry of Foreign Affairs in partnership with the Ministry of National Security, provides assistance for Jamaican citizens prior to departure from who are ordered deported from the country in which they reside.

Consular officers in the Jamaican Embassies, High Commissions and consulates offer non-judgmental and practical support as follows:

- Issue you a travel document to facilitate travel to Jamaica if your passport is unavailable, once you have been verified as a Jamaican citizen
- Assist you to get information about detention or deportation arrangements
- Provide contacts for English-speaking lawyers
- Ensure that you are afforded due process as allowed under the laws of the country from which you are to be deported (e.g., that you get all your appeals heard)
- Provide your family with information regarding the deportation such as legal arrangements in the country from which you will be deported
- Assist you to maintain contact with your family and arrange for funds
- Ensure that you are not discriminated against as a foreign citizen
- Ensure that you have a place to stay once you arrive in Jamaica (temporary shelters arranged through NGOs, if you have no relatives willing to take you in)

What Consular Officers cannot do

- We cannot refuse to accept you back in Jamaica once you are ordered deported and once you have been verified to be a Jamaican citizen
- We cannot intervene in the legal process or with the local authorities to get the decision overturned
- We cannot pay for legal defence to appeal your case or provide legal advice
- Not denied access to a Jamaican Consular Officer, his/her lawyers and those who have a legitimate right to have access to him/her.

- Not denied legal aid to which he/she may be entitled to under the local laws.

What can our Consular Officer assist in?

- Notify the Jamaican's family of the detention or arrest and provide details made available by the local authorities.
- Obtain information about the status of the Jamaican's case.
- Assist in obtaining information on the local judicial and prison systems.
- Provide the Jamaican and his/her family with a list of local lawyers, if available.
- Assist in arranging prison visits for the Jamaican's family.
- Arrange for consular visits to the detained or imprisoned Jamaican, provided that there is a Jamaican mission in that country.
- Facilitate the transfer of funds to the detained person if other means are unavailable (only if such remittance is permitted by prison authorities).
- Ensure that medical problems, if any, are brought to the attention of the prison authorities.
- Address any justified complaint about ill treatment or alleged discrimination with the prison authorities.
- Facilitate repatriation or deportation of the Jamaican, after his/her release.

What can our Consular Officer not assist in?

- Pay the Jamaican's medical, hospital, legal, accommodation, travel or other bills.
- Provide loans or cash the Jamaican's cheques.
- Post bails or pay fines on behalf of the Jamaican.
- Intervene in the judicial process of a foreign country or ignore local laws.
- Intervene in or act as an intermediary in disputes which are civil or commercial nature.
- Provide legal advice or initiate court proceedings on behalf of the Jamaican.
- Act as the Jamaican's guarantor or sponsor.
- Arrange for the Jamaican's accommodation or employment.
- Provide translation, mail-forwarding, telephone, fax or other personal services.
- Preventing your removal once you have been ordered deported.