

Expulsion is more frequently applied as supplementary punishment

It came evident from the analysis conducted by the Ministry of Justice that courts impose on foreigners who have committed criminal offences in Estonia more frequently expulsion as supplementary punishment and also apply in this connection prohibitions on entry up to several years.

During the last three years, expulsion as supplementary punishment has been imposed on 110 foreign citizens from 20 different countries. During the last four years, the number of expulsions has considerably grown. When in 2010 courts imposed expulsion as supplementary punishment on 16 convicted offenders, the corresponding number was already 50 in 2013.

The people who are being expelled are primarily youngish men. Lithuanian, Finnish and Latvian citizens formed the biggest proportion of people who were expelled. Most distant countries of origin where the convicted offenders were sent have been, for example, Hong Kong, Pakistan and Ghana. The biggest proportion of people who are being expelled are related to the commission of offences against property; two persons had committed aggravated offences against the person.

Average duration of prohibition on entry which is imposed together with expulsion is 4.4 years. Compared to earlier years, the proportion of very long, 8 up to 10 years, prohibitions on entry has decreased. This can be explained by the fact that expulsion is imposed more frequently for lesser offences.

The expulsion decision is most frequently reached as a result of settlement proceedings. In comparison with other courts, Viru County Court has made the least expulsion decisions.

15% of the people who are being expelled have to serve actual imprisonment. The rest have to serve their sentences partially in a prison or they have been conditionally imposed their full sentences. However, many partially imprisoned people were quickly released after the court decision, as in their case the court deemed the time during which they were detained as suspects or held in custody to be the punishment.

“The point of expelling people who have committed criminal offences and using the prohibition on entry lies in this that we prevent and thereby avoid the commission of criminal offences by the citizens of other countries,” said Minister of Justice.

“The analysis also showed that in case of these people who are serving their sentences in Estonian prisons before expulsion we should pay more attention to creating the possibilities for release on parole for the reason that these people would not be a burden for Estonian taxpayers for too long and their risks for committing new criminal offences would not increase in connection with imprisonment,” added Anvelt.

The analysis is based on the data entered by courts into the e-File information system. The analysis is available for more detailed review at the Ministry of Justice [homepage](#) [1].

Pursuant to § 54 of the Penal Code, if a court convicts a citizen of a foreign state, i.e. a person who is not an Estonian citizen, of an intentional criminal offence and imposes imprisonment, the court may impose expulsion with prohibition on entry for up to ten years as supplementary punishment. Expulsion shall not be imposed on a person who at the time of commission of the criminal offence was a minor. If the spouse or a minor child of the convicted person lives with him or her in the same family in Estonia on a legal basis, the court in its judgment shall provide reasons for imposition of expulsion.

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Published on Estonian Forensic Science Institute (<https://www.ekei.ee>)

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