# TABLE OF REHABILITATION AND CLEAR PERIODS –

In calculating the ‘rehabilitation’ period, it is the sentence that counts, not the time served and a suspended sentence counts as if it were a prison sentence.

Convictions related to sexual offences require a minimum 5 years concurrent rehabilitation/clear period. Relevant sexual offences are listed in Schedule 3 of the Crimes Ordinance 2014 or Schedule 4 of the Crimes Ordinance 2014.

Clear periods run from the date of conviction, caution or fixed penalty notice, or in the case of a court order (i.e. driving disqualification) until the order ceases to have effect.

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| **Sentence** | **End of rehabilitation** | **End of rehabilitation** | **Clear Period** |
|  | **Period (adults)** | **period (youths)** |  |

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| --- | --- | --- |
| A custodial sentence of more than 48 months  A custodial sentence of more than 30 months up to 48 months  A custodial sentence of 6 months up to 30 months  A custodial sentence of 6 months or less  A fine  A compensation order  A community or youth rehabilitation order \*  A conditional discharge or binding over  An absolute discharge  A Caution  A court order (i.e. driving disqualification)  Fixed Penalty Notice (FPN), criminal recordable offences only – not traffic related  Any other sentence not provided for in this table | NEVER SPENT  7 years after completion of the sentence, including any license period  48 months after completion of the sentence, including any licence period  24 months after completion of the sentence, including any licence period  12 months after completion of the sentence (including any licence period)  When payment made in full  When the order ceases to have effect \*  When the order ceases to have effect  No rehabilitation period No rehabilitation period No rehabilitation period  No rehabilitation period  No rehabilitation period | NEVER SPENT N/A  42 months after completion None  of the sentence, including any licence period  24 months after completion None  of the sentence, including any licence period  18 months after completion None  of the sentence, including any licence period  6 months after completion None  of the sentence (including any licence period)  When payment made in full None  When the order ceases to None  have effect \*  When the order ceases to None  have effect  No rehabilitation period None  No rehabilitation period 12 months  No rehabilitation period when order ceases  to have effect |
| No rehabilitation period 6 months  No rehabilitation period None |

\*If no provision is made by or under a community or youth rehabilitation order or a relevant order for the last day on which the order is to have effect, the rehabilitation period ends 24 months after the date of conviction.

The Principal Immigration Officer has discretionto ignore a single conviction (minor offences) resulting in a bind over, conditional discharge or small fine where the rehab period has not yet expired, but the applicant is suitable in all other respects. Offences involving dishonesty (e.g. theft), violence or sexual offences, drink-driving, driving whilst uninsured or disqualified are not minor offences.