



SERVING YOUR PRISON SENTENCE IN YOUR HOME COUNTRY?

You have been sentenced to prison in Belgium, but do **not know this country well**? Perhaps you are **far away from family and friends** and receive **few or no visitors**? You have **trouble with the language**? You **don't feel at home in the Belgian culture and/or environment**?

This makes being in prison all the more difficult. It also makes it very hard to work on your future.

Perhaps there is **another way**.

Can you serve your sentence in another country?

Yes, that is often possible. We call it a **transfer**. Belgium has an agreement with several countries that makes transfers possible.

- You can **apply** for your transfer if your country of origin is on the **attached country list** and you meet all the requirements.
- Sometimes the transfer is **compulsory** and you have **no choice**. This may be if the treaty between Belgium and your country of origin provides for that option (see countries with an * in the list) and you meet all the requirements.
- If you have a **right of residence in another EU member state**, you can also continue serving your sentence in that member state.

- **Attention:**
- If you have no right of residence and do not choose to be transferred, **the government can still force you to return to your home country after your sentence**. You may also be banned from coming to the European Union for a certain period of time.

Why choose a transfer?



- close(r) to **family and friends**
- more **visitors**
- **language** you know
- culture and country where you **feel at home**
- **your future** is in your own hands.

You feel **mentally stronger**. You can **prepare better for your life after prison**. By working on that, you may even be able to get out of prison sooner.



Does your sentence change?

Your sentence remains the same, but the length of your sentence, conditions or ways of serving it may differ. It is the law of the country where you serve your sentence that counts.

How long before you are transferred?

About six months to a year. But it varies from country to country. Transfers to another EU country may be faster.

Are there other ways to go back to your homeland?

Yes. If you have no right of residence in Belgium, you have already served one third of your sentence and you want to return to your home country, you can **ask for your release for that reason at the court for execution of sentences (or SURB)**. That is called a **VLV application**. Maximise your chances of returning and apply for a transfer as well!



How does it work?

A. You **CHOOSE** transfer voluntarily

- YOU:**
- fill in the **form** attached to this leaflet.
 - **indicate the country** in which you want to serve your sentence.
 - **give** your application to the prison director.



The prison director:

sends your request and a list of your visitors to the Central Authority for International Cooperation in Criminal Matters.



The Central Authority:

- checks that all the conditions are met
- asks the government of the country in question whether they agree to the transfer.



YOU: will be informed of the **decision**.

B. Your transfer is **COMPULSORY**

The Central Authority for International Cooperation in Criminal Matters:

- checks whether a compulsory transfer is possible in your case.
- asks the government of your country whether they agree to your transfer.



YOU:

- will be **informed** of the compulsory transfer.
- **write down** whether you **agree or not**.
- **give that document** to the person who contacted you (prison director or public prosecutor).



The Central Authority:

will take the final decision.



YOU: will be informed of the **decision**.

Questions?



Prison director or psychosocial service

- Ask questions about your file.
- Question for the Immigration Office? Inquire about the presence of the return coach.



Prisoner Transfer Unit (PTU) International Cooperation in Criminal Matters of the Federal Public Service of Justice

- 02 542 65 11 (during office hours)
- Waterloolaan 115, 1000 Brussels
- PTUnit.iccm@just.fgov.be



Talk to your **lawyer** or get an initial free legal consultation. Find out about that offer in prison.



Countries to which transfer is possible

- Albania *
- Armenia
- Andorra
- Australia
- Azerbaijan
- Bahamas
- Belgium
- Bolivia
- Bosnia and Herzegovina
- Brazil
- Bulgaria *
- Canada
- Chile
- China
- Costa Rica
- Cyprus *
- Denmark *
- Dominican Republic
- Ecuador
- Estonia *
- Philippines
- Finland *
- France *
- Georgia *
- Germany*
- Ghana
- Greece *
- Holy See
- Honduras
- Hungary *
- Hong Kong
- Ireland *
- Iceland *
- India
- Israel
- Italy *
- Japan
- Kosovo *
- Croatia *
- Latvia *
- Liechtenstein *
- Lithuania *
- Luxembourg *
- Macedonia *
- Malta *
- Morocco *
- Mauritius
- Mexico
- Moldova *
- Monaco
- Mongolia
- Montenegro *
- Netherlands *
- Norway *
- Ukraine *
- Austria *
- Panama
- Poland *
- Portugal *
- Czech Republic *
- Romania *
- Russia * (*only persons who have fled Russia*)
- San Marino *
- Serbia *
- Slovenia *
- Slovakia *
- Spain *
- Thailand
- Tonga
- Trinidad and Tobago
- Turkey
- Venezuela
- United Kingdom *
- United States of America
- South Korea
- Sweden *
- Switzerland *

country to which a compulsory transfer **without the consent of the inmate is possible*



Transfer request

Federal Public Service of Justice

Belgian Prison Service

Prison of

Date:

The inmate

.....

.....(surname, first name, place and date of birth)

requests to be transferred to

..... (country of destination).

This request will be transferred by the Prison Administration together with the list of visitors of the undersigned to the Central Authority for International Cooperation.

Signature of the inmate:

.....

