

Transfer of a prison sentence to an EU Member State

If you have been sentenced to imprisonment in Finland, you may have the possibility to serve your sentence in your home country. In this context, home country refers to an EU Member State that is not a Nordic country and to which your prison sentence can be transferred once the conditions for transfer are met. The goal of the transfer is to promote your social rehabilitation.

The Prison and Probation Service may also initiate the transfer to your home country on its own initiative.

Conditions for transfer

Your prison sentence may be transferred to another EU Member State if you meet **at least one** of the following conditions:

- you are a national of that EU Member State and live there (your consent is not required for the transfer); or
- you are a national of that EU Member State and have been denied admittance or stay in Finland and ordered to be removed or deported to that Member State because of your sentence (your consent is not required for the transfer); or
- you have either fled to or returned to that EU Member State due to criminal proceedings or a conviction in Finland (your consent is not required for the transfer); or
- the transfer is to any other EU Member State, provided you consent to the transfer.

In addition, **all of the following** conditions must be met:

- your criminal judgment is final;
- the transfer is likely to promote your social rehabilitation and reintegration into society;
- both Finland and the EU Member State in question consent to the transfer, and
- you consent to the transfer if your consent is required by law.

What happens after the transfer?

If the conditions for transfer are met and the transfer is approved, **you will serve your prison sentence in your home country**. If you are already in prison in Finland, you will be transferred to a prison in your home country to continue serving your sentence.

After the transfer, **the law of your home country will apply**. For example, your release from prison will no longer be determined by Finnish law but by the rules of your home country.

How to apply for a transfer

Apply for the transfer using the **application form** attached to this leaflet.

The prison staff can send your application on your behalf, or you can send it yourself.

Address your application to:

Prison and Probation Service, Enforcement Unit, International Enforcement.

Send your application to one of the following addresses:

Opastinsilta 12 C, 00520 Helsinki

kirjaamo.rise@om.fi (email)

kvtp.rise@om.fi (email)

Right to counsel and defence counsel

You have the right to use a counsel of your choice. The counsel must be an adult with legal capacity.

You are appointed a defence counsel if you so request. The defence counsel may be an advocate or a public legal aid attorney or, for a special reason, a licensed legal counsel. The fees of the defence counsel are paid from Finnish state funds.

If you request a defence counsel, inform the Prison and Probation Service of the defence counsel's name, contact information and consent to the task (contact information above).

Right to contact your home country's diplomatic mission

As a foreign national, you have the right to contact your home country's diplomatic mission (embassy or consulate). In addition, you must be provided with interpretation assistance where possible. If you wish, you can ask the prison staff to help you contact your consulate.

EU Member State to which this brochure applies

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain.

Application

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Fill in your details on the form. Fill in all requested information.

You may also fill in the form in your native language.

Name		Personal identity code or social security number in your home country
Judgment you wish to have transferred from Finland Name of the court		
Date of the judgment	Case number of the judgment	
Home country, i.e., the country to which you wish to transfer the enforcement of your sentence		Nationality
If you are not a national of your home country, please tell us, whether your right of residence is temporary or permanent. Attach a copy of your residence permit or EU registration to this application form, if possible.		
Address in your home country		
Periods during which you have lived in your home country		
What ties do you have to your home country? family work studies financial ties cultural ties other, please specify:		
Why do you want to serve your sentence in your home country?		
Contact information where you can be reached (This information is not required if you are in prison in Finland.)		
Date	Signature	