



## INFORMATION REGARDING TRANSFER OF SENTENCED PERSONS

The European Convention on the Transfer of Sentenced Persons gives legal access to transfer persons of foreign citizenship who are sentenced in Norway back to their home State (the administering State) to continue serving the sentence there. The main purpose of the Convention is the social rehabilitation of sentenced persons, considering that such rehabilitation may best take place within their own society.

Transfer orders are made by the Ministry of Justice and the Police in cooperation with the administering State. The Convention is incorporated in the Act on Transfer of Sentenced Persons of 20 July 1991.

You have the right to access to the relevant rules and legislation if you request it.

### 1) Voluntary transfer

You may apply to be transferred to your home State. The main rule is that you must be a citizen of that State. The petition should be presented to the prison management. If you wish to be transferred, the sentence must be final and enforceable. As a general rule, at least 6 months should remain of the sentence term, counted from the moment when the request for transfer is received in the administering State.

### 2) Transfer without consent

The Additional Protocol to the Convention enables the sentencing State (Norway) to decide to transfer the sentenced person even when the sentenced person does not consent. The requirements for such a transfer are that you are a citizen of that State and that you have been expelled from Norway. Also in this case, at least 6 months should remain of the sentence term.

You are entitled to state your opinion concerning the transfer, regardless of your consent.

Even though the requirements for transfer are fulfilled, the administering State or the sentencing State is not obliged to accept a transfer of the prisoner.

### *The legal consequences of a transfer*

The administering State may either continue the enforcement of the Norwegian sentence, or convert the sentence. If applying the latter alternative, only the actual sentence term may be converted. However, your penal position shall not be aggravated, and the converted sentence cannot be longer than the sentence you were imposed in Norway. Furthermore, when transferred to your home country, the penal execution regulations of that country will apply, e.g. the release regulations. Most European States practise release when 2/3 of the sentence has been served. You may ask the prison staff if you want to know more about the release regulations in your country.

### *Appeal*

A transfer order may be appealed to the King in Council pursuant to the rules in the Public Administration Act. Generally, an appeal does not imply that the actual transfer is postponed.