

Transfers home for prisoners abroad



Foreign &
Commonwealth
Office

Transfers home for prisoners abroad

This leaflet outlines how British citizens sentenced to a term of imprisonment abroad may be able to transfer home to serve the rest of their sentence in a prison in the UK. It is intended to be a brief introduction. It is not a statement of your legal rights.

1. Am I eligible for transfer?

- > You must be a British citizen or have close family ties with the UK (normally through permanent residence in the UK).
- > Criminal proceedings against you in the foreign country must be complete. You cannot be transferred if you are awaiting trial, or the outcome of an appeal against your conviction and/or the length of your sentence.
- > You must normally have at least six months of your sentence left to serve when you make your application for transfer.
- > The offence for which you were convicted must also be a criminal offence in the part of the UK to which you wish to be transferred (i.e. England, Wales, Scotland or Northern Ireland).
- > You must have no outstanding fines or other non-custodial penalties. Other conditions may apply, depending on the specific transfer arrangements with each country.
- > You cannot be transferred if there is no agreement in place between the UK and the country where you are imprisoned.
- > Other conditions may apply, depending on the specific transfer arrangements with each country.

2. Why should I transfer?

- > You would be able to serve the rest of your sentence closer to your family and friends. You would also be in an English-speaking environment, and be able to take advantage of the courses available in British prisons aimed at preparing you for release.

3. How are transfers arranged?

- > The UK Government has signed international agreements that allow British prisoners to be transferred from certain countries to the UK.

4. How do I make a transfer application?

- > If you are imprisoned in a country from which a transfer is possible and have been sentenced, you should have already received information about transfers from the prison authorities. If you have not, or if you have questions about the process, you should speak to the prison authorities or contact the British Consulate.
- > You should normally make your application to the prison authorities in your place of detention but, if you prefer, you can write to the nearest British Consulate, who will pass on your letter to the relevant UK authorities. The UK authorities will then make an application to the foreign authorities on your behalf.

5. Who has to agree the transfer?

- > The authorities in the country in which you are serving your sentence, the British authorities and YOU.

6. What happens once my application is received?

- > The authorities of the country in which you are serving your sentence make an initial consideration of your application. If they are prepared (in principle) to agree to the transfer, they will forward information about you to the authorities in the UK. This will include details of the offence(s) and length and nature of the sentence.
- > If the UK authorities agree to the transfer, they will tell the foreign authority and provide them with information about how your original sentence will continue to be enforced.
- > If the foreign authorities agree, you will then be provided with the relevant information on how your sentence will be administered in the UK.
- > You will then be asked to give your written consent to the transfer. If you agree, the relevant travel and transfer arrangements will be made.

7. Who is responsible for the costs of my transfer?

- > Most of the costs of the transfer are the responsibility of the UK and foreign authority. However, you will be responsible for the cost of your own airfare. This can be paid in advance or you can sign to agree to undertake to repay the cost as soon as possible after your arrival in the UK. If you choose the second option, your passport will be retained until repayment is made.

8. How long will it take?

- > The length of time varies from case to case. In some countries it can take more than two years. It is important that you understand this, and are not over optimistic about a speedy transfer. However, we will do everything we can to process your request as quickly as possible.

9. How long will I serve on my return?

- > The British authorities will continue to enforce the sentence imposed on you by the foreign court. The British authorities cannot increase the sentence that has been imposed on you. However, the release arrangements of the country where you are imprisoned will cease to apply once you have been transferred. British release arrangements will apply instead. Each country has its own release arrangements; because these differ, it might be possible that your release date in the UK is later than that in the country where you are imprisoned. You will be provided with detailed information about the calculation of your release dates in the UK before you are required to give your consent to transfer. You should ensure that you fully understand the consequences of your transfer before you give your consent. If you are unsure you should ask for clarification.

10. If I transfer can I appeal my conviction and sentence through the British courts?

- > No. This remains a matter for the courts in the country in which you were sentenced. The British courts have no jurisdiction to review either your conviction or your sentence.

11. I am a British citizen, can the UK authorities refuse my request?

- > The British authorities will normally approve the requests of British citizens. However, the UK authorities reserve the right to refuse your request, for example if you have not lived in the UK for a number of years, and you have no close family resident here.

12. Is it possible to appeal a decision to refuse transfer?

- > No. You have no automatic right to transfer. Each request is considered on its individual merits. Both the UK and the country in which you are imprisoned have the absolute right to refuse your request.

13. Will I be liable to prosecution for other offences if I return?

- > You cannot be prosecuted in the UK for the offence for which you are sentenced. You will, however, be liable to detention or prosecution in connection with any other alleged offence committed in the UK.

14. Will I have a criminal record in the UK even though my offence was committed in another country?

- > Whether you return to the UK as a serving prisoner, or at the end of your sentence, you have a criminal record. The law requires that in certain circumstances you must disclose your previous criminal convictions. This includes convictions imposed abroad as well as those imposed in the UK. Failure to give full disclosure of your criminal convictions when required by law to do so is a criminal offence.
- > You should be aware that if you are arrested for certain serious offences, such as child sex abuse or drugs crimes, consular staff must tell other relevant UK authorities.

15. How can I get more information about being transferred?

- > You can ask either the prison authorities where you are serving your sentence or your nearest British Consul. You can also write to the relevant UK authorities:

England and Wales

Offender Safety
Rights & Responsibilities Group National Offender
Management Group
Clive House
70 Petty France
London
SW1H 9EX

Telephone: +44 (0) 20 7217 8681
Fax: +44 (0) 20 7217 2243

Northern Ireland

Northern Ireland Prison Service
Operational Management Division
Dundonald House
Upper Newtownards Road
Belfast, BT4 3SU

Telephone: 028 9052 5065 General Enquiries

Scotland

Scottish Prison Service
Custody Directorate
Calton House
Redheughs Rigg
Edinburgh, EH12 9HW

Telephone: 0131 244 8745

Prisoners Abroad

Prisoners Abroad is a UK charity, which provides information, advice and support for prisoners and their families. It can provide information, limited financial assistance and vitamins in certain situations, translations, reading material, and support for families. Prisoners Abroad works collaboratively with the FCO to deliver assistance to British citizens held in prisons overseas. They will keep in touch with you and your family throughout your sentence, and can assist after your release if you are not transferred to a UK prison. They can also advise you on the transfer process. Their address is:

Prisoners Abroad

89–93 Fonthill Road
London N4 3JH

Tel: 020 7561 6820

Fax 020 7561 6821

www.prisonersabroad.org.uk

Email: info@prisonersabroad.org.uk

Please note that you will not be entitled to Prisoners Abroad's support (financial or otherwise) if you have transferred back to the UK to serve the remainder of your sentence. Nor will Prisoners Abroad be able to assist after your release from a UK prison.



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Tell us what you think!

Giving us feedback

We welcome your views on the support we provide. They will help us to identify what we do well and what we could do better. Please look at the FCO website (<http://www.fco.gov.uk/consularfeedback>) for our customer satisfaction survey, or ask your local Embassy or Consulate for a copy. Information about our official complaints procedure is also on this website.

If you prefer to contact us directly our contact details are:

Consular Directorate

Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

Email: feedback.consular.services@fco.gov.uk

Tel: +44 (0)20 7008 1500



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