TRANSFER OF SENTENCE (REPATRIATION) FROM EU STATES - FREQUENTLY ASKED QUESTIONS (FAQ)

I am an Irish citizen serving a sentence in a European Union (EU) country, do I have a right to be transferred back to Ireland to serve my sentence?
While you may apply to transfer your sentence, there is no right to transfer back to an Irish prison. Each application is dealt with on a case by case basis.

How do I apply to be transferred?
You should tell prison staff where you are imprisoned that you wish to transfer back to an Irish prison and they will advise you of the process. You may be asked to fill in a form. However, it is important to note that even if you make a request to transfer the country where you are in prison is not obliged to start the transfer process.

I applied to be transferred back to Ireland a few years ago but my application was refused. Has the law changed?
Yes, the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023 came into force in May 2023. This Act brought EU law on transfers into Irish law. You may apply again if you wish.

I was sentenced in 2019. If I apply, will my application be dealt with under the old process?
No, all applications from EU countries are being dealt with under the process set out in the Criminal Justice (Mutual Recognition of Sentenced Persons) Act 2023. This is the case no matter when the application was made or when the person was sentenced.

Can I be transferred without my consent?
You may be transferred without your consent in certain circumstances, in particular if you live in Ireland (Ireland is your normal place of residence) or you will be deported there on your release from prison.

I do not want to be transferred back to Ireland and want to make by views known to the authorities. What can I do?
You should be given the opportunity to provide your opinion while you are still in the sentencing country. This right to give your opinion applies whether your consent to transfer is required or not.

I no longer have close family members in Ireland, does this mean I cannot be transferred?
The purpose of the transfer is to facilitate rehabilitation and reintegration back into society. The factors that can be taken into consideration when deciding whether your rehabilitation may be served by your transfer back to Ireland include family, linguistic, cultural, social, economic and other links.

I was told that the crime I was convicted of is not a crime in Ireland, can I still apply to transfer your sentence back to Ireland?
It is important to get legal advice regarding whether the offence you have been convicted of in an EU country is an offence in Ireland. If it is not a crime here, you cannot transfer your sentence back to Ireland.

Can I transfer my non-custodial sentence back to Ireland?
It may be possible for you to transfer your non-custodial sentence but not under the Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023. You should contact the International Desk of the Irish Probation Service for further information: InternationalDesk@probation.ie

February 2025.

This factsheet is for information purposes only and does not and is not intended to constitute legal advice. While every effort has been made to ensure that the content is accurate and up to date, the ICPO accepts no responsibility for errors and omissions.

ICPO, PO Box 13484, Maynooth, Co Kildare, Republic of Ireland
Tel: 00 353 1 5053156; Fax: 00 353 1 6292363; Email: info@icpo.ie; Web: www.icpo.ie