

CONSULATES' TELEPHONES

Germany	4778-2578/2579
Australia	4779-3513
Austria	4807-9185
Bolivia	4861-0041/9203
Brazil	4515-6545/6529
Bulgaria	4781-8644
Canada	4808-1000
Chile	4331-6228
China	4547-8100/8128
Colombia	4312-5538/5546
Croatia	4777-7284
Denmark	4312-6901
Ecuador	4804-6408/0073
Spain	4814-9151
United States of America	5777-4533
Philippines	4782-4752
Finland	4312-0600
France	4515-2858
Great Britain	4808-2231
Greece	4811-4811
Haití	4807-0211
Netherlands	4338-0050
Hungary	4555-6862
Israel	4338-2515
Italy	4114-4741
Japan	4318-8200
Malaysia	4776-0504/2553
México	4118-8807/8809
Nicaragua	4811-0973
Norway	4328-8717
New Zealand	4328-0747
Paraguay	4812-0467
Perú	4382-3916
Portugal	4381-7245/9801/4303/6586
Dominican Rep.	4312-3524
Romania	4312-9378
Serbia	4322-8656
South Africa	4813-3446
Sweden	4317-2900/2932
Switzerland	4329-0800
Thailand	4311-6491
Uruguay	4780-0555 y 4783-6412
Venezuela	4807-3040
	4785-2226/4788-4944

Ministerio Público

de la **Defensa**

DEFENSORÍA GENERAL DE LA NACIÓN
COMISIÓN DEL MIGRANTE

Hipólito Irigoyen 7º piso
011-4382-7646

migrantes@mpd.gov.ar

FORMULARIO MODELO PARA LA SOLICITUD DE TRASLADO (APPLICATION FORM SAMPLE FOR TRANSFER REQUIREMENT)

YO, (name and lastname) _____,
con Pasaporte/ Documento N° (Passport/Identity Card)
_____, *de nacionalidad* (nationality)
_____, *nacido el* (date of birth)
_____, *hijo de* (son/daughter of)
_____ *y (and)* _____, *condenado*
a la pena de (sentence) _____ *y a*
disposición del Tribunal (Court) _____
solicito ser trasladado a (to be transferred to
COUNTRY:) _____ *para cumplir el resto*
de la condena en mi medio social (in order to serve the rest of the
sentence in my social environment), *para lo cual otorgo mi*
CONSENTIMIENTO EXPRESO *a dicho traslado* (I give my
EXPRESS CONSENT to such transfer). *A tal efecto, mi contacto en*
dicho Estado es (nombre, apellido, relación, dirección,
teléfono (contact in my country: name and last name, relationship,
address, telephone) _____

En (lugar y fecha) (place and date) _____

Firma (signature)

Para ser remitido a la "Dirección Nacional de Cooperación Internacional
Jurídica y en Sistemas Judiciales – MJS y DD.HH"



*Ministerio de Justicia, Seguridad
y Derechos Humanos*

INFORMATION GUIDE FOR FOREIGN INMATES:

- **EXPULSION**
- **TRANSFER OF CONDEMNED INMATES**



**DIRECCIÓN NACIONAL
DEL SERVICIO PENITENCIARIO FEDERAL**

Lavalle 2705 Piso 2º (CPA: C1190AAA), Ciudad Autónoma de
Buenos Aires, Teléfono/fax: 011-4964-3051

EXPULSION

Law N° 25.871 and Law N° 24.660

A CONDEMNED FOREIGNER IN ARGENTINA CAN BE EXPELLED FROM THE COUNTRY AFTER SERVING HALF OF HIS SENTENCE

» A foreigner that has been condemned by the Argentine justice can be expelled or can require his expulsion from the national territory.

» Requirements

* To have served half of the sentence.

* Do not have open lawsuits, pending sentences or order of capture.

The original punishment inflicted through the Judge will be considered as served when the expulsion is carried out.

» Application Authority

The authority for the application is the Dirección Nacional de Migraciones (**Área Extranjeros Judicializados**) under the jurisdiction of the Ministerio del Interior.

» Starting the proceedings. Communication to the Dirección Nacional de Migraciones:

- **At the requirement of the interested person:** Being notified of the computation of the punishment, or at the moment of signing the shortened judgement, it is recommendable that, through his counsel for the defense, the interested person requests that the Court notifies that to the Dirección Nacional de Migraciones, in order to start gathering the necessary documents and reports for the proceedings.
- Moreover, the interested person can send a letter to the Dirección Nacional de Migraciones with the following information: last name and name, date of birth, origin country, number of passport, or identity card, Court which inflicted the sentence, date of the sentence and the sentence inflicted.
- **Judicial notification.** In many cases the sitting courts, once the sentence is firm, notifies the Dirección Nacional de Migraciones.

Although the proceedings can be started beforehand, the expulsion will only be ordered once the requirement of having served half of the sentence had been fulfilled

» Effectiveness of the proceedings

The steps for the effectiveness of the proceedings are the following ones:

- 1) Resolution of the Dirección Nacional de Migraciones ordering the expulsion and the prohibition of the entrance to the country for a certain period of time.
- 2) Notification of the prisoner, who in the act, besides of signing, must express his consent regarding the proceedings. If not, the terms for bringing an appeal of reconsideration will start to pass.
- 3) Judicial Authorization of Expulsion issued by Judge in charge of the Execution of the punishment.
- 4) Collecting the necessary documentation (*see *Necessary documentation*).
- 5) Transfer by land or plane, in accordance with the specific case (*see *Transfer. Ticket*).

» Necessary documentation to leave the country:

- Passport or identity card (only MERCOSUR) or consulate safe-conduct

Foreign women with children with recognized father:

Besides the personal documentation, they must submit:

- Authorization for leaving the country made by Notary Public or judicial authority,
- passport or Argentine identity card of the child (only MERCOSUR) and birth certificate.

Without recognized father: the authorization of the child to leave the country will not be required.

The foreign people that have counsel for the defense can require the delivery of their documents and leave them in the **Área Extranjeros Judicializados** de la Dirección Nacional de Migraciones in order to speed up the proceedings.

» Transfer. Tickets

* The cost of the ticket is a public charge of the transportation companies but there may be delay in achieving an available place.

* The prisoner can pay his ticket, which must be an **only way out ticket** and it is recommendable to be an **“open for one year” ticket**. In this case, it must be coordinated with the **“Área Extranjeros Judicializados”** of the “Dirección Nacional de Migraciones”, **phone (011) 4317-0253**, WHERE THEY ONLY DEAL WITH THE QUESTIONS REGARDING BUYING TICKETS.

» Rules to be applied

Regulations of the Law N° 25.871 (Migrations Law) and Article 17 sections I and II of the Law N° 24.660 (Law of the Execution of Freedom’s Privative Punishment)

TRANSFER OF CONDEMNED PRISONERS

Law N° 24.767 and international agreements

A CONDEMNED FOREIGNER IN ARGENTINA CAN SERVE THE SENTENCE IN HIS ORIGIN COUNTRY

» A foreigner that has been condemned by the Argentine justice can, **voluntarily**, require the transfer to his origin country in order to serve the rest of the inflicted punishment.

» Aim of the Transfer

- The aim is to contribute with the treatment of the condemned person in order to get in touch with his family and his social and cultural environment

- The transfer implies to be submitted to the law of execution of the receiving country.

» Application form

* The interested person must manifest by a **written request** his will to be transferred.

For that reason, he can fill in the **Sample Application Form**, which is in the present spreading material and give in it to the penitentiary authorities

* Also, he can manifest his will before the Execution Judge of his cause.

* If it is possible, the consent will be expressed in the presence of his counsel for the defence or any consulate authority from his origin country, in order to guarantee that the interested person knows the consequences of the transfer.

» Application Authority

The authority for the application is the Ministerio de Justicia, Seguridad y Derechos Humanos, that, through the **Dirección Nacional de Cooperación Internacional Jurídica y en Sistemas Judiciales**, under the jurisdiction of the “Secretaría de Justicia”, receives the necessary proceedings. (Contact Tel 5300 4040).

» Approval

The measure will be fulfilled when the transfer is approved by the Argentine authorities and by the ones from the origin country of the condemned person.

» Rules to be applied

- Regulations of the Section IV of the Law N° 24.767 (Law of Cooperation and International Assistance in Penal Issues)

- **AGREEMENTS** with many countries where they consider that the requirements and proceedings are applied.

Current countries: Bolivia, Brazil, Canada, Costa Rica, Chile, Spain, Mexico, Panama, Paraguay, Peru and Venezuela.

Not in force or at negotiation: Ecuador, Russia, Portugal, Cuba and United Kingdom of Great Britain and Northern Ireland.