

## **Application for the Transfer of Sentenced Nationals**

The sentenced person \_\_\_\_\_, who committed (name of the crime), has been convicted of an offense by a final judgement of    (court)    of    (Year/Month/Day)    by the case number \_\_\_\_\_ and sentenced to imprisonment of years and months (or life imprisonment), and is currently serving the sentence in    (name of the prison)   . The sentence began to be enforced on    (Year/Month/Day)   . The right to a fair trial in the Transferring States has been protected. The sentenced person, who has the desire to return and serve the sentence in the Republic of China (hereinafter referred to as ROC) and understand the following related procedural matters :

- (1) Whether the sentenced person can be transferred back to serve the sentences imposed against him, his will is only one of the conditions. According to the Transfer of Sentenced Persons Act, the authorities responsible for the transfer shall consider the factors such as legal provisions, humanitarian spirit, national security, public order, and corrective effects. The consent of transferring back to ROC of the sentenced person shall not be withdrawn upon confirmation.
- (2) The court shall, by a ruling, grant the execution of the judgement and declare the converted sentence pursuant to Art.9 of the Transfer of Sentenced Persons Act.
- (3) The days already served by the sentenced persons in the Transferring State prior to the transferring, the days of detention prior to the execution of judgement, and the days already proceeded on the transferring shall be

deducted from the sentence converted pursuant to Art.9 of the Transfer of Sentenced Persons Act.

- (4) The same offenses, which the sentence has been imposed on and permitted to be served in ROC, shall not be punished again pursuant to the laws of ROC. Recidivism of the Criminal Code of ROC also applies to the same offenses on which the sentence has been imposed by a foreign court.
- (5) Except as otherwise stipulated in the treaty, it is necessary to obtain the consent of the Transferring State before the sentenced persons get pardoned within the territory of ROC.
- (6) Those who committed other crimes are still likely to be prosecuted and punished in ROC.

The sentenced person agrees to Ministry of Justice of ROC and the authorities of \_\_\_\_\_ to proceed and execute the procedures for the transfer back to ROC according to the “Transfer of Sentenced Persons Act” , related international agreements, relevant laws of the Transferring States or other regulations. In witness whereof, the sentenced person herein has signed the application.

**Signature (Or Assignee)**\_\_\_\_\_

**Date: (Year/Month/Day)**\_\_\_\_\_