



# You have been placed in a criminal justice detention facility and must leave the Netherlands

You can ask your supervisor for help if you have difficulty reading this information.

**You are detained in a criminal justice detention facility and must leave the Netherlands. This fact sheet provides you with information regarding your departure from the Netherlands, because you do not have a residence permit. You cannot stay in the Netherlands as an illegal foreign national and must arrange your own departure from the Netherlands.**

## Foreign nationals in the criminal justice system

You are detained in a criminal justice detention facility and will be deported from the Netherlands immediately following your detention period, because you are (now) an illegal foreign national. The R&DS supervisor will coordinate your departure. You are expected to cooperate actively to facilitate your departure from the Netherlands. If you do not have travel documents following your release from a criminal justice detention facility, you may be placed in a detention facility for foreign nationals pending deportation.

Your supervisor will tell you if your conviction is considered a final conviction and whether the R&DS has a valid travel document for you, with which you can leave the Netherlands.

The Custodial Institutions Agency (DJI) will decide whether or not you are eligible for an interruption of your sentence. If you have questions regarding this you can contact your case manager at the DJI, at your detention location, and / or your lawyer.

## The SOB measure (Strafonderbreking, translated as 'sentence interruption')

You might be illegible for an interruption of your sentence (SOB). You will have to meet two conditions:

- 1 You must have a valid travel document; and
- 2 Your conviction must be final (no more appeals pending).

The sentence can be suspended after serving half of it if the prison sentence does not exceed a period of three years. The sentence can be suspended after serving two-thirds of it if the prison sentence exceeds a period of three years. If you decide to use this measure you cannot return to the Netherlands at a later stage. You will have to serve the rest of your sentence if you decide to return to the Netherlands after all.

## Your (replacement) travel documents

You will need travel documents in order to get into your country. If you do not have a travel document, it will have to be sent to you or you will have to request it from your consulate or embassy. Many consulates and embassies require that documents be included with your request, in order to prove your identity and nationality. This could be an identity document, a family record or a birth certificate.

The consulate or embassy may invite you for an interview, to explain your written request for a (replacement) travel document. The R&DS will assist you. The R&DS will book your trip to your country, and will inform you of the time and date, as soon as the consulate or embassy has issued your (replacement) travel document.

Along with this fact sheet you will also receive a fact sheet from the R&DS, explaining the interview process with your consulate or embassy. Your supervisor can also show you a short informative film on this. Ask him or her to show this film to you or visit the Repatriation and Departure Service's YouTube channel.

## Your actual departure

You can take a maximum of 20 kg in checked baggage and a maximum of 5 kg in hand luggage. Extra baggage might be allowed, but you will have to report it on time. The charges for extra baggage will be paid by you. If necessary, a Fit-to-Fly declaration will be requested. This implies that you will be examined at the detention location, shortly before your departure, to see if your medical condition allows you to travel. The medical examination is carried out by an independent doctor who is not affiliated with the detention location. You will be informed of the date and time of the medical examination. The supervisor will inform you in a timely manner regarding your scheduled date of departure, your flight number, and any other important aspects for your departure.

## Legal remedies against actual deportation

In some cases you can object to the deportation order. Filing an objection does not mean that your departure will be deferred. You can ask the court for a provisional ruling to suspend your deportation. Your lawyer can give you more detailed information on the actual procedure.

## Departure file

Your departure file consists of facts and circumstances that relate to your situation, such as:

- Your personal information and personal circumstances;
- The procedures that you have completed in the Netherlands;
- Your return options;
- Arrangements that you have made and interviews / conversations that you have conducted.

## Who plays a role in your departure?

The Repatriation and Departure Service (R&DS) tells you which documents you will need to leave the Netherlands and how long you have to arrange your departure. You can get advice on who to approach and the documents to request in order to prove your identity. In the departure interviews the R&DS will also help you to plan the actions that you must take to arrange your departure. You can ask the R&DS to play a mediating role in the contact with your country's authorities, when obtaining (replacement) travel documents.

You are staying in one of the detention centres of the Custodial Institutions Agency (DJI). During your stay you can contact your case manager at the Custodial Institutions Agency. Your case manager can help you to arrange the necessary aspects of your departure. Your case manager can also help you when you have requests for information or when you describe a situation for which he or she cannot or may not provide an answer.

In principle, it is possible to use the voluntary return programme offered by the International Organisation for Migration (IOM). The IOM is an independent organisation that supports migrants around the world. The IOM works on humane and orderly migration that benefits migrants and societies. The IOM will give you practical information regarding return and reintegration and will help you to arrange your departure from the Netherlands.

If you want to talk to the IOM, you can make an appointment via your case manager at the DJI. The IOM employee will ask the R&DS supervisor if there are any objections to you leaving the country with the IOM's help. Take note, if the R&DS has already booked you a flight, you can no longer accept help from the IOM, unless the IOM has booked you a flight on a date earlier than that of the R&DS flight.

## Protection of your privacy

The R&DS believes it is important that the return process is transparent, clear and reliable. For this reason, we carefully handle all personal data that we collect to realise departure from the Netherlands. We act in accordance with the applicable laws and regulations.

On the Privacy page on the website of the R&DS you will always find the latest version of our privacy statement with the following topics included: what personal data do we process, how do we get access to these personal data, use of cookies, the purpose of and the legal basis for the processing of personal data, the personal data storage period, third parties access to your personal data, security of your personal data, automated decision making, questions and requests about exercising your privacy rights.

## To conclude

This fact sheet is a representation of laws and regulations, in which legal terms and descriptions have been avoided whenever possible. The fact sheet does not serve as a replacement of the applicable laws and regulations that remain in full force. More information is also available at the R&DS's website: [www.dtenv.nl](http://www.dtenv.nl)

### Complaints

Do you have a complaint about the R&DS or about one of the R&DS officers? You can file a complaint if the incident took place less than a year ago. You can do so via the website: [www.dtenv.nl](http://www.dtenv.nl) or in writing.

You can send your letter to:

The Repatriation and Departure Service  
Attention: ILC  
PO Box 164  
2501 CD The Hague

It is not possible to submit a complaint in any other way. Filing a complaint will not have any influence on your residence status.

This is a publication of:  
Dutch Ministry of Justice and Security  
Repatriation and Departure Service (DT&V)

Engels: Informatieblad U bent in strafrechtelijke detentie  
geplaatst en moet Nederland verlaten

May 2018 | Publication no 111418-5