

PS 5140.34 TRANSFER OF OFFENDERS TO OR FROM FOREIGN COUNTRIES (PS THRU  
CN-3)



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# Change Notice

DIRECTIVE AFFECTED: 5140.34  
CHANGE NOTICE NUMBER: 3  
DATE: 8/22/2002

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1. **PURPOSE AND SCOPE.** To update the Program Statement on Transfer of Offenders to or from Foreign Countries.

2. **SUMMARY OF CHANGES.** Attachment A to this Program Statement is being revised to add five new participant countries to the Treaty Transfer Participant Countries List. The new countries are Andorra, Azerbaijan, Former Yugoslav Republic of Macedonia, Nicaragua, and Yugoslavia.

3. **TABLE OF CONTENTS**

**Remove**

Attachment A

**Insert**

Attachment A

4. **ACTION.** File this Change Notice in front of the Program Statement on Transfer of Offenders to or from Foreign Countries.

/s/  
Kathleen Hawk Sawyer  
Director



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# Change Notice

DIRECTIVE AFFECTED: 5140.34  
CHANGE NOTICE NUMBER: 2  
DATE: 12/19/2001

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1. **PURPOSE AND SCOPE.** To update the Program Statement on Transfer of Offenders to or from Foreign Countries.

2. **SUMMARY OF CHANGES.** Attachment A to this Program Statement is being revised to add three new participant countries to the Treaty Transfer Participant Countries List. The new countries are Venezuela, Brazil, and Armenia.

3. **TABLE OF CHANGES**

**Remove**

Attachment A

**Insert**

Attachment A

4. **ACTION.** File this Change Notice in front of the Program Statement on Transfer of Offenders to or from Foreign Countries.

/s/  
Kathleen Hawk Sawyer  
Director



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# Change Notice

DIRECTIVE AFFECTED: 5140.34  
CHANGE NOTICE NUMBER: 1  
DATE: 3/8/2001

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1. **PURPOSE AND SCOPE.** To update the Program Statement on Transfer of Offenders to or from Foreign Countries.

2. **SUMMARY OF CHANGES.** Attachment A to this Program Statement is being revised to add two new participant countries to the Treaty Transfer Participant Countries List. The two new countries are Albania and Tonga.

3. **TABLE OF CHANGES**

**Remove**

Attachment A

**Insert**

Attachment A

4. **ACTION.** File this Change Notice in front of the Program Statement on Transfer of Offenders to or from Foreign Countries.

/s/  
Kathleen Hawk Sawyer  
Director



# Program Statement

OPI: CPD  
NUMBER: 5140.34  
DATE: 9/21/2000  
SUBJECT: Transfer of Offenders  
to or from Foreign  
Countries

1. [PURPOSE AND SCOPE §527.40. Public Law 95-144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.C. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b, the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.]

28 CFR 0.96b provides that:

"The Director of the Bureau of Prisons and officers of the Bureau of Prisons designated by her are authorized to receive custody of offenders and to transfer offenders to and from the United States of America under a treaty as referred to in Public Law 95-144; to make arrangements with the States and to receive offenders from the States for transfer to a foreign country; to act as an agent of the United States to receive the delivery from a foreign government of any person being transferred to the United States under such a treaty; to render to foreign countries and to receive from them certifications and reports required under a treaty; and to receive custody and carry out the sentence of imprisonment of such a transferred offender as required by that statute and any such treaty."

[Bracketed Bold - Rules]

Regular Type - Implementing Information

2. **SUMMARY OF CHANGES.** This revision of the Program Statement includes the following changes:

- ! Procedures regarding inmates with detainers have been clarified;
- ! The requirement for the Case Management Activity (CMA) assignment ELIGIBLE has been removed;
- ! The Case Summary criteria have been amended for Mexican citizens;
- ! The list of treaty transfer participant countries has been updated;
- ! The Transfer Inquiry (BP-S297) has been modified to determine if any language translation services will be required for the inmate in the event of a verification hearing;
- ! The requirement to complete procedures regarding the Inmate Information Provided to Treaty Nation (BP-S299) has been eliminated from the application process as Inmate Systems Management supplies this information at the time of the inmate's departure;
- ! A statement has been added to encourage Case Managers to submit referral packets even when a birth certificate is not readily available; and,
- ! Canadian application forms are now available on BOPDOCS, thereby eliminating the need to obtain them from Central Office.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. All inmates will be notified of the "Treaty Transfer Program" during the Admission and Orientation Program (A&O).

b. All inmate transfers will be voluntary and subject to both countries' approval.

c. An inmate with a committed fine will not be transferred to the inmate's country of citizenship without the consent of the United States Court which imposed the fine.

d. Eligible inmates will be transferred to or from foreign countries under treaty to facilitate the sentence of imprisonment required by that statute.

e. Biannual reports of the number of returned United States citizens remaining in Bureau custody or released within the reporting period will be maintained.

#### 4. **DIRECTIVES AFFECTED**

##### a. **Directive Rescinded**

PS 5140.29      Transfer of Offenders to or from Foreign Countries (5/21/97)

##### b. **Directives Referenced**

PS 1490.04      Victim and Witness Notification Program (2/3/98)  
PS 5040.04      FBI Forms, Submission to the FBI (3/3/94)  
PS 5100.07      Security Designation and Custody Classification Manual (9/3/99)  
PS 5140.31      Civil Contempt of Court Commitments (10/14/98)  
PS 5290.11      Admission and Orientation Program (3/5/98)  
PS 5540.05      Prisoner Transportation Manual (10/24/97)

#### 5. **STANDARDS REFERENCED**

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: None

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: None

c. American Correctional Association Second Edition Standards for the Administration of Correctional Agencies: None

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: None

6. **PRETRIAL/HOLDOVER AND/OR DETAINEE PROCEDURES** Procedures required in this Program Statement do not apply to pretrial inmates or INS detainees; procedures do apply to holdover inmates who otherwise meet the eligibility criteria.

7. **VICTIM WITNESS PROGRAM (VWP)**. When a VWP inmate is approved for transfer to another country, notification must be made in accordance with the release procedures set forth in the Program Statement on the Victim and Witness Notification Program.

8. **BACKGROUND**. In December 1977, the United States entered into its first treaty (with Mexico) for international offender transfer. Since that time, the United States has participated in international transfer with a number of other foreign countries (see Attachment A).

- ! Generally, a treaty provides for an individual, convicted of a crime and sentenced to imprisonment or some form of conditional release (probation, parole, etc.), in a country other than his or her country of citizenship, to be transferred to the individual's country of citizenship for sentence completion.
- ! While the term "prisoner-exchange" may be used, most actions under this Program Statement will be transfers and not inmate-for-inmate exchanges.
- ! An inmate's transfer is **voluntary** and subject to both countries' approval.

To ensure and document that an inmate's decision is informed and voluntary, a verification hearing is held before a U.S. Magistrate Judge or U.S. District Court Judge. Retained or court-appointed counsel may represent the inmate.

- ! Jurisdiction over any proceeding to challenge, modify, or set aside the inmate's conviction and/or sentence **remains** with the country imposing the sentence.
- ! Only the completion of the transferred inmate's sentence is carried out according to the laws and procedures of the receiving country.
- ! Inmates transferred to the United States come under authority of the Bureau, the U.S. Parole Commission, and/or the Administrative Office of the U.S. Courts (for supervised release purposes).

A state prisoner, including any state prisoner confined at a Bureau institution, may be returned to his or her country of citizenship if state law permits the transfer, the prisoner consents, and both countries agree.

- ! State boards interested in this program must be advised to direct their requests to authorities in their state of sentencing.
- ! State authorities make referrals directly to the Office of Enforcement Operations (OEO), International Prisoner Transfer Unit, Department of Justice. Unless the state inmate is already in Bureau custody upon referral, the Bureau usually does not take custody of a state prisoner until after the verification hearing.
- ! The Bureau's role is to arrange for the prisoner's transportation to the treaty nation's custody.

9. [DEFINITIONS §527.41. For the purpose of this rule, the following definitions apply.

a. Treaty Nation. A country which has entered into a treaty with the United States on the Execution of Penal Sentences.]

Current treaty nations are listed in Attachment A.

[b. State Prisoner. An inmate serving a sentence imposed in a court in one of the states of the United States, or in a territory or commonwealth of the United States.

c. Departure Institution. The Bureau of Prisons institution to which an eligible inmate is finally transferred for return to his or her country of citizenship.

d. Admission institution. The Bureau of Prisons institution where a United States citizen-inmate is first received from a treaty nation.]

10. [LIMITATIONS ON TRANSFER OF OFFENDERS TO FOREIGN COUNTRIES §527.42

a. An inmate while in custody for civil contempt may not be considered for return to the inmate's country of citizenship for service of the sentence or commitment imposed in a United States court.]

This limitation applies to an inmate serving a criminal sentence, either concurrent with, or suspended for the duration of, the civil contempt commitment.

! The inmate may be considered for transfer once the contempt commitment is purged, served, or otherwise terminated by judicial authority.

For further information, see the Program Statement on Civil Contempt of Court Commitments.

[b. An inmate with a committed fine may not be considered for return to the inmate's country of citizenship for service of a sentence imposed in a United States court without the permission of the court imposing the fine. When considered appropriate, the Warden may contact the sentencing court to request the court's permission to process the inmate's application for return to the inmate's country of citizenship.]

When an inmate otherwise appears to be an appropriate candidate for transfer to a foreign country, the Warden may request permission to proceed with the transfer process from the court which imposed the fine.

- ! The inmate's transfer to a foreign country may not occur until, either the fine is paid or the court imposing the fine concurs with the Bureau's transfer request.

Correspondence addressed to a Federal court must include the inmate's register number and the docket number(s) pertinent to the inquiry.

11. [NOTIFICATION OF BUREAU OF PRISONS INMATES §527.43

a. The Warden shall ensure that the institution's admission and orientation program includes information on international offender transfers.

b. The case manager of an inmate who is a citizen of a treaty nation shall inform the inmate of the treaty and provide the inmate with an opportunity to inquire about transfer to the country of citizenship. The inmate is to be given an opportunity to indicate on an appropriate form whether he or she is interested in transfer to the country of citizenship.]

A Transfer Inquiry (BP-S297) allows the inmate to indicate that he or she was advised of the opportunity to inquire about transfer, and whether he or she is, or is not, currently interested in being transferred.

12. [TRANSFER OF BUREAU OF PRISONS INMATES TO OTHER COUNTRIES §527.44

a. An inmate who is qualified for and desires to return to his or her country of citizenship for service of a sentence imposed in a United States Court shall indicate his or her interest by completing and signing the appropriate form and forwarding it to the Warden at the institution where the inmate is confined.]

The guidelines and special processing requirements for an inmate to transfer to certain treaty nations are listed in Attachment A.

- ! The Transfer Inquiry (BP-S297), must be used to initiate the transfer process.

[b. Upon verifying that the inmate is qualified for transfer, the Warden shall forward all relevant information, including a complete classification package, to the Assistant Director, Correctional Programs Division.]

(1) **Initial Application.** The initial Application Packet must contain the following documents and will be mailed to the Central Office (Attn: Assistant Administrator, Correctional Programs Branch, Central Office), within 60 calendar days of initial classification:

- ! Transfer Inquiry (BP-S297);
- ! Notice Regarding International Prisoner Transfer (BP-S298);
- ! Authorization to Release Confidential Information (BP-S301);
- ! Case Summary (Attachment B);
- ! Pre/Post-sentence Investigation Report(s) (for current offense(s));
- ! FBI Fingerprint Card with current photograph of inmate attached;
- ! Current sentence computation;
- ! Certified Judgment in a Criminal Case (J&C) (for current offense(s)); and,
- ! Proof of citizenship (copy of birth certificate or valid passport).

**Note:** While individual countries may require a copy of a birth certificate prior to approving a transfer, the referral to Central Office will not be delayed due to the absence of a birth certificate.

Unit staff must place a **copy of the packet** in **section 2** of the **Inmate Central File**.

During the initial application process, unit staff will suggest the inmate contact the nearest foreign consular office to advise them of his or her desire to be considered for treaty transfer.

- ! Foreign officials normally have documents for the inmate to complete and return to the local consulate

and can also assist the inmate in providing proof of citizenship.

! Consular officials may request to visit the inmate at the institution.

(2) **Reapplication Process.** An inmate who has been denied treaty transfer to his or her country of citizenship may reapply two years from the date of denial.

! The date of denial is defined as the date on the OEO denial letter.

A complete application packet is not required for re-application cases, as OEO maintains the original classification materials.

Institution staff need only submit the following to the Assistant Administrator, Correctional Programs Branch:

! Memorandum indicating the date the inmate was previously denied and that he or she wishes to reapply;

! New Transfer Inquiry (BP-S297); and,

! Current Progress Report (prepared within the past six months).

**[c. The Assistant Director, Correctional Programs Division, shall review the submitted material and forward it to the Office of Enforcement Operations (OEO), Criminal Division, International Prisoner Transfer Unit, Department of Justice, for review.]**

The application packet must be forwarded to OEO within 10 working days of receipt in Central Office. OEO will consult with the appropriate agencies regarding the transfer.

**Note:** Applications for International Treaty Transfer require substantial investigation by OEO, including written verification on a number of items. Accordingly, the entire processing time is extensive. Institution staff may contact the Correctional Programs Branch, Correctional Programs Division, Central Office, for a status report.

**!** Institution staff **must not contact OEO**, unless advised to do so by Central Office staff.

**[d. The Assistant Director, Correctional Programs Division, shall ensure that the inmate is advised of the decision of OEO.]**

**(1) When the Department of Justice determines that transfer is not appropriate, the Assistant Director, Correctional Programs Division, shall ensure that the inmate is advised of this determination and informed that the inmate may request the reason(s) for such action from OEO.]**

If the Department of Justice determines that the transfer is not appropriate, OEO notifies the treaty nation via appropriate channels (e.g., through the U.S. State Department, appropriate Embassy, or the Ministry of Justice of the foreign nation) and the Assistant Director, Correctional Programs Division.

**!** Institution staff will inform the inmate of OEO's policy on re-application (see Section 12.b.(2) for additional information).

**[(2) When the Department of Justice determines that transfer is appropriate, the Assistant Director, Correctional Programs Division, shall ensure that the inmate is advised of the determination and of the probability that the inmate will be given an interview with his or her nation's consular officials.]**

If the Department of Justice determines that the transfer is appropriate, OEO will notify the U.S. State Department, appropriate Embassy (or Ministry of Justice), and the Assistant Director, Correctional Programs Division.

! Respective Embassies will arrange for consular officials to interview the inmate. In many instances, Consular officials interview the inmate prior to DOJ determination.

**[e. Upon notification from OEO of the treaty nation's decision in regard to the inmate's transfer, the Assistant Director, Correctional Programs Division, shall arrange for the inmate to be informed of that decision.]**

The Assistant Administrator, Correctional Programs Branch, will inform the appropriate institution regarding a treaty nation's decision to transfer an inmate.

**[f. At an appropriate time subsequent to notification by the Department of Justice of an inmate's approval for transfer, the Assistant Director shall arrange for the inmate to be transferred to an appropriate departure institution.]**

To facilitate transfer, the sending Warden will ensure the inmate's personal property meets the requirements of the Prisoner Transportation Manual.

**[g. Prior to the inmate's transfer from the departure institution, the inmate shall receive a verification hearing before a U.S. Magistrate Judge or U.S. District Court Judge to document the inmate's voluntary consent for transfer. Counsel is provided to the inmate for the purpose of this hearing. When requested, the Warden shall allow counsel to interview the inmate prior to the hearing.]**

OEO arranges with the Administrative Office of the U.S. Courts (AOUSC) for appointment of counsel and for scheduling the verification hearing.

! Counsel may arrange with the Warden to interview the inmate prior to the hearing.

! OEO, in conjunction with the AOUSC, arranges for a U.S. Magistrate Judge or U.S. District Court Judge to conduct the verification hearings.

The Warden will request written confirmation once the verification proceedings are completed and the U.S. Magistrate Judge or U.S. District Court Judge has documented the inmate's voluntary consent.

**[h. Following the verification hearing, the Assistant Director, Correctional Programs Division, shall arrange a**

schedule for delivery of the inmate to the authorities of the country of citizenship.

(1) The Assistant Director shall advise the Warden of those arrangements.

(2) The Warden shall arrange for the inmate to be transported to the foreign authorities. The Warden shall assure that required documentation (for example, proof of citizenship and appropriate travel documents) accompanies each inmate transported.]

i. Staff designated by the Warden must ensure that the following documentation accompanies each inmate transported:

- (1) Proof of citizenship. Foreign countries will not admit the inmate without proof of citizenship;
- (2) Any appropriate travel documents (prepared by respective embassy);
- (3) A current statement of actual time served up to the date of transfer; and,
- (4) An up-to-date statement of any remission credits.

13. [TRANSFER OF STATE PRISONERS TO OTHER COUNTRIES §527.45.

The Bureau of Prisons may assume custody of a state prisoner who has been approved for transfer to a treaty nation for the purpose of facilitating the transfer to the treaty nation. Once approved, the state is not required to contract for the placement of the prisoner in federal custody, nor to reimburse the United States for the cost of confinement (as would ordinarily be required by 18 U.S.C. 5003).]

a. When a state prisoner applies for transfer, is found qualified, and determines that the transfer is in accordance with its laws; the state may refer the inmate's case to OEO, to determine if the United States and the treaty nation agree to the transfer as described in Sections 12.d. and e.

b. If the prisoner is approved for transfer, OEO will arrange for a verification hearing before a U.S. Magistrate Judge or U.S. District Court Judge in the state where the prisoner is confined.

c. Upon finding that the inmate is to be transferred, the U.S. Magistrate Judge or U.S. District Court Judge ordinarily orders

the prisoner placed in federal custody for transportation to the treaty nation's custody.

d. The U.S. Marshals Service ordinarily assumes custody of the prisoner, and any necessary documentation, for transport to the designated departure institution.

e. When the inmate arrives at the departure institution, the Warden will follow the procedures outlined in Sections 12.h. and i.

f. The Warden of the departure institution will ensure that a copy of the executed Receipt Upon Transfer to Treaty Nation form (BP-S300) is placed in Section 2 of the Inmate Central File.

g. ISMs will record the lodging of a state prisoner in a Bureau institutions en route to the country of citizenship as a Treaty Transfer.☐

14. **CASES ON APPEAL.** OEO is unable to make a final determination if the inmate has appealed his or her case.

! OEO will issue a written notification indicating that the inmate is currently ineligible☐ as he or she has filed an appeal.

! Central Office will forward this information to the institution.

When the appeal process has ended, the inmate may reapply for treaty transfer consideration.

! Institution staff do not need to submit a new application packet.

Staff need only submit the following to the Assistant Administrator, Correctional Programs Branch:

a. A memorandum indicating the inmate's case is no longer on appeal, and he or she still wishes to apply for foreign transfer.

b. Documentation from the court showing the appeal was dismissed, withdrawn, etc.

! Upon receiving the above information, OEO will reopen the case and make a final determination.

15. **DETAINERS.** If the inmate has an outstanding detainer it must be clearly noted on the application material.

! The inmate will be advised that, while OEO will consider his or her application, ultimately the detainer may prevent the transfer.

16. **SENTRY APPLICATIONS.** Case Management Activity (CMA) assignments have been created for treaty transfer cases to enable staff to more effectively track these inmates.

! Six different assignments may be applied in conjunction with the established SENTRY country codes.

! Country codes and assignments may be accessed through the SENTRY General Use Technical Reference Manual, "Code Tables" section.

The new CMA assignments are described below using Canada (CA) as an example:

GROUP CODE	ASSIGNMENT	DESCRIPTION
TICA	ITTCA INEL	ITT CA INELIGIBLE
TTCA	ITTCA INT	ITT CA INT IN TRTY TRANS
TNCA	ITTCA NO I	ITT CA NO INT TRTY TRANS
TACA	ITTCA APPR	ITT CA APPR F/TRTY TRANS
TDCA	ITTCA DENY	ITT CA DENIED TRTY TRANS

a. **Ineligible.** The Case Manager enters this CMA assignment, following initial classification if:

! the inmate has less than six months remaining to serve; or,

! there is documentation on file to indicate the inmate is appealing his or her sentence; or,

! a Mexican inmate presently serving an immigration offense who has been determined ineligible pursuant to Attachment A, Page 1, number 5.

b. **Interested in Treaty Transfer.** The Case Manager enters this CMA assignment following Initial Classification if it is determined the inmate is eligible and wishes to be considered for treaty transfer and he or she has submitted a written request (BP-S297).

c. **No Interest in Treaty Transfer.** The Case Manager will enter this CMA assignment following the Initial Classification if it is determined the inmate is eligible but not interested in

treaty transfer and he or she has submitted written documentation (BP-S297).

d. **Approved for Treaty Transfer.** Correctional Programs Branch, Central Office, enters this CMA assignment upon receiving written notification from OEO that the inmate has been approved for treaty transfer.

e. **Denied Treaty Transfer.** Correctional Programs Branch, Central Office, enters this CMA assignment upon receiving written notification from OEO that the inmate has been denied treaty transfer.

**Note:** When changing the CMA assignments described above, staff must **replace** the current assignment and not add another one.

! There will be only **one** assignment for each case.

17. [RECEIVING UNITED STATES CITIZENS FROM OTHER COUNTRIES  
§527.46

a. Staff accepting custody of American inmates from a foreign authority shall ensure that the following documentation is available prior to accepting custody of the inmate:

(1) A certified copy of the sentence handed down by an appropriate, competent judicial authority of the transferring country and any modifications thereof;

(2) A statement (and a copy translated into English from the language of the country of origin if other than English), duly authenticated, detailing the offense for which the offender was convicted, the duration of the sentence, and the length of time already served by the inmate. Included should be statements of credits to which the offender is entitled, such as work done, good behavior, pre-trial confinement, etc.; and

(3) Citizenship papers necessary for the inmate to enter the United States.]

OEO will notify the Central Office, which, in turn, notifies the admitting institution when an American citizen is to be returned to the United States.

! As soon as sufficient information is available (name, date of birth, etc.), the Correctional Programs Division must obtain (before the transfer), information

on each prisoner's criminal record and/or outstanding warrants either through the National Crime Information Center (NCIC) or the FBI.

- ! The Correctional Programs Division, with assistance from OEO, coordinates all arrangements for an inmate's transfer to the United States.
- ! The U.S. Embassy will provide whatever citizenship papers are necessary to the inmate. **Staff escorting the inmate must have those papers available upon entry into the United States.**

In addition to the above documents, staff will ensure that the inmate has received the required verification hearing (before a U.S. Magistrate Judge or U.S. District Court Judge to document the inmate's voluntary consent for transfer).

**[b. The Assistant Director, Correctional Programs Division, shall direct, in writing, specific staff, preferably staff who speak the language of the treaty nation, to escort the offender from the transporting country to the admission institution. The directive shall cite 28 CFR 0.96b as the authority to escort the offender. When the admission institution is not able to accept the inmate (for example, a female inmate escorted to a male institution), the Warden shall make appropriate housing requirements with a nearby jail.]**

- ! Staff must sign the documents necessary to receive the inmate.
- ! Inmates and their property will be processed through the Immigration and Naturalization Service and U.S. Customs Service at the U.S. border or another appropriate transfer point.

If there are female inmates among those being transferred and the admitting institution does not accept female inmates, the Warden will make prior arrangements with a nearby correctional institution.

- ! The admitting institution retains case management responsibilities for the female inmates until they are transferred to an appropriate Bureau institution.

**[c. As soon as practicable after the inmate's arrival at the admission institution, staff shall initiate the following actions:**

**(1) Arrange for the inmate to receive a complete physical examination;**

**(2) Advise the local U.S. Probation Office of the inmate's arrival; and]**

- ! The official version of the offense will be placed in the Inmate Central File (if a translated copy has not been provided, a bilingual staff member or reliable translation service must prepare one).
- ! Staff will forward a copy of all available information on the transferring inmate to the U.S. Probation Office for preparation of the Post-Sentence Report.
- ! Staff will request that a Probation Officer be assigned to prepare the necessary Post-Sentence Report and forward it to the designated institution within 30 days.

During this process, the local U.S. Probation Office ordinarily interviews the inmate and completes U.S. Probation Form 1A, as well as the Authorization to Release Confidential Information (BP-S301).

**[(3) Notify the U.S. Parole Commission of the inmate's arrival and projected release date].**

- ! Inmates returning from other countries are, by law, immediately eligible for parole if they committed their offense prior to November 1, 1987.
- ! Prisoners who committed their foreign offense on or after November 1, 1987, must receive a hearing before the U.S. Parole Commission within 180 days of entry into the United States, or as soon as practicable, pursuant to 18 U.S.C. § 4106A and 28 CFR §2.62.

If, upon computation of sentence, staff determine that an inmate is within six months of release, the U.S. Parole Commission is permitted to render a determination of both a release date and a period and conditions of supervised release, without an in-person parole hearing.

When the inmate has less than six months to serve, staff must send a **prompt** notification to the U.S. Parole Commission advising them of the impending release date. Depending on the amount of time remaining to serve, staff should send the sentence computation information either via mail or by facsimile.

Staff at the admitting institution will also determine if each inmate should be retained at the admitting institution for the initial hearing before the U.S. Parole Commission or promptly transferred to a more appropriate institution.

- ! The Case Management Coordinator will request that the Regional Designator designate an appropriate institution.

**[d. If upon computation of sentence, staff determine that an inmate is entitled to immediate release via mandatory release or expiration of sentence with credits applied, release procedures shall be implemented but only after receiving a medical clearance and the results of an FBI fingerprint check.]**

- ! Medical clearance must be obtained from the Health Services Administrator.
- ! Arrangements will be made with the local FBI office for prompt processing of an NCIC check. A full fingerprint check should be completed, if possible.
- ! The U.S. Probation Officer will be notified by phone in advance of the inmate's release and be provided with all available information regarding the inmate. A post-sentence report need not be requested in these cases.

18. **BIANNUAL REPORT REQUIRED.** Follow-up information may be requested by treaty nations concerning U.S. citizens returned to the United States.

- ! The Office of Information Systems (OIS) in the Central Office will provide OEO and the Assistant Administrator, Correctional Programs Branch, a report, as of June 30 and December 31 of each year.
- ! The report will identify returned U.S. citizens remaining in Bureau custody or released within the reporting period. The report must group inmates by transferring treaty nation and contain the following information:

a. **Identification Data**

! Name  
! Register Number  
! FBI Number  
! Facility

b. **Sentence Data**

! Date Committed (to Bureau)  
! How Committed  
! Offense Code  
! Foreign Sentence  
! Supervision Term

c. **Release Status Data** (if applicable)

! Sentence Began  
! Release Date  
! Release Method

19. **TRANSLATION.** This Program Statement is available in Spanish and French.

/s/  
Kathleen Hawk Sawyer  
Director

### TREATY COUNTRIES

Albania	Israel	Trinidad/Tobago
Andorra	Italy	Tonga
Armenia	Latvia	Turkey <sup>3,4,6</sup>
Austria	Liechtenstein	Ukraine
Azerbaijan	Lithuania	United Kingdom & Territories
Bahamas	Luxembourg	C Anguilla
Belgium	Malta	C British Virgin Islands
Bolivia <sup>1,3,4</sup>	Marshall Islands <sup>3,4</sup>	C British Indian Ocean Territory
Brazil	Mexico <sup>3,5,6</sup>	C Cayman Islands
Bulgaria	Micronesia,	C Ducie & Oeno Islands
Canada <sup>2,3</sup>	Federated States of	C Falkland Islands
Chile	Netherlands &	C Gibraltar
Costa Rica	Territories	C Henderson Island
Croatia	C Aruba	C Isle of Man
Cyprus	C Netherlands	C Montserrat
Czech Republic	Antilles	C Pitcairn
Denmark	Nicaragua	C Sovereign Base Areas of Akrotiri & Dhekelia in the Island of Cyprus
Finland	Norway	C St. Helena & St. Helena Dependencies
Former Yugoslav Republic of	Palau <sup>3,4</sup>	Venezuela
Macedonia	Panama <sup>1,3,4</sup>	Yugoslavia
France <sup>3</sup>	Peru <sup>1,3,4</sup>	
Georgia	Poland	
Germany	Portugal	
Greece	Romania	
Hong Kong	Slovakia	
Hungary	Spain	
Iceland	Sweden	
Ireland	Switzerland	
	Thailand <sup>1,3</sup>	

- <sup>1</sup> The inmate must write to his or her embassy in the United States requesting transfer under the treaty. Normally, this should be completed prior to forwarding the request to Central Office. (For **Peru**, the inmate must write to the closest **consulate**.)
- <sup>2</sup> Application to Canada requires completion of Canadian forms (CSC/SCC 308 and CSC/SCC 614) in addition to the standard application requirements.
- <sup>3</sup> The inmate must not be committed for a military offense.
- <sup>4</sup> The inmate must not be sentenced to the death penalty.
- <sup>5</sup> Mexican inmates who are currently serving sentences exclusively for Immigration Law Violations (SENTRY IIS Offense Codes 170, 171, 172, 173) are not eligible for treaty transfer consideration unless the immigration offense is totally absorbed by another current sentence and the time served to date is equal to or greater than the sentence imposed for the immigration offense. Additionally, Mexican inmates who are serving a life sentence are not eligible for treaty transfer consideration.
- <sup>6</sup> The inmate must not be committed for a political offense.

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### GENERAL GUIDELINES FOR TREATY APPLICATION

- C The inmate must have at least six months of the current sentence remaining to be served at the time of request for transfer. (France, Hong Kong, and Thailand require 12 months.)
- ! The judgment must be final; the inmate must have no pending proceeding or appeal upon the current conviction of sentence.

**CERTIFIED U.S. CASE SUMMARY OF (Country) CITIZEN**

**PERSONAL DATA**

1. Committed Name: (If the committed name differs from the birth name, use the birth name)
2. Federal Register Number:
3. Date of Birth:
4. Marital Status/Children: (If applicable, specify the current location of the inmate's parents, spouse and/or children, the frequency of visits the inmate receives from these individuals, and whether any of them plan to relocate to the home country. For example, married; one child over 18 years of age and two children under age 18; parents deceased. Inmate has received weekly visits from wife and two minor children for the past 18 months. Inmate has not received visits from eldest son, as the inmate reports he lives in Guadalajara, Mexico. According to inmate's visiting list, wife and children live in Tijuana, Mexico.)
5. Place of Birth: (City/State)
6. Nationality:
7. Employment Prior to Incarceration: (List all forms of employment held prior to incarceration)
8. Current Place of Imprisonment:

**SENTENCE DATA SUMMARY**

1. Sentence:
2. Date Sentence Imposed:
3. Sentencing District:
4. Criminal Docket Number:
5. Current Offense: (When completing this question and the four questions above, if more than one Judgment in a Criminal Case (J&C) exists, answer each question for each Judgment).
6. Description of Current Offense: (If more than one Judgment in a Criminal Case exists, describe each using these guidelines: Be specific when summarizing the current offense addressing the questions who, what, where, when, why, how, and how long this activity continued. **This summary is the only information the treaty country receives concerning the current offense** Also include the offender's overall role in the offense. Specifically, include the number of participants, whether any weapons were involved, and whether the inmate is affiliated with a criminal organization (e.g., gang) or drug cartel. If it is a drug offense include the type, quantity, and if available the monetary value of the drugs.)

If the inmate is a **Mexican** citizen, include the following:

- C description of the inmate's role in the offense;
- C list of codefendants;
- C any gang or drug cartel affiliations, if applicable;
- C description of the exact situation regarding any weapons fairly attributed to the inmate;

(**Example:** "The record does not indicate that (inmate) is affiliated with a drug cartel or gang. (Inmate) was arrested without incident. There were no weapons involved in the instant offense.")

- C Summary of the arrest scenario;
- C Description of the amount of drugs (in **written and numeric** format);

**Example:** 1.8 kilograms (one thousand eight hundred grams); 5,132 grams (five thousand, one hundred and thirty-two grams).

7. Fine\Assessment\Restitution: (Be specific when listing monetary sanctions imposed i.e., non-committed or committed fine, and indicate whether payment is complete. If payments have been made indicate the total payments and the remaining balance.)
8. Prior Record: (List history of prior convictions including charge, date of charge, and sentence.)
9. Detainers or Pending Charges:
10. Statutory Good Time/Good Conduct Time Earned: \_\_\_\_\_ days. (# of days earned should be computed using the application date.)
11. Meritorious Good Time Earned: \_\_\_\_\_ days. (# of days earned should be computed using the application date.)
12. Projected Release Date:
13. Full term date:
14. Date Sentence Began to Application Date: (yrs., mos., days)
15. Credited With \_\_\_\_\_ Days of Total Prior Credit Time.

#### **SOCIAL DATA**

1. Psychological Evaluation: (If no psychological referral has been made and there is no history of mental or emotional problems noted in the record, indicate GOOD. If a psychological report exists indicate the findings of this report.)

2. Security Level:
3. Level of Education Achieved: (Specify level of education achieved prior to incarceration as well as additional education courses completed while incarcerated.)
4. History of Substance Abuse; alcohol or drugs?  
NO: ( )  
YES: ( )  
If yes, specify the substance(s):
5. Current Medical Condition: (List any medical problems or disabilities the inmate is experiencing. **Be specific;** contact Health Services if necessary. Also indicate all medications the offender is taking for treatment of medical/mental health conditions.)
6. Institution Work Experience: (List in chronological order the institution work assignments held in the past two years. If involved in a UNICOR operation, specify the products being manufactured.)
7. Type and Number of Incident Reports Received: (List the incident reports in chronological order including the disposition.)
8. Program Participation: (List any institution programs the inmate has completed or is taking. If completed, indicate the date of completion.)

**Prepared By:**

\_\_\_\_\_  
Case Manager/Phone Number

\_\_\_\_\_  
Date

**Reviewed By:**

\_\_\_\_\_  
CMC/Phone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Associate Warden, Programs

\_\_\_\_\_  
Date

\_\_\_\_\_  
Warden

\_\_\_\_\_  
Date

BP-S297.051 **TRANSFER INQUIRY** is available on BOPDOCS.

BP-S298.051 **NOTICE REGARDING INTERNATIONAL PRISONER TRANSFER** is available on BOPDOCS.

BP-S299.051 **INMATE INFORMATION PROVIDED TO TREATY NATION** is  
available on BOPDOCS.

BP-S300.051 **RECEIPT UPON TRANSFER TO TREATY NATION** is  
available on BOPDOCS.

BP-S301.051 **AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION**  
is available on BOPDOCS.