

PS 5140.34 CN 04 TRANSFER OF OFFENCERS TO OR FROM FOREIGN COUNTRIES

Directives Referenced

None



# Change Notice

DIRECTIVE AFFECTED: 5140.34  
CHANGE NOTICE NUMBER: 4  
DATE: 8/6/2003

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

2. **SUMMARY OF CHANGES.** Attachment A to this Program Statement has been revised to add three new participant countries to the Treaty Transfer Participant Countries List. The new countries are Australia, Bermuda, and Japan.

3. **TABLE OF CONTENTS**

**Remove**

Attachment A

**Insert**

Attachment A

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

/s/  
Harley G. Lappin  
Director

### TREATY COUNTRIES

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

- 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.