

INTERNATIONAL TRANSFERS

**INSTITUTIONAL REINTEGRATION OPERATIONS
2005**

International Transfers

The following is report on International Transfers based on ongoing review of information available primarily in the International Transfers database as well as in OMS.

Brief History

In 1975, Canada was preoccupied with people being incarcerated in foreign countries, away from their families. It saw the need for agreements between Canada and other countries for the transfer of these individual offenders. At the 5th United Nations Congress on the Prevention of Crime and Treatment of Offenders in Geneva, Canada put forward an initiative suggesting that countries enter into agreements for the purpose of facilitating the transfer of offenders. This proposition was made largely in recognition of community support as a vital factor in crime prevention. The Canadian intervention was favourably received and gave rise to discussions on the subject with representatives of several countries.

In 1978, Canada and the United States negotiated the first ever bilateral treaty on the Transfer of Offenders and related legislative provisions, which served as models for other countries. The model was ultimately presented at the 7th United Nations Congress on the Prevention of Crime and Treatment of Offenders in 1985, in Milan, Italy.

Purpose of the International Transfers Program

The purpose of this program is humanitarian in nature. It enables offenders to serve their sentence in their country of citizenship, to alleviate undue hardships borne by offenders and their families and facilitate their eventual reintegration into society. Once transferred the offender's sentence is administered in accordance with the laws and the procedures of the country of citizenship.

Evolution of the program

International Transfer of Offenders Program and related treaties and conventions have proven to be successful and continue to be a permanent feature of international relations between our country and many others.

Canada's first Transfer of Offender Treaty was established with the United States of America in 1978. Since then, Canada has concluded twelve bilateral treaties and accedes to three multilateral conventions on the transfer of offenders, totalling over seventy sovereign entities. In the United States, in [addition](#) to the federal authorities, fifty states accede to transfer of offenders treaties. **(Annex A)** Canada continues to cooperate with countries who wish to enter into an Agreement in the hopes of repatriating more Canadian offenders incarcerated in foreign institutions. In October 2004, the Transfer of Offenders Act was repealed and the International Transfer of Offenders Act came into force.

Transfers

The first transfers took place in 1978. The progress made since then is considerable.

From 1978-79 to 2004-2005, 1327 offenders have been transferred. Of the 1327, 1208 were Canadians brought back to Canada and the remainder were 119 foreign offenders who have been returned to their country of citizenship from Canada.

Transfers from foreign countries to Canada

Of the total number of transfers to Canada from foreign countries, the majority took place with the United States: 79% (950) were Canadians returned from the United States. Our next largest numbers of transfers have taken place with Mexico (4.5%), United Kingdom (2.5%) and Peru (2.5%).

The table below demonstrates the overall increase of transfers to Canada in 5 year increments from 1980 to 2005.

5 Year Period	Number of Transfers to Canada	Difference from previous 5 years
1980-81 to 1984-85	78	
1985-86 to 1989-90	140	56% increase
1990-91 to 1994-95	137	2% decrease
1995-96 to 1999-2000	355	159 % increase
2000-01 to 2004-2005	437	23% increase

Annex B shows all transfers to Canada from foreign countries from 1978-79 to 2004-05.

Transfers from Canada to foreign countries

Of the total numbers of transfers from Canada to foreign countries, 89% (106) were American citizens returned to the United States to serve the remainder of their sentences. Transfers to other foreign countries are as follows: Netherlands (8), United Kingdom (2), Ireland (1), France (1), and Poland (1).

Annex C shows all transfers from Canada to Foreign Transfers from 1978-79 to 2004-05.

When transferring to Canada, offenders may indicate which region they would like to be transferred to. 38% of the transfers from 1978-79 to 2004-05 have requested the Ontario Region, followed closely by the Quebec Region at 32%. 21% requested the Pacific region and 2.6% asked to be transferred to the Atlantic Region and 5.5% to the Prairies.

Transfers to Canada (by Fiscal Year and Region of Choice)						
Fiscal Year	ATLANTIC	ONTARIO	PACIFIC	PRAIRIES	QUEBEC	Total
1978 - 1979	3	10	3	9	4	29
1979 - 1980	1	9	9	2	11	32
1980 - 1981	1	1	2		3	7
1981 - 1982	2	3	1	2	5	13
1982 - 1983		3			8	11
1983 - 1984		6	5	2	14	27
1984 - 1985	1	7	4	2	6	20
1985 - 1986		6	7	3	9	25
1986 - 1987		9	4	2	12	27
1987 - 1988		6	6	1	11	24
1988 - 1989	3	7	11	2	11	34
1989 - 1990	2	9	2	3	14	30
1990 - 1991		5	7	1	7	20
1991 - 1992		15	7	3	7	32
1992 - 1993	1	11	5		10	27
1993 - 1994		9			9	18
1994 - 1995		11	6		23	40
1995 - 1996	1	38	15	3	29	86
1996 - 1997	5	33	9	5	29	81
1997 - 1998	2	13	10		29	54
1998 - 1999	2	36	8	3	15	64
1999 - 2000	1	33	11	5	20	70
2000 - 2001	3	44	13	4	20	84
2001 - 2002		49	21	4	22	96
2002 - 2003	1	25	25	3	26	80
2003 - 2004	1	38	37	5	17	98
2004 - 2005	1	29	26	3	20	79
Total	31	465	254	67	391	1208

Time between Support Data Received and Ministerial Decision

The International Transfers Unit is committed to processing international transfer applications between 6 to 9 months from the receipt of the supporting documentation from the foreign country to obtaining the Minister's decision.

It currently takes an average of 3.03 months to receive a Ministerial decision once the supporting documentation has been received, a marked improvement over the processing time in the year 2000 (8.11 months) and in 1994 (18.44 months).

The following chart shows the overall improvement in processing times from 1994 to 2005.

Year Support Data Received	Average in Months from Receipt to Ministerial Decision
1994	18.44
1995	12.99
1996	15.27
1997	16.48
1998	9.19
1999	10.96
2000	8.07
2001	7.97
2002	6.96
2003	6.33
2004	4.15
2005	3.06

In cases where the support documentation was received between 2000 and 2004, and a Ministerial decision was rendered (572 cases), 80% (456 cases) met the International Transfers Unit's guideline of 6 to 9 months to process an application. Indeed of those 444 cases, 87% were processed before 6 months. In approximately 20% of the cases, the deadlines were not met due to a number of issues such as workload, complexity of the sentence, etc.

Time between Ministerial Decision and Transfer

The following chart indicates that the processing times from the time the Minister approves a transfer to the actual transfer taking place has remained fairly constant since 1995-96. (This timeframe is dependant upon receipt of the foreign country's approval, the offender's consent and the capacity to arrange the actual transfer operation.)

Time between Minister's Decision and Transfer	
Average in Months from Ministerial Decision to Transfer	
1995-96	2.71
1996-97	3.67
1997-98	2.35
1998-99	2.02
1999-2000	3.09
2000-2001	2.0
2001-2002	2.84
2002-2003	2.34
2003-2004	1.46
2004-2005	2.50

Applications processed in the International Transfers Unit

At any given time, there are anywhere from 200 to 450 applications in process in the International Transfers Unit.

From 2000-2001 to 2004-2005, approximately 1335 applications were received for analysis and processing. Of the 1335 applications received during that time period, 33 % (428) resulted in a transfer, while 33% have been denied and 12% do not meet the eligibility criteria. (This number may fluctuate since some applications have not yet been approved or denied...i.e., an application received in any of the years listed below may still be "in process". When a decision is rendered, it may affect these percentages.)

Fiscal Year	Applications Received	Percentage to date that have resulted in Transfers	Percentage to date that have resulted in Denials
2000-01	214	35%	36%
2001-02	236	32%	34%
2002-03	298	38%	31%
2003-04	332	30%	30%
2004-05	255	26%	31%

First Release Type and Average Sentence Length before First Release

Of the 804 offenders who have been transferred to Canada from 1995-96 to 2004-05, 744 of those offenders are under federal jurisdiction. 720 have been released under some form of conditional release while 4 were only released at their warrant expiry date. 20 have not been released to date and are still incarcerated.

First Release Type Offenders transferred from 1995-96 to 2004-05		
First Release Type	Number of Offenders	Average % of sentence served prior to first release
Day Parole	270	28.91%
Deceased (never released)	2	61.60%
Full Parole	401	52.74%
Statutory Release	49	78.10%
Warrant Expiry	4	100%

Current Status of Offenders who have been transferred to Canada

Of the 804 offenders who have been transferred to Canada from 1995-96 to 2004-05, 744 offenders are under federal jurisdiction. The chart below indicates the offenders current term release.

Current Status Offenders transferred from 1995-96 to 2004-05		
Term Release	Number of Offenders	Percentage of 744 Offenders
Day Parole	31	4.15%
Deceased	10	1.34%
Warrant Expiry	5	0.67%
Full Parole	627	83.9%
Statutory Release	54	7.23%
Incarcerated	20	2.68%

Recidivism Data

Based on data of international transfers that have taken place from 1995-96 to 2004-05, out of 744 offenders, 720 were released on conditional release and 4 were released at Warrant expiry date. Of this number, approximately 90% have not committed a new offence.

Recidivism Data Offenders transferred from 1995-96 to 2004-05			
Type	Number of Offenders	Percent by Re-admission Type	Percentage of Recidivists from 744 Offenders
Cond. Release In Revocation w/ Outstanding Charge	3	4%	.40%
Revocation with offence	5	6%	.67%
Revocation without offence	14	18%	1.88%
Warrant of Committal	51	65%	6.85%
	5	6%	.67%
	Total offenders 78		

CONCLUSION

In the 28 years since the first international transfers took place with the United States, there has been a steady increase in the number of agreements with foreign countries and therefore an increase in applications received for processing and in the number of international transfers. We anticipate that this trend will continue in the years to come.

The rate of recidivism for the transferred inmate population is similar to that of the remainder of the incarcerated population. Indeed, to return offenders to Canada through the International Transfers program demonstrates that the offenders are gradually returned to society and have the opportunity to participate in programming that targets their criminogenic factors. The alternative is that the offender is deported to Canada without correctional supervision/jurisdiction and without the benefit of programming and a gradual structured release into the community.

ANNEX A – ACCEDING COUNTRIES

1) *Bilateral Treaties (with Canada)*

Barbados
Bolivia
Brazil
Cuba
Egypt
France

Acceding territories

*Guadeloupe
St. Pierre & Miquelon*

Mexico
Morocco
Peru
Thailand
United States

Acceding states

<i>Alabama</i>	<i>Montana</i>
<i>Alaska</i>	<i>Nebraska</i>
<i>Arizona</i>	<i>Nevada</i>
<i>Arkansas</i>	<i>New Hampshire</i>
<i>California</i>	<i>New Jersey</i>
<i>Colorado</i>	<i>New Mexico</i>
<i>Connecticut</i>	<i>New York</i>
<i>Delaware</i>	<i>North Carolina</i>
<i>Florida</i>	<i>North Dakota</i>
<i>Georgia</i>	<i>Ohio</i>
<i>Hawaii</i>	<i>Oklahoma</i>
<i>Idaho</i>	<i>Oregon</i>
<i>Illinois</i>	<i>Pennsylvania</i>
<i>Indiana</i>	<i>Rhode Island</i>
<i>Iowa</i>	<i>South Carolina</i>
<i>Kansas</i>	<i>South Dakota</i>
<i>Kentucky</i>	<i>Tennessee</i>
<i>Louisiana</i>	<i>Texas</i>
<i>Maine</i>	<i>Utah</i>
<i>Maryland</i>	<i>Vermont</i>
<i>Massachusetts</i>	<i>Virginia</i>
<i>Michigan</i>	<i>Washington State</i>
<i>Minnesota</i>	<i>West Virginia</i>
<i>Mississippi</i>	<i>Wisconsin</i>
<i>Missouri</i>	<i>Wyoming</i>

Venezuela

1) *Traités bilatéraux (avec le Canada)*

Barbade
Bolivie
Brésil
Cuba
Égypte
France

Territoires signataires

*Guadeloupe
St. Pierre & Miquelon*

Mexique
Maroc
Pérou
Thaïlande
États-Unis

États signataires

<i>Alabama</i>	<i>Montana</i>
<i>Alaska</i>	<i>Nebraska</i>
<i>Arizona</i>	<i>Nevada</i>
<i>Arkansas</i>	<i>New Hampshire</i>
<i>Californie</i>	<i>New Jersey</i>
<i>Colorado</i>	<i>Nouveau Mexique</i>
<i>Connecticut</i>	<i>New York</i>
<i>Delaware</i>	<i>Caroline du nord</i>
<i>Floride</i>	<i>Dakota du Nord</i>
<i>Georgie</i>	<i>Ohio</i>
<i>Hawaii</i>	<i>Oklahoma</i>
<i>Idaho</i>	<i>Oregon</i>
<i>Illinois</i>	<i>Pennsylvanie</i>
<i>Indiana</i>	<i>Rhode Island</i>
<i>Iowa</i>	<i>Caroline du Sud</i>
<i>Kansas</i>	<i>Dakota du Sud</i>
<i>Kentucky</i>	<i>Tennessee</i>
<i>Louisiane</i>	<i>Texas</i>
<i>Maine</i>	<i>Utah</i>
<i>Maryland</i>	<i>Vermont</i>
<i>Massachusetts</i>	<i>Virginie</i>
<i>Michigan</i>	<i>État de Washington</i>
<i>Minnesota</i>	<i>Virginie occidentale</i>
<i>Mississippi</i>	<i>Wisconsin</i>
<i>Missouri</i>	<i>Wyoming</i>

Venezuela

2) *Multilateral Conventions*

A. Convention on the Transfer of Sentenced Persons (Council of Europe)

Albania
Andorra
Armenia
Australia
Austria
Azerbaijan
Bahamas
Belgium
Bolivia
Bulgaria
| *Bosnia and Herzegovina*
Canada
Chile
Costa Rica
Croatia
Cyprus
Czech Republic
Denmark
| *Ecuador*
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
| *Korea*
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
Mauritius
Moldova

2) *Conventions multilatérales*

A. Convention sur le transfèrement des personnes condamnées (Conseil de l'Europe)

Albanie
Andorre
Arménie
Australie
Autriche
Azerbaïdjan
Bahamas
Belgique
Bolivie
Bulgarie
| *Bosnie et Herzégovine*
Canada
Chili
Costa Rica
Croatie
Chypre
République tchèque
Danemark
| *Équateur*
Estonie
Finlande
France
Géorgie
Allemagne
Grèce
Hongrie
Islande
Irlande
Israël
Italie
Japon
| *Corée*
Lettonie
Liechtenstein
Lituanie
Luxembourg
Malte
Mauritius
Moldova

Netherlands	Pays-Bas
<i>Acceding territories</i>	<i>Territoires signataires</i>
<i>Aruba</i>	<i>Aruba</i>
<i>Netherlands Antilles</i>	<i>Antilles néerlandaises</i>
Norway	Norvège
<i>Acceding territories</i>	<i>Territoires signataires</i>
<i>Bouvet Island</i>	<i>Ile Bouvet</i>
<i>Peter I's Island</i>	<i>Ile Pierre I</i>
<i>Queen Maud Land</i>	<i>Terre de la Reine Maude</i>
Panama	Panama
Poland	Pologne
Portugal	Portugal
<i>Acceding territories</i>	<i>Territoires signataires</i>
<i>Azores</i>	<i>Azores</i>
<i>Madeira</i>	<i>Madère</i>
Romania	Roumanie
<i>San Marino</i>	<i>Saint-Marin</i>
Serbia and Montenegro	Serbie et Monténégro
Slovakia	Slovaquie
Slovenia	Slovénie
Spain	Espagne
Sweden	Suède
Switzerland	Suisse
Macedonia (former Yugoslav Republic of)	Macédoine (ancienne république Yougoslave de)
Tonga	Tonga
Trinidad & Tobago	Trinité & Tobago
Turkey	Turquie
Ukraine	Ukraine
United Kingdom	Royaume-Uni
<i>Divisions</i>	<i>Divisions</i>
<i>England</i>	<i>Angleterre</i>
<i>Northern Ireland</i>	<i>Irlande du Nord</i>
<i>Scotland</i>	<i>Écosse</i>
<i>Wales</i>	<i>pays de Galles</i>
<i>Acceding Territories</i>	<i>Territoires signataires</i>
<i>Anguilla</i>	<i>Anguilla</i>
<i>Bermuda</i>	<i>Bermudes</i>
<i>British Indian Ocean Territory</i>	<i>Territoire britannique de l'océan Indien</i>
<i>Cayman Islands</i>	<i>îles Caïmans</i>
<i>Falkland Islands</i>	<i>îles Malouines</i>
<i>Gibraltar</i>	<i>Gibraltar</i>
<i>Isle of Man</i>	<i>île de Man</i>
<i>Montserrat</i>	<i>Montserrat</i>
<i>Pitcairn, Henderson, Ducie & Oeno Islands</i>	<i>îles Pitcairn, Henderson, Ducie & Oeno</i>
<i>Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus</i>	<i>territoires souverains des bases militaires d'Akrotiri et de Dhekelia sur l'île de Chypre</i>
<i>St. Helena</i>	<i>île de Sainte-Hélène</i>
<i>St. Helena Dependencies</i>	<i>dépendances de l'île Sainte-Hélène</i>

Unites States
Acceding states
same as the bilateral treaty

Venezuela

B. “Scheme for the Transfer of Convicted Offenders within the Commonwealth”

Canada
Malawi
Nigeria
Sri Lanka
Trinidad & Tobago
United Kingdom

Divisions

England
Northern Ireland
Scotland
Wales

Acceding Territories

Anguilla
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Falkland Islands
Gibraltar
Grenada
Montserrat
Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus

St. Helena
St. Helena Dependencies

Zimbabwe

États-Unis
États signataires
les mêmes qu’à l’entente bilatérale

Vénézuela

B. “Scheme for the Transfer of Convicted Offenders within the Commonwealth”

Canada
Malawi
Nigeria
Sri Lanka
Trinité & Tobago
Royaume-Uni

Divisions

Angleterre
Irlande du Nord
Écosse
pays de Galles

Territoires signataires

Anguilla
Territoire britannique de l’océan Indien
îles Vierges britanniques
îles Caïmans
îles Malouines
Gibraltar
Grenada
Montserrat
territoires souverains des bases militaires d’Akrotiri et de Dhekelia sur l’île de Chypre
île Sainte-Hélène
dépendances de l’île Sainte-Hélène

Zimbabwe

C. “Inter-American Convention on Serving Criminal Sentences abroad”

Brazil
Canada
Chile
Costa Rica
Mexico
Nicaragua
Panama
Paraguay
United States
Venezuela

C. “Convention interaméricaine sur l’exécution des décisions pénales à l’étranger”

Brésil
Canada
Chili
Costa Rica
Mexique
Nicaragua
Panama
Paraguay
Etats-Unis
Venezuela

ANNEX B – TRANSFERS TO CANADA – FISCAL YEAR

**Transfers to Canada
1978-79 to 2004-05
Sending Country**

Fiscal Year	AUSTRIA	BAHAMAS	BRAZIL	COSTA RICA	CUBA	ENGLAND	FRANCE	GERMANY	GRENADA	HONG KONG	HUNGARY	ITALY	JAPAN	MEXICO	MOROCCO	NETHERLANDS	NORWAY	PANAMA	PERU	PORTUGAL	SPAIN	SWEDEN	SWITZERLAND	THAILAND	TRINIDAD AND TOBAGO	UNITED KINGDOM	UNITED STATES	VENEZUELA	Total		
1978 - 1979																											29	29			
1979 - 1980														9														23	32		
1980 - 1981																											7	7			
1981 - 1982																			1								12	13			
1982 - 1983														3					1								7	11			
1983 - 1984														1					6								20	27			
1984 - 1985														2													18	20			
1985 - 1986														7													18	25			
1986 - 1987						1	2							4					2				1				17	27			
1987 - 1988														4						4							16	24			
1988 - 1989							2							3						2							27	34			
1989 - 1990														4													26	30			
1990 - 1991	1																							1		1	17	20			
1991 - 1992						1						1		1							1				1		27	32			
1992 - 1993										1		1								1							2	22	27		
1993 - 1994																			6		2						10	18			
1994 - 1995																									1		1	38	40		
1995 - 1996							2			1						1									2	5	5	70	86		
1996 - 1997							2	1						2									1	1		6	1	63	4	81	
1997 - 1998										2															3			47	2	54	
1998 - 1999	2		2	1										4					1							1	4	47	2	64	
1999 - 2000			1	4								1		5				2			1				5			51	70		
2000 - 2001		2		2	4				1		1								2				1		2	1	5	63	84		
2001 - 2002			2		5							3		4	1			1	2		1	2			1	2	7	63	2	96	
2002 - 2003			2	1		1						1		1					1			1			1		2	67	2	80	
2003 - 2004			1	4	2											2		2								1		85	1	98	
2004 - 2005					3									1			1	3	1								4	2	60	4	79
Total	3	2	8	12	14	3	8	1	1	4	1	7	0	55	1	3	1	8	30	1	7	3	1	17	20	30	950	17	1208		

ANNEX C – TRANSFERS FROM CANADA – FISCAL YEAR

Transfers from Canada (by Fiscal Year)							
Receiving Country							
	FRANCE	IRELAND	NETHERLANDS	POLAND	UNITED KINGDOM	UNITED STATES	Total
Fiscal Year							
1978 - 1979						40	40
1979 - 1980						27	27
1980 - 1981						12	12
1981 - 1982						5	5
1982 - 1983						6	6
1983 - 1984						1	1
1984 - 1985						2	2
1986 - 1987						1	1
1987 - 1988						2	2
1988 - 1989						1	1
1989 - 1990			1			1	2
1990 - 1991						3	3
1991 - 1992						1	1
1992 - 1993			1			1	2
1993 - 1994			2				2
1996 - 1997					2		2
1997 - 1998		1				1	2
1998 - 1999	1		1				2
1999 - 2000				1			1
2001 - 2002			1			1	2
2002 - 2003			1				1