



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: International Prisoner Transfers		Policy Number: 11.3.1
Date of Issue: August 30, 2006	Authority:  Jeffrey A. Beard, Ph.D.	Effective Date: August 30, 2006

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61,66,186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

This document establishes procedures for an inmate who is a foreign national to apply for transfer to the foreign country of which he/she is a citizen, and procedures for handling such applications.

III. APPLICABILITY

This policy is applicable to all facilities under the jurisdiction of the Department.

IV. DEFINITIONS

A. Foreign National

An inmate who is not a United States citizen or does not have resident alien status in the United States.

B. Pennsylvania Law

Pennsylvania statute provides that, "whenever a treaty is in force providing for the transfer of convicted offenders between the United States and a foreign country, the

Governor/designee, upon application of the Secretary of Corrections, is authorized to give the approval of the Commonwealth to transfer as provided in the treaty. (42 Pa. C.S.A. § 9171)

V. POLICY

It is the policy of the Department to notify every inmate who is a foreign national of the procedure by which he/she may be allowed to serve his/her sentence of imprisonment in the country of which he/she is a citizen.

VI. PROCEDURES

A. Consideration of Transfer Requests

An inmate who is a foreign national, and wishes to be transferred to the country in which he/she is a citizen, shall submit a request to his/her counselor indicating an interest in a transfer.

1. Facility Responsibilities:

- a. The Facility Manager shall ensure that an **International Prisoner Transfer Notification and Acknowledgement Form (Attachment A)** is distributed to every inmate within the facility who is a foreign national.
- b. During the annual review, the counselor will inform the inmate who is a foreign national of the possibility of an international transfer and inform the inmate that he/she must contact the nearest foreign consular office to advise them of his/her desire to be considered for a treaty transfer. An inmate who is subject to an execution sentence is ineligible for a treaty transfer.
- c. Facility records staff and the inmate's counselor shall coordinate the preparation of the following material for submission to the Central Office Records Administrator:
 - (1) **Prisoner Transfer Application Questionnaire (Attachment B)** and a signed original **International Prisoner Transfer Notification and Acknowledgement Form (Attachment A)** indicating the inmate's interest in an international transfer
 - (2) copy of the inmate's birth certificate or passport (if available);
 - (3) a certified copy of the inmate's sentencing order;
 - (4) a copy of the pre-sentence report or a statement that a pre-sentence report was not prepared for the inmate;
 - (5) an original FBI fingerprint card;

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- (6) two original photographs;
 - (7) a copy of the inmate's Sentence Status Summary;
 - (8) a Progress Report, including the inmate's security level, misconduct history, institutional work record, program participation record, a psychological evaluation, current medical condition and current TB test;
 - (9) a statement of the inmate's immigration status;
 - (10) the inmate's family and residence information to the extent known;
 - (11) a copy of the inmate's Classification Summary;
 - (12) a completed copy of a **Certified Case Summary for State Inmate (Attachment C)**; and
 - (13) verification that Immigration and Naturalization Service is aware that the inmate is incarcerated. A copy of an INS detainer can be used to verify, if one exists.
2. The Counselor shall:
- a. Assist the inmate in completing the **International Prisoner Transfer Notification and Acknowledgement Form (Attachment A)** and the **Prisoner Transfer Application Questionnaire (Attachment B)**.
 - b. Prepare and circulate a **DC-46, Vote Sheet** along with a completed **International Prisoner Transfer Notification and Acknowledgement Form (Attachment A)** and a **Prisoner Transfer Application Questionnaire (Attachment B)** to the Unit Management team, Corrections Classification Program Manager, if applicable, Deputy Superintendent for Facilities Management (DSFM), Deputy Superintendent for Centralized Services (DSCS), and the Facility Manager. Inmates who are subject to life sentences may be considered for a treaty transfer. However, approval of such transfers requires extraordinary circumstances that must be documented on the **Certified Case Summary for State Inmates (Attachment C)**.
 - c. Complete the **Certified Case Summary for State Inmates (Attachment C)**.
 - d. Forward the original **International Prisoner Transfer Notification and Acknowledgement Form (Attachment A)**, the **Prisoner Transfer Application Questionnaire (Attachment B)**, and the **Certified Case Summary for State Inmates (Attachment C)**, whether the recommendation is positive or negative, to the Central Office Records Administrator.
 - e. File a copy of the documents in the legal section of the **DC-15** file.

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3. The Central Office Records Administrator/designee shall:
 - a. serve as the liaison to the International Prisoner Transfer Unit, Office of Enforcement Operations, Criminal Division, Department of Justice. This includes receiving and distributing any notices, forms, documents and updates regarding the program, and working with the Department of Justice to help ensure smooth review of inmate international transfer requests;
 - b. Coordinate the inmate notification process with the facility managers;
 - c. review documentation relating to inmate international transfer requests from the inmate's counselor for completeness;
 - d. examine the referral packet and prepare a formal report with a recommendation to the Secretary of Corrections concerning the application;
 - e. forward an **International Transfer Letter (Attachment D)** to the sentencing Judge and the District Attorney or other prosecutorial authority seeking input regarding the transfer request;
 - f. forward the formal report, **DC-46, Vote Sheet** and any response from the sentencing Judge, District Attorney and/or other prosecutor to the Secretary of Corrections;
 - g. secure a letter approving an international prisoner transfer request from the Governor or his/her designee;
 - h. notify the inmate via a memorandum when the Secretary of Corrections has approved or disapproved the transfer request;
 - i. coordinate with the International Prisoner Transfer Unit to arrange the date for the consent verification hearings, if any, and arrange the transportation of the inmate to the hearing;
 - j. maintain a record in the Central Office Records Administrator's office and in the Central Office inmate file which shall include:
 - (1) inmate information, including names and aliases and other identifying information, such as inmate number, date, and place of birth, and alien number if known;
 - (2) application information, including destination country, date application was received, name of person assigned to review the case, and the dates significant actions were taken; and
 - (3) sentencing information, including offense, date of arrest, sentencing date, sentence length, and projected date of release.

- k. coordinate consideration of the transfer request with the appropriate federal and international authorities; and
- l. coordinate the transfer of the inmate to the appropriate international authorities when a transfer is approved.

B. Consideration of Transfer Requests to Canada

1. In addition to the information in **Section A**, a request to Canada shall also include:
 - a. a **CSC 308, Request for Transfer to Canada Form (Attachment E)**;
 - b. a **CSC 614, Information and Decision Form for Transfer to Canada (Attachment F)**; and
 - c. an inmate who is requesting transfer under the Council of European Convention requires a certified copy of the relevant law under which he/she was convicted.

VII. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VIII. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be release upon request.

2. Procedures Manual (if applicable)

The procedures manual for this policy is not public information and shall not be released in its entirety or in part, without the prior approval of the Secretary/designee. This manual or parts thereof may be released to any Department employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Departments' policy and procedures manuals (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution to other individuals and/or agencies is subject to the approval of the Secretary/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures.

X. SUPERSEDED POLICY AND CROSS REFERENCE**A. Superseded Policy**

This document establishes policy on this subject.

B. Cross References

1. Administrative Manuals

None

2. Accreditation Standards

Administration of Correctional Agencies: None
Adult Correctional Boot Camp Programs: None
Adult Correctional Institutions: None
Adult Community Residential Services: None
Correctional Training Academies: None