



# International Transfers 2013-2014 Annual Report

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## Preface

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This report provides a statistical overview on the International Transfer of Offenders program's activities over the last ten fiscal years.

The data is from the Correctional Service of Canada's (CSC) International Transfers Database, CSC's Offender Management System (OMS), and the Department of Foreign Affairs, Trade and Development (DFATD). The source of the statistics is indicated under each chart, table or figure. The data is reported by fiscal year (from April 1 to March 31 of the following year).

Please be advised that, in some instances, figures have been revised from earlier annual reports.

The report is prepared by the International Transfers Unit of CSC.

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## Introduction

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At any given time, there are over 1800<sup>1</sup> Canadian citizens incarcerated throughout the world as well as over 1000<sup>2</sup> foreign national offenders under CSC's jurisdiction. Canadians serving a sentence of imprisonment abroad face serious problems such as isolation, culture shock, language barriers and a lack of programs available to foreign nationals.

Canada has entered into international transfer agreements with over 112 foreign entities and territories through 15 bilateral treaties, and three multi-lateral schemes; the Council of Europe [Convention on the Transfer of Sentenced Persons](#), the [Scheme for the Transfer of Convicted Offenders within the Commonwealth](#), and the Organization of American States [Inter-American Convention on Serving Criminal Sentences Abroad](#). These agreements enable persons who have been convicted abroad and sentenced to imprisonment, a term of conditional release or any other form of community supervision in a foreign entity, to serve their foreign imposed sentence in their country of citizenship, with their explicit consent. Along with Canada's implementing legislation [International Transfers of Offenders Act \(ITOA\)](#), these agreements are the legal basis for effecting international transfers.

Transfers provide offenders with the possibility of becoming productive members of the community, by contributing to the administration of justice and the rehabilitation of offender and their reintegration into society as law abiding citizens.

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<sup>1</sup> Source: Department of Foreign Affairs and International Trade, 2011 Consular Activity Report.

<sup>2</sup> Source: CSC's Offender Management System.

## Section A Overview of Transfers

### International Transfers History

The first transfer of offenders took place in 1978 between Canada and the United States. It included the transfer of 29 Canadian citizens and 40 American citizens.

As of March 31, 2014, a total of 1,927 offenders have been transferred. Of those, 1,797 Canadians were transferred to Canada, whereas 130 foreign nationals were transferred from Canada to their country of citizenship.

### Transfers to Canada from Foreign Countries

The majority, 1,417 of the 1,797 Canadian citizens transferred to Canada, since 1978, were sent from the United States. Of those, 1256 were under Federal jurisdiction, while 161 were State offenders.

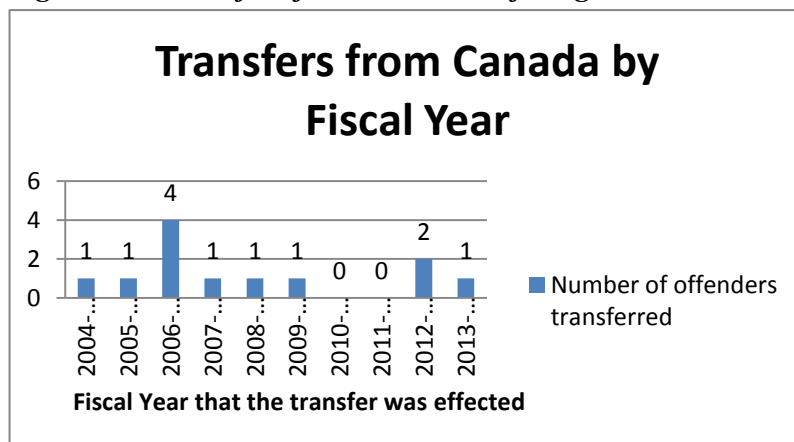
Mexico had the second largest amount of Canadians, with 62 offenders, followed by the United Kingdom and Japan with 37 offenders each, and then Peru with 35 offenders.

### Transfers from Canada to Foreign Countries

Of the 130 offenders transferred from Canada to foreign countries since 1978, 109 (83.8%) were American citizens. The remainder of the offenders transferred to the following countries:

- 8 (6.2%) to the Netherlands
- 4 (3.1%) to France
- 4 (3.1%) to the United Kingdom
- 5 (3.8%) to all other countries.<sup>3</sup>

**Figure A1: Transfers from Canada to foreign countries during last 10 fiscal years**



Source: International Transfers Database

<sup>3</sup> [Annex B](#) details all transfers from Canada to foreign countries from 1978-1979 to 2013-2014.

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## Section B Applications for Transfer

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At any given time, there are over 300 applications for transfer being processed by the International Transfers Unit with an additional average of 254 new applications received each year.

### Administrative Arrangements

If no treaty is in force between Canada and a foreign entity on the transfer of offenders, the *ITOA* allows Canada to enter into an administrative arrangement with the foreign entity for the transfer of offenders on a case-by-case basis (section 31 and 32 of the *ITOA*).

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## Section C Processing Timeframes

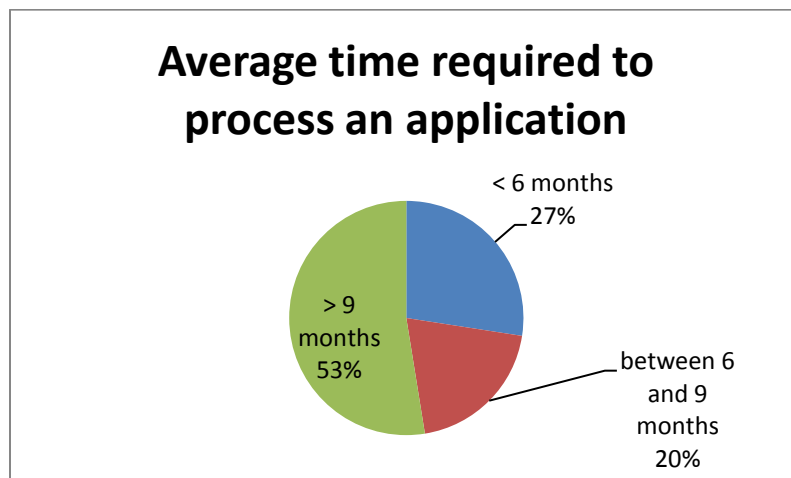
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The International Transfers Unit is committed to processing international transfer applications in a timely fashion, from the date of receipt of the sentencing documentation (i.e. judgment, sentence data information, and summary of facts) from the foreign entity to obtaining the Minister's decision. Processing times vary based on the complexity of the cases, the accuracy of documentation, the translation of documents, and the increasing number of applications being received.

Of the 1024 applications processed over the last 10 fiscal years:

- 281 applications (27%) were processed in less than six months time;
- 205 applications (20%) were processed between six to nine months; and
- 538 applications (53%) were processed in more than nine months.
  - 173 applications were processed between nine to twelve months; and
  - 220 applications were processed between 12 to 18 months; and
  - 86 applications were processed between 18 to 24 months; and
  - 59 applications were processed in more than 24 months.

*Figure C1: Average processing timeframes*



Source: International Transfers Database

## Section D Outcome of applications

During the last 10 fiscal years, the International Transfers Unit received 2,542 new applications for transfer.

### Results of Applications Processed

**As of March 31, 2014, of those 2,542 applications received:**

- 1,214 (48%) resulted in a denial by either country;
- 596 (23%) resulted in a transfer<sup>4</sup>;
- 194 (8%) offenders withdrew their application;
- 123 (5%) offenders were deemed ineligible;
- 415 (16%) other.

Not all applications received resulted in an approval, denial or withdrawal. Of the remaining 415 (16%) applications some:

- offenders were released from the institution and ultimately deported (depending on the country's legislation; release from the institution can be at the expiration of the sentence, or before, if good time credits are earned, mandatory release, etc.);
- offenders passed away;
- applications were still in process at the end of the fiscal year because of the complexity of the cases or the lengthy processing timeframes.

**Table D1: Results of applications of the last 10 fiscal years**

Fiscal Year application was received	Number of applications received	Results as of March 31, 2014				Other
		# that resulted in a transfer	# that resulted in a denial by either country	# that resulted in the offender withdrawing	# that resulted in the offender being ineligible	
2004-2005	260	98	117	13	19	13
2005-2006	259	74	134	19	17	15
2006-2007	264	64	152	14	17	17
2007-2008	267	68	151	13	9	26
2008-2009	293	50	177	26	14	26
2009-2010	219	46	118	32	6	17
2010-2011	281	89	131	30	9	22
2011-2012	268	75	125	24	9	35
2012-2013	228	28	76	21	15	88
2013-2014	203	4	33	2	8	156
<b>Total</b>	<b>2542</b>	<b>596</b>	<b>1214<sup>5</sup></b>	<b>194</b>	<b>123</b>	<b>415</b>

Source: International Transfers Database

<sup>4</sup> For the actual numbers of transfers by fiscal year, refer to [Section F](#).

Of the 415 other applications, 250 were still in process as of March 31, 2014. Of those 250, there were 102 transfer application files with the Department of Public Safety or the Minister's Office.

## Section E Canadian Decisions Rendered by the Minister

During the last 10 fiscal years, CSC has submitted an average of 137 applications per year to the Minister of Public Safety for decision with 69% of them already with a foreign approval.

### Factors for Consideration by the Minister of Public Safety

In determining whether to consent to the transfer of a Canadian offender, the Minister of Public Safety must take into consideration a number of factors listed in section 10 of the *International Transfer of Offenders Act*<sup>6</sup>.

As detailed in the next table (Table E1), of the 1,274 decisions rendered by the Minister of Public Safety, between April 1, 2004 and March 31, 2014, 24% were denials and 76% were approvals.

Not all files submitted to the Minister result in the Minister rendering a decision. While the file is under consideration by the Minister, the offender may withdraw his request for transfer, they may be released from custody, or the foreign country may deny the application. In such circumstances, CSC's International Transfers Unit terminated the process of the transfer application.

### Decisions by the Minister of Public Safety

The following table indicates the number of decisions rendered by the Minister of Public Safety during the past 10 fiscal years. The numbers include both offenders requesting a transfer to Canada, and those requesting a transfer from Canada. The numbers also include decisions rendered by fiscal year, regardless of the date the transfer application was received, processed and submitted to the Minister for decision.

*Table E1: Decisions rendered by the Minister*

Fiscal Year Decision rendered	Total Number of Decisions Rendered	Number/Percentages of Applications Approved		Number/Percentages of Applications Denied	
2004 - 2005	202	202	100%	0	0%
2005 - 2006	110	108	98%	2	2%
2006 - 2007	86	62	72%	24	28%
2007 - 2008	143	100	70%	43	30%
2008 - 2009	109	86	79%	23	21%
2009 - 2010	89	24	27%	65	73%
2010 - 2011	167	112	67%	55	33%
2011 - 2012	125	121	97%	4	3%
2012 - 2013	168	98	58%	70	42%

<sup>6</sup> *ITOA* that was in force prior to May 3, 2012.

2013 - 2014	75	54	72%	21	28%
<b>Total :</b>	<b>1274</b>	<b>967</b>	<b>76%</b>	<b>307</b>	<b>24%</b>

Source: International Transfers Database

Of the decisions rendered, 37 approvals and 4 denials were rendered under the new *ITOA* (in effect since May 2012).

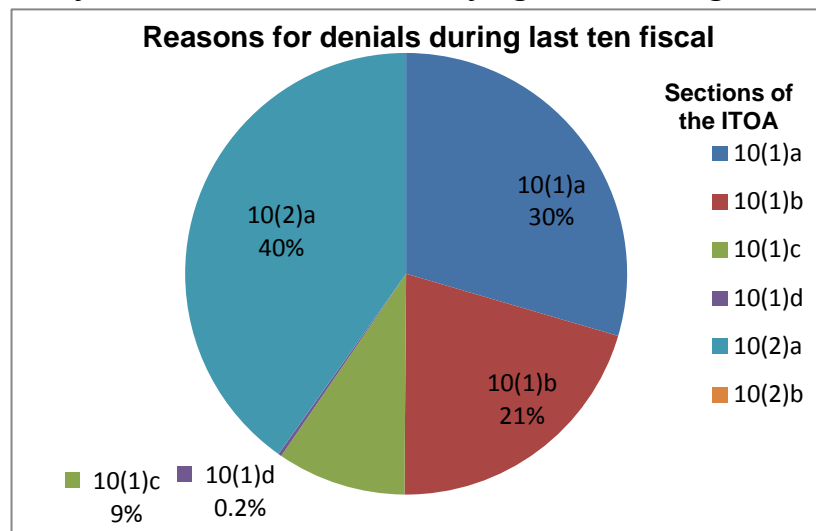
The significantly low number of applications that were denied in 2011-2012 (4) is attributed to the addition of a new step in the processing of transfer applications that introduced a mandatory sharing of the information contained in the file submitted to the Minister for consideration. Through this new step, the applicants have the opportunity to make additional submissions to the Minister in support of their case.

### Reasons for denials

The following chart illustrates the reasons of the denials (in percentage) handed down by the Minister of Public Safety between April 1, 2004 and March 31, 2014, based on factors listed in section 10 of the *International Transfer of Offenders Act*.

As of March 31, 2014 – only 4 denials had been rendered under the new *ITOA* in force since May 3, 2012 ([based on sections 10\(1\)a, 10\(1\)c, 10\(1\)d and 10\(2\)a](#)).

**Figure E2: Reasons for denials based on articles of legislation during the last ten fiscal years**



Source: International Transfers Database

### Timeframe between Decisions and the Transfer

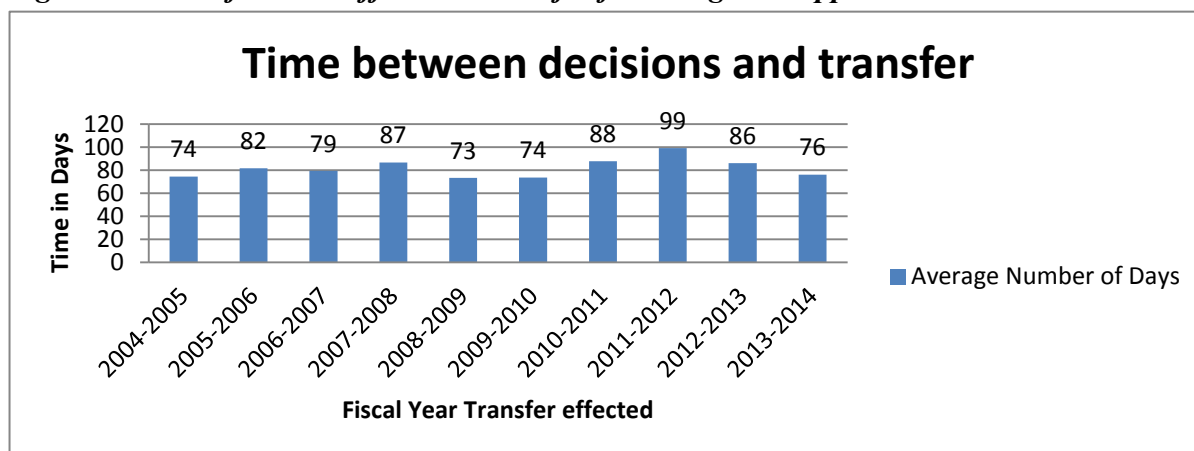
Once an offender's request to transfer is approved by the Minister of Public Safety, the foreign country and the offender's consent is verified, the International Transfers Unit initiates and coordinates the offender's repatriation operation. ***This timeframe is dependant upon receipt of the foreign country's approval, the offender's consent and the time required to organize the transfer.*** The date and location of the actual repatriation operation must be agreed upon by both countries. In certain countries, there are internal legislation and/or protocols related to the timeframe required for the movement of an offender that has been approved for an international transfer.

Canada and the United States have agreed to four set transfers per year, due to the high volume of transfers between these two countries.

The following chart illustrates the average time (in days) that was required to effect a transfer, from the day all required approvals were received, regardless of which country approved first, to the transfer date.

In the last 10 fiscal years, 12 transfers were first time transfer operations (Australia, Bolivia, Bermuda, Cayman Islands, Chile, Croatia, Dominican Republic, Ecuador, Japan, Norway, Romania and South Korea).

**Figure E3: Timeframe to effect the Transfer following both approvals**



Source: International Transfers Database

Various factors that can have an impact on the above timeline:

- Time required to draft and implement a transfer operation protocol when dealing with a country's first transfer operation;
- The complexity of a transfer operation protocol with certain countries;
- The availability of transfer teams in both countries; and
- The fact that there are pre-established dates for transfer operation with our most important partner, the United States.

## Section F                      Transfer Statistics

### Transfer Operations

Offenders are generally transferred shortly after all parties (Canada, sentencing country and the offender) have consented to the transfer. Delays may be the result of the complexity of the transfer operation, a pre-established protocol with a country, or simply distance and operational capability.

The frequency of transfer operations are generally determined by the requirements of the receiving and sending countries and of the offender. CSC's International Transfers Unit, in conjunction with the respective country, sets the transfer dates, plans, and implements the ensuing transfer operations. Transfer operations can be carried out in groups or individually, depending on circumstances. Over the past 10 fiscal years, 220 transfer operations were effected for 680 offenders.

The following chart illustrates the number of operations by fiscal year and the number of offenders transferring to and from Canada.

***Table F1: Number of Transfer Operations and Number of offenders transferred***

Transfer date in fiscal year	Number of transfer operations completed	Number of offenders transferred
2004 - 2005	25	80
2005 - 2006	21	91
2006 - 2007	25	57
2007 - 2008	21	72
2008 - 2009	34	83
2009 - 2010	10	28
2010 - 2011	15	59
2011 - 2012	19	75
2012 - 2013	28	78
2013 - 2014	22	57
<b>Total</b>	<b>220</b>	<b>680</b>

Source: International Transfers Database

### Transfers to Canada

Of the 680 offenders that transferred in the last 10 fiscal years, 668 offenders transferred to Canada while 12 transferred from Canada.

Of the offenders that transferred to Canada since the amendments to the *ITOA* in April 2011, only 2 offenders were required to comply with *SOIRA*.



## Section G Follow-up

In the last 10 fiscal years, of the 668 offenders who have been transferred to Canada from a foreign country, 650 of those offenders were under CSC jurisdiction. The remaining 18 were under provincial jurisdiction or territorial, and therefore no release data is available on these offenders.

### Current Status of Offenders who have been transferred to Canada

As per the table below, as of March 31, 2014, of the 650 offenders, 145 were under some form of conditional release (day parole, full parole, statutory release), while 450 had completed their sentence. Only 44 offenders had not been released to date and remained incarcerated.

The following table describes the current status of the offenders that transferred to Canada under federal jurisdiction during the last 10 fiscal years.

*Table G1: Current Status of offenders*

Current Status Offenders transferred from 2004-2005 to 2013-2014		
Status	Number of Offenders	Percentage of 650 Offenders
New Sentence	0	0%
Incarcerated	44	6.76%
Supervised	145	22.30%
Suspended TD	6	0.92%
Suspended UAL	0	0%
Sent. Comp/Satisfied	450	69.23%
Deceased	5	0.76%

Source: Performance Management

### Recidivism Data

Of the 650 offenders who transferred, only one (1) has been readmitted to federal custody within **five** years of warrant expiry date.

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## Conclusion

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In the 36 years since the first international transfer took place with the United States, there has been a steady increase in the number of agreements in place with foreign countries.

The information contained in this report shows that the purpose and the principles of the ***International Transfer of Offenders Act*** have been fulfilled, and that the International Transfer of Offenders program is consistent with CSC's [mandate](#) and its [Mission Statement](#). The program contributes to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control. It ensures that offenders are gradually returned to society and that they have the opportunity to participate in programming that targets the factors that may have led to their criminal behaviour.

CSC is part of a large public safety continuum that aims to keep Canadians safe through delivering programs and services in areas such as law enforcement, border security, emergency management, national security, crime prevention and conditional release.

Furthermore, CSC has set specific priorities for 2013-2014 and beyond, which includes the safe transition of offenders into the community. The International Transfer of Offenders program is a meaningful example of CSC's progress in meeting its objectives.

ANNEX "A" - Transfers to Canada by Fiscal Year																						
COUNTRY	1978-1979	1979-1980	1980-1981	1981-1982	1982-1983	1983-1984	1984-1985	1985-1986	1986-1987	1987-1988	1988-1989	1989-1990	1990-1991	1991-1992	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
Australia																						
Austria													1								2	
Bahamas																						
Bolivia																						
Brazil																				2	1	
Cayman Islands																						
Chile																						
Costa Rica																				1	4	
Croatia																						
Cuba																						
Dominical Republic																						
Ecuador																						
France									2		2							2	2			
Germany																			1			
Grenada																						
Hong Kong															1			1		2		
Hungary																						
Italy														1	1						1	
Japan																						
Mexico		9			3	1	2	7	4	4	3	4		1					2		4	5
Morocco																						
Netherlands																		1				
Norway																						
Panama																					2	
Peru				1	1	6			2	4	2				1	6					1	
Portugal																						
Romania																						
South Korea																						
Spain														1		2					1	
Sweden									1										1			
Switzerland																			1			
Thailand													1	1			1	2		3		5
Trinidad & Tobago																		5	6		1	
UK-Bermuda																						
UK-England									1				1	1	2		1	5	1		4	
United States – FEDERAL	18	11	4	8	6	15	14	12	13	12	22	22	9	24	22	10	37	64	50	43	42	47
United States - STATE	11	12	3	4	1	5	4	6	4	4	5	4	8	3			1	6	13	4	5	4
Venezuela																			4	2	2	
Total	29	32	7	13	11	27	20	25	27	24	34	30	20	32	27	18	40	86	81	54	64	70

			ANNEX "A" - Transfers to Canada by Fiscal Year (continued)												
COUNTRY	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	Total
Australia						1	1	1	2					3	8
Austria															3
Bahamas	2					1			1						4
Bolivia											1				1
Brazil		2	2	1											8
Cayman Islands									1						1
Chile							1								1
Costa Rica	2		1	4			2	1	3						18
Croatia														1	1
Cuba	4	5		2	3	1	1		1					1	18
Dominical Republic										3	2	2	2	2	11
Ecuador								1					3		4
France															8
Germany							1								2
Grenada	1														1
Hong Kong															4
Hungary	1														1
Italy		3	1			1	1								9
Japan						2	3	5	5	6		5	5	6	37
Mexico		4	1		1	1	3	1	1			1			62
Morocco		1											1		2
Netherlands				2											3
Norway					1										1
Panama		1		2	3			2	1		1	1	2	1	16
Peru	2	2	1		1	1			2				2		35
Portugal		1													1
Romania							2								2
South Korea														1	1
Spain		2	1						1		1				9
Sweden	1														3
Switzerland															1
Thailand	2	1	1						1				1		19
Trinidad & Tobago	1	2		1	4			1	1		2				24
UK-Bermuda							1						1		2
UK-England	5	7	3		2				3		1				37
United States - FEDERAL	55	56	64	78	50	73	32	57	56	18	51	63	58	40	1256
United States – STATE	8	7	3	7	10	9	5	1	2				1	1	161
Venezuela		2	2	1	4			1	1			3			22
Total	84	96	80	98	79	90	53	71	82	27	59	75	76	56	1797

ANNEX "B" - Transfers from Canada by Fiscal Year

Country	1978 - 1979	1979 - 1980	1980 - 1981	1981 - 1982	1982 - 1983	1983 - 1984	1984 - 1985	1986 - 1987	1987 - 1988	1988 - 1989	1989 - 1990	1990 - 1991	1991 - 1992	1992 - 1993	1993 - 1994	1996 - 1997	1997 - 1998	1998 - 1999	1999 – 2000	2001 - 2002	2002 - 2003	2003 - 2004	2004 - 2005	2005 - 2006	2006 - 2007	2007 - 2008	2008 - 2009	2009 -2010
Estonia																									1			
France																		1							1		1	
Ireland																	1											
Israel																									1			
Italy																									1			
Netherlands											1			1	2			1		1	1		1					
Poland																			1									
UK-England																2				1				1				
United States	40	27	12	5	6	1	2	1	2	1	1	3	1	1			1			1		1				1		1
Total	40	27	12	5	6	1	2	1	2	1	2	3	1	2	2	2	2	2	1	2	1	1	1	1	4	1	1	1

ANNEX "B" - Transfers from Canada by Fiscal Year (Continued)

Country	2010-2011	2011-2012	2012-2013	2013-2014	Total
Estonia					1
France			1		4
Ireland					1
Israel					1
Italy					1
Netherlands					8
Poland					1
UK-England				1	4
United States			1		109
Total	0	0	2	1	130