

**UNITED STATES OF AMERICA**

**National Procedures for Transfer of sentenced persons**

**Updated on 03/12/2020**

The information contained in this table should be updated on a yearly basis.

The Central Authority responsible for the transfer of sentenced persons	The United States Department of Justice Criminal Division Office of International Affairs International Prisoner Transfer Unit 1301 New York Avenue, 3 <sup>rd</sup> Floor Washington, DC 20005  Phone: +202 514 3173 Fax: +202 514 9003 e-mail: <a href="mailto:paula.a.wolff@sdoj.gov">paula.a.wolff@sdoj.gov</a>
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If different from the Central Authority, the authority to which the request should be sent:	
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If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned:	In addition to the Central Authority identified above, the U.S. Federal Bureau of Prisons (BOP) is involved in the arrangements for the physical transfer of the prisoner once both countries have approved the transfer. The current contact at BOP is Jamey Koehn and her contact information is:  Jamey Koehn United States Federal Bureau of Prisons Correctional Programs 320 First Street, NW Washington, DC 20535  Phone: 202 598 8018 Fax: 202 514 6550 Email: <a href="mailto:Jkoehn@bop.gov">Jkoehn@bop.gov</a>
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Channels of communication for the request for the transfer of sentenced persons:  (directly, through diplomatic channels or other)	Communications should be sent directly to the International Prisoner Transfer Unit at the above address. Diplomatic channels do not need to be used.
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Means of communication (eg. by post, fax, e-mail <sup>1</sup> ):	Any means of communication is acceptable but email with scanned documents is the most efficient.
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Language requirements:	In accordance with the provisions of the COE Convention, English should be used for documents critical to the transfer application process. Such documents include, but are not limited to: transfer request, approval letters, denial letters, judgment and sentencing documents.
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Documentation required:	<p>FOREIGN NATIONALS: Basic documentation required for all foreign national transfer cases include:</p> <ol style="list-style-type: none"> <li>1. a letter clearly stating whether the transfer is approved or denied,</li> <li>2. a document or statement confirming that the prisoner is a national of the receiving country,</li> <li>3. a copy of the relevant law which makes the offense for which the prisoner is in custody in the United States a criminal offence in the receiving country,</li> <li>4. a statement as to whether the continued enforcement procedure or the conversion of sentence procedure will be applied, and</li> <li>5. a statement indicating the nature and duration of the sentence which the prisoner will serve in the receiving country if transferred including information about arrangements for remission and conditional release. The United State will provide the receiving country the information and documents set forth in Article 4(3) and Article 6(2) of the COE Convention.</li> </ol> <p>AMERICAN NATIONALS: basic information and documents required for Americans transferring back to the United States are set forth in Article 4(3) and Article 6(2) of the COE Convention.</p>
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Continued enforcement or conversion of the sentence <sup>2</sup> :	The United States uses the continued enforcement method of administering transferred sentences
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General rules on early release:	All American prisoners returned to the United States will be placed in the custody of the U.S. Federal Bureau of Prisons. Under U.S. law, there are no provisions for early release or conditional release. A prisoner, however, is eligible each year to earn good conduct time credit of 15 percent or 54 days provided that the prison has not engaged in misconduct in prison.
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Scope of application with	The United States will consider for transfer prisoners who have
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<sup>1</sup> Please indicate if encryption or electronic signature is required.

<sup>2</sup> In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

regard to transfer of mentally disordered persons:	been convicted of and sentenced for a criminal offense and then were subsequently diagnosed with mental illness. The United States, however, cannot transfer a prisoner who was declared incompetent to stand trial or who has been found not guilty of a criminal offense because of mental disease or defect. In both situations, there is no criminal sentence to administer. In some situations, civil procedures outside the operations of traditional prisoner transfer procedures might be available to effect the return.
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Scope of application with regard to nationals and/or residents:	<p>FOREIGN NATIONALS: The United States will deem any national of a country party to the COE Convention and who satisfies the requirements of the Convention as being eligible to apply for transfer. It does not believe, however that non-national residents are eligible to apply for transfer.</p> <p>AMERICAN NATIONALS: The United States will consider all individuals who are citizens or nationals of the United States either by birth or naturalization as being eligible to apply for transfer. Legally permanent residents are NOT eligible to apply for transfer back to the United States.</p>
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Other relevant information: (such as practice regarding time limits or revocation of consent)	<p>Foreign national applicants who are incarcerated in federal prisons and have been denied transfer, are eligible to reapply for transfer two years after the date of the U.S. denial provided that sufficient time remains on the sentence to make transfer practicable. Prisoners denied transfer are eligible to apply for reconsideration only if they can demonstrate a material change in the circumstances for which the denial was based. With respect to foreign nationals in the custody of one of the states in the United States, the reapplication period is determined by the individual state.</p> <p>Pursuant to federal law, an applicant's consent to transfer is irrevocable once it is confirmed at the consent verification hearing.</p>
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Links to national legislation, national guides on procedure:	<p>general information about the International Prisoner Transfer Program in the United States including evaluative guidelines can be found at: <a href="http://www.justice.gov/criminal-oia/iptu">www.justice.gov/criminal-oia/iptu</a>. Our federal implementing statute can be accessed at: <a href="https://www.law.cornell.edu/uscode/text/18/part-III/Chapter-306">https://www.law.cornell.edu/uscode/text/18/part-III/Chapter-306</a>.</p>
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Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	
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**For Parties to the Additional Protocol**

Information on the implementation of Article 2: (e.g. interpretation of “by fleeing to”)	
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Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence)	
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Documentation required:	
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Other relevant information:	
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