

TREATY BETWEEN CANADA AND THE UNITED STATES OF AMERICA ON THE EXECUTION OF PENAL SENTENCES

The Government of Canada and the Government of the United States of America,

Desiring to enable Offenders, with their consent, to serve sentences of imprisonment or parole or supervision in the country of which they are citizens, thereby facilitating their successful reintegration into society;

Have agreed as follows:

ARTICLE I

For the purposes of this Treaty:

- (a) "Sending State" means the Party from which the Offender is to be transferred;
- (b) "Receiving State" means the Party to which the Offender is to be transferred;
- (c) "Offender" means a person who, in the territory of either Party, has been convicted of a crime and sentenced either to imprisonment or to a term of probation, parole, conditional release or other form of supervision without confinement. The term shall include persons subject to confinement, custody or supervision under the laws of the Sending State respecting juvenile offenders; and
- (d) "Citizen" includes an Offender who may be a dual national of the Parties and in the case of the United States also includes nationals.

ARTICLE II

The application of this Treaty shall be subject to the following conditions:

- (a) That the offence for which the Offender was convicted and sentenced is one which would also be punishable as a crime in the Receiving State. This condition shall not be interpreted so as to require that the crimes described in the laws of the two Parties be identical in such matters not affecting the character of the crimes as the quantity of property or money taken or possessed or the presence of interstate commerce.
- (b) That the Offender is a citizen of the Receiving State.
- (c) That the offence is not an offence under the immigration laws or solely against the military laws of a Party.
- (d) That there is at least six months of the Offender's sentence remaining to be served at the time of his application.