

California Code of Regulations, Title 15, Division 4, Division of Juvenile Justice
Chapter 3. Institutions and Camps Services
Subchapter 1. General Provisions

Article 4. Classification and Treatment

[Section 4621.1 is amended and the title is revised]

S 4621.1. ~~Illegal Aliens~~ Commitments of Citizens or Nationals of a Foreign Country

(a) ~~Institutionalized wards~~ Youth committed to the Division who are identified as ~~illegal aliens~~ citizens or nationals of a foreign country shall remain in custody until they meet the criteria for ~~released~~ discharge to parole probation

(b) All youth under the jurisdiction of the Division who are citizens or nationals of a foreign country shall be informed by staff within three business days of arrival that they may contact their consulate.

(1) If the youth requests to contact a consulate, the nearest consulate or embassy shall be notified without delay, but no later than three business days from such request.

(c) A youth shall be provided with a copy of any documentation received from the United States Immigration and Customs Enforcement regarding the youth's immigration status.

(1) When the documentation is provided, the youth shall be advised of the right to contact a consulate, request legal assistance, or both.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Section ~~4008~~ 5028, ~~Welfare and Institutions Code~~ Penal Code.

[Section 4621.2 is amended and the title is revised]

§ 4621.2. ~~Transfer of~~ a Foreign Nationals Country

(a) Any ~~foreign national~~ youth under the jurisdiction of the ~~Department~~ Division committed to the Division may request transfer to his a ~~country of citizenship~~ where the youth is a citizen or national to serve his ~~the~~ remaining confinement time if a treaty providing for such transfer is in force between the United States and the ~~ward's~~ receiving ~~country of citizenship~~. To be eligible for transfer, the ~~foreign national~~ youth shall:

(1) Be a citizen or national of the foreign country to which ~~he~~ the youth is requesting transfer.

(2) Have six or more months of available confinement time at the time of transfer request.

(3) Have no pending appeals on the judgment or sentence.

~~(4)~~ (Reserved)

~~(5)~~ (4) Not have been convicted of a political, military, or immigration offense.

(b) ~~If the foreign national is eligible for transfer and the documentation has been completed, he shall be calendared to appear before the Board. The Board may deny the transfer or order the ward transferred to the prisoner exchange program for transfer to his country~~ Decisions regarding the transfer of a youth to a receiving country of citizenship shall be made by the Board of Juvenile hearings in accordance with section 4964.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Section 12012.1, Government Code. Reference: Section 5028, Penal Code

[Section 4621.3 is adopted]

§ 4621.3. United States Immigration and Customs Enforcement Request for an Interview

(a) A youth under the jurisdiction of the Division, upon request for an interview from the United States Immigration and Customs Enforcement, may:

(1) Decline to be interviewed, or,

(2) Participate in an interview with or without the youth's attorney present.

(b) Written consent must be obtained from the parent or guardian of a youth who is under the age of 18 and not emancipated prior to any interview with a United States Immigration and Customs Enforcement representative.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Section 7284.10, Government Code

**California Code of Regulations, Title 15, Division 4.5, Youthful Offender Parole Board
Chapter 2. Board Rules Relating to Wards in Institutions and Camps**

Article 4. Actions in Institutions

[Section 4964 is adopted and the title revised]

§ 4964. Release in Custody to Other Jurisdictions Transfer to a Foreign Country

(a) The Executive Officer of the Board of Juvenile Hearings, as the Governor's designee, has the authority to approve or disapprove foreign transfers under the Convention on the Transfer of Sentenced Persons pursuant to Government Code section 12012.1.

(b) A youth's request for transfer to the youth's country of citizenship must be submitted in writing to the Executive Officer.

(c) As a part of the request for transfer, the youth must request that the receiving nation submit a letter directly to the Executive Officer stating an intention to accept the transferred youth and indicating the receiving nation's intentions regarding the detention of the youth.

(1) These indications should include such information as the intended duration of the youth's confinement in that country and the programs available for the youth upon release.

(d) Upon receipt of the youth's written request and the receiving nation's letter of intent, the Board shall schedule a hearing to occur as soon as practical but no later than 60 calendar days from the date of receipt.

(1) The applicant shall be notified of the date, time, and place of the scheduled hearing at least 10 calendar days prior to the hearing.

(2) The applicant shall be notified of the right to appear before the Board at the hearing and to submit any additional information.

(e) In making a decision whether to order the transfer of a youth, factors to be considered include, but are not limited to, the following:

(1) The possibility of the transfer contributing to the youth's rehabilitation;

(2) The gravity of the commitment offense;

(3) The prior criminal history of the youth;

(4) The health of the youth;

(5) The family, social, or other ties of the youth to the sentencing state and the receiving country; and

(6) The relevant law within the receiving country for the criminal offense committed by the youth, including sentencing guidelines.

(f) The Board may either deny the transfer or order transfer to the United States Department of Justice International Prisoner Transfer Program for transfer to the receiving country of citizenship.

Note: Authority cited: Section ~~4722~~1712, Welfare and Institutions Code. Reference: Sections ~~4008~~12012.1, ~~1714 and 1719~~, Welfare and Institutions Code Government Code. Reference: Section 5028, Penal Code.