EXTRADITION IN CANADA

For extradition requests made to Canada

Extradition in Canada is conducted in conformity with the *Extradition Act*, international treaties and the *Charter of Rights and Freedoms*. Below is an overview of the extradition process. For a full description of each step, read the fact sheet online.

PHASE 1 AUTHORITY TO PROCEED

1 Provisional Arrest
(made in the case of urgency)

! If there is no provisional arrest, an arrest takes place only if an Authority to Proceed is issued

2 Formal request for extradition received within statutory timeline

3 Officials from the Department of Justice Canada make decision on whether or not to issue an Authority to Proceed

! If an Authority to Proceed is not issued, the extradition process ends

4 If Authority to Proceed is issued, a Court date is set for an extradition hearing

then proceed to Judicial phase

PHASE 2 JUDICIAL

5 The extradition hearing takes place

The Judge decides if the evidence supports a finding that the alleged conduct would be criminal if it had occurred in Canada

(This is not a trial. A trial would be held in the country seeking extradition)

! If the Judge does not commit the person sought for extradition, the person will be released

If the person sought is committed for extradition by the Judge, then proceed to Ministerial phase

PHASE 3 MINISTERIAL

6 The Minister of Justice makes the decision if the person sought should or should not be surrendered

7 If an Order of Surrender is granted, subject to judicial review, the person sought will be transferred to the extradition partner

! The person sought may appeal this decision to the Court of Appeal

The person sought may apply for judicial review in the Court of Appeal

The appeal and the judicial review would be heard together

! The person sought may seek leave to appeal these decisions to the Supreme Court of Canada