

Canada Detention Profile*

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Introduction

The issue of immigration detention has been at the centre of a burgeoning public debate in Canada since the summer of 2010, when several hundred Sri Lankan asylum seekers arrived on Vancouver Island aboard a rusty Thai cargo ship called the *MV Sun Sea*. Several political figures used the event to stoke fears among the public that the country's asylum system could be used by Tamil terrorists (Naumetz 2011). Authorities detained all 492 asylum seekers, including 63 women and 49 children, for several months at a cost of several million dollars (AI et al 2011).

Although boat arrivals represented only a tiny fraction of the total number of asylum claims made in Canada in 2010, the incident spurred the Conservative Party government of Prime Minister Stephen Harper to introduce that year controversial “anti-smuggling” legislation that would impose mandatory 12-month detention without access to independent review for certain categories of arriving non-citizens. The legislation, currently under consideration in Parliament as part of Bill C-31 (*Protecting Canada’s Immigration System Act*), has been widely condemned by national and international rights groups, as well as opposition political parties. One opposition member of Parliament argued that if the anti-smuggling legislation passed it would “put a lot of emphasis on putting people behind bars before they get due process” (Naumetz 2011).

The *Sun Sea* episode and the ensuing debate over the anti-smuggling law are only the latest manifestations of what some observers claim is Canada’s increasingly restrictive approach to immigration and asylum. This trend has been bolstered by a number of opinion polls in recent years that reveal growing negative attitudes among large swaths of the Canadian public. A government poll conducted in 2007 found that a majority of Canadians think that immigrants who are in the country illegally should be deported, even if they have family members living in the country (Aubry 2007). In a 2008 poll by the *Globe and Mail*, 61 percent of respondents said that Canada makes too many accommodations for minorities (Laghi 2008). And a September 2010 poll found that 50 percent of Canadians thought the passengers and crew of the *Sun Sea* should be deported back to their countries even if they have legitimate refugee claims and are not linked to terrorist activities (Vision Critical 2010).

Many of Canada’s detention practices compare unfavourably to those of other key destination countries. Thus, for example, although there are widely recognized international human rights norms against using criminal facilities for the purposes of immigration detention, Canada remains one of only a handful of major industrialized countries to make widespread—and, in the case of Canada, increasing—use of prisons to confine non-citizens in administrative detention, where immigration detainees tend to be mixed with the regular prison population. As the [Global Detention Project](#) has found in other federal systems like [Switzerland](#) and Germany, Canada’s use of local prisons makes accessing up-to-date information about detention activities extraordinarily difficult, raising questions about the overall transparency of the Canadian detention estate. Also, in contrast to other major detaining countries, Canada has no institutionalized framework for independent monitoring of detention conditions and making reports on these conditions publicly available.

Additionally, Canada’s lack of detention time limits places the country in the company of a dwindling number of states.

On the other hand, Canada has made an effort to reform some detention practices (including detaining fewer numbers of minors in recent years); the detention capacity of its three dedicated facilities is quite small (currently less than 300 total places, though this number is set to expand); its average length of detention (approximately 25 days) places it in the median with respect to other key detaining countries; and the total number of detainees (less than 9,000 in FY 2010-2011) is comparable to that of other countries facing similar migratory pressures, though these numbers could surge in the near future. Additionally, despite the increasing securitization of immigration in public discourse and steadily decreasing numbers of accepted refugees, Canada has continued to settle more than ten thousand refugees yearly and in 2010 it

admitted nearly 300,000 permanent residents.

Detention Policy

Key Norms. The *Immigration and Refugee Protection Act* (IRPA), passed in 2001, provides the key norms vis-à-vis immigration-related detention in Canada. IRPA replaced the *Immigration Act*, in place since 1976. While IRPA came into force in 2002—after the 9/11 attacks—the legislation to create it had been in the works since the late 1990s. Nevertheless, the reforms provided in the act were promoted as an “important part of Canada’s much needed antiterrorist, national security arsenal” (Pratt 2005).

IRPA has been criticised for its “negative stereotyping of new immigrants and refugees and its heavy enforcement emphasis, which, for example, expanded inadmissibility and exclusion provisions as well as powers of detention” (Pratt 2005). Additionally, concerns have been raised over the framing of the legislation within the context of post-9/11 security/antiterrorism discourse. According to the *Canadian Council for Refugees* (CCR), “the Canadian government has used the broad powers of the IRPA to detain, arrest, and deport people based on mere suspicion or secret evidence” (CCR website).

Detention policy is provided in **Division 6** of IRPA. Sections 54-61 provide the grounds for detaining foreign nationals, the review of detention, conditions for release, and the detention of minors (for more details, see “*Grounds for Detention*” below). Supplementing these policies are two policy documents that provide a set of guidelines for detention practices. *Citizenship and Immigration Canada*’s (CIC) *Enforcement Manual on Detention*, released in September 2007, provides border officers guidance “in exercising their powers of detention under IRPA” (CIC 2007). The *Immigration and Refugee Board of Canada* (IRB) released a revised version of its *Guideline on Detention* in October 2010, aimed at Immigration Division members responsible for detention review hearings. The guidelines cover the reasons for and length of detention, alternatives to detention, and the detention of minors (IRB 2010a).

Grounds for Detention. Section 55 of IRPA provides grounds for immigration-related detention. Border Service Officers and Inland Enforcement Officers with the CBSA are authorized to arrest and detain foreign nationals, as well as permanent residents, if they have reasonable grounds to believe that the person in question: (1) is unlikely to appear for examination, an admissibility hearing, or removal from Canada; (2) does not provide adequate identification; (3) is considered a danger to public safety; or (4) is inadmissible on the grounds of security or for violating human or international rights (IRPA, s. 55). Both the CIC’s Enforcement Manual and the IRB’s Guideline offer more detailed descriptions of the grounds for detention, while the latter also provides a series of recommendations for Immigration Division members to consider when deciding on extending an individual’s detention (IRB 2010, pp. 3-9; CIC 2007, pp. 7-12).

There are regional disparities with respect to official justifications provided for detention decisions. Statistics indicate that detention for reasons of identity is considerably more prevalent in Quebec (38.6 percent) than in the Greater Toronto Area (GTA) (3.8 percent). On the other hand, flight risk is more common reason in the GTA (94 percent) than in Quebec (55 percent) (Nakache 2011). The Canadian Council for Refugees has criticised these variations, arguing that they raises questions of basic fairness (Bronskill 2011).

Another controversial element of IRPA is its “security certificate” provision, which provides for the detention and deportation of non-citizens who are considered to be a threat to national security or suspected of having violated human rights or participating in organized crime. Because this ground for detention is not related to questions about a person’s status, the Global Detention Project does not consider it to be a form of immigration-related detention.

In 2007, the Supreme Court of Canada ruled that the security certificate mechanism violated the country’s Charter of Rights and Freedoms because it allows individuals to be detained for excessively long periods (in the case of post-9/11 detainees, for several years) without a hearing and without the ability to review the evidence against them. However, the Court upheld the “principle” of security certificates, and in 2007 the Conservative-led government introduced legislation aimed at providing minimal guarantees required by the court (MacCharles and Shephard 2007).

Earlier, in 2005, the *UN Working Group on Arbitrary Detention* criticized the security certificates in a report after visiting the country, arguing that Canada should remove the certificates from its immigration legislation and instead reframe it as a criminal law issue. According to Paragraph 92 of the report: “The Working Group recommends that … (d) The Government reconsider its policy of using administrative detention and immigration law to detain persons suspected of involvement in terrorism and particularly the use of security certificates. The Working Group recommends that detention

of terrorism suspects be imposed in the framework of criminal procedure and in accordance with the corresponding safeguards enshrined in the relevant international law, in particular articles 9, paragraph 3, and 14 of the International Covenant on Civil and Political Rights, to which Canada is a party.”

Length of Detention. Immigration detention in Canada is indefinite, having no maximum time limit. Occasionally this has led to extraordinarily lengthy detentions. For example, a rejected Iranian asylum seeker was released in December 2011 after being detained for six years in a maximum-security provincial prison because he had refused to sign his deportation papers (Pacific Free Press 2011). However, the average length of immigration detention was 24 days in FY 2009-2010 and 25 days in FY 2010-2011 (CBSA 2011), situating Canada towards the median with respect to other key destination countries (roughly six months in Australia, 30 days in the United States, and 10 days in France).

Once a foreign national or permanent resident is detained on immigration-related grounds, the CBSA must notify the IRB. Initial detention can last up to 48 hours, after which a **detention review hearing** must be carried out by the IRB’s Immigration Division. If the IRB member decides to extend detention at the hearing, the case must be reviewed again in seven days, and every 30 days thereafter. However, all detainees have the right to request an early detention review any time new information on their case is collected (S. 57, IRPA; IRB 2009; IRB 2006).

CBSA officers have the discretion of releasing detainees (not including “security certificates” detainees) during the first 48 hours after arrest, prior to the IRB detention review hearing. According to a 2010 **CBSA report**, in the Atlantic, Prairie, and Pacific regions, officers tend to release foreign nationals on terms and conditions prior to the IRB hearing; in Toronto, those arriving at Pearson International Airport in an irregular manner are generally detained, with decisions on release and terms and conditions deferred to the IRB (CBSA 2010).

Recent court rulings have addressed the issue of the length of detention allowable without review. In the case of Adil Charkaoui, a Moroccan-born permanent resident arrested on a **security certificate** in 2003, the Supreme Court **ruled** that detention without review for 120 days breached s. 9 (arbitrary detention) and s. 10 (legal rights upon arrest or detention) of the Charter of Rights and Freedoms (*Charkaoui v. Canada* 2007, p. 8). This decision has become relevant in the wake of the proposed Bill C-49 (now part of Bill C-31), which would provide for mandatory detention of anyone designated part of a “smuggling activity” for one year without review.

Grounds for Removal. If a foreign national or permanent resident violates the conditions of IRPA, he/she can be issued a removal order by CBSA or IRB’s Immigration Division (s. 44-45, IRPA). Asylum seekers whose refugee claims are rejected are issued a *departure order*, and must notify the CBSA and leave Canada within 30 days. If they do not meet this deadline they are given a *deportation order*, normally reserved for those inadmissible for reasons of criminality, and are permanently barred from returning to Canada unless they receive written permission from the government. For less serious violations an *exclusion order* is given, where an individual is removed and cannot return for at least one year without written governmental permission (CBSA 2010).

During 2009, it took CBSA on average 695 days (or 22 months) to complete the removal process, down from 809 days in 2007 (CBSA 2010). There are a **variety** of reasons for these delays, including Pre-Removal Risk Assessments (PRRA) to determine whether an individual can be considered a Convention refugee or someone in need of protection (IRPA, s. 112-116).

The passage of Bill C-11 in 2010 (see below) reflected the growing trend toward a stricter stance on removals and detention. As the 2010 CBSA report highlights, with an increased chance of receiving a removal order under the new rules, “detention will remain a key tool for ensuring that failed refugee claimants do not evade removal from Canada, particularly when the risk of the individual going underground is high” (CBSA 2010).

Bill C-11. On June 29, 2010, Canada passed **Bill C-11**, also known as the *Balanced Refugee Reform Act*, which aims to overhaul the country’s asylum system. Touted by the government as a way to “improve Canada’s asylum system, resettle more refugees from abroad, and make it easier for refugees to start their lives in [Canada]” (CIC website), the act has come under serious criticism from several sources, including the **Canadian Council for Refugees** (CCR), **Amnesty International Canada**, the **Canadian Bar Association** (CBA) and the **Refugee Lawyers Association** (RLA) (CBA 2010; CCR 2010a; CCR 2010b).

Describing the law, which is to take effect in June 2012, the *Toronto Sun* reported: “More Canada border services officers have been hired and extra hearing rooms to adjudicate refugee claims are being built since officials under a new Balanced Refugee Reform Act will have 45 days to determine if a claimant is a legitimate refugee, or should be sent packing. The

law ... will limit the amount of appeals and create a list of safe countries from where refugee claimants will not be accepted. It would also allow officials to collect biometric data from those entering Canada on a visitor's visa, work visa or study visa. Immigration officers said the tough changes will send more failed claimants and others underground rather than facing the prospect of being deported" (Godfrey 2012).

While rights groups welcomed the bill's creation of a Refugee Appeal Division within the IRB, they expressed concern over the fact that claimants are given only 15 days to file an appeal. CCR argued that the bill would negatively impact "the most vulnerable refugees, including survivors of torture, children and youth, refugees who don't speak English or French, women with children, and people suffering from Post-Traumatic Stress Disorder." The group underscored that "simply getting legal aid coverage can take more than 15 days" (CCR 2011a).

The RLA also criticized the act for shifting initial decisions on asylum claims to civil servants. "It is especially problematic to deny access to an appeal when first level decisions will be made by civil servants. While there are undoubtedly many good and impartial civil servants in Canada, they will not have the necessary institutional independence in order to render refugee protection decisions that may contradict the political interests or convictions of the government of the day. Canada's existing Immigration and Refugee Board, functioning as an independent arms length tribunal, has been lauded the world over as a model of fair refugee decision-making. Having refugee decisions made by employees of the Public Service calls into question the impartiality of the reconstituted Refugee Protection Division and its separation from political considerations of the government in power" (RLA 2010).

Proposed Mandatory Detention Legislation. In the wake of the *Sun Sea* incident in mid-2010, the Conservative-led government of Prime Minister Stephen Harper introduced the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, which would impose mandatory indefinite detention without judicial review for the first twelve months for arriving non-citizens designated part of an "irregular arrival." The Minister of Public Safety would have broad discretion to designate as irregular any group of foreign nationals arriving in Canada if he suspects that they may be travelling with documents obtained from smugglers, or if he believes that normal processing would be too time-consuming. The bill would also impose mandatory conditions upon release, suspend access to relief on humanitarian and compassionate grounds for five years, and remove the right to appeal a negative decision to the Refugee Appeal Division of the IRB. If accepted as refugees, designated persons would be denied the right to apply for permanent residence and to sponsor family members for reunification for five years, and also denied the right to refugee travel documents (CBA 2010b; CCR 2010c).

National and international rights groups, as well Canadian legal associations and academics, have widely condemned the bill. They argue that the bill would violate sections 9 and 10 of the Canadian Charter of Rights and Freedoms, article 31 of the *Refugee Convention*, the *International Covenant on Civil and Political Rights*, and the *Convention on the Rights of the Child* (CBA 2010b; CCR 2010d; CCLA website). Lawyers have denounced the bill as unconstitutional (CARL 2011). In Parliament, opposition parties have argued that it unjustly demonizes refugees and asylum seekers, restricting several of their essential rights while ignoring Canada's international obligations (OP website).

In February 2012, the government tabled Bill C-31 (*Protecting Canada's Immigration System Act*) an omnibus bill that incorporates all the provisions of the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, with a key modification. Responding to the public outcry concerning possible mandatory detention of children, this version of the bill provides that mandatory detention of designated foreign nationals applies only to persons aged 16 or older. However, children under 16 can still be designated and are subject to other provisions such as the 5-year delay in access to permanent residence and family reunification. In practice, this means that children under 16 whose parents are subject to mandatory detention will either be informally held with their parents or separated from their parents and placed in foster care.

Bill C-31 also modifies other aspects of the Canadian refugee process, notably with regard to Designated Countries of Origin and revocation of permanent resident status. S. 58 gives the Minister of Immigration broad discretion to designate countries as safe if the proportion of rejected or abandoned claims from that country is above a certain threshold (determined by the Minister) or if the Minister is of the opinion that the country in question guarantees basic democratic rights and freedoms. Asylum seekers from Designated Countries of Origin (DCOs) would have a fast-track hearing and would not have the right to appeal the decision. Although they would retain the right to judicial review, there would be no automatic stay of removal during judicial review proceedings. Similarly, persons found to have a manifestly unfounded claim or a claim with no credible basis; those who were able to make a refugee claim based on an exception to the Safe Third Country Agreement; and those who arrive as part of a designated irregular arrival would also be denied the right to appeal the first-level refugee claim hearing and the right to an automatic stay of removal during judicial review

proceedings (CARL 2012).

S. 19 of Bill C-31 provides that a person who obtained permanent residence after making a successful refugee claim in Canada or being resettled as a government sponsored refugee could lose their permanent residence status if the Immigration and Refugee Board, on application by the Minister, determines that he/she no longer needs protection. In other words, permanent residents who entered Canada as asylum seekers or refugees could have their status revoked if the IRB finds that they are no longer at risk following changes in their country of origin. Persons arriving as asylum seekers or refugees would have only conditional status until they become citizens. This would represent a dramatic change from the current situation, in which permanent residents have secure status except in cases of serious criminality or suspected threat to national security (CARL 2012b).

A number of the proposed anti-smuggling policies are similar to current Australian policies, especially with respect to mandatory indefinite detention without judicial review. Canadian officials have cited **Australia**'s response to illegal boat arrivals in their discussions on how to handle such arrivals, and there are reports of Canadian officials touring Australian detention centres (Bradimore and Bauder 2011) and consulting with counterparts in Europe and elsewhere in Asia (CIC 2010).

During a 2010 visit to Australia, Canadian immigration minister Jason Kenney visited two detention centres, the Maribyrnong Detention Centre and the Melbourne Immigration Transit Accommodation facility, and discussed strategies for confronting human smuggling. According to a CIC press release, “Minister Kenney noted that while it may not be possible to completely eliminate human smuggling, there are actions that can reduce its frequency. By looking closely at what other countries have done, ideas can be shared to better protect people from the danger of exploitation by human smugglers” (CIC 2010).

Administrative Agencies. Canada's immigration and detention policies are overseen by several different agencies. Citizenship and Immigration Canada (CIC) has the overall responsibility of administering IRPA, and also selects Convention refugees for resettlement from overseas. Officials with the Canada Border Services Agency (CBSA) are responsible for making arrests and detentions, as well as carrying out removals. The Ministry of Public Safety acts as an administering body (s. 4(2), IRPA). Detained individuals can be held either at CBSA-run immigration holding centres or at provincially-run prisons (see “Detention Infrastructure” below).

The Immigration and Refugee Board of Canada (IRB) decides who needs refugee protection, hears appeals on immigration matters, and also conducts admissibility hearings and detention reviews. It is comprised of an Immigration Division, a Refugee Protection Division, an Immigration Appeal Division, as well as a Refugee Appeal Division, which is to be established during 2012. While the board reports to Parliament through CIC, it is officially an independent administrative tribunal (IRB 2010b; IRB 2006; CIC 2008).

Access to Appeal. Appeals procedures in Canada have long been a source of criticism. Although there are regular reviews of detention decisions and immigration detainees can in certain cases request early reviews, the process for appealing refugee status rulings has been much more problematic. Until 2010, the Immigration and Refugee Board did not have an appeals mechanism in place, even though such a mechanism was provided for in IRPA in 2001. In 2010, with passage of Bill C-11, a Refugee Appeal Division (RAD) was officially mandated.

Under Bill C-11, failed refugee claimants have 15 days in which to file and complete their application for an appeal to the Refugee Appeal Division. As noted earlier, this procedure has spurred considerable criticism, in part because it does not give claimants enough time to adequately organize their appeal, a situation that negatively impact “the most vulnerable refugees, including survivors of torture, children and youth, refugees who don't speak English or French, women with children, and people suffering from Post-Traumatic Stress Disorder (CCR 2011a).

Once an application has been submitted, the RAD has 120 days to make a decision, or 30 days if the claimant comes from a designated country or origin or their claim is deemed manifestly unfounded. CCR underlined the importance that the “quality of decision-making not be made to suffer if Cabinet doesn't appoint enough RAD members” (CCR 2010a).

Minors. Several provisions are in place in Canada to regulate the detention of minors. Under s. 60 of IRPA, minors are only to be detained as a last resort, while taking their best interests into account. Further, CIC's enforcement manual states that IRPA does not allow for children to be detained for their protection, and lists a number of factors to be considered if detention is used, including the availability of alternative arrangements, the type of detention facility, and the availability of services in detention, such as education and recreational activities (CIC 2007). According to the CBSA operational

manual, “where safety or security is not an issue, the detention of minor children is to be avoided.”

Official CBSA statistics show that the number of detained minors has fallen since FY 2007-2008, from 807 detained to 322 in FY 2009-2010 and 227 in FY 2010-2011 (CBSA 2011). According to CBSA statistics, the vast majority of detained minors (279 in FY 2009–2010 and 196 in FY 2010–2011) accompany their detained parent or guardian (CBSA 2011). These numbers may be much higher as accompanied minors are not always personally under a detention order and thus may not show up in CBSA statistics (Nakache 2011). According to a 2009 report by the Canadian Council for Refugees, children may be detained for several weeks, mostly for reasons of identity or because they are considered a “flight risk” by the government (CCR 2010e). In other cases, children may be separated from detained parents and placed in foster care.

Although the IHCs in Toronto and Montreal each have a special “family” section, this is reserved for children and their mothers. Fathers are detained separately in the section for adult males, and are only allowed to see other family members for brief periods during the day. In FY 2009-2010, 83.1 percent of minors detained in Canada were held in IHCs in the Quebec and GTA regions, while 13.9 percent were held in the Pacific Region (CBSA 2010).

There are regional differences in child detention practices. In the Pacific region, minors are generally released with one parent while the other is detained, or they are transferred to the care of child and family services. In the Atlantic and Prairie regions, it is standard practice to release minors into the care of community services (CBSA 2010).

Non-custodial measures. Once their identity has been established, foreign nationals can be released from detention by the IRB, although upon release the IRB “may impose any conditions that it considers necessary” (s. 58(3), IRPA). These can include paying a cash bond or having someone (a guarantor) promise to pay a sum of money if any conditions are broken (IRB 2006). Some conditions are mandatory, such as providing an address where an individual will live and can be contacted by immigration authorities. Other conditions include “periodic reporting, confinement to a particular location or geographic area,” or “detention in a form that could be less restrictive to the individual” (IRB 2010a; Field 2006).

Nevertheless, there are several barriers that make release difficult. Asylum claimants are mainly detained for identity reasons and are therefore at a greater risk of prolonged detention, which some observers consider to be particularly worrisome due to the increasing use of provincial prisons (Cleveland 2011). NGOs, meanwhile, have raised concerns over asylum seekers who can remain in detention because of difficulties in finding an address immediately after arriving, and those who cannot afford to make bond payments because of a lack of family or friends in the community (Field 2006).

The Toronto Bail Program (TBP) was created in 1996 to address this last issue, providing assistance to those who cannot afford the bond payment for their release, while also helping individuals find a lawyer and housing. Detainees must go through a screening and assessment process before being accepted, which includes having their identity verified by CIC (IDC 2011; Field 2006). While in the program, clients must abide by strict requirements, including reporting to TBP offices twice weekly, social counselling and frequent, unannounced visits to their designated address. Violating any of these conditions results in redetention (Field 2006).

The TBP can take on up to 230 cases at a time. There were 338 supervised cases during FY 2008-2009 (CBSA 2010). According to a 2011 International Detention Coalition report, detainees with TBP-supported applications are rarely refused release (IDC 2011). While in the 1990s the program mainly assisted asylum seekers, during the following decade it increasingly took on foreign nationals with criminal backgrounds and overstayers released from provincial prisons—representing some 70 percent of clients according to a 2006 UNHCR report (Field 2006).

Observers have criticized the TBP for being too strict in some cases when verifying an individual’s identity and for taking too long in securing release from detention (Field 2006). Nevertheless, rights actors have praised the program as a less restrictive alternative to detention. It is also much less expensive, with daily costs per person at between \$12 and \$16 compared to \$112 at the Toronto Immigration Holding Centre TIHC and \$175 at provincial prisons (CBSA 2010). The program had a compliance rate of 96.35 percent during FY 2009-2010 (IDC 2011).

The program addressed specific needs related to addiction and mental health issues, and has been recommended as a possible model for other regions that have high numbers of immigration detainees (CBSA 2010). As the IDC has highlighted, “the use of assessment, case management, and other supports appears to be more significant than the threat of financial consequences” (IDP 2011).

Electronic monitoring is also mentioned in the CBSA report, although its use in immigration cases in the Pacific and Greater Toronto regions is rare. Criticism has focused on its cost—approximately \$204,400 per year—and the more

intrusive nature of this kind of monitoring (CBSA 2010).

Privatisation. Canada's three dedicated immigration holding facilities are managed by the CBSA. However, private companies provide many of the day-to-day services, including security. In its 2010 report, CBSA suggested using private corrections companies to operate the centres (CBSA 2010). The privatisation of immigration detention is a growing phenomenon, particularly in English-language countries such as the **United States**, **Australia**, the **United Kingdom**, and **South Africa**. It has generated serious concerns regarding the impact of profit-driven motives and potential lack of accountability (Cleveland 2011; **Flynn & Cannon** 2009).

Detention Infrastructure

Canada has a very small immigration detention infrastructure compared to the United States, having only three dedicated immigration holding facilities. However, like its neighbour, Canada makes widespread use of criminal correctional facilities to hold immigration detainees, a practice it also shares with other federal states like **Switzerland** and Germany. According to information received by the Global Detention Project, as of early 2012, Canada had used 43 provincial prisons since 2010 (this figure does not include prisons used to hold immigration detainees for very short periods of time before transfer to other facilities). Prisons tend to be used in situations where there is no dedicated immigration facility in the region or dedicated facilities are overcrowded, as well as for high-risk detainees (e.g. those deemed to pose a threat to public safety or detained for reasons of criminality).

In response to a 2009 Parliamentary request to boost its dedicated detention infrastructure in the provinces, the Canadian government argued that it did not have the resources to undertake such an initiative, stating: “Detention capacity concerns arise primarily in the context of low risk cases within the major urban centres of Toronto and Vancouver. Over the long term, the CBSA is reviewing available facilities, leasing arrangements and funding options to expand its immigration holding centre capacity. Building or leasing new facilities will require a significant increase in resources, including funding for capital projects. Accordingly, the CBSA cannot immediately expand its detention capacity. In the interim, the CBSA plans to address the issue within current resources by transferring detainees between facilities when necessary. Dedicated CBSA detention facilities are located in regions that have a sufficiently high volume of immigration enforcement activity” (Parliament of Canada 2009).

Canada's three CBSA-operated dedicated immigration holding centres (IHCs) are located in Toronto, Montréal (Laval), and Vancouver. They have a total capacity of 299 detainees (CBSA 2010, Nakache 2011), though this is set to increase by some 30 percent with the expansion of the facility in Toronto (Godfrey 2012). Because of their locations at the main points of entry into the country, these centres hold a majority of immigration detainees. In FY 2006-2007, the three IHCs detained a total of 9,261 individuals for a total of 80,620 days (AGC 2008). The IHCs operate as medium-security prisons, with fences equipped with razor wire, central locking door systems, security guards, and surveillance cameras (Cleveland et al 2012).

During the past three years, the use of provincial prisons for immigration detention purposes has steadily increased, even for those considered low-risk. In FY 2010-2011, more than one-third (35 percent) of all detainees were held in non-CBSA facilities (CBSA 2011). The CBSA detained a total of 14,362 individuals at both IHCs and provincial prisons in FY 2008-2009, dropping to 9,420 in FY 2009-2010 and 8,838 in FY 2010-2011 (CBSA 2010, CBSA 2011). Forty-four percent of these detainees were described as “refugees,” although this CBSA number includes both newly-arrived asylum seekers and those with rejected claims awaiting deportation. It is thus not clear how many newly-arrived refugee claimants are detained each year (Cleveland 2011). A recent UNHCR commissioned study recommended that the federal government should provide CBSA with jail liaison officers in each province where asylum seekers are held in provincial prisons to ensure that their needs are met effectively (Nakache 2011, p. 12).

CIC's enforcement manual on detention describes an assortment of additional sites of detention that can be used for very short periods of time. These include “a detention room at CBSA offices or the CBSA holding cell where available,” and in the cad hotel room with contracted security guards … to support their removal” (CIC 2007).

Toronto Immigration Holding Centre (TIHC). The TIHC, which opened in 2004, is a three-story building located approximately eight kilometres from Toronto's Pearson International Airport that has a capacity to hold up to 125 low-risk detainees. In early 2012, media reports indicated that TIHC's capacity was being expanded by approximately 100 beds (Godfrey 2012). The top floor is devoted solely to men, while the second floor is divided into two wings, one for men and one for women. The first floor is reserved for mothers and their children. Outside there is a recreation space with a

children's play area. While CBSA officially manages the centre, most of the services are provided by private companies, including site security, meal preparation, cleaning, and building maintenance (CBSA 2010).

There are numerous security cameras and guards, and detainees may not circulate between different sections unless authorized and accompanied by a guard. Each section includes a common room where detainees spend the day. At night, detainees sleep in private or semi-private rooms. Upon arrival, most personal possessions are confiscated, including cell phones and personal toiletries. Rigid rules regulate daily activities, including meal times and wake-up time. There are few activities other than watching television. Detainees have access to public phones, but need phone cards to make long-distance calls. There is no internet access. Detainees may receive visitors at certain prescribed times, but at the TIHC they are separated from the visitor by a glass partition and communicate by interphone. Visitors are searched with a metal detector, and detainees are also searched after seeing a visitor (Cleveland et al 2012).

Health services are provided by a nurse and part-time family doctor. Immigration Holding Centres do not provide counselling or other mental health services. If a person detained at the TIHC is considered suicidal, they are generally transferred to a high-security provincial prison so that they can be placed under 24/7 surveillance, usually in segregation. This is due to lack of room and personnel at the TIHC. At the Laval IHC, on the other hand, detainees are placed under 24/7 individual surveillance, usually in segregation, at the Holding Centre. Detainees who are floridly psychotic or considered to have behavioural problems may be transferred to a provincial prison in Toronto or Montreal (Cleveland et al 2012).

In a 2008 report to Parliament, which highlighted overcrowding issues in Canadian detention facilities, the Auditor General of Canada stated that the TIHC has "on occasion increased its capacity from 120 to 180 by using sleeping bags and blankets on the floor" (AGC 2008). According to a Toronto immigration lawyer, when the centre is full adult males are often transferred to the Toronto West Detention Centre, a provincial prison also located close to the airport, so as to allow children to stay (Chaudhary 2009).

The TIHC was at the centre of an inquest into the death of Jan Szambo, a Roma refugee from the Czech Republic who died of heart failure in December 2009, two days after being transferred from the TIHC to the Toronto West Detention Centre while awaiting deportation. At the time of his death, Szambo had been taking medication for a chronic adrenal gland disorder. According to newspaper reports, he was deemed "uncooperative" and believed to be "faking his medical condition" after being found at TIHC "visibly frail" and "soiled in his own feces and urine" hours before originally being scheduled for deportation. An emergency physician had previously declared him healthy for his return. The inquest called for greater information sharing on the medical status and emergency contacts of detainees when transferring them between TIHC and Toronto prisons (Keung 2011a; Keung 2011b).

Before the TIHC went into service in 2004, Toronto was notorious for its use of the now-closed Celebrity Inn, a building close to Pearson airport that was designed to be part hotel for visitors to the city and part immigration detention centre (Common Struggle / Lucha Común). Described as "a Kafkaesque 'centre of confinement,'" the centre occupied its own wing of the hotel with a separate entrance. While open it remained a secure detention area punctuated by locked steel doors, an abundance of surveillance cameras, and reinforced sealed windows (Pratt 2005; Davidson 2003). In 1995, Michael Osaretin Akhimien, an asylum seeker from Nigeria, was detained at Celebrity Inn for several months, until his death due to complications stemming from pneumonia and/or untreated diabetes. Akhimien's case was eventually brought before the UN Committee against Torture, which ruled in 1998 that the case was not admissible before the committee because all domestic legal remedies had not been exhausted (Pratt 2005; CAT 1998).

Laval Immigration Holding Centre (LIHC). Officially called the Centre de prévention de l'immigration (immigration prevention centre), the LIHC is located on the grounds of Correctional Service Canada (CSC), approximately 30 minutes from Pierre Elliott Trudeau Airport and 40 minutes from downtown Montreal. It is the largest of Canada's three IHCs in terms of capacity, holding up to 150 detainees. Detainees are housed in two separate buildings, one for men and one for women and children, with a third building used for administration. The outdoor recreation area is divided into a men's and women's section, the latter of which also has a children's area. Services at the centre are provided by CSC, including meal preparation, cleaning, and building maintenance (CBSA 2010). Conditions appear to be broadly similar to those in the Toronto Immigration Holding Centre except that detainees sleep in dorms. Also, there is no glass partition in the visitor's room at the LIHC (Cleveland et al 2012).

B.C. Immigration Holding Centre (BCIHC). Unlike its counterparts in Toronto and Laval, the BCIHC is a short-term facility used to hold immigration detainees in the basement of Vancouver International Airport for up to 72 hours. It has a total of 24 beds, with men and women detained in separate rooms. Detained children are allowed to remain with their

mothers, while unaccompanied minors are also housed separately. The rooms themselves have limited washroom facilities, although each common area has a full washroom and shower, and a TV. There is one four-bedroom unit for families, as well as two extra rooms with two beds each. However, due to its location in the basement of the airport, there is no access to an outside area or to daylight (CBSA 2010; CBSA 2005).

After 72 hours, asylum seekers are transferred to provincial prisons and asylum seekers are always detained in “high security” prisons in British Columbia (BC). Most male asylum seekers are detained at Fraser Regional Correctional Centre—a prison designed for sentenced male offenders—where they are subject to the same institutional rules as criminal detainees (Nakache 2011).

Officially a fourth IHC, the **Kingston Immigration Holding Centre** is used to detain non-citizens “deemed to be threats to Canada’s national security under the IRPA security certificate mechanism,” which has been in place since the late 1970s (Larsen and Piché 2007). Although Public Safety Canada describes the security certificate as “not a criminal proceeding, but an immigration proceeding,” non-citizens detained under the authority of the certificate do not fall within the parameters of the Global Detention Project because the grounds for their detention—for reasons of national security, violating human or international rights, or involvement in organized or serious crimes—are not directly related to their immigration status. Few people have been detained at this facility in recent years. Hassan Almrei, the centre’s last detainee as of early 2009, was released in February of that year and put under CBSA-monitored house arrest (Shephard 2009).

Detention conditions and health considerations. Investigations into Canada’s detention practices have raised concerns over the conditions at facilities and the treatment of detainees. CBSA’s 2010 evaluation report, for example, revealed not only regional variations in accessing care for mental health issues but also that CBSA often fails to track detainees’ health statistics (CBSA 2010). The CBSA’s 2010 report also highlighted staff requests for “better training on how to deal with persons with mental illness” (CBSA 2010).

All immigration detainees except minors and pregnant women are handcuffed, and sometimes shackled, during transportation to and from detention sites. This includes transportation to a hospital or clinic for specialized care. They remain in handcuffs and under guard in the waiting room, and are also chained to the bed if hospitalized. A [recent study](#) found that many detainees choose to forego medical treatment rather than face the public humiliation of being handcuffed in a hospital waiting room. In some cases, detainees may be chained during medical procedures. For example, a detained asylum seeker was chained to the dentist’s chair during surgery for an abscessed tooth (Cleveland et al 2012).

The same study found that over three-quarters of detained asylum seekers are clinically depressed, about two-thirds are clinically anxious, and a third suffer from post-traumatic stress symptoms. The prevalence of post-traumatic stress symptoms is almost twice as high as among non-detained asylum-seekers, while the depression rate reaches 78 percent, compared to 52 percent among non-detained asylum seekers (Cleveland et al 2012).

In 2005, a report by the [UN Working Group on Arbitrary Detention](#) highlighted concerns over detention in Canadian facilities, including a lack of communication with detainees regarding the legal process of detention, inadequate access to interpreters, and poor communication between the federal and provincial levels of government on the needs of detainees (WGAD 2005).

Access to and oversight of detention centres. With the exception of one organization—the Canadian Red Cross—non-governmental organisations in Canada have limited or no access to detention facilities. This state of affairs contrasts starkly with the situation in other developed countries, including [France](#), where groups like Cimade have offices directly inside detention facilities (for more information, see Cimade’s [annual reports](#) on French detention facilities).

The Canadian Red Cross (CRC) visits facilities in British Columbia, Ontario, Québec, and Alberta through an agreement with the government of Canada. During its visits, the CRC monitors detention conditions to ensure rights are being upheld, as well as to hold private discussions with detainees. However, while its findings are orally discussed with the CBSA, they are not made public (CRC website), which limits the potential impact of their visits. For example, in May 2008, the Auditor General’s Report to Parliament raised concerns over whether standards of treatment were consistently met despite regular visits by the CRC. The report remarked that “while the CRC has provided some oral reports to CBSA officials on the conditions at the facilities, the CBSA has not monitored the extent to which the facilities meet its standards at a national level” (AGC 2008).

A 2005-2006 report by the Correctional Investigator noted that that CRC’s role does not amount to independent oversight of the conditions in immigration detention, stating: “The Red Cross, a non-government organization, has no enabling legislation

to carry out a role as an oversight body” (OCI 2005-2006). The CRC notes that its monitoring activities do not “preclude nor replace the role of any public ombudsman with legal jurisdiction over immigration detention facilities in Canada (CRC “Canadian Red Cross Detention Monitoring”).

Canada’s Office of the Correctional Investigator monitors conditions of detention in correctional facilities—which hold some 35 percent of immigration detainees—and it is mandated to receive complaints from criminal detainees. However the office has no jurisdiction over immigration detainees held in (CBSA) or provincial facilities, and no jurisdiction over those held by CBSA on national security grounds (Zinger 2012; see also, OCI website, “The Correctional Investigator”). Likewise, the Canadian Human Rights Commission, established in 1977, does not have a mandate to visit places of detention, although detention monitoring is a recognized core protection issue for independent national human rights institutions (OHCHR 2009).

Important to note in this regard is that as of early 2012 Canada **had not ratified** the Optional Protocol to the **Convention against Torture**, under which it would need to establish national preventive mechanisms to visit all places of detention, including immigration detention.

Provincial Prisons. In May 2008, the Auditor General’s Report to Parliament noted the absence of signed agreements with most provinces to establish conditions and cost of detention (AGC 2008). By 2010 CBSA had written agreements with British Columbia, Alberta, and Québec to use provincial prisons for immigration detention (Nakache 2011). As of early 2012, the federal government was apparently in the process of negotiating an agreement with Ontario. According to a 2009 report to Parliament, CBSA was to present a “final report on negotiated agreements by 31 December 2011” (Parliament of Canada 2009).

The use of provincial prisons for immigration detention in Canada has risen dramatically over the past five years, accounting for one-third of all detainees by FY 2009-2010. Of the 510 individuals in detention in Canada on 22 April 2010, 336 (or 66 percent) were detained in non-CBSA facilities, 33 percent of whom were considered low-risk (CBSA 2010).

A 2010 CBSA report raised a number of concerns regarding the increased use of prisons, including the fact that “facilities can change the number of detainees they take, move immigration detainees from one location to another, reduce operational hours, and restrict advocacy groups’ access to the facility to monitor the well-being of the detainees” (CBSA 2010). To avoid the use of prisons, the report said detainees may be forced to stay in short-term holding cells at CBSA offices or airports that do not meet CBSA detention standards, or have to travel long distances for IRB hearings (CBSA 2010).

Refugee advocates have also expressed concern over the safety of detained asylum seekers, most of whom have likely never experienced a prison-like environment before, can left to co-mingle with the regular prison population, and do not know how to defend themselves (CBSA 2010; Cleveland 2011).

Ontario. In Ontario, the Ministry of Community Safety and Correctional Services (MCSCS) “accommodates immigration detainees in provincial custody under an Agreement with Citizenship and Immigration Canada” (Small 2009). According to MCSCS, “Jails and detention centres serve as the point of entry into the institutional system, and generally hold inmates (male and female) on remand … including immigration detainees” (Small 2011). MCSCS reports that immigration detainees at these centres are “housed within the general population of the institution” (Small 2009).

Sixteen prisons were used in Ontario during fiscal year 2009-2010 to hold immigration detainees for an average of 91.4 days. The average daily count of detainees was 202, while the maximum count was 216. These numbers represent a slight decrease from the previous fiscal year when the average length of detention was 114 days, and the average daily count was 223 with a high of 266 detainees (Small 2011; Small 2009).

In Toronto, immigration detainees who find themselves in provincial prisons are most often detained at the Toronto West Detention Centre, located a short distance from Pearson Airport and where adult male detainees are often sent when the TIHC is full; and the Toronto East Detention Centre, located in the city’s east end (Chaudhary 2009).

British Columbia. When the *MV Sun Sea* arrived in British Columbia in August 2010, the 491 passengers aboard were detained at three provincial prisons. All 380 men, including teenagers, were held at the maximum security Fraser Regional Correctional Centre, located some 60 kilometres from downtown Vancouver in the suburb of Maple Ridge. Not all, however, were detained within the prison itself; three-quarters were kept in portable trailers, described as an “addition” to

the prison, with varying levels of security between the two locations. According to the Legal Services Society (LSS), “all but about 12 of them were transferred to the trailers when the numbers were around 80 left.”

Women without children were detained at the Alouette Correctional Centre for Women, also located in Maple Ridge, while those with children were held at the Burnaby Youth Custody Services Centre. In one case, a pregnant woman originally detained at the Alouette Centre was transferred to Burnaby after giving birth. By March 2011, all of the women from the Sea Sun had been released (Olmstead 2011; Cader 2011).

At the Fraser Regional Correctional Centre, a prison designed for sentenced male offenders, asylum seekers are subject to the same institutional rules as criminal detainees. Thus, for example, they are required to wear prison uniforms, as opposed to their own clothing, which can stigmatize them as “criminals.” They are also subject to significant restrictions on incoming and outgoing telephone calls (Nakache 2011).

According to reports, guards in BC prisons are not informed of the immigration status of detainees and BC Corrections does not distinguish between criminal remands, asylum seekers, and other classes of migrants. Thus, correctional authorities in British Columbia are apparently not aware of the proportion of inmates in their prisons who are asylum seekers (Nakache 2011).

Alberta. In FY 2009-2010, Alberta used four prisons to hold a total of 257 immigration detainees. One hundred-fifty were detained at the Calgary Remand Centre, 100 at the Edmonton Remand Centre, four at the Lethbridge Correctional Centre, and three at the Medicine Hat Remand Centre. Detainees came from a total of 81 countries and were detained for an average length of 25 days (Lavoy 2011).

Saskatchewan. In FY 2008-2009 a total of 28 immigration detainees were held in three provincial prisons. The Saskatoon Correctional Centre detained 16 men, while the Regina Correctional Centre detained three. Nine women were detained at the Pine Grove Correctional Centre in Prince Albert. The average length of detention was 63.48 days with the longest period of detention lasting 433 days. Five detainees came from the United States, while two each came from Germany and Nigeria, as well as two labelled as ‘Arab’ (Benjamin 2011).

Manitoba. According to the Corrections Division of the Manitoba Department of Justice, all of the province's correctional facilities can accept immigration detainees (Carriere 2009). In 2010, a total of 72 immigration detainees were held at either the Winnipeg Remand Centre or the Headingly Correctional Centre for an average of 54 days. According to the Manitoba Corrections Division, all detainees would have been held initially in Winnipeg and then possibly transferred to Headingly. At 15, the largest group of detainees came from the United States, followed by Somalia (7), Honduras (6), El Salvador (5), and the Philippines (4) (Gilchrist 2011a; Gilchrist 2011b). During fiscal year 2008-2009, Manitoba's seven prisons held a total of 62 immigration detainees, with an average length of detention of nearly 60 days (Carriere 2009).

New Brunswick. Forty immigration detainees were held in three New Brunswick prisons over the past two fiscal years, 20 in FY 2009-2010 and 20 in FY 2010-2011. The Saint John Regional Correctional Centre detained a total of 25, while the Moncton Detention Centre detained eight and the Madawaska Regional Correctional Centre in Saint-Hilaire detained 7. The average length of detention at these prisons was comparably lower than in other provinces, although it did increase from seven days in FY 2009-2010 to 18 days in FY 2010-11 (Clark-Wright 2011a; Clark-Wright 2011b).

Nova Scotia. Nova Scotia has five adult facilities and one youth facility designated for immigration detention. In 2008, all immigration detainees in Nova Scotia were held at the Central Nova Scotia Correctional Facility (CNSCF) in Dartmouth. A total of six individuals were detained for an average length of 4.83 days (Pottier 2009; NSDJ website). As of early 2012, CNSCF remained the main facility used to hold CBSA detainees in Nova Scotia, with 35 persons detained between April 2011 and February 2012 (Keagan 2012).

Newfoundland & Labrador. Over the past two years Newfoundland & Labrador detained a total of 11 individuals—five in FY 2009/10 and six in FY 2010/2011—at two facilities: Her Majesty’s Penitentiary in St. John’s and the Royal Canadian Mounted Police detachment in Stephenville. Detainees were held for an average of 13.9 days. Six of the eleven detainees were asylum seekers (Myers 2011).

Quebec. Over the past three fiscal years, 481 immigration detainees were held in eight Quebec prisons: 209 in FY 2008-2009; 149 in FY 2009-2010; and 123 in 2010-2011. The vast majority of non-nationals have been accommodated in the prison Rivière-des-Prairies (175 in FY 2008-2009, 139 in FY 2009-2010; and 117 in FY 2010- 2011) (Forget 2012).

Facts & Figures

According to [CBSA statistics](#), on 22 April 2010 there were 510 people in detention either in one of the country's three dedicated immigration detention facilities or in a provincial prison, representing a fraction of the nearly 9,500 people detained during FY 2009-2010. Forty-four percent of these were asylum claimants while 41 percent were detained prior to removal after being deemed flight risks. This marked a slight decrease in detention population, coming on the heels of a five-year period during which immigration detention steadily increased from 10,774 in FY 2004-2005 to 14,362 in FY 2008-2009 (CBSA 2010; AGC 2008). In FY 2010-2011, the total detainee population continued to decrease, numbering just under 9,000 (CBSA 2011).

While the total number of detainees has fallen in the last three years, recently passed laws as well as legislation currently under consideration in Canada could significantly increase the country's annual detainee population. There is also a growing trend toward detaining individuals in provincial prisons, even when they are considered low-risk. According to the CBSA, the use of non-CBSA facilities for immigration detention has risen over the past three years, to over one-third (35 percent) of all detainees in FY 2010-2011 (CBSA 2011). On 22 April 2010, of the 510 in detention, 336 (or 66 percent) were in non-CBSA facilities, with 33 percent recognized as low-risk. In the Greater Toronto Area, 38 low-risk detainees were in provincial prisons, despite the city having a CBSA-run IHC (CBSA 2010).

The average length of detention in Canada was 25 days in FY 2010-2011, which is longer than many European countries like [France](#) and [Switzerland](#) though less than in [Australia](#), [New Zealand](#), the [United Kingdom](#), and the United States. On 21 June 2010, 23 detainees had been held for more than 18 months, only one of whom was at an IHC (CBSA 2010).

The cost of detention has skyrocketed since the mid-1990s. In FY 1994-1995, the Canadian government spent \$21.1 million on immigration detention, followed by \$23.4 million in FY 1995-1996. In response to this increase, Canada capped its budget on detention at \$19.8 million in FY 1997-1998 (Pratt 2005). However, by FY 2008-2009, immigration detention costs totalled just over \$45.7 million, a 17 percent increase from FY 2005-2006. Like the country's overall detention population, these costs were largely centred in Ontario, where 70.5 percent of expenditures took place, followed by Québec at 17.7 percent, and the Pacific Region at 9.2 percent (CBSA 2010).

The number of removals from Canada has consistently increased over the past decade. In FY 2008-2009, 13,249 individuals were removed from the country, 73 percent (or 9,672) of whom were failed refugee claimants. This is compared to 12,636 removals in FY 2006-2007 and 8,683 in FY 2002-2003. On average, it took 695 days (roughly 22 months) to complete a removal in 2009, a decrease from the average of 809 days in 2007. The majority of those removed in 2009 were from Mexico (4,623), followed by the United States (1,296), the Czech Republic (635), China (406) and Hungary (374) (CBSA 2010; AGC 2008).

Canada received 23,160 asylum applications in 2010, a dramatic drop from previous highs of 33,250 in 2009 and 36,900 in 2008. The decrease has been linked to the 2009 visa requirements placed on Mexico and the Czech Republic. Between 2009 and 2010, Mexican asylum claims dropped by 6,300 (84 percent), while Czech claims fell from more than 2,000 to virtually zero. The top five countries of origin among asylum applicants in 2010 were Hungary (2,321), China (1,582), Colombia (1,354), Sri Lanka (1,203) and Mexico (1,198) (UNHCR 2011).

Between 2005 and 2009, while the numbers show that refugee claims increased significantly, the number of *accepted* refugees declined—by almost 13,000 in the case of those accepted from abroad, and by almost 11,000 for those accepted in Canada. In 2010, the refugee status recognition rate was 47.4 percent, with each case taking on average more than 18 months to process by the Immigration Refugee Board (IRB) in 2009 (UNHCR 2011a, CBSA 2010).

IRB Statistics reveal that the Immigration Division concluded approximately 14,000 detention reviews in 2010, and approximately 3,000 admissibility hearings. The Refugee Protection Division finalized approximately 32,500 claims, with around 59,000 still pending as of 31 December 2010. The Immigration Appeal Division, meanwhile, finalized approximately 7,000 of 7,500 appeals, with around 11,500 still pending as of the same date. The IRB projects that the average processing time for a refugee claim will increase from 18.5 months in FY 2009-2010 to 25 months by FY 2012-2013. The average timeframe for appeals is expected to increase from 11.5 to 13 months over this same period (IRB 2011).

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are those of the GDP.

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Canada Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	GDP Facility Type	Detention Timeframe	Security	Authority	Management	Capacity	Population for specific period	Demographics & Segregation
Algoma Treatment and Remand Centre	In use (2011)	Sault Ste. Marie, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services			No segregation of immigration detainees (2011)
Alouette Correctional Centre for Women	In use (2011)	Maple Ridge, British Columbia	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Public Safety and Solicitor General; Corrections			Adult females; No segregation of immigration detainees (2011)
Brockville Jail	In use (2011)	Brockville, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services			No segregation of immigration detainees (2011)
Calgary Remand Centre	In use (2011)	Calgary, Alberta	Prison	Long-term	Secure	Canada Border Services Agency	Solicitor General and Public Security; Correctional Services	150 (FY 2009-2010)		Adult Males and Females (2011)
CBSA Laval Immigration Holding Centre (Centre de prévention de l'immigration de Laval)	In use (2012)	Laval, Quebec	Migrant Detention Centre	Long-term	Secure	Canada Border Services Agency	Canada Border Services Agency; Correctional Service Canada	150 (2011)		Adult Males and Females; Minors; Segregation of men and women; Segregation of minors (2010)
CBSA Toronto Immigration Holding Centre	In use (2012)	Toronto, Ontario	Migrant Detention Centre	Long-term	Secure	Canada Border Services Agency	Canada Border Services Agency; private contractors	125 (2011)	96 (May 2011)	Adult Males and Females; Minors; Segregation of men and women; Segregation of minors (2010)
CBSA Vancouver Immigration Holding Centre	In use (2012)	Vancouver (Richmond), British Columbia	Migrant Detention Centre	Short-Term	Secure	Canada Border Services Agency	Canada Border Services Agency	24 (2011)		Adult Males and Females; Minors; Segregation of men and women; Segregation of minors (2010)
Central East Correctional Centre	In use (2011)	Lindsay, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services		40 (May 2011)	No segregation of immigration detainees (2011)
Central North Correctional Centre	In use (2011)	Penetanguishene, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services		2 (May 2011)	No segregation of immigration detainees (2011)
Central Nova Scotia Correctional Facility	In use (2012)	Dartmouth, Nova Scotia	Prison	Long-term	Secure	Canada Border Services Agency	Department of Justice; Correctional Services	35 (April 2011 - February 2012)		Adult Males and Females; No segregation of immigration

Centre de détention de Québec (secteur masculin)	In use (2010)	Quebec, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	1(FY 2009 - 2010)	Adult Males (2011)
Centre de détention Hull	In use (2011)	Gatineau, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	3 (FY 2010 - 2011)	
Centre de détention Montréal (Prison Bordeaux)	In use (2010)	Montréal, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	1(FY 2009 - 2010)	
Centre de détention Rivière-des-Prairies	In use (2011)	Rivière-des-Prairies, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	117 (FY 2010 - 2011)	
Centre de détention Sherbrooke	In use (2011)	Sherbrooke, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	2 (FY 2010 - 2011)	
Centre de détention Tanguay (Maison Tanguay)	In use (2010)	Montréal, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	1(FY 2009 - 2010)	
Centre de détention Valleyfield	In use (2011)	Valleyfield, Quebec	Prison	Secure	Canada Border Services Agency	Ministère de la Sécurité publique; Direction générale des services correctionnels	1(FY 2010 - 2011)	
Edmonton Remand Centre	In use (2011)	Edmonton, Alberta	Prison	Long-term	Secure	Canada Border Services Agency	Solicitor General and Public Security Ministry; Correctional Services	100 (FY 2009-2010) Adult Males and Females (2011)
Elgin-Middlesex Detention Centre	In use (2011)	London, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	No segregation of immigration detainees (2011)
Fraser Regional Correctional Centre	In use (2011)	Maple Ridge, British Columbia	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Public Safety and Solicitor General; Corrections	Adult Males; No segregation of immigration detainees (2011)
Headingley Correctional Centre	In use (2011)	Headingley, Manitoba	Prison	Long-term	Secure	Canada Border Services Agency	Department of Justice; Corrections	Adult Males (2011)
Her Majesty's Penitentiary	In use (2011)	St. John's, Newfoundland & Labrador	Prison	Long-term	Secure	Canada Border Services Agency	Department of Justice; Corrections and Community	Adult Males (2011)

Services								
Lethbridge Correctional Centre	In use (2011)	Lethbridge, Alberta	Prison	Long-term	Secure	Canada Border Services Agency	Solicitor General and Public Security Ministry; Correctional Services	4 (FY 2009-2010) Adult Males and Females (2011)
Madawaska Regional Correctional Centre	In use (2011)	Saint-Hilaire, New Brunswick	Prison	Long-term	Secure	Canada Border Services Agency	Public Safety Department; Community and Correctional Services	1 (FY 2010-2011)
Maplehurst Correctional Complex	In use (2011)	Milton, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	12 (May 2011) No segregation of immigration detainees (2011)
Medicine Hat Remand Centre	In use (2011)	Medicine Hat, Alberta	Prison	Long-term	Secure	Canada Border Services Agency	Solicitor General and Public Security Ministry; Correctional Services	3 (FY 2009-2010) Adult Males and Females (2011)
Moncton Detention Centre	In use (2011)	Moncton, New Brunswick	Prison	Long-term	Secure	Canada Border Services Agency	Public Safety Department; Community and Correctional Services	5 (FY 2010-2011)
Niagara Detention Centre	In use (2011)	Thorold, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	No segregation of immigration detainees (2011)
Ottawa-Carleton Detention Centre	In use (2011)	Ottawa, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	No segregation of immigration detainees (2011)
Pine Grove Correctional Centre	In use (2011)	Prince Albert, Saskatchewan	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Corrections, Public Safety and Policing; Adult Corrections	3 (FY 2008 - 2009) Adult Females (2011)
Quinte Detention Centre	In use (2011)	Napanee, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	No segregation of immigration detainees (2011)
Regina Correctional Centre	In use (2011)	Regina, Saskatchewan	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Corrections, Public Safety and Policing; Adult Corrections	16 (FY 2008 -2009) Adult Males (2011)
Royal Canadian Mounted Police Detachment Stephenville	In use (2011)	Stephenville, Newfoundland & Labrador	Prison	Long-term	Secure	Canada Border Services Agency	Royal Canadian Mounted Police	
Saint John Regional Correctional Centre	In use (2011)	Saint John, New Brunswick	Prison	Long-term	Secure	Canada Border Services Agency	Public Safety Department; Community and Correctional Services	14 (FY 2010-2011)
Saskatoon Correctional Centre	In use (2011)	Saskatoon, Saskatchewan	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Corrections, Public Safety and Policing;	9 (FY 2008 - 2009) Adult Males (2011)

							Adult Corrections	
St. Lawrence Valley Correctional and Treatment Centre	In use (2011)	Brookville, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	No segregation of immigration detainees (2011)
Thunder Bay Jail	In use (2011)	Thunder Bay, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	1 (May 2011) No segregation of immigration detainees (2011)
Toronto East Detention Centre	In use (2011)	Toronto, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	5 (May 2011) No segregation of immigration detainees (2011)
Toronto Jail	In use (2011)	Toronto, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	9 (May 2011) No segregation of immigration detainees (2011)
Toronto West Detention Centre	In use (2011)	Toronto, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	73 (May 2011) No segregation of immigration detainees (2011)
Vanier Centre for Women	In use (2011)	Milton, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	12 (May 2011) Adult Females; No segregation of immigration detainees (2011)
Windsor Jail	In use (2011)	Windsor, Ontario	Prison	Long-term	Secure	Canada Border Services Agency	Ministry of Community Safety and Correctional Services; Correctional Services	No segregation of immigration detainees (2011)
Winnipeg Remand Centre	In use (2011)	Winnipeg, Manitoba	Prison	Long-term	Secure	Canada Border Services Agency	Department of Justice; Corrections	Adult Males and Females (2011)

Sources

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Canada Detention Profile

Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

[Disclaimer](#) | [Sources](#) | [Categories](#)



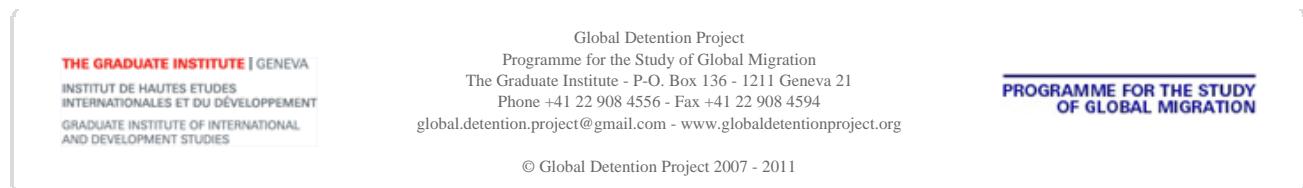
Country View

1. Algoma Treatment and Remand Centre
2. Alouette Correctional Centre for Women
3. Brockville Jail
4. Calgary Remand Centre
5. CBSA Laval Immigration Holding Centre (Centre de prévention de l'immigration de Laval)
6. CBSA Toronto Immigration Holding Centre
7. CBSA Vancouver Immigration Holding Centre
8. Central East Correctional Centre
9. Central North Correctional Centre
10. Central Nova Scotia Correctional Facility
11. Centre de détention de Québec (secteur masculin)
12. Centre de détention Hull
13. Centre de détention Montréal (Prison Bordeaux)
14. Centre de détention Rivière-des-Prairies
15. Centre de détention Sherbrooke
16. Centre de détention Tanguay
17. Centre de détention Valleyfield
18. Edmonton Remand Centre
19. Elgin-Middlesex Detention Centre
20. Fraser Regional Correctional Centre

21. Headingley Correctional Centre
22. Her Majesty's Penitentiary
23. Lethbridge Correctional Centre
24. Madawaska Regional Correctional Centre
25. Maplehurst Correctional Complex
26. Medicine Hat Remand Centre
27. Moncton Detention Centre
28. Niagara Detention Centre
29. Ottawa-Carleton Detention Centre
30. Pine Grove Correctional Centre
31. Quinte Detention Centre
32. Regina Correctional Centre
33. Royal Canadian Mounted Police Detachment, Stephenville
34. Saint John Regional Correctional Centre
35. Saskatoon Correctional Centre
36. St. Lawrence Valley Correctional and Treatment Centre
37. Thunder Bay Jail
38. Toronto East Detention Centre
39. Toronto Jail
40. Toronto West Detention Centre
41. Vanier Centre for Women
42. Windsor Jail
43. Winnipeg Remand Centre

Sources

[Please see the Reference List]



Canada Country Links

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- » Government Agencies and Institutions
- » International Organisations
- » NGOs and Research Institutions
- » Media

Government Agencies and Institutions

Canada Border Services Agency

<http://www.cbsa-asfc.gc.ca>

Citizenship and Immigration Canada

<http://www.cic.gc.ca>

Correctional Service Canada

<http://www.csc-scc.gc.ca/>

Immigration and Refugee Board of Canada

<http://www.irb.gc.ca>

Public Safety and Emergency Preparedness

<http://www.publicsafety.gc.ca>

Provincial Governments

<http://ccrweb.ca/en/links>

Department of justice

<http://laws.justice.gc.ca/eng/acts/I-2.5/>

Parliament of Canada

<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Mode=1&billId=5089199&Language=E>

Office of the Auditor General of Canada

<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Mode=1&billId=5089199&Language=E>

International Organisations

International Organisation for Migration

<http://www.iom.int/jahia/Jahia/activities/canada>

UN High Commissioner for Refugees – Canada Country Information

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e491336>

UN High Commissioner for Refugees – Canada

<http://www.unhcr.ca/>

NGOs and Research Institutions

Amnesty International Canada
<http://www.amnesty.ca>

Amnistie Internationale - Section canadienne francophone
<http://www.amnistie.ca/site>

Canadian Civil Liberties Association
<http://ccla.org/>

Canadian Council for Refugees
<http://ccrweb.ca>

Canadian Council for Refugees: Extensive list of links to Canadian NGOs and government programmes related to refugees and immigrants
<http://ccrweb.ca/en/links>

Canadian Red Cross
<http://www.redcross.ca>

Centre for Refugee Studies – York University
<http://www.yorku.ca/csr>

Human Rights Watch – Canada
<http://www.hrw.org/americas/canada>

Inland Refugee Society of British Columbia
<http://inlandrefugeesociety.ca>

Refugee Forum – University of Ottawa
<http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/index.php>

Table de concertation des organismes au service des personnes réfugiées et immigrantes (TCRI)
<http://www.tcri.qc.ca/>

Toronto Refugee Affairs Council
<http://www.cleonet.ca/organizations/72>

Media

Canadian Broadcasting Corporation
<http://www.cbc.ca>

The Globe and Mail
<http://www.theglobeandmail.com>

Maclean's
<http://www2.macleans.ca>

The Montreal Gazette
<http://www.montrealgazette.com>

The National Post
<http://www.nationalpost.com>

Ottawa Citizen
<http://www.ottawacitizen.com/>

La Presse
<http://www.cyberpresse.ca>

The Toronto Star
<http://www.thestar.com>

The Vancouver Sun
<http://www.vancouversun.com>

THE GRADUATE INSTITUTE | GENEVA
INSTITUT DE HAUTES ETUDES
INTERNATIONALES ET DU DÉVELOPPEMENT
GRADUATE INSTITUTE OF INTERNATIONAL
AND DEVELOPMENT STUDIES

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Programme for the Study of Global Migration
The Graduate Institute - P-O. Box 136 - 1211 Geneva 21
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global.detention.project@gmail.com - www.globaldetentionproject.org

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