

June 26, 2023

To: Prime Minister of Canada, Justin Trudeau
Minister of Public Safety, Marco Mendicino
Minister of Immigration, Refugees and Citizenship Canada, Sean Fraser

Re: Inter-provincial transfers of people in immigration detention and renewed request to invest in alternatives to detention and stop the use of jails for immigration detention

We are leading Canadian and international organizations serving and working to protect the human rights of migrants and refugee claimants, as well as other at-risk groups across Canada. On the heels of World Refugee Day, we are writing to renew our call on the federal government to end the incarceration of people in immigration detention.

As of June 2023, [eight of Canada's provinces](#) – British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, New Brunswick, Quebec, and Ontario – have decided to end their immigration detention agreements or arrangements with the Canada Border Services Agency (CBSA). Once these decisions take effect, starting this month, people will no longer be incarcerated in provincial jails based solely on immigration grounds in these provinces. In severing their detention contracts with CBSA, eight provinces have clearly indicated their steadfast opposition to the use of provincial jails for immigration detention. As British Columbia's Public Safety Minister and Deputy Premier, Mike Farnworth, [stated](#) in early June 2023, "Half the country is sending a message ... This is really not what our provincial facilities should be used for." Alberta's public safety minister, Mike Ellis, has [called on](#) other provinces to stop immigration detention in provincial jails, stating, "People who come to Canada for a fresh start and a new life deserve a better welcome than a jail cell while paperwork is sorted out."

In the weeks leading up to the termination of Alberta's immigration detention contract with CBSA, the agency has started transferring people incarcerated in Alberta provincial jails to the Immigration Holding Centre in Surrey, British Columbia. Instead of transferring people across provinces to keep them detained, the federal government should invest to expand localized programs of community-based alternatives to detention that provide support rather than surveillance and are operated by local non-profit organizations independently from CBSA. We urge the government to invest in support services that take a holistic view of a person's requirements – including housing, healthcare, mental health services, education, employment, children's needs, and legal representation – and to ultimately end the practice of immigration detention in Canada.

As you know, over the past several years, CBSA has detained tens of thousands of non-Canadian citizens under the Immigration and Refugee Protection Act, most commonly because authorities believe they may not appear for an immigration or refugee proceeding. People in immigration detention include, among others, refugee claimants fleeing traumatic experiences and persecution, and persons with mental health conditions. Many people in immigration detention experience the most restrictive forms of incarceration in the country – including maximum security provincial jails and solitary confinement – and they do so [without end in sight](#) because Canada does not have a legislative cap on the duration of immigration detention.

We are gravely concerned that there are no laws or regulations governing the site of immigration detention – including when and under what circumstances people can be transferred across provinces or incarcerated in a provincial jail. Instead, these vital decisions regarding liberty rights are within the discretion of CBSA, which remains the only major law enforcement agency in Canada without independent civilian oversight. CBSA’s decisions regarding where people in immigration detention are incarcerated appear to be implemented in an ad hoc, inconsistent, and even discriminatory manner, as most recently documented by the [3-part Toronto Star investigation](#). CBSA’s arbitrary immigration detention practices are particularly shocking when applied to people who have a mental health condition or disability.

The conditions that people in immigration detention face are profoundly disturbing. The data from medical literature and research is clear that immigration detention can cause serious harm, particularly when incarceration is prolonged and without end in sight. People in immigration detention can develop anxiety, depression, despair, psychological distress, psychosis, catatonic withdrawal, self-harm and suicidal ideation. The mental-health impacts of immigration detention are so severe that even a relatively short hold in detention can be devastating to the mind and cause long-term – and sometimes permanent – damage.

Since 2000, at least 17 people have lost their lives in immigration detention, including [two people last year](#) at the Immigration Holding Centres of British Columbia and Quebec. Evidence presented at the February 2023 coroner’s inquest into the death of [Abdurahman Hassan](#), a man detained for three years pending his deportation to Somalia, revealed shocking details about ongoing conditions of incarceration in provincial jails. The inquest jury’s [first recommendation](#) to the Government of Canada and the Government of Ontario was to end the use of provincial jails for immigration detention.

We call on the federal government to immediately end the use of provincial jails for immigration detention by cancelling the remaining federal-provincial agreements and arrangements. We also urge the federal government to stop transferring people across provinces to keep them detained. Instead, the federal government should invest in community-based organizations that provide tailored and compassionate support, including rights-respecting alternatives to detention, and ultimately end immigration detention across the country.

Signatories:

1. Amnesty International Canada (English-speaking)
2. Amnistie internationale Canada francophone
3. Association Québécoise des avocats et avocates en droit de l'immigration (AQAADI)
4. BC Poverty Reduction Coalition
5. British Columbia Civil Liberties Association
6. Canadian Association of Refugee Lawyers (CARL)
7. Canadian Centre for Victims of Torture
8. Canadian Council for Refugees
9. Centre for Gender & Sexual Health Equity, University of British Columbia
10. Citizens for Public Justice
11. Colour of Poverty – Colour of Change
12. Community Legal Assistance Society (CLAS)
13. Community Legal Services of Ottawa
14. Compass Refugee Centre
15. Downtown Legal Services, University of Toronto’s Faculty of Law
16. East Coast Prison Justice Society
17. Global Detention Project
18. Halifax Refugee Clinic

19. HIV & AIDS Legal Clinic Ontario (HALCO)
20. HIV Legal Network
21. Human Rights Watch
22. Immigration and Refugee Legal Clinic
23. International Justice & Human Rights Clinic, Peter A. Allard School of Law, University of British Columbia
24. Landings
25. Legal Clinic of Guelph and Wellington
26. Ligue des droits et libertés
27. Matthew House Refugee Services Toronto
28. Matthew House Refugee Welcome Centre, Windsor
29. Migrant Detainee Support Coalition (MIDESUCO)
30. Migrant Workers Centre
31. Migrante BC
32. Migrante Canada
33. Mississauga Community Legal Services
34. New Brunswick Refugee Clinic
35. No One Is Illegal (NOII Toronto)
36. Punjabi Community Health Services (PCHS)
37. Rainbow Refugee
38. Refugee Law Office of Legal Aid Ontario, Hamilton
39. Refugee Law Office of Legal Aid Ontario, Toronto
40. Rexdale Community Legal Clinic
41. South Asian Legal Clinic of Ontario
42. SWAN Vancouver
43. The Peoples Church
44. Vancouver Association for Survivors of Torture (VAST)
45. West Coast LEAF