

From: <Matt.DeCoursey@parl.gc.ca>
Date: Wed, Mar 8, 2017 at 1:19 PM
Subject: RE: Letter concerning immigration detention
To: <noiifredericton@gmail.com>

To: Asaf Rashid
Kristi Allain
Tracy Glynn

Thank you for writing to me, and for sharing your concerns regarding Canada's immigration detention system. I appreciate your continued engagement on this issue.

Firstly, I want to assure you that the Government of Canada is working closely with Canadian Border Services Agency (CBSA) on the issue of immigrant detention with the direct aim to improve and minimize use of immigration detention.

To be clear, Canadian law only allows for immigration detention in three circumstances: the individual is a danger to the public; the individual poses a flight risk; or when the individual's identity cannot be verified.

Immigration detention is not intended to be used by CBSA as punishment. Rather, it is an option exercised to ensure the continued integrity of the immigration system in Canada and ensure public safety. CBSA officers always consider alternatives before making a decision on immigration detention and treat it as a last resort.

It should be noted that the officer's decision to detain under the Immigration and Refugee Protection Act is subjected to a review by the Immigration and Refugee Board (IRB), which is an independent quasi-judicial tribunal. Within the first 48 hours of being detained those detainees must appear before the IRB, where a decision is made over whether to release the individual, identify conditions for release or determine that the detention should continue. In the event that the IRB decides that detention should continue the individual must appear in the next 7 days and every 30 days thereafter.

Immigration detention is an issue primarily of public safety. The goal of the Canadian Border Services Agency is the protection of Canadian borders and citizens. With that in mind, the detention of immigrants is an option only exercised with the best interest and safety of Canadians. In the event that a CBSA officer makes the determination to detain an individual, they are doing so to ensure the safety of Canadian citizens. Individuals are detained as a last resort if they have been determined to pose a risk to the safety of the Canadian public by a CBSA officer.

In provinces where there are no Immigration Holding Centre's (IHCs) and/or the person presents a higher risk profile or is a public security risk, the CBSA will rely on the use of provincial detention facilities. The use of such provincial detention facilities is also a determination made based on the suitability of the CBSA holding facility. Certain CBSA facilities are not suitable for the holding of any individuals for more than 48 hours, and therefore such individuals must be transferred to a provincial facility for the duration of their time in holding.

In regards to the use of provincial detention facilities I would note that we are focused on reducing our use of those facilities and improving those CBSA facilities that need it most. Through funding from the federal government we are seeking to target improvements to CBSA facilities that will ensure we

continue our focus on respecting the dignity and health of all individuals detained.

As well, the government is involved in expanding availability of alternatives to detention. We are partnering with key stakeholder to better develop community supervision programs that are tailored to specific issues surrounding risk management.

Thank you for continuing to engage on this important matter and for expressing your concerns. I appreciate your continued involvement with this issue.

Sincerely,

Matt DeCoursey, MP
Fredericton