

# END IMMIGRATION DETENTION NETWORK

November 18<sup>th</sup>, 2014

## **The Hon. Yasir Naqvi, MPP**

Minister of Community Safety and Correctional Services  
18th Floor  
25 Grosvenor Street  
Toronto, Ontario M7A 1Y6

Minister Naqvi:

We are writing to request that the Ministry of Community Safety and Correctional Services and the Government of Ontario cease collaboration with Canada Border Services Agency and refuse to hold people in provincial jails, including indefinite maximum security prisons. This is because:

- 1. Immigration enforcement is not a provincial matter:**  
In the early part of the twentieth century, jurisdiction regarding immigration was divided between the federal government and the provinces/territories. Under this division, the Federal government is responsible for immigration enforcement. Provinces/territories have created immigration programs, but these are to bring people into these areas, and have nothing to do with enforcement.
- 2. Immigration detention is imprisonment without an end in sight:** Canada is one of the only Western countries without a limit on immigration detention pending deportation. According to the latest reported data, there are currently at least 146 migrants who have been in jail for over 6 months nationwide.
- 3. Immigration detention lacks due process:** The detention review process which justifies continued immigration detention places the onus to be released on the detainee. Detention Reviews have been shown to be rife with disturbing discrepancies between different immigration detention board members' decisions and marked variance in release rates between provinces. Detainees have no automatic right of appeal to the federal court for decisions made at the Detention Reviews. Rather, detainees apply for leave for judicial review, which is rarely granted. See attached our report on detention review processes.  
  
Detainees have limited access to legal aid and bail program. For example, the only free clinic they can access is Know Your Rights trainings by the Osgoode Hall legal clinic and very rarely representation by the Refugee Law Office. In addition, both legal aid and the Toronto Bail Program do not attend at many of the provincial jails on a regular basis.
- 4. Deaths in immigration detention:** The Canada Border Services Agency has failed to learn from its mistakes causing multiple deaths in immigration detention. As a result, at least 11 people have died in immigration detention custody since 2000. See Global News report: [\*'Canada's Unwanted: Non-citizens paid to leave, jailed without charge, die in secret'\*](#).
- 5. Ontario prison staff lack training:** Immigration detention is administrative hold pending release or deportation. No charges have been placed against detainees, and no trial is forthcoming. This is starkly different from the stated purpose of Ontario provincial facilities which is to rehabilitate prisoners, or to hold prisoners until trial. As such, staff are unequipped to deal with immigration detention.
- 6. Federal anti-immigrant changes are responsible for making people undocumented:** Under the current federal government, the number of refugee claims has decreased by 50 per cent and the number of accepted refugees has dropped by 25 per cent. The number of family-class immigrants dropped by 10,000 in the first four years the Conservative Party of Canada

formed government. The Conservative government has instituted a quota of 5,000 applications (note, not acceptances) on the sponsorship of parents and grandparents. The Conservatives have also enhanced their power to revoke permanent residency and citizenship. These factors are cumulatively responsible for growing numbers of people forced to live without immigration status and thus face detentions and deportations.

7. **Detainees in Provincial Jails Cannot Access Cultural or Spiritual Services:** They have even less access than the other detainees. And some of the immigration detainees have been in provincial facilities for 8 to 10 years.
8. **Ontario has already begun this process:** On September 25th, 2014, Ontario Transportation Minister Steven Del Duca formally cut his ministry's ties with the Canada Border Services Agency. The suspension of operational relations with the federal agency followed MTO collaboration in the racial profiling of workers during CBSA raids. This is an example that now the Ministry of Community Safety and Correctional Services must follow.

Your recent comments in the media about shifting immigration detainees in Ontario to a 'GTA-area' prison is cause for great concern. We understand that you're intending to move immigration detainees to a range in Maplehurst Correctional Complex which was shut down due to mold. We are particularly concerned because conditions in Ontario detention facilities remain unknown following the denial of Red Cross entry into prisons in the province. We welcome your signing of an agreement with the Red Cross to finally grant them access for the first time since 2006, however a lack of a timeline for when the probe's findings will become public is deeply concerning. The Red Cross must immediately be given access to all prisons, and their findings should be made public as soon as possible.

Though Ontario has not released the specific information, according to our best estimates based on CBSA documents we have acquired, in 2013, Ontario carried out approximately 2,436 detentions for 75,000 days. In the same year, CBSA paid Ontario \$21 million dollars for these detentions. This is a massive federal tax burden on individual families across the country which Ontario is profiting from.

Immigration enforcement is not a provincial issue so why are you cooperating with policies that deny people status and supporting Harper's agenda? The provincial government has no obligation to hold immigration detainees for the federal government. Your ministry and Ontario should take a stand and refuse to hold people in indefinite maximum security in provincial prisons.

Member organizations of the End Immigration Detention Network been organizing around this issue for over a decade and have received the backing of the United Nations Working Group on Arbitrary Detentions, who have called for an end to indefinite detention in Canada. We know that prisons should never be used to enforce immigration laws. As you consider your course of action, we want to remind you that this system does not need federal government tweaking in the form of GPS units or more minimum security jails. It needs a total transformation that prioritizes community support and immigration status regularization. Ontario should be releasing immigration detainees from prisons such as the Central East Correctional Centre in Lindsay and not transferring them to Maplehurst.

We would be pleased to have the opportunity to meet with you to share with you our thoughts on how Ontario could pursue a very different course with respect to immigration enforcement and how we could create a province for everyone.

You can contact us at [migrantstrike@gmail.com](mailto:migrantstrike@gmail.com).

Yours sincerely,  
Ciaran Breen  
End Immigration Detention Network  
[endimmigrationdetention.com](http://endimmigrationdetention.com)