

## Canada Detention Profile

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With a traditionally strong emphasis on family reunification and humanitarian considerations, Canada has been a major recipient of immigrants and asylum seekers. In 2007, more than 236,000 new immigrants entered the country, while in 2008 Canada received 36,900 new asylum claims, representing 10 percent of all asylum applications, second only to the United States (CIC website; UNHCR March 2009). Despite its welcoming reputation, Canada's approach to immigration, including its detention policies, has grown increasingly restrictive since the 1990s, especially since the 9/11 terrorist attacks in the United States. This policy orientation has been criticized as being overly preoccupied with connecting immigration to criminality, security, and fraud (Pratt 2005). Public attitudes have also hardened toward immigration. 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 Canadians said that Canada makes too many accommodations for minorities (Laghi 2008).

**Detention policy.** In 2001, Canada passed the **Immigration and Refugee Protection Act** (IRPA). This replaced the existing Immigration Act, which had been in place since 1976. While the Act itself came into force in 2002, after the 9/11 attacks, the legislation to create it had been in the works since the late 1990s. However, the reforms were promoted as an "important part of Canada's much needed antiterrorist, national security arsenal" (Pratt 2005).

The 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 the post-9/11 security/anti-terrorism discourse. As the Canadian Council for Refugees (CCR) has noted, "[T]he 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).

Canada's detention policy is established in Division 6 of the IRPA, **Section 55** of which provides the grounds for detaining irregular non-citizens. Immigration officers from the Canada Border Services Agency (CBSA) are authorized to arrest and detain non-citizens, including 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) is considered a danger to public safety; (3) is inadmissible on the ground of security or for violating human or international rights; or (4) does not provide adequate identification (IRPA 2001; Pratt 2005). Detainees have the right to a review hearing within 48 hours before the Immigration and Refugee Board (IRB). If the IRB determines the detention necessary, another hearing is to take place within seven days of the first review. Further hearings must occur at least once every thirty days as long as the individual remains detained (IRB website). The law does not provide a limit for the length of detention, but the Immigration and Refugee Board's Guidelines on Detention stipulate that detention is to be "an exceptional restraining measure" and that "continued detention [for the purposes of deportation] is justified only if the removal order can be executed within a reasonable period of time" (IRB 1998).

There are two main exceptions to these grounds for detention. First, immigration officers cannot arrest or detain protected individuals. This includes refugees who qualify for Convention status and those who have been allowed an application for protection. And second, in the case of minors, the best interest of the child is to take precedence and detention is only to be taken as a last resort (IRPA 2001).

**Detention infrastructure.** Canada's detention infrastructure is miniscule compared to its neighbour, the **United States**, which utilizes hundreds of facilities, including a large number of privately run prisons, and has a capacity of some 35,000.

In contrast, Canada has four national “immigration holding centres”—in Toronto, Montréal (Laval), Vancouver, and Kingston—all of which are operated under the authority of the CBSA. Only three of the facilities, however, are used for confining people on migration-related charges (Toronto, Montreal, and Vancouver). Toronto and Laval are Canada's main immigration detention facilities, confining up to 120 and 150 immigration detainees respectively (Johnston 2007). The Vancouver holding centre is located at the Vancouver International Airport and is a much smaller facility. With a capacity of 27 detainees, it is designed for detention of up to 72 hours as there is no access to an outside area or to daylight (CBSA 2005). During the fiscal year 2006-2007 there were 9,261 detainees held at these sites, for a total of 80,620 days (AGC 2008).

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 immigration-related (PSC website). In 2007, the Supreme Court of Canada ruled that the security certificate mechanism was in violation of the country's Charter of Rights and Freedoms for allowing individuals to be detained for excessively long periods (in the case of post-9/11 detainees, for several years) without a hearing. However, the Court upheld the "principle" of security certificates (CBC 2009). As of April 2009, there were no detainees at the Kingston facility. Hassan Almrei, the centre's last detainee as of early 2009, was released in February 2009 and put under CBSA-monitored house arrest (Shephard 2009).

In addition to the federally-operated sites, the CBSA relies on provincial and municipal correctional facilities to house immigration detainees, in particular those with criminal backgrounds and those considered a danger to the public. This includes detainees who are moved from criminal detention after serving a criminal sentence to immigration detention as they await deportation (CBSA 2005). Nova Scotia, for example, currently has five adult facilities and one youth facility designated for immigration detention. In 2008, all CBSA detainees in Nova Scotia were held at the Central Nova Scotia Correctional Facility in Dartmouth. This amounted to six individuals in total detained for an average length of 4.83 days (Pottier 2009).

In Ontario, the Ministry of Community Safety and Correctional Services (MCSCS) reported in a letter to the Global Detention Project that it "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 2009). MCSCS reports that immigration detainees at these centres are "housed within the general population of the institution" and that during fiscal year 2008-2009, the average length of stay ... for immigration detainees was 114 days. For the same fiscal year period, the average daily count of immigration detainees was 223, and the maximum count was 266" (Small 2009).

According to the Corrections Division of the Manitoba Department of Justice (MJD), all of the province's correctional facilities accept immigration detainees (Carriere 2009). During fiscal year 2008-2009, Manitoba's seven prisons held a total of 62 immigration detainees, with the average length of detention being nearly 60 days (Carriere 2009; Manitoba Department of Justice website).

Canada is also notorious for its former use of a hotel situated near the Toronto airport as an immigration detention site. For many years, the now-closed Celebrity Inn Immigration Holding Centre served as one of the country's principal detention sites because the nearby airport is a major entrance point into Canada. Wrote one researcher about the facility, "[T]he Celebrity is a typical airport hotel located close to Terminal 3 at Lester B. Pearson International Airport. It has not been a run-of-the-mill establishment, however: in addition to lodging regular travelers in one wing, it also served as a secure detention area for those who had arrived without proper identification and for immigrants who had been placed in Citizenship and Immigration Canada's 'removal stream' and were awaiting deportation" (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 (CAT), which ruled in 1998 that the case was not admissible before the committee because all domestic legal remedies had not been exhausted (CAT 1998).

Investigations into Canada's detention practices in recent years have raised concerns over the conditions at these facilities and the treatment of detainees. In 2005 a report by the UNHCR 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).

An Auditor General's Report to Parliament in May 2008 also noted the absence of signed agreements with most provinces to establish the cost and conditions of detention. Additionally, it raised concerns over whether standards of treatment were consistently met, and the overcrowding of federal holding centres. The report stated that the Toronto holding centre has "on occasion increased its capacity from 120 to 180 by using sleeping bags and blankets on the floor" (AGC 2008). Under an agreement with the government of Canada, the Canadian Red Cross (CRC) monitors the condition of people held in immigration detention and raises any issues with the CBSA (CRC 2007). However, the Auditor General's 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).

**Facts and figures.** Asylum applications in Canada have increased significantly in recent years. In 2007, Canada received 5.1 percent of all claims globally, or 27,900 (UNHCR 2008). By the end of 2008 this figure had increased by 30 percent, to 36,900, or 10 percent of all claims. Driving this growth has been increasing numbers of asylum seekers from the top six countries of origin of asylum claims to Canada: Mexico, Haiti, Colombia, United States, China and Sri Lanka. Among Mexicans, the number increased by 33 percent to 9,413; Haitian claims increased by 31 percent to 4,247; and Colombia by 19 percent to 3,069 (UNHCR 2009).

The number of irregular residents in Canada, like its detention capacity, is miniscule when compared to the United States. Whereas the United States is estimated to have more than 10 million undocumented immigrants, estimates for Canada in 2007 ranged anywhere from 35,000 to 120,000 (Aubry 2007).

According to the Auditor General's Report, between 2002 and 2007 Canada saw an increase both in the number of immigration detainees held at federal and municipal/provincial facilities, as well as the number of deportations on a yearly basis. The number of detainees at federal holding centres rose from 7,553 in fiscal year 2004-2005 to 9,261 in fiscal year 2006-2007; in municipal/provincial sites, the increase was from 3,214 to 3,563 during 2006-2007. The number of deportations has fluctuated, but has ultimately seen an overall increase from 8,683 in fiscal year 2002-2003 to 12,636 in fiscal year 2006-2007 (AGC 2008).

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AND DEVELOPMENT STUDIES

Global Detention Project  
Programme for the Study of Global Migration  
The Graduate Institute - P-O. Box 136 - 1211 Geneva 21  
Phone +41 22 908 4556 - Fax +41 22 908 4594  
global.detention.project@gmail.com - www.globaldetentionproject.org

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## Canada Detention Profile

### List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Antigonish Correctional Facility	In use (2009)	Antigonish, Nova Scotia	Prison or police station	Secure	Nova Scotia Department of Justice / Correctional Service Division	Nova Scotia Department of Justice	21 (2009)		Adult males
Cape Breton Correctional Facility	In use (2009)	Sydney, Nova Scotia	Prison or police station	Secure	Nova Scotia Department of Justice / Correctional Service Division	Nova Scotia Department of Justice	96 (2009)		Adult males
CBSA Laval Immigration Holding Centre (Centre de prévention de l'immigration de Laval)	In use (2008)	Laval, Quebec	Migrant detention centre	Secure	Public Safety Canada / Canada Border Services Agency	Canada Border Services Agency / unnamed private contractor	150 (2007)		
CBSA Toronto Immigration Holding Centre	In use (2009)	Toronto, Ontario	Migrant detention centre	Secure	Public Safety Canada / Canada Border Services Agency	Canada Border Services Agency / unnamed private contractor	120 (2007)		
CBSA Vancouver Immigration Holding Centre	In use (2008)	Vancouver (Richmond), British Columbia	Migrant detention centre	Secure	Public Safety Canada / Canada Border Services Agency	Canada Border Services Agency / unnamed private contractor	24 (2007)		
Central Nova Scotia Correctional Facility	In use (2009)	Dartmouth, Nova Scotia	Prison or police station	Secure	Nova Scotia Department of Justice / Correctional Service Division	Nova Scotia Department of Justice	272 (224 male; 48 female) (2009)	6 (9 March 2009)	Adult males and females
Cumberland Correctional Facility	In use (2009)	Amherst, Nova Scotia	Prison or police station	Secure	Nova Scotia Department of Justice / Correctional Service Division	Nova Scotia Department of Justice	27 (2009)		Adult males
Nova Scotia Youth Facility	In use (2009)	Waterville, Nova Scotia	Prison or police station	Secure	Nova Scotia Department of Justice / Correctional Service Division	Nova Scotia Department of Justice	60 (2009)		Minors
South West Nova Scotia Correctional Facility	In use (2009)	Yarmouth, Nova Scotia	Prison or police station	Secure	Nova Scotia Department of Justice / Correctional Service Division	Nova Scotia Department of Justice	38 (2009)		Adult males

### Sources

(This is only a partial list. More detailed information is available upon request.)

- Johnston, Kimber (Vice President, Enforcement Branch, Canada Border Services Agency). 2007. Letter to Michael Flynn (Lead Researcher, The Global Detention Project). 22 May 2007. Global Detention Project, Geneva, Switzerland.
- Nova Scotia Department of Justice. Website. Antigonish Correctional Facility. [www.gov.ns.ca/just/Corrections/ACF.asp](http://www.gov.ns.ca/just/Corrections/ACF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Cape Breton Correctional Facility. [www.gov.ns.ca/just/Corrections/CBCF.asp](http://www.gov.ns.ca/just/Corrections/CBCF.asp) (accessed 10 March 2009).

- Nova Scotia Department of Justice. Website. Central Nova Scotia Correctional Facility. [www.gov.ns.ca/just/Corrections/CNSCF.asp](http://www.gov.ns.ca/just/Corrections/CNSCF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Cumberland Correctional Facility. [www.gov.ns.ca/just/Corrections/CCF.asp](http://www.gov.ns.ca/just/Corrections/CCF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Nova Scotia Youth Facility. [www.gov.ns.ca/just/Corrections/NSYF.asp](http://www.gov.ns.ca/just/Corrections/NSYF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. South West Nova Scotia Correctional Facility. [www.gov.ns.ca/just/Corrections/SNSCF.asp](http://www.gov.ns.ca/just/Corrections/SNSCF.asp) (accessed 10 March 2009).
- Pottier, AI (Manager, Policy & Programs, Nova Scotia Dept. of Justice). 2009. Email message to Alex MacKinnon (Global Detention Project). 9 March 2009. Global Detention Project. Geneva, Switzerland.
- Public Safety Canada. Website. "Who We Are." Last modified 30 January 2009. <http://www.publicsafety.gc.ca/abt/wwa/index-eng.aspx> (accessed 6 September 2007).

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Phone +41 22 908 4556 - Fax +41 22 908 4594  
[global.detention.project@gmail.com](mailto:global.detention.project@gmail.com) - [www.globaldetentionproject.org](http://www.globaldetentionproject.org)

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### Map of "In Use" Detention Sites

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#### Country View

1. CBSA Laval Immigration Holding Centre
2. CBSA Toronto Immigration Holding Centre
3. CBSA Vancouver Immigration Holding Centre
4. Central Nova Scotia Correctional Facility

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- Johnston, Kimber (Vice President, Enforcement Branch, Canada Border Services Agency). 2007. Letter to Michael Flynn (Lead Researcher, The Global Detention Project). 22 May 2007. Global Detention Project, Geneva, Switzerland.
- Nova Scotia Department of Justice. Website. Central Nova Scotia Correctional Facility. [www.gov.ns.ca/just/Corrections/CNSCF.asp](http://www.gov.ns.ca/just/Corrections/CNSCF.asp) (accessed 10 March 2009).
- Pottier, AI (Manager, Policy & Programs, Nova Scotia Dept. of Justice). 2009. Email message to Alex MacKinnon (Global Detention Project). 9 March 2009. Global Detention Project. Geneva, Switzerland.
- Public Safety Canada. Website. "Who We Are." Last modified 30 January 2009. <http://www.publicsafety.gc.ca/abt/wwa/index-eng.aspx> (accessed 6 September 2007).

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### Reference List

- Aubry, Jack. 2007. "Canadians Want Illegal Immigrants Deported: Poll." *National Post*. 20 October 2007.
- Canada Border Services Agency (CBSA). 2005. *Immigration Detention within the Canadian Context*. CBSA. 16 May 2005.
- Canadian Council for Refugees (CCR). Website. Key Issues: Immigration and Refugee Protection. <http://www.ccrweb.ca/keyissues.htm> (accessed 28 April 2009).
- Canadian Red Cross (CRC). Web site. Canadian Red Cross Detention Monitoring Program. <http://www.redcross.ca/article.asp?id=10148&tid=001> (accessed 23 April 2009).
- Carriere, Wade (Manitoba Department of Justice). Letter to Alex MacKinnon (Global Detention Project). 7 May 2009. Global Detention Project. Geneva, Switzerland.
- Centre for Constitutional Studies (CCS). Website. "Security Certificates." <http://www.law.ualberta.ca/centres/ccs/issues/securitycertificates.php> (accessed 7 May 2009).
- Citizenship and Immigration Canada (CIC). Web site. Annual Report to Parliament on Immigration, 2008. <http://cic.gc.ca/english/ressources/publications/annual-report2008/section3.asp> (accessed 25 March 2009).
- Davidson, Robert. 2003. "Spaces of Immigration 'Prevention': Interdiction and the Nonplace." *diacritics*. 33.3/4 (2003) 3-18.
- Immigration and Refugee Board of Canada (IRB). Web site. Detention Review Process. <http://www.irb-cisr.gc.ca/eng/brdcom/references/procedures/proc/idsi/Pages/drp.aspx> (accessed 17 February 2009).
- *Immigration and Refugee Protection Act* (IRPA). 2001. Senate. 1 November 2001. <http://laws.justice.gc.ca/en/1-2.5/> (accessed 25 April 2009).
- Johnston, Kimber (Enforcement Branch, Canada Border Services Agency). 2007. Fax message to Michael Flynn (Global Detention Project). 22 May 2007. Global Detention Project, Geneva, Switzerland.
- Laghi, Brian. 2008. "Majority Believes Canada Coddles Minorities." *Globe and Mail*. 17 April 2008.
- Larsen, Mike and Piché, Justin. 2007. "Incarcerating the 'Inadmissible': KHC as an Exceptional Moment in Canadian Federal Imprisonment." YCISS Working Paper Number 45, 2007 (May).
- Manitoba Department of Justice. Website. "Criminal Legal Process: Corrections." <http://www.gov.mb.ca/justice/corrections/index.html#brandon> (accessed 16 May 2009).
- Nova Scotia Department of Justice. Website. Antigonish Correctional Facility. [www.gov.ns.ca/just/Corrections/ACF.asp](http://www.gov.ns.ca/just/Corrections/ACF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Cape Breton Correctional Facility. [www.gov.ns.ca/just/Corrections/CBCF.asp](http://www.gov.ns.ca/just/Corrections/CBCF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Central Nova Scotia Correctional Facility. [www.gov.ns.ca/just/Corrections/CNSCF.asp](http://www.gov.ns.ca/just/Corrections/CNSCF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Cumberland Correctional Facility. [www.gov.ns.ca/just/Corrections/CCF.asp](http://www.gov.ns.ca/just/Corrections/CCF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. Nova Scotia Youth Facility. [www.gov.ns.ca/just/Corrections/NSYF.asp](http://www.gov.ns.ca/just/Corrections/NSYF.asp) (accessed 10 March 2009).
- Nova Scotia Department of Justice. Website. South West Nova Scotia Correctional Facility. [www.gov.ns.ca/just/Corrections/SNSCF.asp](http://www.gov.ns.ca/just/Corrections/SNSCF.asp) (accessed 10 March 2009).
- Office of the Auditor General of Canada (AGG). 2008. *Report of the Auditor General of Canada to the House of Commons: Chapter 7: Detention and Removal of Individuals - Canada Border Services Agency*. Public Works and Government Services Canada. Ottawa. May 2008.
- Pottier, Al (Manager, Policy & Programs, Nova Scotia Dept. of Justice). 2009. Email message to Alex MacKinnon (Global Detention Project). 9 March 2009. Global Detention Project. Geneva, Switzerland.
- Pratt, Anna. 2005. *Securing Borders: Detention and Deportation in Canada*. UBC Press. Vancouver.
- Public Safety Canada (PSC). Website. "Security Certificate." Last updated 11 September 2008. <http://www.publicsafety.gc.ca/prg/ns/seccert-en.asp> (accessed 11 May 2009).

- Shephard, Michelle. 2009. "Freed Syrian Refugee Is A \$575,000 Man." Toronto Star. 4 March 2009.
- Small, Steven F. (Ontario Ministry of Community Safety and Correctional Services). 2009. Letter to Alex MacKinnon (Global Detention Project). 8 May 2009. Global Detention Project. Geneva, Switzerland.
- UN Committee against Torture (CAT). 2008. *Michael Osaretin Akhimien v. Canada, Communication No. 67/1997*. U.N. Doc. CAT/C/21/D/67/1997. Meeting on 17 November 1998.
- United Nations High Commissioner for Refugees (UNHCR). 2008 (June). *2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. UNHCR. Geneva.
- United Nations High Commissioner for Refugees (UNHCR). 2009 (March). Asylum Level and Trends in Industrialized Countries: 2008: Statistical Overview of Asylum Applications Lodged in 38 European and 6 Non-European Countries. UNHCR. Geneva. <http://www.unhcr.org/statistics/STATISTICS/49c796572.pdf>
- Working Group on Arbitrary Detention (WGAD). 2005. *Report of the Working Group on Arbitrary Detention: Visit to Canada*. E/CN.4/2006/Add.2. 5 December 2005.  
<http://daccessdds.un.org/doc/UNDOC/GEN/G05/165/34/PDF/G0516534.pdf?OpenElement> (accessed 16 February 2009)

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Global Detention Project  
 Programme for the Study of Global Migration  
 The Graduate Institute - P.O. Box 136 - 1211 Geneva 21  
 Phone +41 22 908 4556 - Fax +41 22 908 4594  
[global.detention.project@gmail.com](mailto:global.detention.project@gmail.com) - [www.globaldetentionproject.org](http://www.globaldetentionproject.org)

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