

ENF 20

Detention

Canada 

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Updates to chapter - Listing by date

2023-01-16

[Section 1:](#) Amended Chapter description.

[Section 2:](#) Updated definitions.

[Section 3:](#) Added a third objective which supports CBSA's responsibility for the enforcement of the IRPA.

[Section 4.1:](#) Changed title to Authority to arrest and detain a person.

[Section 4.3:](#) Removed the BSF508 detention notes form. Added form BSF920, Review of Detention.

Added the new form BSF921, Detention Oversight Form.

[Section 6:](#) Removed reference to A34(2) which was repealed. Removed the following sections: Grounds for Detention; Factors: danger to the public; Factors: unlikely to appear; Factors: identity not established; Factors: detention on entry to complete the examination; Factors: detention on entry for suspected inadmissibility on grounds of security, violating human or international rights, serious criminality, criminality or organized criminality; Factors: mandatory arrest and detention of designated foreign national; Other regulatory factors and best interest of the directly affected child. Added vulnerability factor to address GBV+ considerations

[Section 6.6:](#) Include requirement for an assessment of the files of all vulnerable individuals to determine suitability for CCMS referral, and for vulnerable individuals to have daily interaction with CBSA staff at IHCs if appropriate.

[Section 7:](#) Detention facilities, has been updated following the opening of BC IHC and new location of the Laval IHC. An updated list of provincial agreements has been provided.

[Section 8.1:](#) Updated to reflect changes in the updated agreement with the Canadian Red Cross.

[Section 9:](#) Removed references to the Detention Notes form. Added the requirement to notify the duty manager, Hearings, and Detentions (CLO/DLO) of any new detention. Removed section on the detention notes form.

[Section 9.3:](#) Include timelines for completed DMNs to be uploaded into GCMS.

[Section 9.4:](#) Placement: NRAD has been revised. The review of the initial detention placement has been revised for IHC regions (Québec, Greater Toronto Area and Pacific) and for non-IHC regions. Include requirement for supervisor to review subsequent re-assessments. Form BSF754 has been updated. Added definition of major breach. Added requirement to consider the detainee's preferred language of service. Include timelines for completed NRADs to be uploaded into GCMS. Include requirement for an assessment of the files of all vulnerable individuals to determine suitability for CCMS referral, and for vulnerable individuals to have daily interaction with CBSA staff at IHCs if appropriate.

[Section 9.5:](#) Triage Policy added.

[Section 9.6:](#) Management review of detention cases has been revised. Management review of the detention to be recorded on the Detention Oversight Form. Instructions included for correcting errors on completed forms.

[Section 10:](#) Update to care of detainees

[Section 10.1:](#) Added procedure on the use of personal items or blankets for detained individuals in short term care.

[Section 10.2:](#) Updated language for improved clarity on monitoring of individuals on enhanced watch. Include requirement for an assessment of the files of all vulnerable individuals to determine suitability for CCMS referral, and for vulnerable individuals to have daily interaction with CBSA staff at IHCs if appropriate.

[Section 10.3:](#) Updated for clarity.

[Section 11](#): Section updated to improve readability. IHCs and areas served now includes the BC IHC. Updated note that contracted security guards cannot transport detainees by air.

[Section 12](#): Added the Review of Detention Form (BSF920).

[Section 12.2](#): Updated the Authority to Release from Detention form BSF566 to facilitate short temporary releases.

[Annex](#): Removed National Directive for the Detention or Housing of Minors. Text incorporated into Section 6.

[Annex A](#): Changed to Detention Oversight Form

[Annex D](#): Language Profile of Provincial Correctional Facilities

[Annex E](#): Protocol Regarding the Death of an Individual Detained Pursuant to the Immigration and Refugee Protection Act

2020-03-23

6.7, Factors: detention on entry to complete the examination, clarifications have been added regarding urgent medical treatments.

Section 6.10: Other regulatory factors and 6.11, Detention of minor children (under 18 years of age), have been updated following the introduction of two IRPR amendments.

Section 7: Detentions facilities has been updated.

Section 9: Procedure: detention, the table has been updated.

Section 9.1: Multiple sections have been reorganized to ease the reading.

Section 4.3: Forms and publications, Detention Cell Log and Instructions (BSF481) and Detention Cell Log (BSF481-1) have been merged. The BSF508, previously named Review of Detention by Officer, has been revised and renamed to Detention Notes.

Section 6.6: Factors: identity not established, paragraphs on cooperation have been revised.

Section Data entry has been updated.

Section 9.3: Order for Detention has been created.

Section 9.4: Detainee medical needs, subsequent assessment requirements and section 9.5,

Placement: National risk assessment for detention have been revised.

Section 9.6: Management review of detention cases has been revised to streamline the reviewing process.

Section 10.2: In-custody death or life threatening condition notification has been created.

Section 11 to 11.6: created to clarify the placement and transfer of detainees from a non-IHC regions to an IHC.

Section 12: Procedure: release by officer before the first detention review, the table has been updated.

Section 13: Transitional measures, has been erased.

Annex A: Detentions check list has been created.

Annex B: National directive for the detention or housing of minors has been updated following the introduction of two IRPR amendments.

2018-11-20

Section 3.1: Authority to detain a person, Section 3.2 Regulatory factors and conditions, Section 5.3 Grounds for detention and section 5.8 have been updated with the coming into force of the Protecting Canada's Immigration System Act.

Section 3.3: Forms and publications, available gender identities has been clarified.

Section 5.4 to 5.8: have been moved and updated with new detention factors.

Section 5.9, Factors: mandatory arrest and detention of designated foreign national has been created.

The section on the Alternatives to Detention has been removed and transferred to the ENF 34.

Section 5.12: housing of minor children (under 18 years of age), has been added.

Section 5.13: vulnerable groups, the term “vulnerable groups”, has been renamed “vulnerable persons”.

Section 5.13 and 5.14: redundant text have been moved and a new jurisprudence case has been added.

Section 7, Detention: procedure, has been reshaped to facilitate its use by officers.

Section 7.2: Officer’s detention notes, has been moved.

Section 7.3: Management review of detention decision, has been updated.

Section 8: Care of the detainee while awaiting transfer and Section 8.1 Procedure: suicidal and self-harmful detainee have been added.

Section 9.1: National risk assessment for detention, clarifications have been added regarding offences where a detainee was found not guilty and common crime examples have been added.

Section 9.3: Vehicular transport of detainees has been added.

Section 10: Procedure: release by officer before the first detention review, has been modified and section 10.1 has been added with information regarding release of designated foreign nationals.

Section 12.1: Canadian Red Cross, has been updated to add information regarding the CBSA notification requests.

Annex A: Detentions check list has been created

Annex C: Child protection services and family centres, was been updated with information for Atlantic and Prairies regions.

2018-02-12

ENF 20 has been updated to reflect changes to the “National Risk Assessment” and “Detainee Medical Needs” forms. Further, changes have been made to reflect the decision-making process regarding detention. These changes will ensure that officers have clear guidance regarding detention decisions and placement of a detainee in a Canada Border Services Agency Immigration Holding Centre or provincial correctional facility.

Section 1, “What this chapter is about”, has been updated to add contact information.

Section 3.3, “Forms and publications”, has been amended, and the brochure titled “Information for People Detained Under the *Immigration and Refugee Protection Act*” has been added.

Section 5.8, “Identity”, has been amended to remove information contained in other sections.

Section 5.10, “Detention of minor children (under 18 years of age)”, has been amended, and a new reference to the “National Directive for the Detention or Housing of Minors” has been added in Annex A.

Section 5.11, “Vulnerable groups”, has been moved and updated to include new vulnerable groups.

Section 5.12, “Alternatives to detention”, and section 5.13, “Third party risk management programs”, have been removed as their content will be in ENF 34.

Multiple sections have been updated to reflect the name change of Citizenship and Immigration Canada (CIC) to Immigration, Refugees and Citizenship Canada (IRCC) and of the Minister of Citizenship and Immigration to the Minister of Immigration, Refugees and Citizenship.

Section 6, has been updated with new definitions for “alternatives to detention”, “best interests of the child” and “unaccompanied minor”.

Section 8.1, “Procedure: Review of Detention Decision”, has been created to clarify when the officer’s initial detention decision must be reviewed by another officer.

Section 8.2, “Informing the Immigration and Refugee Board of a Detention review”, has been created.

Sections 9, 9.1, 9.2 and 9.3, “Transfer of a detainee”, have been rewritten to include new directives regarding the national risk assessment for detention form, the detainee medical needs form and the vehicular transport of detainees.

Section 10, "Procedure: Release by officer", has been updated to remove information contained in other sections.

Sections 11, 11.1, 11.2 and 11.3, "Place of detention", have been moved and revised to include types of detention facilities, levels of risk and new detention agreements with provincial governments.

Section 12, "Detentions Program Monitoring", has been added.

Section 13, "Transitional measures", has been moved.

2015-12-22

The detention forms have been updated and converted to the CBSA numbering system (BSF304, 579, 507 E, 508 E, 566, 524, 481, 481-1, 578, 754, 754-1, 674 and 735).

Section 8, "Procedure: Detention", has been updated to remove information contained in other chapters.

Section 9, "Procedure: National risk assessment for detention", and section 9.1, "National risk reassessment for detention", have been created to include a new requirement to ensure the safety and well-being of detainees.

Section 12, "Place of detention", has been amended to reflect the closure of the Kingston Immigration Holding Centre and the maximum length of detention at Vancouver – IHC has been reduced to 48 hours.

Multiple sections have been updated following the Field Operations Support System (FOSS) decommissioning.

1. What this chapter is about

This chapter offers guidance to Canada Border Services Agency (CBSA) officers on how to manage immigration detention cases once a decision has been made by a designated official to arrest and detain under IRPA. It also states the principles underlying CBSA's detention policy and describes the administrative and legal framework within which detention operates.

References to IRPA appear in the text with an "A" prefix followed by the section number. References to the *Immigration and Refugee Protection Regulations* (IRPR) appear with an "R" prefix followed by the section number.

Requests for clarification, questions and comments in relation to this manual should be addressed to the CBSA Detentions Unit Programs Branch's generic mailbox at Detention-Programs@cbsa-asfc.gc.ca.

2. Definitions

Alternative Arrangement for Minors (AAM)	The transfer of custody of an accompanied or unaccompanied <u>non-detained</u> minor to a family member or a trusted friend/community member (who is not under CBSA custody), child protection services or a community based organization. AAM is a process in the CBSA's National Case Management System (NCMS).
Alternatives to Detention (ATDs)	An alternative to detention is any condition that may be imposed on an individual to offset a risk they represent to the enforcement objectives and the mandate of the Canada Border Services Agency (CBSA). Refer to ENF 34, Alternatives to Detention
Best Interests of the Child (BIOC)	An international principle to ensure children enjoy the full and effective benefit of all their rights recognized in Canadian law and the Convention on the Rights of the Child . It is also a rule of procedure that includes an assessment of the possible impact (positive or negative) of a decision regarding the child or children concerned.
Criminal organization within the meaning of A121.1(1)	means a criminal organization as defined in subsection 467.1(1) of the Criminal Code .
Detainee or Detained	An adult or minor subject to an Order for Detention under A55 of the IRPA
Family	Consists of a parent(s) or legal guardian(s) (p/lg) and a dependent minor. This may also include family members as defined by IRPR and situations where siblings are traveling together without their p/lg.
Housed Minor	A foreign national, permanent resident or Canadian citizen who, after the completion of a BIOC interview, is kept with their detained p/lg at an IHC at the latter's request. A housed minor is not subject to an Order for Detention and is free to remain and re-enter the IHC subject to the p/lg consent in accordance with the rules and procedures of that facility.

Reasonable grounds to believe	Reasonable grounds are a set of facts and circumstances that would convince a normally prudent and informed person. They are not mere suspicions. The opinion must have an objective basis.
Reasonable grounds to suspect	Reasonable grounds to suspect, a lower standard than to believe, is a set of facts or circumstances that would lead the ordinarily cautious and prudent person to have a hunch or suspicion.
Protected person under A95(2)	A protected person is a foreign national on whom refugee protection is conferred under A95(1), and whose claim or application has not subsequently been deemed to be rejected under A108(3), A109(3) or A114(4).
Minor (child)	A minor is defined under the IRPA and the Convention on <i>the Rights of the Child</i> as a person under the age of 18. In some provinces, a youth aged 16 and 17 is not considered a minor (see Annex B). However, they are considered to be a minor in the federal context (R249).
Non-Compliance	Failure or refusal to comply, as with a law, regulation, or term of a condition.
Segregation (Administrative)	The separation of persons to prevent association with others.
Unaccompanied minor	A person under the age of 18 who is in Canada (at POE or Inland) and is not accompanied by a parent or a legal guardian.

3. Program objectives

A3(1) & (2) of IRPA which outlines the objectives of the Act lists three objectives that are directly linked to the CBSA's responsibility for the enforcement of IRPA regarding both immigration and refugee programs:

- to maintain, through the establishment of fair and efficient procedures, the integrity of the Canadian immigration system;
- to protect the health and safety of Canadians and to maintain the security of Canadian society; and
- to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks.

The detention of permanent residents and foreign nationals meets these objectives by:

- protecting Canadian society by detaining those who pose a danger to the public or security risk
- supporting the removal of those who have been denied access to Canadian territory including those who are criminals, security risks, or who are inadmissible for crimes against humanity; and
- supporting the examination and investigation processes which are key elements in ensuring the enforcement of IRPA.

4. The act and regulations

4.1. Authority to arrest and detain a person

The following legislative sections identify the grounds on which an officer may arrest and/or detain a permanent resident or foreign national. For further information on how to exercise the authority to arrest and/or detain please see [ENF 7 Immigration Investigations and IRPA s.55 Arrests/Detention](#).

For information about:	Section of IRPA
<p>Arrest and detention with warrant</p> <p>An officer may issue a warrant for the arrest and detention of a permanent resident or a foreign national who the officer has reasonable grounds to believe is inadmissible and:</p> <ul style="list-style-type: none">• is a danger to the public; or• is unlikely to appear for examination, an admissibility hearing, for removal from Canada or at a proceeding that could lead to the making of a removal order by the Minister under subsection 44(2).	A55(1)
<p>Arrest and detention without warrant</p> <p>An officer may, without a warrant, arrest and detain a foreign national, other than a protected person,</p> <ul style="list-style-type: none">• who the officer has reasonable grounds to believe is inadmissible; and<ul style="list-style-type: none">○ is a danger to the public; or○ is unlikely to appear for examination, an admissibility hearing, removal from Canada, or at a proceeding that could lead to the making of a removal order by the Minister under subsection A44(2); or• if the officer is not satisfied as to the identity of the foreign national in the course of any procedure under this Act.	A55(2)
<p>Detention on entry</p> <p>A permanent resident or a foreign national may, on entry into Canada, be detained if an officer</p> <ul style="list-style-type: none">• considers it necessary to do so in order for the examination to be completed; or• has reasonable grounds to suspect that the permanent resident or foreign national is inadmissible on grounds of	A55(3)

<ul style="list-style-type: none"> ○ security, ○ violating human or international rights, ○ serious criminality, criminality or ○ organized criminality. 	
<p>Mandatory arrest and detention — designated foreign national</p> <p>If a designation is made under subsection 20.1(1), an officer must</p> <ul style="list-style-type: none"> • detain, on their entry into Canada, a foreign national who, as a result of the designation, is a designated foreign national and who is 16 years of age or older on the day of the arrival that is the subject of the designation; or • arrest and detain without a warrant — or issue a warrant for the arrest and detention of — a foreign national who, after their entry into Canada, becomes a designated foreign national as a result of the designation and who was 16 years of age or older on the day of the arrival that is the subject of the designation. 	A55(3.1)
<p>Notice to the Immigration Division</p> <p>If a permanent resident or a foreign national is taken into detention, an officer shall without delay give notice to the Immigration Division.</p>	A55(4)
<p>Release: officer</p> <p>An officer may order the release from detention of a permanent resident or a foreign national before the first detention review by the Immigration Division if the officer is of the opinion that the reasons for the detention no longer exist. The officer may impose any conditions, including the payment of a deposit or the posting of a guarantee for compliance with the conditions, that the officer considers necessary.</p>	A56(1)
<p>Minor children</p> <p>It is affirmed as a principle that a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child.</p>	A60
<p>Ministers' warrant</p> <p>The Minister and the Minister of Citizenship and Immigration may issue a warrant for the arrest and detention of a person who is named in a certificate if they have reasonable grounds to believe that the person is a danger to national security or to the safety of any person or is unlikely to appear at a proceeding or for removal.</p>	A81

4.2. Regulatory factors and conditions

Regulations on detention and release have been developed under A61. Part 14 of the *Immigration and Refugee Protection Regulations* (the Regulations) is constructed as follows:

<p>Factors to be considered</p> <p>244 For the purposes of Division 6 of Part 1 of the Act, the factors set out in this Part shall be taken into consideration when assessing whether a person</p> <ul style="list-style-type: none"> • (a) is unlikely to appear for examination, an admissibility hearing, removal from Canada, or at a proceeding that could lead to the making of a removal order by the Minister under subsection 44(2) of the Act; • (b) is a danger to the public; or • (c) is a foreign national whose identity has not been established. 	R244
<p>Factors: Flight risk</p> <p>245 For the purposes of paragraph 244(a), the factors are the following:</p> <ul style="list-style-type: none"> • (a) being a fugitive from justice in a foreign jurisdiction in relation to an offence that, if committed in Canada, would constitute an offence under an Act of Parliament; • (b) voluntary compliance with any previous departure order; • (c) voluntary compliance with any previously required appearance at an immigration or criminal proceeding; • (d) previous compliance with any conditions imposed in respect of entry, release or a stay of removal; • (e) any previous avoidance of examination or escape from custody, or any previous attempt to do so; • (f) involvement with a people smuggling or trafficking in persons operation that would likely lead the person to not appear for a measure referred to in paragraph 244(a) or to be vulnerable to being influenced or coerced by an organization involved in such an operation to not appear for such a measure; and • (g) the existence of strong ties to a community in Canada. 	R245
<p>Factors: Danger to the public</p> <p>246 For the purposes of paragraph 244(b), the factors are the following:</p> <ul style="list-style-type: none"> • (a) the fact that the person constitutes, in the opinion of the Minister, a danger to the public in Canada or a danger to the security of Canada under paragraph 101(2)(b), subparagraph 113(d)(i) or (ii) or paragraph 115(2)(a) or (b) of the Act; 	R246

<ul style="list-style-type: none"> • (b) association with a criminal organization within the meaning of subsection 121(2) of the Act; • (c) engagement in people smuggling or trafficking in persons; • (d) conviction in Canada under an Act of Parliament for <ul style="list-style-type: none"> ○ (i) a sexual offence, or ○ (ii) an offence involving violence or weapons; • (e) conviction for an offence in Canada under any of the following provisions of the Controlled Drugs and Substances Act, namely, <ul style="list-style-type: none"> ○ (i) section 5 (trafficking), ○ (ii) section 6 (importing and exporting), and ○ (iii) section 7 (production); • (f) conviction outside Canada, or the existence of pending charges outside Canada, for an offence that, if committed in Canada, would constitute an offence under an Act of Parliament for <ul style="list-style-type: none"> ○ (i) a sexual offence, or ○ (ii) an offence involving violence or weapons; • (g) conviction outside Canada, or the existence of pending charges outside Canada, for an offence that, if committed in Canada, would constitute an offence under any of the following provisions of the Controlled Drugs and Substances Act, namely, <ul style="list-style-type: none"> ○ (i) section 5 (trafficking), ○ (ii) section 6 (importing and exporting), and ○ (iii) section 7 (production); • (h) conviction for an offence in Canada under any of the following provisions of the Cannabis Act, namely, <ul style="list-style-type: none"> ○ (i) section 9 (distribution), ○ (ii) section 10 (selling), ○ (iii) section 11 (importing and exporting), and ○ (iv) section 12 (production); and • (i) conviction outside Canada, or the existence of pending charges outside Canada, for an offence that, if committed in Canada, would constitute an offence under any of the following provisions of the Cannabis Act, namely, <ul style="list-style-type: none"> ○ (i) section 9 (distribution), ○ (ii) section 10 (selling), ○ (iii) section 11 (importing and exporting), and ○ (iv) section 12 (production). 	
<p>Factors: Identity not established</p> <p>247 (1) For the purposes of paragraph 244(c), the factors are the following:</p> <ul style="list-style-type: none"> ○ (a) the foreign national's cooperation in providing evidence of their identity or assisting the Department or the Canada Border Services Agency in obtaining evidence of their identity, in providing the date and place of their birth as well as the names of their mother and father, in providing detailed information on the itinerary they followed in travelling to Canada or in completing an application for a travel document; 	R247

<ul style="list-style-type: none"> ○ (b) in the case of a foreign national who makes a claim for refugee protection, the possibility of obtaining identity documents or information without divulging personal information to government officials of their country of nationality or, if there is no country of nationality, their country of former habitual residence; ○ (c) the foreign national's destruction of their identity or travel documents, or the use of fraudulent documents by the foreign national in order to mislead the Department or the Canada Border Services Agency, and the circumstances under which the foreign national acted; ○ (d) the provision of contradictory information by the foreign national with respect to their identity during the processing of an application by the Department or the Canada Border Services Agency; and ○ (e) the existence of documents that contradict information provided by the foreign national with respect to their identity. <ul style="list-style-type: none"> ● Marginal note: Non-application to minors <p>(2) Consideration of the factors set out in paragraph (1)(a) shall not have an adverse impact with respect to minor children referred to in section 249.</p>	
<p>Other factors</p> <p>If it is determined that there are grounds for detention, the following factors shall be considered before a decision on detention or release:</p> <ul style="list-style-type: none"> ● the reason for detention; ● the length of time in detention; ● whether there are any elements that can assist in determining the length of time that detention is likely to continue and, if so, that length of time; ● any unexplained delays or unexplained lack of diligence caused by the Canada Border Services Agency (CBSA) or the person concerned; and ● the existence of Alternatives to Detention (ATDs). 	R248
<p>Best interests of the child</p> <p>For the purpose of paragraph 248(f) and for the application, in respect of children who are under 18 years of age, of the principle affirmed in section 60 of the Act, that a minor child shall be detained only as a measure of last resort, the following factors must be considered when determining the best interests of the child:</p> <ul style="list-style-type: none"> ○ (a) the child's physical, emotional and psychological well-being; ○ (b) the child's healthcare and educational needs; ○ (c) the importance of maintaining relationships and the stability of the family environment, and the possible effect on the child of disrupting those relationships or that stability; 	R248.1

<ul style="list-style-type: none"> ○ (d) the care, protection and safety needs of the child; and ○ (e) the child's views and preferences, provided the child is capable of forming their own views or expressing their preferences, taking into consideration the child's age and maturity. <p>Marginal note: Degree of dependence</p> <p>For the purpose of paragraph 248(f), the level of dependency of the child on the person for whom there are grounds to detain shall also be considered when determining the best interests of the child.</p>	
<p>Special considerations for minor children</p> <p>For the application of the principle affirmed in section 60 of the Act that a minor child shall be detained only as a measure of last resort, the special considerations that apply in relation to the detention of minor children who are less than 18 years of age are</p> <ul style="list-style-type: none"> • the availability of alternative arrangements with local child-care agencies or child protection services for the care and protection of the minor children; • the anticipated length of detention; • the risk of continued control by the human smugglers or traffickers who brought the children to Canada; • the type of detention facility envisaged and the conditions of detention; • the availability of accommodation that allows for the segregation of the minor children from adult detainees who are not the parent of or the adult legally responsible for the detained minor children; and • the availability of services in the detention facility, including education, counselling and recreation. 	R249

4.3. Forms and publications

Several forms require the gender identity of detainees to ensure their safety and well-being. Detention forms will progressively be updated to reflect all available gender identities as follows: male, female and non binary (X) options. The X identifier is an option that may be chosen by individuals who do not identify exclusively as male or female, as well as two-spirit individuals.

Form title	Form number
Order for Detention	BSF304
Detention Cell Log	BSF481
Review of Detention	BSF920

Minister's Opinion Regarding the Foreign National's Identity (under subsection 58(1)(d) of the <i>Immigration and Refugee Protection Act</i>)	BSF510
Request for Admissibility Hearing/Detention Review Pursuant to the Immigration Division Rules	BSF524
Notice of Arrest and/or Detention	BSF561
Authority to Release from Detention	BSF566
Detention (stickers)	BSF578
Detainee Medical Needs	BSF674
Request for Release from Mandatory Detention – Exceptional Circumstances (pursuant to paragraph 58.1(1) of the <i>Immigration and Refugee Protection Act</i>)	BSF735
National Risk Assessment for Detention	BSF754
Notice of Rights Conferred by the <i>Canadian Charter of Rights and Freedoms</i> and by the Vienna Convention Following Section 55 of the <i>Immigration and Refugee Protection Act</i> Arrest or Detention	BSF776
Detention Oversight Form	BSF921
Information for people detained under the <i>Immigration and Refugee Protection Act</i> (brochure)	<p>BSF5012</p> <ul style="list-style-type: none"> • English • French • Arabic • Chinese Simplified • Chinese Traditional • Hindi • Japanese • Korean • Farsi • Portuguese • Punjabi • Russian • Spanish • Tagalog • Tamil • Urdu
Acknowledgement of Conditions - Immigration and Refugee Protection Act (IRPA)	BSF821
Request to Transfer Detainee to an Immigration Holding Centre	BSF915

5. Instruments and delegations

The Minister of Immigration, Refugees and Citizenship is responsible for the administration of the Act with the exception of the areas for which the Minister of Public Safety has assumed responsibility as described below A4(2).

4(2) The Minister of Public Safety is responsible for the administration of the Act as it relates to the following:

- examinations at ports of entry;
- the enforcement of the Act, including arrest, detention and removal;
- the establishment of policies respecting the enforcement of the Act and inadmissibility on grounds of security, organized criminality or violating human or international rights; or
- declarations under 42.1 regarding determinations under any of A34, A35(2) and A37(2).

IRPA provides officers with the discretionary authority or power to arrest and detain under A55. A56 designates to officers the authority, prior to the first detention review, to release a person from detention if, in their opinion, the reasons for detention no longer exist.

In order to confirm which CBSA officials have the authority to arrest and detain under IRPA, consult the CBSA Designation of Officers and Delegation of Authority document found in [IL3](#).

6. Departmental policy

6.1. Principles

The CBSA is guided by the following principles governing the treatment of persons detained under the Act:

- immigration detention is an administrative detention and must not be punitive in nature;
- persons detained under IRPA are treated with dignity and respect at all times;
- persons are detained in an environment that is safe and secure;
- persons are treated in a manner that is commensurate with the level of risk they pose to public safety or the integrity of the immigration program;
- persons are duly and appropriately considered for ATD throughout the detention continuum, which includes before every detention review.
- detention operations are conducted in a transparent manner, while respecting the privacy of the detained persons;
- a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child;
- people who are detained are informed of their legal rights, are given an opportunity to exercise their rights and are informed of the status of their case;
- feedback is welcomed by the CBSA and all detainees have access to a feedback process;
- for Immigration Holding Centres (IHC), the CBSA maintains national detention standards that incorporate international standards;
- monitoring of the CBSA compliance with these standards will be conducted regularly by an external agency;
- in CBSA IHC's, the CBSA makes reasonable efforts to meet the physical, emotional and spiritual needs of detained persons in a way that is culturally appropriate.

6.2. General

The CBSA recognizes that to deny individuals their liberty is a decision that requires a sensitive and balanced assessment of risk. In exercising their discretionary authority to detain, officers must consider ATDs, individual assessment of the case and the impact of release. Additionally, it requires a risk management approach that supports decision making within the context of the following priorities:

- Where safety or security concerns are identified (including criminality, terrorism or violent behaviour);
- To support removal where removal is imminent and where a flight risk has been identified;
- Where there are significant concerns regarding a person's identity including multiple identity documents, false documents, lack of travel documents or non-cooperation in assisting an officer to establish their identity.

6.3. National immigration detention standards

The CBSA has developed enhanced [National Immigration Detention Standards](#). These guidelines describe the treatment of detainees in immigration holding centers and non-CBSA detention facilities. The standards reflect the CBSA's ongoing commitment to improving immigration detention conditions. This means ensuring that all individuals are treated in a dignified and humane manner. The standards aim to ensure national consistency in the administration of the detention program.

The CBSA prepared the standards under section 5(1)(a) of the Canada Border Services Act, which provides support for the enforcement of border legislation, allowing the CBSA to manage the immigration detention process. The CBSA will review and revise the standards as needed, to reflect any issues that arise from their application and to ensure they continue to align with future policies and programming.

The national detention standards were developed to:

- Guide the administration of the detention program and the care of individuals detained under IRPA,
- Reflect the CBSA's ongoing commitment to improving immigration detention conditions, ensuring that all individuals are treated in a dignified and humane manner, commensurate with their level of risk, while ensuring a safe and secure environment for staff and detainees,
- Ensure national consistency in the delivery of the detention program across Immigration Holding Centres (IHCs) and non-CBSA detention facilities where possible,
- Enhance program transparency, by their publication on the CBSA website, and
- Mirror CBSA's vision of immigration detention as it evolves.

The standards provide guidance under the following six themes: Safety, Security, Order, Care, Activities, Administration and Management. Each region develops Post Orders and Standard Operating Procedures that align with the detention standards, and incorporates the different regional operational realities.

Please see the [National Immigration Detention Standards](#) for additional guidance.

6.4. Alternatives to Detention

The CBSA's application of its detention authorities is risk-based and supports the selective use of detention. Nevertheless, detention is a last resort and Alternatives to Detention (ATD) are always considered, with the CBSA relying on various alternatives to detaining individuals in an Immigration Holding Centre (IHC) or a provincial facility. Within the first 48 hours of detention the CBSA, and thereafter the Immigration and Refugee Board (IRB), can impose conditions on an individual and release them from detention where any identified risk can be mitigated.

Various ATDs are available and officers must consider them prior to detention and while the individual remains in detention. Officers should consider the individual's immigration history and potential risk against the maximum risk that can be mitigated through each ATD. Of note remains the fact that, accessibility to ATDs may differ between ports of entry and inland enforcement offices. The availability of ATDs may be impacted by the time or day of the arrest as some of them require involvement from third parties (e.g. guarantor and service provider). For more information on the ATD Program, see [ENF 34 Alternatives to Detention](#).

Should an ATD be considered appropriate but was not accessible/available at the time of the detention (i.e. a potential guarantor was identified but could not appear at the office), it should be included in the notice of arrest because hearing officers may make an application for an early detention review if continued detention is no longer justified.

For more information on deposits and guarantees, see the [ENF 8 Deposits and Guarantees](#).

6.5. Detention of minor children (under 18 years of age)

A minor child may be detained if grounds for detention exist under section A55. Section A60 affirms the principle that the detention of a minor must be a measure of last resort, taking into account other applicable grounds and criteria, including the best interests of the child (BIOC).

The *United Nations Convention on the Rights of the Child* (CRC), to which Canada is a party, states that the BIOC shall be a primary consideration in all state actions concerning children. In recognizing the vulnerability of children and research on the detrimental effects of detention and family separation on children, the CBSA developed the [National Directive for the Detention or Housing of Minors](#) for operational use, to achieve better and consistent outcomes for minors affected by Canada's immigration detention system. Canada's international obligations and domestic legislative and policy frameworks are the broad underpinnings of this Directive.

The objectives of the National Directive on the Detention or Housing of Minors are:

1. To stop detaining or housing minors, and family separation except in extremely limited circumstances.
2. To actively and continuously seek ATDs or AAMs when unconditional release is inappropriate.
3. To preserve the family unit for overall well-being and continuity of care.
4. To ensure that the detention or housing of a minor or the separation of a minor from his/her detained p/lg is for the shortest time possible.

5. To never place minors in segregation (or segregate them) at an IHC, provincial or any other facility.

Fundamental considerations

1. Detention of a minor is a measure of last resort (A60 above). Detention is to be avoided to the greatest extent possible and applied for the shortest period possible.
2. ATDs must always be considered first for minors and their p/lg and be actively pursued until release.
3. The unity of families is to be highly factored in all detention-related decisions.
4. The BIOC are a primary consideration and may only be outweighed by other significant considerations such as public safety (i.e. R245 Flight Risk (a) (f) and R246 Danger to the Public), or national security.
5. Detention may be considered when historic, consistent and willful breaches of IRPA or IRPR are demonstrated.
6. The BIOC assessment is to be conducted prior to any decision to detain or house a minor or separate a minor from his/her detained p/lg; and should also be conducted on a continual basis (Section 8(2)).
7. Only in extremely limited circumstances may a minor be detained or housed if no suitable ATDs can be found:
 - a) if it is in the BIOC to be housed with their p/lg;
 - b) there are well-founded reasons to believe the minor is a danger to the public;
 - c) when identity is a serious concern but only insofar as there are well-founded reasons to believe the minor or his or her p/lg may represent a risk to public safety and national security; and
 - d) the family is scheduled or can be scheduled for removal within seven days and has demonstrated a consistent pattern of non-compliance and willful breaches of conditions or violations of the Act or Regulations elevating the risk of unlikely to appear for removal.
8. Where detention is warranted:
 - a) detention or housing must be for the shortest period of time;
 - b) ATDs will be reviewed by a CBSA officer in consultation with the minor's p/lg, and counsel where applicable, on a weekly basis to prevent prolonged detention;
 - c) an unaccompanied minor should never be housed for more than 48 hours at an IHC except where danger to the public considerations have been raised.
 - d) there shall be no comingling of unaccompanied minors and other non-familial adult detainees.
 - e) no minor (accompanied or unaccompanied) shall be placed in segregation or be segregated.
 - f) families must not be separated within the detention facility where possible; and
 - g) there shall be access to education, recreation, medical and counselling services, and proper nutrition in accordance with detention standards and international obligations.

6.5.1. The best interests of the child (BIOC)

R248(f) requires that the best interests of a directly affected child who is under 18 years of age shall be considered before a decision is made on detention or release. There is no limitation regarding the directly affected child location (i.e. in Canada or abroad) or whether the minor is detained, housed or is released. Mental health evidence is clear that both detention and family separation have detrimental consequences for children's well-being. The BIOC are best achieved where children are united with their families in community-based, non-custodial settings where possible. To assess the best interests of a directly affected child or the BIOC when the child is detained, [R248.1\(1\)](#) provides a non-exhaustive list of factors that officers and Immigration Division members must consider:

1. On all detention decisions that affect minors, CBSA officers must consider the BIOC as a primary consideration.
2. To facilitate decision-making, the BIOC is to be determined separately and prior to the decision to detain the p/lg. It needs to be reviewed on an ongoing basis (includes observations and day to day interactions) based on the legal situation of the minor and their p/lg and their well-being.
3. Officers shall use, but are not limited to, the list of factors to determine the BIOC:
 - a. the child's physical, mental and emotional needs
 - b. the child's educational needs
 - c. the preservation of the family environment and maintaining relationships
 - d. the care, protection and safety of the child
 - e. the level of dependency between the child and the parent or guardian;
 - f. the child's views, if they can be reasonably ascertained; and
 - g. any other relevant factor.
4. The BIOC is to be determined on a case-by-case basis taking all relevant information related to the minor's situation into account; the interests and rights of the p/lg are taken into consideration subsequent to the BIOC determination.
5. CBSA officers must give minors capable of forming their own views the opportunity to express those views freely in all matters regarding their detention, housing or family separation. Their views should be given due weight in accordance to their age and level of maturity. Although the officer is not bound by their views, they must be considered and duly noted in the determination of what is in the BIOC.

6.5.2. Family unity

1. Every effort must be made to preserve the family unit for overall well-being and continuity of care.
2. Families must be released with or without conditions to the greatest extent possible. Where unconditional release is not possible, an ATD should be used.
 - When p/lg are detained, and public safety (i.e. R245 Flight Risk and R246 Danger to the Public) and/or national security are **not an issue**, officers must make every effort to find an appropriate ATD.
 - Where public safety (i.e. R245 Flight Risk and R246 Danger to the Public) and/or national security **are raised**, every effort shall be made to find an ATD that sufficiently mitigates the concerns.
3. Though it is crucial to maintain the family unit, there may be exceptional circumstances where it is not possible. Where **an ATD is not appropriate for the family or either parent** following a thorough review of community based options and release conditions, CBSA officers with the p/lg and relatives or CBO shall find a solution for the temporary care of the minor if this is in the BIOC. Contact information of the organization and/or person charged with temporary care of the minor must be indicated in the minor's file (or the p/lg file if the minor is a Canadian citizen). Subject to their level of comprehension, the minor should be given Legal Aid and Provincial Child Advocate contact information.
4. If a minor is separated from their family, access to the p/lg must be facilitated and the CBSA officer must inform them of the steps being taken, unless the provision of the information is contrary to the BIOC and compromises the safety and well-being of the minor.

6.5.3. Child protection services (CPS)

1. CPS are responsible for the safety, well-being and familial stability of children, which may involve investigations into abuse or neglect of children. They can also connect families to community resources to address issues like mental health, settlement, temporary accommodations, and provide guidance / advice on the BIOC. Most CBOs are equipped to provide the aforementioned.
2. CBSA officers shall consult the p/lg prior to contacting CPS unless the situation falls within the duty to report under child welfare legislation. Accordingly, CBSA officers must contact CPS if abuse, neglect or other serious concerns are suspected or identified. Additional reasons for CPS contact are as follows:
 - a. A trauma experienced by a minor;
 - b. Identified safety issues while in custody due to p/lg abuse and/or neglect; and
 - c. Parents may be facing criminal charges and due to the nature of the charges, may be separated from their children (i.e. incarcerated in a separate institution).

Refer to [Annex B](#) for a list of Child protection services.

6.5.4. Arrest and detention of a minor

1. Upon the decision to arrest and detain a minor (accompanied or unaccompanied), the CBSA officer must advise his/her supervisor immediately. The officers must note all the ATDs that they considered before concluding that detention is absolutely necessary and cannot be avoided.
2. Another officer must review the officer's initial detention decision. This officer is responsible for reviewing the case considering any new information and for authorizing release under A56 if justified. If, upon internal review, the detention decision is upheld, then the Immigration Division of the IRB will review the reasons for continuing with the detention within 48 hours following the start of the detention or as soon as possible thereafter. Of note, the CBSA will continue to conduct the BIOC assessments to inform the position taken at IRB reviews until release.
3. Where possible, the initial decision-maker shall take the lead in the active case management of the minor's file throughout the immigration enforcement stream for the best case oversight.
4. CBSA officers must ensure the security, safety, and protection of the minor under arrest/detention. In addition,
 - a. Minors shall not be handcuffed **except in extreme circumstances**. Officers must assess the risk and act on reasonable grounds when deciding to handcuff a minor. Extreme circumstances are limited to danger to the public, threat posed to an officer(s), the public or self-harm;
 - b. CBSA officers will not handcuff detained p/lg in front of their children other than under extreme circumstances (as above) or if the detained person has a violent criminal past; and
 - c. CBSA officers will not conduct personal searches or frisking of a detained p/lg in front of a minor other than under extreme circumstances (as above), or if the detained person has a violent criminal past. Officers must make every effort to conduct searches outside the view of the minor, unless doing so would cause more distress to the child.
5. Regardless of the age of the person arrested, a Notice of Arrest and/or Detention, Order for Detention (form) a National Risk Assessment for Detention and Detainee Medical forms must be completed for a detention made under A55 of the IRPA. Officers must clearly articulate reasons and grounds for arrest and detention when completing the documents, and be mindful of the importance of taking thorough and complete notes supporting their decisions and actions.
6. If the detention involves an unaccompanied minor, the CBSA must notify the Canadian Red Cross Society (CRCS) immediately following the first 48hr detention review by the IRB.

6.5.5. Unaccompanied minors

For appearances before the Immigration and Refugee Board (IRB) in situations where an unaccompanied minor is detained, A167(2) provides that a representative shall be designated for any person who is under 18 years of age or who, in the opinion of the Division, is unable to understand the nature of the proceedings. For more information on detention review, see [ENF 3. Admissibility Hearings and Detention Review Proceedings](#).

1. Unaccompanied minors shall never be detained or housed at an IHC unless it is for an operational reason (e.g. POE arrival at 03:00, outside of normal business hours) and an ATD cannot be found. In the event that an unaccompanied minor is held at an IHC for more than 24 hours, a CBSA officer must conduct an assessment of the BIOC that includes a thorough ATD review for the purpose of release. Unaccompanied minors shall also have heightened supervision (IHC staff), and access to guards, NGO staff and/or other supports as necessary.
2. If the presence of smugglers or traffickers is a concern, the matter must be discussed with CPS to ensure that adequate protection is provided (refer to Annex B).
3. In most cases, unaccompanied minors are to be released in the care of a CBO or CPS (e.g. local Children's Aid Society where a MOU is established) if they do not have a relative or trusted community link. While in their custody, the organization will make every effort to ensure that the minor meets CBSA's reporting requirements. Contact information of the organization, relative, or trusted community member charged with the temporary care of the minor or an IRB Designated Representative or lawyer must be indicated in the minor's file.

6.5.6. Housing - accompanied minors

A housed minor is a foreign national, permanent resident or Canadian citizen who, after the completion of a BIOC, is kept with their detained parent(s) or legal guardian(s) at an IHC at the latter's request.

A housed minor is not subject to an Order for Detention and is free to remain and re-enter the IHC subject to consent of the parent(s) or legal guardian(s) in accordance with the rules and procedures of that facility. No detention related forms should be issued for a housed minor as they are not detained, including the Detainee Medical Needs, as these forms are only issued where the IRPA grounds for detention of the minor are met. However, NCMS tracking of housed minor is required, see section 9.1, data entry, for more details.

The [National Directive for the Detention or Housing of Minors](#) outline that:

1. Accompanied minors shall be housed at an IHC (where available) only if it has been deemed to be in the BIOC. The CBSA officer must note the ATDs considered for both or one of the p/lg before concluding that housing was absolutely necessary for the minor and/or family unity.
2. The CBSA officer must explain to the p/lg their option to accept or to refuse housing, and that their decision will not affect their immigration case; interpreter services must be offered to the p/lg to enable clarity and full comprehension of the discussion. A CBSA Supervisor or Superintendent and the minor's p/lg must provide their written consent prior to housing at an IHC.
3. A p/lg may withdraw their consent at any time by informing the CBSA in writing. The CBSA may also withdraw their consent under extreme circumstances, such as:
 - o Inability of the p/lg to care and ensure control of the minor resulting in harm to the minor and subject to duty of care referral under the child welfare legislation; or

- An alternative to housing has become available for the accompanying the minor even after the 48-hour detention review.
- 4. If a CBSA officer considers withdrawing consent, they must justify this in writing, discuss with the p/lg, and give them an opportunity to remedy the circumstances.
- 5. CBSA officers shall conduct a weekly case review to reassess ATDs and the BIOC of accompanied minors.

6.5.7. Services in an IHC

In accordance with international standards, IHCs offer a secure and sanitary environment, proper nutrition, access to fresh air, access to the health care services (e.g. psychology and psychiatric supports) and recreation. Furthermore,

1. Minors shall be housed with both p/lg. to the greatest extent possible in order to preserve the family unity.
2. The IHC shall adhere to National Detention Standards for accompanied and unaccompanied minors, and the IHC Manager will be responsible for verifying this.
3. By provincial laws, minors must go to school starting at the age of five or six and until they are between 16 and 18, depending on the province or territory. Qualified teachers will provide in-class education for minors who are at an IHC after seven-days until they are released.

6.5.8. Transportation and travel

The CBSA Enforcement Manual's Part 6 Chapter 2 on the Vehicular Transport of Persons under Arrest or Detention is applicable to detained or housed minors. It guarantees the safety and security of individuals in CBSA custody and OB PRG-2015-34 Transportation of Non-Detained Persons in Agency Vehicles while Administering CBSA Program Legislation is also relevant. The p/lg is responsible for the care and control of their children, therefore, they must be kept with them at all times that include situations when the p/lg or minor must leave the IHC for various reasons: detention review, medical appointment, court proceeding, immigration examination, etc. NOTE: Section 10 applies to this section.

6.5.9. Reporting

1. All situations involving the detention, housing or separation of the family unit must be reported immediately to the Border Operations Centre (BOC) as a significant event in the Incident Reporting Criteria (IRC) of "Child Welfare".
 - a. The regional Single Reporting Tool (SRT) OB OPS-2017-03 to the BOC must contain the following information regarding the case:
 - i. Tombstone data for the minor involved (UCI, age, gender, citizenship);
 - ii. UCI for accompanying parent or guardian (if minor is accompanied); and
 - iii. Synopsis of the case containing detailed information regarding the case including if the minor was accompanied or unaccompanied; detained (and grounds for detention), housed or separated from a detained p/lg; and detention facility where they are held.
 - b. The SRT must contain the information that was considered during the decision-making process:

- Information regarding how the BIOC was assessed and outcome of the assessment (this is relevant for all instances involving minors (whether minors are detained, housed or separated from their detained p/Ig).
 - c. The SRT must also contain the information considered regarding actions taken to mitigate detention of minors or their p/Ig:
 - Information regarding how and which ATDs were considered in order to minimize the detention or housing of children, or the separation of children from their p/Ig.
 - d. Once the BIOC has been conducted and ATDs have been considered, and a minor is detained or housed in a detention facility, or separated from a detained p/Ig, the CBSA Officer (decision-maker) must report the case to the BOC as soon as possible.
 - e. Superintendents/managers shall ensure that a notification is sent to the BOC as outlined above.
- 2. At first contact with an unaccompanied minor (under the age of 18), the CBSA officer will notify the CRCS in writing as soon as possible by sending an email message to: IDMP@REDCROSS.CA On the Subject Line, indicate “Unaccompanied Minors” and the facility or location where the minor is being held. For general information, refer to their website: <http://www.redcross.ca/how-we-help/migrant-and-refugee-services/promoting-the-rights-of-immigration-detainees>
- 3. Aggregate reporting on minors will be part of the detention program statistics on-line quarterly publication that will also include the separation of minors.

6.6. Vulnerable persons

A vulnerable person in the detention context is defined as a person for whom detention may cause a particular hardship and they must clearly be identified on the National Risk Assessment for Detention (NRAD) form (see section 9.5). For persons falling into one or more of these categories, officers should apply the principle that where there is no danger to the public, detention is to be avoided, where possible. Detention of a vulnerable person is not precluded where the individual is considered a danger to the public. However, it should be for the shortest period of time and should be focused on supporting imminent removal. Where a vulnerability has been identified on the NRAD, an assessment for referral to a Community Case Management and Supervision (CCMS) service provider must be completed within 72hrs of the vulnerability being noted. Unless advised otherwise by health professionals, IHC staff will engage with vulnerable detainees daily and log these interactions in the Detention Activity Management System (DAMS).

Vulnerable persons may include but are not limited:

- pregnant women and nursing mothers;
- minors (under 18 years of age) (see section 6.5, “Detention of minor children”);
- persons suffering from a severe medical condition or disability (see note 1 below);
- persons suffering from restricted mobility (see note 1 below);
- persons with a suspected or known mental illness (includes suicidal and self-harmful persons);
- victims of human trafficking (see note 2 below);
- persons who may face hardship for sexual or gender based reasons or who may be victims or survivors of gender-based violence.

Note 1: To assess if a person’s medical condition, disability or restricted mobility is severe enough to cause a particular hardship, the officer must take into account the detention facility and available services.

The officer must believe that the person cannot be properly managed within the detention facility in comparison with another detainee without the vulnerability (for instance, a person requires a walker but the detention facility does not offer this kind of service). When in doubt that a person can be satisfactorily managed within a detention facility, officers should make a decision in consultation with an officer who works at an IHC, a detention liaison officer (DLO) or a designated regional representative.

Note 2: Victims or suspected victims of human trafficking should never be kept or be in contact with their trafficker, if known.

6.7. Long-term detention and jurisprudence

The CBSA considers all detentions which have lasted over 99 days to be long-term detentions. As it is done for each detention, officers should actively determine if ATDs could be available or suitable to mitigate the risk. In cases of long-term detentions, officers should carefully document each effort or progress that has been made to reach an immigration purpose (e.g. to establish the identity or to remove an individual). A detention must come to an end if it no longer serves an immigration purpose. Pursuant to A58(1)(d), the Minister's representative is required to demonstrate the possibility of establishing the identity of the person concerned within a reasonable period of time to justify continued detention on such grounds. Officers responsible for the identity investigation must follow each of the cases closely and document any efforts made to establish the person's identity. This will demonstrate that the CBSA is making progress and that the individual's detention is not indefinite. Long-term detentions are more justifiable where one of the following situations occurs:

- the detained individual is a danger to the public;
- ATDs and conditions cannot sufficiently mitigate the danger to the public or the unlikelihood to appear; or
- Delays can be attributed primarily to the detainee, as a result of their refusal to cooperate with CBSA in achieving the applicable enforcement outcome.

Jurisprudence

In [Sahin v. Canada \(Minister of Citizenship and Immigration\), \[1995\] 1 F.C. 214](#), the Federal Court ruled that persons cannot be held indefinitely under the provisions of the *Immigration Act*. There has to be an end to the process in view. This ruling has been quoted several times in several judgements, even if it refers to the former *Immigration Act*. In this case, the reason for detention was that, in the opinion of the adjudicator, the subject would not report for removal if required to do so. The Court's decision in this case set out a four part test regarding detention. These four factors have been integrated into R248.

- The first is that there is a stronger case for justifying a longer detention for someone considered a danger to the public.
- The second concerns the length of future detention: if it cannot be ascertained, the facts would favour release.
- The third is a question of who is responsible for any delay: unexplained delay or even unexplained lack of diligence should count against the offending party.
- The fourth is the availability, effectiveness and appropriateness of ATDs such as outright release, bail bond, periodic reporting, etc.

In [Lunyamila v. Canada \(Public Safety and Emergency Preparedness\) 2016 FC 1199](#), the Federal Court ruled that persons who are a danger to the public or a flight risk and who are not cooperating with the Minister's efforts to remove them from Canada, must continue to be detained until such time as they cooperate with their removal, except in exceptional circumstances. However, release might be justified in an exceptional circumstance, such as where there have been unexplained and very substantial delays by the Minister that are not attributable to the detained person's lack of cooperation or to an unwillingness on the part of the Minister to incur substantial costs that would be associated with pursuing non-speculative possibilities for removal. Where a person is a danger to the public, the greater the risk that the public would be required to assume under a particular alternative to detention, the more this factor should weigh in favour of continued detention.

In [Canada \(Public Safety and Emergency Preparedness\) v. Ismail. \[2015\] 3 FCR 53. 2014 FC 390](#), the Federal Court has determined that there is nothing in subsection A58(1) that ties the ability of the Immigration Division to continue to detain an individual under that provision to the original grounds of detention under A55. It is thus apparent on the face of the legislation that an individual may originally be detained by an officer for one reason, on the basis of one standard, but may later be denied release by the Immigration Division on a different ground, and on the basis of a different standard.

7. Detention facilities

In the administration of the immigration detentions program, the CBSA uses multiple detention facilities to detain individuals under the IRPA. The placement and transfer of detainees in a detention facility, is guided by their NRAD score, factors of their case and location.

A142 Every peace officer and every person in immediate charge or control of an immigrant station shall, when so directed by an officer, execute any warrant or written order issued under this Act for the arrest, detention or removal from Canada of any permanent resident or foreign national.

A143 A warrant issued or an order to detain made under this Act is, notwithstanding any other law, sufficient authority to the person to whom it is addressed or who may receive and execute it to arrest and detain the person with respect to whom the warrant or order was issued or made.

Immigration holding centres

The IHC should always be the default detention facility if risk can be mitigated, in regions where those facilities are available. Individuals detained under the IRPA who have scored 0 to 4 points and 5 to 9 points (if risk can be mitigated in an IHC) on the NRAD form [\[BSF754\]](#) should be held in an IHC. The CBSA operates three regional IHCs:

- The Laval IHC has a maximum capacity of 152 detainees. It is located at 300 Montée Saint-François, Laval, QC H7C 1S5, 450-661-2001, QUE_CPI_Agents_DL@cbsa-asfc.qc.ca. Laval IHC serves the following regions: Québec, Atlantic and Northern Ontario (Cornwall and Ottawa exclusively);
- The Toronto IHC has a maximum capacity of 195 detainees. It is located at 385 Rexdale Blvd, Toronto, ON M9W 1R9, 416-401-8505, CBSA-ASFC_GTAR_EIOD-Dist_Holding_Centre@cbsa-

asfc.gc.ca . Near the Pearson International Airport. Toronto IHC serves the following regions: Greater Toronto Area, Southern Ontario and Northern Ontario (except Cornwall and Ottawa);

- The BC IHC has a maximum capacity of 73 detainees. It is located at 13130 76th Avenue, Surrey, BC V3W 2V6, 778-591-4223, PAC-Dist CBSA EID Detention Operations@cra-arc.gc.ca . Surrey IHC serves the following regions: Pacific and Prairies

Provincial correctional facilities

Provincial correctional facilities are used in regions where placement in an IHC is not suitable or not available. Individuals detained under IRPA who have a total score of 5 to 9 points (if risk cannot be mitigated in an IHC) and 10 points and more on the NRAD form [[BSF754](#)] should be held in a provincial correctional facility. Please see [Annex E](#) for a list of commonly used detention facilities and the official language of service available.

The CBSA has several arrangements and bilateral agreements with provincial governments to allow the use of provincial correctional facilities by CBSA detainees. Currently, the CBSA has bilateral agreements with the following provinces for the purpose of immigration detention: [Alberta](#) (2006), [Ontario](#) (2015) with [amending agreement](#) (2017) and [second amending agreement](#) (2020), [Quebec](#) (2017), [British Columbia](#) (2017), [New Brunswick](#) (2019), [Nova Scotia](#) (2018).

Police stations

In some regions, detainees are detained at police stations or local RCMP detachment for a few days or less until transferred to a provincial correctional facility or pending transfer to CBSA custody. This is more common in isolated communities where no IHC nor provincial correctional facility is in near proximity.

8. Detentions program monitoring

The CBSA conducts internal reviews of its detentions program. These reviews help ensure operational alignment with national and international detention standards, adherence to CBSA national detention policies and directives, as well as consistency in officer-decision making, enabling effective management of the program and continual process improvement. In addition, the CBSA's detentions program is monitored by other organizations. The regular independent and unbiased monitoring reports have been key in ensuring that reviews and recommendations are transparent, impartial and in the best interest of immigration detainees.

8.1. Canadian Red Cross

Since 1999, through arrangements with the federal government, the Canadian Red Cross (CRC) has been independently monitoring the CBSA's immigration detention program to ensure that persons detained pursuant to the IRPA are held and treated in accordance with applicable domestic standards and in compliance with international instruments to which Canada is signatory. During this time, the CRC has conducted site visits to IHCs, provincial correctional facilities and other detention facilities across

Canada and has provided important feedback and expert advice on policies and programs to the CBSA through their annual reports, detainee visits, communication and regular meetings.

In 2021, the contract was renewed with the CRC for the continued monitoring services of Canada's immigration detention program to ensure that the CBSA's immigration detention program meets both national and international immigration detention standards. Under the contract, the CRC conducts ongoing site visits throughout the year, report on its findings and provide recommendations to the CBSA to help improve the overall immigration environment for detainees. To this end, the CBSA collaborates with the CRC and both parties have agreed to the following:

- The CBSA will provide the CRC unfettered access to all persons being held in detention facilities under the control and management of the CBSA. As required, the CBSA will escort the CRC and its resources into IHC facilities and areas where they will meet with immigration detainees to conduct their confidential meetings.
- In cases where the CRC is denied access to non-CBSA facilities, the CBSA Region or Headquarters will endeavour, to the fullest extent possible and subject to any lawful limitations, to facilitate access to immigration detainees being held in detention facilities under the control and management of other federal, provincial, territorial or municipal authorities.
- Following the initial detention review by the IRB and after 48 hours, in accordance with the legislative and/or procedural protocols established by the CBSA, the CBSA will notify the CRC's established point(s) of contact of unaccompanied minors being detained under the age of 18, or of any other significant event.
- The CBSA will provide limited information regarding a detainee's case history (e.g. country of citizenship and/or country of origin, gender, and language spoken) that is required by the CRC to effectively conduct monitoring visits with detainees and which is relevant to assess detention operations. These data elements do not identify any individual(s) and are not considered personal information.
- The CBSA will notify the CRC when an emerging issue or incident occurs (e.g. hunger strike, allegation of abuse, death in custody) so that the CRC may conduct a monitoring visit to ensure the well-being of other detainees as well as the detention environment.

CBSA Notification Requests

- Unaccompanied Minors: At first contact with an unaccompanied minor, the CBSA regional management will notify the CRC in writing as soon as possible by sending an email message to: IDMP@REDCROSS.CA. On the subject line, the CBSA regional management is to indicate: "CBSA Notification Request: Unaccompanied Minors" and the facility or location where the minor is being held.
- Emerging Issues: Following the same communication protocol, the CBSA regional management will also notify the CRC when an emerging issue or incident occurs such as a hunger strike, protest, allegations of abuse, or lockdown.
- Death in Custody: Following a death in custody, the CRC is not expected to intervene while the provincial or responsible local authority undergoes its investigation. However, the CBSA regional management will notify the CRC of the death in custody in order for the CRC to conduct a monitoring visit of immigration detainees held in the detention facility to ensure their continued well-being and a healthy detention environment following the incident.

8.2. United Nations High Commissioner for Refugees (UNHCR)

All CBSA facilities are subject to independent monitoring of detention standards by the UNHCR. Canada is a signatory to the 1951 [Convention Relating to the Status of Refugees](#) and the 1967 [Protocol Relating to the Status of Refugees](#). Under article 35 of the Convention, Canada is required to co-operate with the UNHCR in the exercise of its functions and will, in particular, facilitate its duty of supervising the application of the provisions of this Convention. In order to enable the UNHCR to finalize performance management reports, Canada is required to provide the UNHCR thorough information and statistical data requested concerning the following:

- the condition of refugees;
- progress in implementing this Convention; and
- laws, regulations and decrees that are, or may hereafter be, in force relating to refugees.

Refugee claimants must be able to contact and be contacted by the local UNHCR office.

9. Procedure: Detention

Arrest

Under sections A55(1), (2) and (3), an officer may arrest and detain a person. For complete information on the procedures for arrest under the IRPA, see [ENF 7, Immigration Investigations and IRPA s.55 Arrests/Detentions](#).

Detention

The following table includes tasks that must be completed once a decision is made that the person's detention will be continued and they will be placed in a detention facility.

Task	Responsibility and References	Uploaded to GCMS	Paper copies			
			Case file	Detainee or designated representative	Detention Facility	IRB
Use an accredited interpreter where a detainee does not understand one of the Canada's official languages to ensure procedural fairness and fill out form: Interpreter Declaration [IMM1265B].	Officer See Using the services of an accredited interpreter		X			
Photograph and fingerprint the detainee, if not already done during the arrest process.	Officer See ENF 12 Search, Seizure, Fingerprinting and Photographing		X			
Give the detainee the brochure "Information for people detained under the Immigration and Refugee Protection Act" [BSF 5012] and any other regional detention facility information.	Officer			X		

	See section 4.3 to select one of the 16 languages available.					
Conduct a visual check or video monitoring of detainees while in short-term detention rooms or cells at least once every 15 minutes. Fill out Detention Cell Log form BSF481 . If a detainee is believed to be suicidal or self-harmful, constant visual or video monitoring is required.	Officer or contracted security guards See section 10, Care of detainees while in short-term detention rooms or cells.	X	X			
Only for detentions where the identity of a foreign national has not been established, fill out form Minister's Opinion Regarding the Foreign National's Identity (under subsection 58(1)(d) of the Immigration and Refugee Protection Act) BSF510 .	Minister's delegate (Superintendent, Manager, hearings officer)	X	X			X
Data entry in GCMS and NCMS or make arrangement with the nearest inland enforcement office for the earliest possible data entry to NCMS.	Officer See section 9.1 Data entry					
Fill out form Detainee Medical Needs BSF674 .	Officer See section 9.4, Detainee medical needs	X	X	X	X	
Fill out form National Risk Assessment for Detention BSF754 .	Officer See section 9.5 Placement: National risk assessment for detention	X	X	X	X	
Fill out form Order for Detention form BSF304 .	Officer See section 9.3 Order for Detention	X	X		X	
If the detainee will be transported by contracted security guards, notify the contracted security guards of all transport request as soon as practicable to minimize any delay. Provide them with a copy of Forms BSF304, BSF674 and BSF754 so that they can provide them to the detention facility when transporting the inmate.	Officer See section 11.6 Transport					
Provide in writing to the detainee the name, address, telephone number of the detention facility with any other regional detention facility information. If the detainee will be detained in a provincial correctional facility, also give the DLO's or designed officer's contact information.	Officer			X		
Fill out form Request for Admissibility Hearing/Detention Review Pursuant to the Immigration Division Rules BSF524 and notify the IRB – Immigration Division and save in GCMS evidence (e.g. copy of the facsimile receipt) that the IRB - Immigration Division has been informed.	Officer	X	X			X
Notify the duty manager, Hearings, and Detentions (CLO/DLO) of new detention by email.	Officer		X			
The Detention Oversight Form BSF921 must be completed and uploaded into GCMS for each continued detention case.	Management See section 9.6 Management review of detention cases	X				
Notify the Canadian Red Cross by sending an email to IDMP@REDCROSS.CA and keep the email for each case involving: unaccompanied minors, and emerging issues and death in custody.	CBSA regional management See section 8.1 Canadian Red Cross		X			

9.1. Data entry

Detention tracking information is very time sensitive and must be entered into the Global Case Management System (GCMS) and the National Case Management System (NCMS) databases as soon as possible. Both systems are being used to track detainee cases and to produce statistics for the detentions program management and for public reporting.

GCMS

Most detention forms, such as a detention order, are available in GCMS, which allows officers to fill them out electronically. To ensure consistency and the ability to track cases, all GCMS-generated detention forms must be saved in the associated activity (for example, examination, arrest).

Some detention forms, such as the “National Risk Assessment for Detention” and “Detainee Medical Needs” forms, are currently available only as a fillable PDF, which allows officers to fill them out electronically. To ensure consistency and the ability to track cases, all filled-out detention forms that are not available in GCMS must be saved in GCMS, under the detainee’s unique client identifier (UCI). Multiple forms may be simultaneously scanned and uploaded in the same attachment, as long that they are clearly identified:

- Navigate to “Clients” > “Documents” > “ID Supporting Documents” sub tab.
- Create a new record.
- Select the following options:
 - Type: CDN Immigration Doc
 - Sub Type: Client Submission
 - Document #: Form(s) BSF#
 - Country of Issue: Canada
 - Document Name: Name(s) of the form(s)
- Complete the “Issue Date”.
- Add a new attachment in PDF format.

Note: The ability to complete detention forms electronically does not mean that forms may be also be signed electronically—staff must comply with current directives and policy concerning use of electronic signatures.

See the Wiki GCMS reference materials, [Arrest & Detain](#) and [Detained for Examination or MD Review](#), for more details. It is essential that the request for detention review and the detention summary screens in GCMS be completed as soon as possible by either the officer or the minister’s delegate. If the detainee detention facility or detention grounds change, it must be updated in GCMS.

Completed DMN and NRAD forms are to be uploaded into GCMS within 48 hours of an initial assessment, and within 7 days of a reassessment.

NCMS

The NCMS must be used for tracking all detentions originating at ports of entry and inland offices.

If a detainee is being transferred to a detention facility, a National Risk Assessment for Detention event must be completed under the ‘immigration hold’ tab in NCMS. Officers must create a new NRAD event, enter the total score in the disposition section and select a vulnerability category (if applicable). For procedures on entering detention data into NCMS, please see the [NCMS - User Guide](#).

Most port of entry detention cases are forwarded to an inland enforcement office for ongoing case management. The inland enforcement office will initiate the detention process in NCMS. However, if a detention originates at a port of entry that does not have access to NCMS and the case does not need to

be managed by an inland enforcement office (e.g. a person is detained and released at a port of entry before the first detention review), then an e-mail request to initiate the detention process must be sent to the nearest inland enforcement office for the earliest possible data entry to NCMS.

For NCMS tracking of minors on Alternative Arrangement, Housing or Detention, please see the [Standard Operating Procedures](#).

9.2. Order for Detention

The form Order for Detention [BSF304] is used when an individual is detained under A55 and needs to be placed or transferred to a detention facility (i.e. IHCs, provincial correctional facilities and police stations). Officers must fill out the form and the receiving detention facility staff must be given a copy. At the time of the transport, the detainee must receive in writing: the name, address and telephone number of the detention facility. If the detainee is detained in a provincial correctional facility, the DLO's or designated officer's contact information must also be given to the detainee. The form is not required if the detainee is released before any placement or transfer to a detention facility has occurred.

9.3. Detainee medical needs

The intent of the "Detainee Medical Need" (DMN form) [BSF674] is to ensure national consistency in gathering and sharing information regarding detainee medical needs with detention staff. The officer making the detention decision must complete the DMN form to safeguard the safety and well-being of the detainee. This form is not required if the detainee is released before any placement or transfer to a detention facility has occurred. An information session on the Detainee Medical Needs form is available to officers in the following training and learning section: http://atlas/pb-dgp/res/toolkit-outils/detention/forms-formulaires/index_eng.asp

Information contained in the health condition section is based on information stated by the detainee, and its accuracy cannot be validated before a consultation with a health care professional. The form is not a medical diagnosis but a tool for detention staff to note any information pertaining to the detainee's self-identified needs, before the detainee has their initial consultation with a health care professional. The form contains information on the detainee's health needs (such as mobility impairment) and life-threatening health conditions (such as heart disease, diabetes or allergies). In addition, the DMN form [BSF674] contains emergency contact information. If the detainee provided contacts in this section, the CBSA will contact the individual listed in the event of a life threatening health condition or death of the detainee in CBSA custody or control during the detention period. If required, the detainee's personal information will be shared with the emergency contact. See section 10.3, In-custody death or serious injury notification, for more details.

In addition, the DMN form [BSF674] contains specific questions to capture self-identified mental health conditions (such as depression or bipolar disorder) and indicators (such as a previous suicide attempt), which may indicate a predisposition to suicide and self-harm. Mental health questions are of a sensitive nature and should be asked in a non-judgemental way. Officers should use a friendly and accepting tone and allow the person time to speak. If a person being detained is believed to be suicidal or self-harmful, see section 10.1, Procedure: Suicidal and self-harmful detainee.

The DMN form [[BSF 674](#)] must be placed in the detainee's case file, and a copy of the form must be given to the following:

- the detainee or designated representative (by hand, by mail or electronically);
- the detention facility personnel (to the health care professional).

[Paragraph 8\(2\)\(a\)](#) of the Privacy Act (consistent use) allows the disclosure of information where the disclosure is made for the purpose for which the information has been obtained. The individuals are being detained for IRPA purposes regardless if the detention facility is owned or not by the CBSA, and the disclosure is to ensure detainee well-being and to assess health needs.

Subsequent assessments

Until the person is released from detention, a subsequent assessment using the DMN form [[BSF674](#)] must be completed:

- At least once every 60 days after every assessment if detainees are detained in a provincial correctional facility; or
- sooner if the detainee self-identifies a change in their medical condition or if a possible change in their medical condition is observed by any custodial staff regardless of the detention facility.

****IHCs with contracted medical services on-site are exempt from completing subsequent DMN forms.***

The re-assessment is crucial to ensure up to date information regarding the detainee's medical needs is available in the event a transfer to another detention facility or in a circumstance that would require the CBSA to notify the emergency contact(s). For detainees in a detention facility elsewhere (such as a provincial correctional facility), the responsibility lies with a DLO or an officer designated to perform this function.

For detainees in an IHC, the responsibility lies with officers working at the IHC. They are expected to continue an active dialog with on-site medical services as well as the detainee to have a clear understanding of the detainee's needs and to assist in the on-going placement and classification.

Under the guidelines outlined in section 9.1, completed DMN forms are to be uploaded into GCMS within 48 hours of an initial assessment, and within 7 days of a reassessment.

9.4. Procedure: National risk assessment for detention – initial and subsequent assessments

The placement or transfer of a detainee to a detention facility cannot be used as a form of punishment. The intent of the initial NRAD [[BSF754](#)] assessment is to ensure a national consistent approach to detention placement through a transparent and objective risk assessment, based on historical and available data. The officer making the detention decision must complete the NRAD form and identify the detainee's risk and vulnerability factors to safeguard the well-being of the individual, other detainees,

contracted staff and CBSA employees. Accurate NRAD information is critical in every detention case destined for a provincial correctional facility or IHC. Any transfer or placement to an IHC must be done in consultation with IHC IEOs or IHC management. This includes transfers between non-IHC regions to an IHC.

** The NRAD is not required if the detainee is released before any placement or transfer to a detention facility has occurred.*

Please refer to 9.5 Triage: IHC review of the initial NRAD – placement and classification for more information.

Please refer to 11. Transfer of detainees for non-IHC regions to an IHC for more information.

Initial NRAD assessment by the arresting officer or officer assigned to the case

Officers must rely on facts and evidence for which there are reasonable grounds to believe or suspect, depending on the IRPA allegation when assessing each risk and/ or vulnerability factor. The risk and vulnerability factors when completing the NRAD are as follows:

- **Risk factors #1 and #2** allocate points if there are reasonable grounds to suspect a detainee is inadmissible due to security grounds or organized criminality.
- **Risk factor #3** allocates points based on the number of years that have passed since the last **known** offence (this does not apply to in Canada criminality) or conviction, if any, which may cause inadmissibility for serious criminality or criminality. Offences where an individual was found not guilty or where charges have been withdrawn must not be counted in the assessment.
- For the purpose of completing **risk factors #4 and #5**, an officer may consider the last outstanding charge if the person has been charged but the trial has not been concluded, or the conviction date set. These questions apply equally to persons who have committed violent acts associated with inadmissibility pursuant to paragraph A35(1)(a). Offences where an individual was found not guilty or where charges have been withdrawn must not be counted in the assessment. The following table offers a general overview of common non-violent crimes, violent crimes and severely violent crimes:

Crime types	Common crime examples (with Criminal Code of Canada references)
Non-violent crime	<ul style="list-style-type: none"> • Possession of child pornography (section 163.1(4)) • Operation while impaired (section 320.14) • Theft (section 322) • Breaking and entering with intent, committing offence or breaking out (section 348) • Fraud (section 380) • Possession of a controlled substance (section 4 of the Controlled Drugs and Substances Act) • Trafficking in substance (section 5 of the Controlled Drugs and Substances Act)
Threats or violent crime	<ul style="list-style-type: none"> • Uttering threats (section 264.1)

	<ul style="list-style-type: none"> • Assault (section 265) • Sexual assault (section 271) • Includes all severely violent crimes (see below)
Severely violent crime	<ul style="list-style-type: none"> • Assault with a weapon or causing bodily harm (section 267) • Sexual assault with a weapon, threats to a third party or causing bodily harm (section 272) • Aggravated sexual assault (section 273) • Murder (section 229) • Manslaughter (section 234) • Robbery (section 343) • Torture (section 269.1)

- **Risk factor #6** allocates points if in the last two years, a detainee was involved in a serious incident during the arrest or was involved in a disciplinary action as a result of a major breach of the detention facility rules of an IHC, a provincial or a federal correctional facility or a port of entry or inland office cell. It includes disciplinary actions that have occurred in detention facilities outside Canada. The CBSA's [National Immigration Detention Standard on Prevention and Management of Breaches](#) defines a major breach as the following: An act whereby a person commits, attempts to commit, and/or incites behaviour or acts that are violent, harmful to others or cause an unsafe environment for detainees and other persons. **Disciplinary action:** a response to detainee behavior associated with a breach of the facility rules or Canadian law.
- **Risk factor #7** allocates points if a detainee previously escaped or attempted escape from legal custody (e.g. from a detention facility or from the custody of an officer).
- **Risk factor #8** allocates points if a detainee remains the subject of an unexecuted criminal warrant for arrest. When completing the NRAD, warrants issued under immigration or traffic laws or other such statutes are not considered as criminal warrants and would not be applicable for this risk factor.
- **Vulnerability factor #1** reduces points if a detainee is a vulnerable person. Only one vulnerable category can be selected even if the detainee is part of more than one vulnerable category. Where a vulnerability has been identified on the NRAD, an assessment for referral to a Community Case Management and Supervision (CCMS) service provider must be completed within 72hrs of the vulnerability being noted. Unless advised otherwise by health professionals, IHC staff will engage with vulnerable detainees daily and log these interactions in DAMS.

For information on vulnerable persons, see section 6.6.

Additional Information

Details and any additional information supporting the officer's recommendation (e.g. details of key risk factors, the detainee's behaviour, details given by the detainee, incidents and changes in the facility type for detention). This includes the official language in which the detainee prefers to receive services.

Preferred Official Language of services

Under Section 3(3)(d) of the IRPA, and Part IV of the [Official Languages Act](#) (OL) the CBSA must consider official language preference when deciding where to place an immigration detainee. Neither the IRPA nor the OL require that the placement decision be based solely on official language preference, but

rather than preference be considered as one factor among others when determining in which facility to place an immigration detainee. The proximity of a provincial detention facility offering services in the preferred official language will also be a factor in deciding where to place a detainee. To aid in these considerations, refer to the document [Language Profile of Provincial Correctional Facilities](#) in Annex E.

Officer Assessment

Based on the total sum of points attributed to the risk and vulnerability factors, a detainee should be detained in a detention facility according to the total score, as follows:

- 0 to 4 points = IHC (where available)
- 5 to 9 points = IHC or provincial correctional facility (default to IHC where risk can be mitigated)
- 10 points or more = provincial correctional facility

*In IHC regions, consultation with IHC managers or an IHC IEO should occur prior to placement of a detainee within an IHC or provincial correction facility. For more information on triage, see section 9.5.1.

Ports of entry and inland offices in close proximity to an IHC must triage detainees for classification and placement in an IHC or in a provincial correctional facility. Although ports of entry and inland enforcement offices not located in close proximity to an IHC can solely refer detainees for placement in a provincial correctional facility, officers will consult with a Superintendent or higher regional authority for port of entry cases, or an Inland Supervisor or higher regional authority for inland cases prior to transporting the detainee. Inland enforcement offices may later refer detainees for transfer to an IHC based on the detainee's NRAD total score (see section 11). IHC managers or IEOs are the ultimate decision makers to determine if a detainee's risk factors and behaviour can be appropriately managed within the IHC.

To ensure procedural fairness of each assessment or subsequent assessment, the detainee must be informed of the risk and vulnerability factors taken into consideration, and officers must ask if there is anything the detainee would like to add that may impact the officer's recommendation before completing the assessment. The officer is not bound by the information given by the detainee; however, the information must be taken into consideration in compliance with procedural fairness. If a detainee refuses to speak with the officer, the officer should rely on the other information sources to complete the assessment (e.g. a file review, security guards' observations, incident reports and a designated representative). If the detainee was not afforded an opportunity to provide additional information, the officer must provide the rationale on the NRAD.

Details of the key risk factors, criminal convictions, the detainee's behaviour, preferred language of service, or any other information supporting the officer's recommendation must be recorded in the Additional Information section of the NRAD. This section must be completed in full, statements such as "refer to file" are not acceptable notes to support the recommendation.

The decision **must be communicated** to the detainee, the NRAD must be placed in the detainee's case file and a copy of the form **must be given** to the following:

- the detainee or designated representative (by hand, by mail or electronically); and
- the detention facility personnel.

[Paragraph 8\(2\)\(a\)](#) of the Privacy Act (consistent use) allows the disclosure of information where the disclosure is made for the purpose for which the information has been obtained. The individuals are being detained for IRPA purposes regardless if the detention facility is owned or not by the CBSA, and the disclosure is to ensure the safety of the detainee, other detainees and staff where the detainee is being held.

For NRAD initial assessment, the detention placement recommendation shall be reviewed prior to the placement of a detainee in a detention facility by the authorities outlined in section 9.6 (see section 9.6, management review of detention decision, for more details).

Subsequent assessments

Until the person is released from detention, a subsequent assessment using the NRAD form [\[BSF754\]](#) must be completed:

- At least once every 60 days after every assessment if detainees are detained in a provincial correctional facility; or
- Sooner if new information or a change in circumstances has a repercussion on the detainee's total score or the detention placement regardless of the detention facility.
- For detainees held in an IHC, a NRAD reassessment should be completed if there is a change in circumstances that could affect the NRAD score.

Subsequent assessments must be supported by information to corroborate the status quo or the change in the facility type for detention. For detainees held in an IHC, the responsibility lies with officers working at the IHC. For detainees held in a detention facility elsewhere (such as a provincial correctional facility), the responsibility lies with a DLO or an officer designated to perform this function and the assessment shall be reviewed by an Inland Supervisor or higher regional authority. Changes in the person's risk and vulnerability factors, and the ability to mitigate that risk within an IHC should be considered at each assessment. Where a vulnerability has been identified on the NRAD, an assessment for referral to a Community Case Management and Supervision (CCMS) service provider must be completed within 72hrs of the vulnerability being noted. Unless advised otherwise by health professionals, IHC staff will engage with vulnerable detainees daily and log these interactions in DAMS.

Requests for an early subsequent assessment may be received from individuals (e.g. counsels and detainees) from time to time. These requests must be responded to with notes to file and any new circumstance must be taken into consideration. When a request is made, if the officer responsible for filling out the subsequent assessment is of the opinion that no circumstance has changed (i.e. no impact on the NRAD total score of the detainee) then, no early subsequent assessment is needed. However, a formal response must be sent to the requestor, which will explain the NRAD subsequent assessment process and the decision.

Detainees medically unfit for placement or transfer

If a health care professional does not recommend moving a detainee because of a medical condition, the information must be communicated to an IHC manager. In the case of disagreement, the IHC manager is the ultimate decision maker to authorize, or deny a detainee's placement or transfer.

The decision to authorize or deny the placement or transfer should be made in consultation with IHC health care professionals and take into consideration the safety and well-being of the detainee, other detainees and staff. Due to information privacy laws, health care professionals may not be authorized to disclose details or personal information to CBSA staff. However, they can make recommendations on how to facilitate a detainee's placement or transfer or give advice regarding when a detainee should be fit for transfer. If an IHC manager concurs that a detainee is not medically fit for transfer, it should be documented on the NRAD form [\[BSF754\]](#) in the additional information section. Regular follow ups should be done with the health care professionals in case the detainee's medical condition improves.

In accordance with the guidelines set out in section 9.1, completed NRAD forms must be uploaded to GCMS within 48 hours of the initial assessment and within 7 days of a subsequent assessment. In addition, the final score obtained during the NRAD and the vulnerability factors must be registered in GCMS as soon as possible by the officer or by a manager in the inland office (if the GCMS is done by an Officer at the POE).

9.5. Triage: IHC review of the initial NRAD – placement and classification

In IHC regions (Québec, Greater Toronto Area and Pacific) all continued detention cases must have the initial detention placement decision reviewed by an inland enforcement officer working at the nearest IHC (Laval, Toronto, Surrey) The review of the initial detention placement is not required in non-IHC regions (Atlantic, Northern Ontario, Southern Ontario and Prairies).

In the event, based on operational requirements that the review of the initial detention placement is done remotely (e.g. by phone or email) it must be done prior to the placement of a detainee in a detention facility. In the unlikely event that this cannot be done the rationale must be notated on the NRAD.

Every effort must be made to use the IHC as the default detention facility for placement where the level of risk posed by the detainee may be mitigated. While the NRAD provides for an initial assessment of placement, each case must be further evaluated to maximize use of the IHCs and minimize to the greatest extent possible the use of provincial facilities for immigration detention.

The inland enforcement officer working within the IHC should consider the following when triaging - classifying and placing the detainee within the appropriate detention facility: National Risk Assessment for Detention [\[BSF754\]](#);

- 1) Detainee Medical Needs Form [[BSF674](#)];
- 2) Notes on file (e.g., criminal history, circumstances and nature of offences, past violence, assaults and escapes), administrative summaries, available reports (i.e., GMCS, NCMS, DAMS, law enforcement, and open source);
- 3) The IHC IEO must consider the totality of the case including extenuating circumstances related to personal history/past behaviour, medical/ psychiatric history and information gathered during conversations with the detainee;
- 4) IHC IEOs should also speak with medical services following their initial assessment and consider their placement recommendations prior to finalizing the decision;
- 5) The IHC IEO should, where possible, interview the detainee to gain a better understanding of the risk the person may pose and if the risk can be mitigated within the IHC;
- 6) Only where risk cannot be mitigated (with a high degree of certainty) should a detainee be placed in a provincial facility. Classification and placement within a provincial facility is in accordance with provincial procedures.

It is also advisable to speak with the arresting officer about the NRAD risk and vulnerability factors in cases where additional information may assist in detainee classification and placement decision. Once the initial NRAD placement decision has been reviewed by the IHC IEO, the name of said IEO must be recorded on NRAD form. In a situation where significant amendments are required to the initial NRAD total score or detention placement, the IHC IEO is responsible for filling out a new NRAD form ([BSF754](#)).

An IHC IEO placement and classification may be audited by an IHC manager. The IHC manager is the ultimate decision maker to determine if a detainee's risk factors and behaviour can be appropriately managed within the IHC.

Ongoing classification and placement of detainees within detention facilities

In IHC regions, every effort must be made to leverage the IHC as the default placement location. In addition, the General Living Units should be utilized as the default living area unless there is the presence of risk factors that could not be mitigated.

The detainees must be afforded the opportunity to discuss their classification and placement at admission, during orientation, or any time while under Immigration detention. Should a detainee wish to speak with an officer either within an IHC or at a provincial detention facility the officer should make themselves available as soon as practicable.

The classification and placement of an individual is **not static**. It is **dynamic and can evolve** over time based on observations and the assessment of behaviours exhibited within the IHC or provincial correctional facility. IHC IEO must reassess classification and placement regularly, in conjunction with the DLO (provincial facilities), and when any changes in detainee behaviour are noted or new information is received regarding the risk the detainee poses to themselves and/or others. The review of detainee classification and placement continues until release regardless of placement (IHC or provincial facility). Classification and placement decisions must be communicated to the detainee in a language or manner the detainee can understand, this may include the use of an interpreter.

As a matter of principle and for safety and security reasons the following must be applied when placing or classifying individuals:

- Men and women are to be separated;
- Unaccompanied minors are to be separated from adults;

- Family unity: children will remain with a parent/legal guardian within the IHC, unless it is in the best interests of the child.

Other separation criteria may be justified to protect detainees in situations of particular vulnerability due to:

- Age;
- Health condition;
- Ethnicity;
- Sexual orientation or gender identity.

For information on vulnerable persons, see section 6.6.

9.6. Management review of detention cases for quality assurance

Despite not being a legislative requirement, the CBSA has established an administrative process to ensure management visibility of all continued detention cases. This process will ensure that the term “continued detention” refers to the decision, following an arrest, to maintain detention and have the individual placed in a detention facility. No management permission is needed for officers to initiate a detention. In addition, no management review is needed if the arresting officer determines release is appropriate.

All continued detention cases shall be reviewed by one of the following members of management:

- a Superintendent (FB05) or higher regional authority for all Port of Entry cases; or,
- an Inland Supervisor or Manager (FB05/FB06) or higher regional authority for all Inland cases

The management personnel conducting the review of the detention must have experience in the application of the IRPA and to be aware of detention and release procedures. In addition, they must have access to GCMS.

The Management Review must be done in person prior to the IRB’s first detention review. Management reviewing the detention case must consider any new information and be able to answer this question:

- Does the legal authority exist in the IRPA for this detention?

The management review should focus on the legal authority of the detention and when clarification is necessary, they should ask questions to better understand the relevant facts of the case. The following points must be clarified: what is the detainee’s immigration status (permanent resident, protected person or foreign national)? Where the detention has occurred (in Canada or on entry into Canada)? What are the applicable detention grounds? If there is no justification for continued detention, the reviewing management must take the necessary steps to ensure the immediate release of the detainee.

Reviewing management must complete the Detention Oversight Form to confirm that all detention forms are properly completed, placed in the person’s file, and, required forms are uploaded in GCMS. They must ensure that detention factors are clearly stated in the notice of arrest and/or detention [BSF561], aligned with the selected detention grounds and supported by relevant facts. They must ensure that the best interest of the child and ATDs have been considered and if they would be deemed appropriate at a later time. Finally, reviewing management must confirm that data entry in NCMS is done or arrangements were made for their completion. The Detention Oversight Form is to be uploaded into GCMS following

completion by the manager or supervisor reviewing the file. See Annex A – Detention Oversight Form, for more information.

If any error is noted on a form during the management review, the reviewing manager or supervisor should undertake to provide immediate feedback to the officer, and take corrective measures as necessary. If a minor error is noted after a form is completed and signed and prior to being uploaded into GCMS, the form should be returned to the original officer for correction. Minor errors include typographical errors such as a spelling error in a name or incorrect date of birth. To correct the form, the officer should draw a line through the incorrect entry, initial and date the entry, then document the correct information on the form. It isn't necessary to complete a new form in order to correct a minor error. The corrected form should then be uploaded into GCMS as required.

Once the detention paper file is completed and has been reviewed by management, it may leave the originating port of entry or inland enforcement office.

9.7. Review of Detention

Although there is no legislated requirement to review a detention decision prior to the 48-hour review by the IRB, the Review of Detention form [[BSF920](#)] was created to capture an officer's decision to exercise their authority under A56 and facilitate situations in which a review of the reasons for detention is deemed necessary. The form allows a designated officer to capture the rationale for continued detention or the rationale for release and outline any suitable ATD. Only those officers who have completed the Minister's Delegate Review course should be conducting reviews under A56(1). The review should only be done prior to the 48-hour review by the IRB.

9.8. Detention review after 48-hours and informing the IRB

If the detention continues, the Immigration Division of the IRB will review the reasons for continued detention within 48 hours following the start of the detention or as soon as possible thereafter. As required under A55(4), the officer shall without delay give notice to the Immigration Division by sending the form "Request for admissibility hearing/detention review pursuant to the Immigration Division rules" [[BSF524](#)] to the registry by facsimile. The officer will retain in the file evidence that the Immigration Division has been informed. A copy of the facsimile receipt is evidence that the transmission has been completed. For more information on detention review pursuant to A57, as well as the rules applicable to the Immigration Division, see [ENF 3. Admissibility, Hearings and Detention Review Proceedings](#). See section 9.1, data entry, for more information.

Should an individual be subject to a 48-hour detention review and detention be maintained by the IRB member, the detainee must be brought before the Immigration Division at least once in the seven-day (7) period following the first review, then at least every thirty (30) days following the preceding review. When the Immigration Division has jurisdiction, that is, after the first detention review is held, hearings officers may make an application for an early detention review if continued detention is no longer justified.

The process for a designated foreign national and an individual named in a security certificate are different. For more information on detention review pursuant to the Immigration Division Rules, see [ENF 3. Admissibility, Hearings and Detention Review Proceedings](#).

10. Care of detainees

CBSA is responsible for ensuring that individuals who are detained under IRPA are detained in an environment that is safe and secure and that all reasonable efforts are made to meet the physical, emotional and spiritual needs of the detained individual.

Short-term detention rooms or cells

A short-term detention room or cell is an area that the CBSA has designated as secure at a POE office or an Inland Enforcement office pending the detainee placement or transfer to another location. A short-term detention room or cell is not considered as a detention facility because it was not designed for long detentions and few services are available to detainees. Every reasonable effort should be made to ensure that a detainee does not spend more than 24 consecutive hours in a short-term detention room or cell before their release or transfer to a more suitable detention facility.

Officers or contracted security guards must conduct a visual check or video monitoring of detainees while in short-term detention rooms or cells at least once every 15 minutes by using the Detention cell log [BSF481]. Officers should consult and follow the EN manual Part 6 – Chapter 2: [Care and Control of Persons in Custody](#).

10.1. Procedure: Request for personal items or blankets while in a short-term detention room or cell

If a detained individual requests a personal item of clothing or blanket for warmth, officers should conduct a risk assessment to determine the level of risk or harm if an item is provided to the individual.

Considerations:

- Risk of self-harm
- Mental health concerns
- Underlying medical conditions
- Risk to officers
- Criminal history
- Behaviour (e.g. threat cues)

*Risk assessment factors to be considered by the officer are non-exhaustive and are dependent on the situation and/or circumstances

Once the risk assessment is completed and the officer has not identified any apparent safety concerns, the officer should consider providing the individual with their own clothing first. It is important that officers examine the clothing prior to providing it to the detainee for contraband or weapons. However, in the

situation where no additional clothing is available or suitable, the officer should then provide a disposable blanket.

In cases where the individual requests a personal item or blanket, officers should record the request and action(s) taken in their CBSA notebooks.

Only single use blankets are to be provided. Re-usable blankets provide additional risks related to the transmittal of disease.

10.2. Procedure: suicidal and self-harmful detainee

The IRPA does not authorize the detention of an individual for their own safety or protection, except with special considerations for minor children. Persons who are believed to be suicidal or prone to self-harm are considered vulnerable persons, see sections 6.6. If an officer has reason to believe an individual is suicidal or prone to self-harm, the first intervention is for the officer to show concern and speak with the individual. For more information, officers should complete the online training course entitled "Prevention of Suicide and Self-Harm among Detainees" (H2047-P) available through the [CAS portal](#).

Mental health questions are of a sensitive nature and should be asked in a non-judgemental way. Officers should use a friendly and accepting tone and allow the person time to speak. Contrary to common belief, asking someone if they are having thoughts of suicide will not make them suicidal. If an officer is concerned about a risk of suicide, the officer must ask questions to the detainee. The following examples can be used to determine if the detainee has thoughts of suicide:

- The situation you describe sounds serious. I want to know if you have considered or are considering suicide?
- I can see you are feeling down or panicky. Sometimes when people feel like this, they have thoughts of killing themselves. Are you thinking of suicide?

If a detainee says that they are thinking about ending their life, the officer must acquire additional information from the detainee. The following examples can be used to investigate the detainee's plan for suicide:

- Do you have a plan for suicide?
- How do you plan to take your life?
- Where do you plan to do this?
- Do you have a means to do this?

Those at the highest risk for suicide in the near future have a specific suicide plan, the means to carry out the plan, a time set for doing it and an intention to do it. If a detainee has a plan and intends to end his/her life soon, do not leave a suicidal person alone. Officers should call an IHC health care professional (if available) or [Local Crisis Centres](#) right away and put them in contact with the detainee.

At a port of entry or an inland enforcement office, if a detainee is believed to be suicidal or self-harmful, a constant visual check or video monitoring by an officer or a contracted security guard is required by using the Detention cell log [[BSF481](#)]. The detainee is to be kept under continuous monitoring until:

- it is discontinued by the immediate superintendent/manager on duty;
- the detainee is released from custody; or
- the detainee is transferred to an IHC or a provincial correctional facility.

Once the detainee has been transferred to an IHC or a Provincial correctional facility, the health care professional will make an assessment to determine if the monitoring should continue or not. If transferred to an IHC, and it is determined that enhanced monitoring is required, the detainee shall be monitored in accordance with the post orders of the facility and monitoring will include visual and verbal engagement of the detainee by CBSA personnel or contracted guard services when and where necessary.

Where a vulnerability has been identified on the NRAD, an assessment for referral to a Community Case Management and Supervision (CCMS) service provider must be completed within 72hrs of the vulnerability being noted. Unless advised otherwise by health professionals, IHC staff will engage with vulnerable detainees daily and log these interactions in DAMS.

10.3. In-custody death or life threatening condition

The document, [CBSA guidelines for responding to a serious incident and death in CBSA custody or control](#), provides guidance to CBSA staff when there is a serious injury or death in CBSA custody or control, ensuring consistency with the mandate of CBSA, and the objectives to demonstrate responsibility, accountability, and transparency of CBSA's activities.

Timely and consistent responses to serious injury or death in CBSA custody or control are necessary to assure the public that the safety of the public, individuals within our care and custody, and staff is CBSA's top priority. This is done by:

- ensuring the appropriate law enforcement agency has been contacted where appropriate;
- initiating an internal administrative review when any serious injury or death occurs in CBSA custody or control as soon as all immediate facility or safety issues have been addressed;
- drafting a thorough and complete report with clear recommendations and taking appropriate action following an incident;
- sharing any findings that could reduce the likelihood or impact of a similar incident occurring in the future; and
- cooperating with the Police, Coroner or other investigative Agency in their investigation of the incident, while ensuring that issues of jurisdiction are properly considered.

Refer to [CBSA guidelines for responding to a serious incident and death in CBSA custody or control for detailed information](#).

[Annex E: Protocol Regarding the Death of an Individual Detained Pursuant to the Immigration and Refugee Protection Act](#) provides instruction and operational guidance for CBSA staff and third-party service providers working within a CBSA IHC or providing transportation services. In addition, it

provides guidance on situations where death occurs at a hospital, in a hearing room or any pre-hearing holding area, or during transfer between any of these aforementioned locations where an individual is under detention pursuant to the IRPA. The second part of the protocol provides instruction and operational guidance for CBSA staff in situations where a death occurs in a federal, provincial or municipal correctional facility where the deceased was detained pursuant to the IRPA.

Note: This protocol does not apply in situations where death occurs at a Port-of-Entry, during an inland investigation or within the removals stream pursuant to IRPA.

Notification for in-custody death or of a life threatening condition

In case of in-custody death, where there is an investigative body (e.g. local police or RCMP) involved, the notification of emergency contact will be undertaken by them. In cases where an investigative body is not undertaking the notification, it will be done by the regional director general.

In the event of a life threatening health condition to the detainee in CBSA custody or control during the detention period, if requested by the detainee on the DMN form [[BSF674](#)], the duty manager has the responsibility to contact the emergency contact. Phone calls to emergency contact(s) are only required in instances where we have reasons to believe the condition is life threatening or death is imminent.

Protocol for public communication in the event of a death or serious injury

The CBSA has developed a protocol concerning communications procedures when dealing with the death or serious injury of a detainee while in CBSA custody. The objectives are:

- To adopt a clear, consistent and transparent approach within the CBSA for public communications related to deaths and serious injuries in CBSA custody, while respecting federal policies and legislation such as the *Privacy Act* and to be in line with Public Safety portfolio partners.
- To provide a common platform to communicate such occurrences in a transparent and consistent manner;
- To ensure that all CBSA communications align with the *CBSA Communications Policy* and the *Government of Canada (GoC) Communications Policy*, and comply with the *Privacy Act*, *Official Languages Act (OLA)*, CBSA policies, and other associated regulations.

Please refer to the [Public Communications Protocol – In-custody Death or Serious Injury](#) for more details.

11. Transfer of detainees to an IHC

This section is intended to clarify options regarding placement and transfer of detainees to an IHC (i.e. Laval, Québec, Toronto, Ontario, and Surrey, British Columbia). Based on the detainee's NRAD score, ports of entry and inland offices near an IHC may refer detainees for placement in an IHC, if transport can be easily facilitated the same day, or in a provincial correctional facility. Ports of entry and inland

enforcement offices not located in close proximity to an IHC can solely refer detainees for placement in a provincial correctional facility. However, inland enforcement offices may later refer detainees for transfer to an IHC based on the detainee's total NRAD score. The guiding principles for achieving national consistency in the placement and transfer of detainees from a non-IHC region to an IHC region are as follows:

- IHCs play a key role in the effective management of the CBSA national detention program, and are available to all regions;
- Based on the NRAD assessment, IHCs must accommodate the maximum number of detainees possible, as to reduce reliance on provincial correctional facilities, regardless of where a detention is originating from;
- Detainee placement and transfer requests from non-IHC regions must be accepted in the same way as if requests were originating from within the IHC region;
- Where detainee transfer to an IHC is requested, all efforts must be made to facilitate detainee placement and transfer to an IHC, and in case of disagreement, the IHC manager is the ultimate decision maker.

IHCs and areas served

	Placement in an IHC	Transfer to an IHC
	The following ports of entry and inland offices are near enough to an IHC to expect a same day detainee transport:	The following inland offices are further away from an IHC but may request a detainee transfer to an IHC:
Laval IHC	<ul style="list-style-type: none"> • Northern Ontario Region: Cornwall, Prescott, Lansdowne and Macdonald-Cartier International Airport ports of entry. • Northern Ontario Region: Cornwall, Ottawa and Gatineau inland enforcement offices. 	<ul style="list-style-type: none"> • Atlantic region: all inland enforcement offices.
Toronto IHC	<ul style="list-style-type: none"> • Southern Ontario Region: Fort Erie, Niagara Falls Rainbow Bridge, Queenston Lewiston Bridge and London International Airport ports of entry. • Southern Ontario Region: London and Niagara Falls inland enforcement offices. 	<ul style="list-style-type: none"> • Northern Ontario Region: Kingston and Thunder Bay inland enforcement offices. • Southern Ontario Region: Windsor and Sarnia inland enforcement offices.
BC IHC	<ul style="list-style-type: none"> • Pacific Region: Vancouver and lower mainland International Airports port of entry. • Pacific Region: Vancouver and lower mainland inland enforcement offices. 	<p>Prairies Region: All inland enforcement offices.</p> <p>Pacific Region: All inland enforcement offices.</p>

Transfers to an IHC other than the identified serving IHC, may be considered on a case by case basis, but should not be common practice. The form, Request to Transfer Detainee [[BSF915](#)] to an Immigration Holding Centre can be used to request a transfer to an IHC.

11.1. When a detainee placement or transfer should be considered

Detainees with a NRAD total score of 0 to 4 and 5 to 9 points (if risk can be mitigated) may be placed in or transferred to an IHC. In non-IHC regions, prior to making the placement or requesting the transfer of a detainee to an IHC, officers must take into consideration any relevant factors including the following:

- the expected length of detention;
- the imminence of a release on an alternative to detention;
- the case complexity;
- outstanding criminal court matters
- the detainee's opinion;
- the detainee's family location and relationships;
- the detainee's legal or designated representative's opinion;
- other personal ties to a specific region.

While efforts should be made, non IHC-regions have flexibility in determining if and when a detainee should be placed or transferred to an IHC-region. It is expected that some cases can be deemed not appropriate for placement or transfer to an IHC region for one or several factors listed above. These factors and any additional information supporting an officer's decision not to request a transfer to an IHC must be recorded in the NRAD narrative section.

11.2. Requirements

In order to achieve national consistency, IHCs will consider requests for transfers from both within and outside the region where an IHC currently operates. The office requesting a transfer to an IHC will complete the Request to Transfer Detainee to an Immigration Holding Centre form [[BSF915](#)] and will submit this form to the IHC. The IHC manager or an assigned officer will review the form and all relevant information, and decide if the detainee is appropriate for transfer to the IHC. This information will be communicated back to the requesting office as soon as the decision is made.

Requirements for the transfer to an IHC

When a detainee is held in a provincial correctional facility, consideration for transfer to an IHC should be given by the DLO or an officer designated to perform this function.

Inland enforcement offices not located in close proximity to an IHC may refer detainees for transfer to an IHC based on the detainee's NRAD total score. Requests for transfer to an IHC should not be undertaken before a 48 hour detention review. If the detention is maintained, transfers may be requested after the 48 hour detention review for detainees transported by land or, after the seven day detention review for detainees transported by air. In order to ensure management oversight and visibility of all detention cases, all decisions to transfer a detainee to an IHC shall be reviewed prior to the transfer by an IHC manager. Where detainee transfer to an IHC region is requested, all efforts must be made to facilitate detainee transfer, and in cases of disagreement, the IHC manager is the ultimate decision maker. Here are examples where it would be appropriate to transfer a detainee to an IHC:

- In a non-IHC region, the detention of an inadmissible foreign national has been maintained following the seven-day detention review because the detainee is unlikely to appear for removal. The DLO does not expect an early detention review prior to the 30 day review. In consultation

with the detainee, the DLO recommends a transfer to an IHC. The detainee's NRAD total score is 3 and, after review by an IHC manager or designate, the detainee will be transferred to the IHC once the transfer arrangements have been confirmed.

- In a non-IHC region, an inadmissible permanent resident's detention has been maintained following the 30 day detention review on the grounds of danger to the public. The officer designated to fill out the NRAD subsequent assessment does not expect that the detainee will be released at the next detention review and they continue to await a danger opinion from IRCC. The officer also noted that the detainee would like to be transferred to an IHC and has relatives in the IHC region. The detainee's NRAD total score is 9. After discussion and review by an IHC manager or designate, it is determined that the detainee's risk factors and behaviour can be appropriately managed within the IHC. The detainee will be transferred to an IHC once transfer arrangements have been confirmed.

In preparation for the detainee's transfer and to ensure the safety and well-being of the detainee, other detainees and staff, the requesting DLO or the officer designated to perform this function has the responsibility to obtain the following information from the detention facility where the detainee is currently being detained prior to the transfer:

- Information regarding the detainee's behaviour, incidents involving the detainee and/or reported breaches of security;
- Information regarding physical and mental health needs and current treatments;
- The contact information of the healthcare professional at the provincial correctional facility;
- Comments and recommendations from the healthcare professional to ensure the detainee is suitable for transfer.

11.3. Placement and transfer refusal

In exceptional circumstances, an IHC manager or designate may request the detainee placement or transfer be postponed due to circumstances outside their control such as: a shortage of available space in the requested IHC section (male, female, and family) because it has nearly reached maximum capacity (over 85% occupancy), or a significant event is in progress (e.g., major disturbances such as protests,) which has temporarily reduced the IHC's capacity. In addition, an IHC manager or designate may refuse a detainee placement or transfer if the perceived risk posed by the detainee cannot be mitigated in the IHC. Transfers to an alternate IHC may be considered on a case-by-case basis, but should not be common practice.

Should an IHC manager or designate be unable or unwilling to accept a detainee from a non-IHC region, the rational and/or potential future transfer dates must be communicated by the IHC to the requesting region and to NHQ Detentions Unit, Detention-Programs@cbsa-asfc.gc.ca.

Detainee case management

Detainee case management following placement in an IHC

When possible, the detaining office should continue to manage the detainee's case file (e.g. investigation, detention reviews and removal), and leverage remote working tools as required (e.g. teleconference and videoconference) even after the detainee has been placed in an IHC. The case management would remain the responsibility of the detaining office along with any required systems updates (e.g. GCMS, NCMS). Detainee management and any associated system update will be the responsibility of the IHC. The IHC will manage detention responsibilities such as: detention placement, discipline, NRAD and Detainee Medical Needs subsequent assessments, communication and meetings with community liaison officer, NGOs, legal representatives, and other interviews, as required. Where the IHC does not have information to respond to detainee's requests they should liaise with the file holder to obtain the required information.

If the detaining office is unable to manage the detainee's case file (e.g. the hearings officers in the region are not available) then the whole detainee file must follow the detainee and the IHC region must be notified. The referring superintendent, inland supervisor or assistant director must notify the receiving IHC with the following information: UCI, a case summary and the next detention review date. The notification must be sent to the following emails:

- **Laval IHC:** [QUE CPI Agents_DL@cbsa-asfc.gc.ca](mailto:QUE_CPI_Agents_DL@cbsa-asfc.gc.ca), [QUE Mtl ASFC Aud Det Immigration Adjoints_DL@cbsa-asfc.gc.ca](mailto:QUE_Mtl_ASFC_Aud_Det_Immigration_Adjoints_DL@cbsa-asfc.gc.ca) and ASFC.O.I-R.DA/R.AD.O.CBSA@cbsa-asfc.gc.ca
- **Toronto IHC:** [CBSA-ASFC GTAR EIOD-Dist Holding Centre@cbsa-asfc.gc.ca](mailto:CBSA-ASFC_GTAR_EIOD-Dist_Holding_Centre@cbsa-asfc.gc.ca)
- **BC IHC:** [PAC-Dist CBSA EID Detention Operations@cra-arc.gc.ca](mailto:PAC-Dist_CBSA_EID_Detention_Operations@cra-arc.gc.ca)

Detainee case management following transfer to an IHC

If the office where a detention originated is unable to continue to manage the detainee case file once it has been transferred to an IHC, the whole detainee file must be transferred with the detainee and the IHC must be notified. The superintendent, inland supervisor or assistant director must make a formal request to the IHC regarding the file transfer at least two working days before the physical transfer of the detainee (see above for notification emails) to allow for sufficient time to respond and make arrangements.

11.4. Notification

Legal Counsel

In the event of a transfer to another region or facility, the detainee has the responsibility to inform legal counsel and family members of the transfer and new location, if so desired. The CBSA must inform detainees of their responsibilities and afford them the opportunity to contact their legal counsel prior to the anticipated transfer. If a detainee requires legal aid assistance, he/she should be referred to the provincial legal aid services in the region where he/she is currently detained.

Immigration and Refugee Board of Canada

Detainee placement and transfer to an identified serving IHC will not have significant repercussions on the Immigration and Refugee Board (IRB) process because it aligns for the most part with the current IRB regional structure.

A detainee transfer to an IHC outside the scope of the IRB regional office that originally heard the matter requires a notification from the receiving region as soon as possible to the board for the scheduling of the subsequent detention reviews, and any other upcoming IRB hearings (e.g. a detainee transferred from Prairie regions to the Toronto IHC). Any such request to the IRB must be processed in accordance with these guidelines (see [ENF 3 Admissibility, Hearings and Detention Review Proceedings](#) for more details).

11.5. Transport

The transport of a detainee for placement or transfer in an IHC shall be undertaken in line with [National Detention Standards for transport](#) and the Enforcement Manual, Part 6, Chapter 8, on the [vehicular transport of persons under arrest or detention](#).

Transport by contracted security guards or CBSA officers

To the greatest extent possible, contracted security guards should be used for detainee transport to and from facility locations. Where contracted security guards are not in place (i.e. regions without contracts), requests to use contracted security guards from another region may be supported with the advance approval of the IHC manager or detentions program manager (i.e. a detainee from Northern Ontario region is being transported to the Toronto IHC, and contracted security guards from Greater Toronto Area region are requested for the transport). Requests for transfer should be timely and all parties should be informed as soon as practicable to enable efficient planning and logistics, as well as minimize the use of overtime and extra duty pay.

Contracted security guard contracts are in place in the following regions: Greater Toronto Area region, Québec region, Prairies region, and Pacific region. Where a transport is inter-provincial, the contracted security contract must support the use of contracted security guards for transport between provinces. Discussions with the IHC or detentions program manager responsible for the administration of the contracted security guard contract, as well as the contracted security supervisor or operational manager may be required, to ensure that licensing in each province is in place.

Transport by land

All security guard statements of work contain a clause, which includes travel within Canada and their travel is not limited to one region. Security guards can be from the originating region, the receiving region or a combination of both as appropriate and approved by the IHC or detentions program manager of both regions.

Transport by air

Currently the use of contracted security guards for transport of detainees by air is not available. Where a detainee is arrested and detained and requires transfer to an admitting facility within the same region,

transport by air may be a viable option. Where transport by airplane is needed, transport of detainees will be done by CBSA officers.

The assignment of CBSA officers to transport detainees (e.g. by air or the security guards are unable to mitigate the risk posed by a detainee) must be authorized by a delegated manager.

Transport upon release

It is against the CBSA policy to use a federal government vehicle to transport non-detained passengers due to liability concerns. This applies to all provinces regardless if the province insures the vehicle. The enforcement manual, [part 6, chapter 8, vehicular transport of persons under arrest or detention](#), says: "It is the policy of the CBSA to transport persons under arrest or detention when required in support of the enforcement and/or administration of CBSA legislation." CBSA officers do not have the legislated authority to transport a person where the proceeding is not related to CBSA business. CBSA officers cannot use powers under the IRPA and IRPR to achieve goals that are not in relation with the Act or Regulations.

Upon release, the individual is free to remain in the IHC region or to return to his home community in a non-IHC region as long it does not contravene an imposed condition. Although it is not required by legislation, the IHC region will pay the cost of the individual returning home in order to ensure the individual safely reaches his/her destination. Nevertheless, the individual may refuse the CBSA assistance and travel by his/her own means. After approval by an IHC manager, the individual including their personal effects, will be provided prearranged transport to the degree possible (or money) and itinerary to return to the final destination of:

- Place of original detention;
- home community in Canada; or
- any other destination no further in distance than the place of original detention, if the individual chooses.

The most economical means (e.g. public transit, bus, train or plane) and arrangements should be made to avoid the need for overnight accommodation. However, when the individual's intention is to remain in the IHC region, there is no need to do so.

12. Procedure: release by officer before the first detention review

In the event that the grounds for detention cease to exist before the Immigration Division has conducted the first detention review (48-hours review), an officer or manager may release the person being detained under A56(1). Detention may no longer be justified because an ATD that sufficiently mitigates the risk posed has been identified. The following table contains the main tasks that must be completed to release an individual before the first detention review.

Task	Responsibility and References	Uploaded to GCMS	Paper copies			
			Case file	Detainee or designated representative	Detention Facility	IRB
Complete the Review of Detention form [BSF920]	Officer or member of management team	X	X			
If the detainee has already been placed or transferred to a detention facility, fill out form Authority to Release from Detention [BSF566]	Officer or member of management team	X	X		X	
If any conditions applies, fill out the form Acknowledgement of Conditions the Immigration and Refugee Protection Act [BSF821]	Officer or member of management team See prescribed conditions below . See ENF 8 Deposits and Guarantees See ENF 34 Alternatives to detention	X	X	X		
Data entry in GCMS and NCMS or make arrangement with the nearest inland enforcement office for the earliest possible data entry to NCMS.	Officer or member of management team See section 9.1 Data entry					
Use the original form Request for Admissibility Hearing/Detention Review Pursuant to the Immigration Division Rules [BSF524] , write on it : RELEASED and notify the IRB – Immigration Division	Officer or member of management team	X	X			X

A56 authorizes the officer to impose any conditions that the officer considers necessary. These conditions are imposed using the “Acknowledgement of Conditions – IRPA” form [\[BSF821\]](#). Procedures for Deposits and Guarantees are found in [ENF 8. Deposits and Guarantees](#) and procedures for ATD are found in [ENF34. Alternative to detention](#).

Prescribed conditions for A34 Inadmissibility

A56(3) states that if an officer orders the release of a permanent resident or foreign national who is the subject of either a report on inadmissibility on grounds of security that is referred to the Immigration Division, or a removal order for inadmissibility on grounds of security, the officer must also impose the prescribed conditions on the person. The conditions that must be imposed on a foreign national or permanent resident are set out in (R250.1). The designated CBSA official should use the [BSF798](#) to impose prescribed conditions and can refer to [ENF5 Writing 44\(1\) Reports](#) for additional information.

12.1. Release: mandatory arrest and detention of a designated foreign national

Under sub-section A56(2) of IRPA, officers cannot release a designated foreign national who is detained and who was 16 years of age or older on the day of the arrival that is the subject of the designation in question until:

- (a) a final determination is made to allow their claim for refugee protection or application for protection;
- (b) they are released as a result of the Immigration Division ordering their release under section 58; or
- (c) they are released as a result of the Minister ordering their release under section 58.1.

For more information on detention review process, see [ENF 3, Admissibility, Hearings and Detention Review Proceedings](#).

12.2. Temporary releases

The CBSA sometimes removes a detained individual from a detention facility on a temporary basis in order to facilitate a required procedure in the enforcement process. For example, a detainee could be temporarily removed from a facility in order to attend an interview with the consular representative of their country of citizenship for the purpose of obtaining a travel document. In these cases, Officers may complete the Authority to Release from Detention form [BSF566] and check the option “Into the custody of the Canada Border Services Officer or security personnel presenting this authority if the person is to be returned to the detention facility on the same day”. This will allow the detention facility to release the individual without the requirement to undertake their full discharge procedure.

Annex A - Detention Oversight Form



Canada Border Services Agency / Agence des services frontaliers du Canada

Restore - Restaurer

Help

Aide

PROTECTED / PROTÉGÉ **B** when completed / une fois rempli

DETENTION OVERSIGHT FORM FORMULAIRE POUR LA SURVEILLANCE DE LA DÉTENTION

Surname - Nom de famille	Given name(s) - Prénom(s)	UCI - IUC	Date (YYYY-MM-DD - AAAA-MM-JJ)				
Officer To Complete / À compléter par l'agent						Management To Complete / À compléter par la gestion	
Forms / Tasks / Formulaires / Tâches		Uploaded to CCMS / Téléchargé sur le SMOC	Copy to Case file / Copie au dossier du cas	Detainee or Designated Rep. / Détenu ou représentant désigné	Detention Facility / Centre de détention	RIB / CSRA	Quality Review of the detention file / Contrôle de la qualité du dossier de détention
BSF561 - Notice of Arrest and/or Detention Under Section 55 of the Immigration and Refugee Protection Act BSF561- Avis D'Arrestation et/ou de Detention en Vertu de L'Article 55 de la Loi sur l'immigration et la protection des réfugiés		<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
BSF776 - Notice of Rights Conferred by the Canadian Charter of Rights and Freedoms and by the Vienna Convention Following Section 55 Immigration and Refugee Protection Act Arrest of Detention Avis des droits conférés en vertu de la Chartre canadienne des droits et libertés et de la Convention de Vienne en cas d'arrestation ou de détention en vertu de l'article 55 de la Loi sur l'immigration et la protection des réfugiés		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
BSF304 - Order for Detention BSF304 - Ordonnance de détention		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
BSF754 - National Risk Assessment for Detention BSF754 - Evaluation nationale des risques en matière de détention *Ensure that the name of Manager consulted is included *S'assurer que le nom du gestionnaire consulté soit inclus		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
BSF674 - Detainee Medical Needs BSF 674 - Besoins médicaux du détenu		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Query the Canadian Police Information Centre (CPIC), Query the National Crime Information Center (NCIC), if applicable? Recherche dans le Centre d'Information de la police canadienne (CIPC), Recherche dans le Centre national d'information sur la criminalité (NCIC), le cas échéant ? <input type="checkbox"/> Reviewed / Révisé							
Notification to Hearings Division of Detention (Email notification) Aviser la Division des audiences de la détention (avisé par courriel)			<input type="checkbox"/>				<input type="checkbox"/>
Photograph and fingerprint Photo et empreinte digitales			<input type="checkbox"/>				<input type="checkbox"/>
IMM1265B - Interpreter Declaration (if required) <input type="checkbox"/> N/A IMM1265B - Déclaration de l'interprète (si requis)			<input type="checkbox"/>				<input type="checkbox"/>
Information for Persons Detained pamphlet. Include BSF5012 and any other regional detention facility information, including detention facility info (name, address and telephone number), the DLO's or CBSA Officer's contact information. Brochure d'information pour les personnes détenues. Inclure le BSF5012 et toute autre information sur l'établissement de détention régional, y compris les renseignements sur l'établissement de détention (nom, adresse et numéro de téléphone), les coordonnées de l'ALD ou de l'agent de l'ASFC. <input type="checkbox"/> (if provided at IHC) / (si fourni à CSI)				<input type="checkbox"/>			

Forms / Tasks Formulaire / Tâches	Uploaded to GCMS Téléchargé sur le SMGC	Copy to Case file Copie au dossier du cas	Detainee or Designated Rep. Détenu ou représenté autorisé	Detention Facility Centre de détention	IRB / CSR	Quality Review of the detention file Contrôle de la qualité du dossier de détention
BSF524 - Request for Admissibility Hearing/Detention Review Pursuant to the Immigration Division Rules, if applicable. BSF524- Demande d'enquête/demande d'examen des motifs de la garde conformément aux règles de la section d'immigration, le cas échéant.	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
BSF510 - Minister's Opinion Regarding the Foreign National's Identity - only where identity has not been established (if required). BSF510- Opinion du Ministre concernant l'identité de l'étranger uniquement lorsque l'identité n'a pas été établie (si nécessaire).	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
BSF502 - Notice to Transporter. BSF502 - Avis aux responsables du transport.	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
Notify the Canadian Red Cross for unaccompanied minors or emerging issues. Aviser la Croix-Rouge canadienne des mineurs non accompagnés ou les problèmes émergents.	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
Data entry in GCMS and NCMS or arrangements have been made by Officer and reviewing Management. Saisie des données dans le SMGC et le SNGC ou des dispositions ont été prises par l'agent et le responsable de l'examen.	<input type="checkbox"/>					<input type="checkbox"/>
BSF481 - Detention Cell Log and Instructions. BSF481- Registre de la cellule de détention et instructions. *Conduct a visual check or video monitoring of detainees while in short-term detention rooms or cells at least once every 15 minutes (if required). *Effectuer un contrôle visuel ou une surveillance vidéo des détenus lorsqu'ils se trouvent dans les salles ou cellules de détention de courte durée, au moins une fois toutes les 15 minutes (si nécessaire).	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>
Officer Name - Nom de l'agent						
Management Comments (to be completed by FB-05 or higher) - Commentaires du management (à remplir par FB-05 ou supérieur)						



Management Name /Nom du management

Management Signature /Signature du management

Annex B – Child protection services and family centres

- Atlantic
 - [Nova Scotia Child Welfare Services](#) (17 district offices)
 - [New-Brunswick child protection](#) 1-888-992-2873 or after hours emergency services 1-800-442-9799 (8 regional sub-district).
 - [Newfoundland and Labrador Child Protection Services \(4 Regional Health Authority\)](#)
- Quebec
 - [Association des centres jeunesse du Québec](#) (16 administrative regions)
 - [Centre jeunesse de Laval](#), 450-975-4000
 - [Centre jeunesse de Montréal](#), 514-896-3100
 - [Batshaw Youth and Family Centers](#) (Montréal), 514-935-6196
 - [Centre jeunesse de l'Estrie](#), 819-566-4121
 - [Centre jeunesse de la Montérégie](#), 450 679-0140
 - [Programme régional d'accueil et d'intégration des demandeurs d'asile](#), (PRAIDA) (514) 731-8531
- Northern Ontario
 - [Ontario Association of Children's Aid Societies](#) (Ottawa, Cornwall, Lansdowne and Prescott)
 - [Ontario Association of Children's Aid Societies](#) (Thunder Bay, Sault Saint Marie and Fort Francis)
- Greater Toronto Area
 - [Ontario Association of Children's Aid Societies](#) (47 provincial societies)
 - [Children's Aid Society of Toronto](#), 416-924-4640
 - [Catholic Children's Aid Society of Toronto](#), 416-395-1500
 - [Jewish Family and Child](#) (Toronto), 416-638-7800
 - [Peel Children's Aid Society](#), 888-700-0996
- Southern Ontario
 - [Chatham-Kent Children's Services](#), 519-352-0440 (Chatham, Blenheim, Bothwell, Chatham, Chatham-Kent, Dresden, Erie Beach, Erieau, Highgate, Ridgeway, Thamesville, Tilbury, Wallaceburg, Wheatley)
 - [Children's Aid Society of London and Middlesex](#), 888-661-6167 (London, Adelaide, Ailsa Craig, Caradoc, East Williams, Ekfrid, Glencoe, London, Lucan Biddulph, McGillivray, Metcalfe, Middlesex, Middlesex Centre, Mosa, Newbury, North Dorchester, Parkhill, Strathroy, Wardsville, West Nissouri, West Williams)
 - [Children's Aid Society of Oxford County](#), 519-539-6176 (Woodstock, Blandford-Blenheim, East Zorra-Tavistock, Ingersoll, Norwich, Oxford, South-West Oxford, Tillsonburg, Woodstock, Zorra)
 - [Family and Children's Services Niagara](#), 888-937-7731 (St. Catharines, Fort Erie, Grimsby, Lincoln, Niagara, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland, West Lincoln)
 - [Family and Children's Services of St. Thomas and Elgin County](#), 519-631-1492 (St. Thomas, Aylmer, Bayham, Belmont, Central Elgin, Dutton-Dunwich, Elgin, Malahide, Port Stanley, Southwold, St. Thomas, Vienna, West Elgin, West Lorne)

- [Sarnia-Lambton Children's Aid Society](#), 519-336-0623 (Point Edward, Alinston, Arkona, Bosanquet, Brooke, Dawn-Euphemia, Enniskillen, Forest, Grand Bend, Lambton, Moore, Oil Springs, Petrolia, Plympton, Point Edward, Sarnia, Sombra, Thedford, Warwick, Wyoming)
- [The Children's Aid Society of Haldimand and Norfolk](#), 519-587-5437 / 888-227-5437 (Townsend, Delhi, Dunnville, Haldimand (town), Haldimand-Norfolk (regional municipality), Nanticoke, Norfolk, Simcoe (town))
- [Windsor-Essex Children's Aid Society](#), 800-265-5609 (Windsor, Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington, Pelee Island, Tecumseh, Windsor)
- Prairies
 - [Alberta Child and Family Services](#), 1-800-387-5437, (several service delivery locations)
 - [Saskatchewan social services offices](#) (several social services offices). After hours crisis centre: Prince Albert - 306-764-1011, Saskatoon - 306-933-6200, Regina - 306-569-2724.
 - [Manitoba Child and Family Services Contacts](#), 1-866-345-9241 (several Designated Intake Agencies)
- Pacific
 - [Ministry of Children and Family Development](#) (13 offices)
 - [Ministry of Children and Family Development](#), (Vancouver) 604 660-4927 or 310-1234

Annex C – Provincial definitions of a minor

In Canada, the definition of a minor child varies by province as indicated in the table below.

Province	Definition of minor child	Definition of minor for child protection purposes
British Columbia	Person under 19 years	Same
Alberta	Person under 18 years	Same
Saskatchewan	Unmarried person under 16 years	Same
Manitoba	Person under 18 years	Same
Ontario	Person under 18 years	“child” means a person under the age of 16
Quebec	Person under 18 years	Same
Nova Scotia	Person under 19 years	“child” means a person under the age of 16
New Brunswick	Person under 19 years	“child” means a person under the age of 16
Newfoundland	Person under 16 years (youth defined as a person who is 16 years or older, but under the age of 18)	Same
Prince Edward Island	Person under 18 years	Same
Northwest Territories	Person under 19 years	“child” means a person under the age of 16
Yukon	Person under 19 years	“child” means a person under the age of 16
Nunavut	Person under 19 years	“child” means a person under the age of 16

Annex D – Language Profile of Provincial Correctional Facilities

Region	Province	Facility	Contact Information	Language
Atlantic	New Brunswick	Dalhousie Regional Correctional Centre	265 Miller Blvd Dalhousie, NB E8C 2A2 Phone: (506) 684-7517 Fax: (506) 684-7519	Bilingual
		Madawaska Regional Correctional Centre	15 Rue Fournier, Saint Hilaire, NB E3V 4W5 Phone: (506) 737-4510 Fax : (506) 737-4520	Bilingual
		New Brunswick Women's Correctional Centre	4 Airport Drive Miramichi, NB E1N 3W4 Phone: (506) 624-2000	Bilingual
		Saint John Regional Correctional Centre	930 Old Black River Rd Saint John, NB E2J 4T3 Phone: (506) 658-5400 Fax : (506) 658-6632	Bilingual
		Southeast Regional Correctional Facility	435 Lino Rd. Shediac, NB E4P 0H6 Phone: (506) 532-7885 Fax: (506) 532-7832	Bilingual
	Newfoundland and Labrador	Her Majesty's Penitentiary	P.O. Box 5459 St. John's, NL A1C 5W4 Phone: (709) 729-1200 Fax: (709) 729-0409	English
		Newfoundland and Labrador Correctional Centre for Women	1 Duffitt Place Clarenville, NL A5A 1E9 Phone: (709) 466-3101 Fax: (709) 466-3664	English
		St. John's City lockup	309 Duckworth St St. John's, NL A1C 1G9 Phone: (709) 729-3873 Fax: (709) 729-0376	English
	Nova Scotia	Central Nova Scotia Correctional Facility	90 Gloria McCluskey Ave, Dartmouth, NS B3B 2B9 Phone: (902) 460-5800 Fax: (902) 460-5815	Bilingual
		Northeast Nova Scotia Correctional Facility	10202 Sherbrooke Rd New Glasgow, NS B2H 5C7 Phone: (902) 755-8547	Bilingual

	Prince Edward Island	Prince Correctional Center	108 Central Street Summerside. PE C1N 3L4 Phone: (902) 888-8208 Fax: (902) 888-8464	English
		Provincial Correctional Centre	508 Sleepy Hollow Rd. Milton Station, PE C1E 0Z3 Phone: (902) 368-4590	English
Greater Toronto Area	Ontario	Central East Correctional Centre	541 Kawartha Lakes County Rd 36, Lindsay, Ontario K9V 4S6 Phone: (705) 328-6000 Fax: 705-328-6011	English
		Central North Correctional Centre	1501 Fuller Ave, Penetanguishene, Ontario L9M 2H4 Phone: (705) 549-9470 Fax: 705-549-0634	English
		Hamilton-Wentworth Detention Centre	165 Barton St. E. Hamilton, ON L8L 2W6 Tel: 905-523-8800 Fax: 905-529-0977	Bilingual
		Maplehurst Correctional Complex	661 Martin St., Milton, Ontario L9T 2Y3 Phone: (905) 878-8141 Fax: 905-878-5363	English
		Toronto East Detention Centre	55 Civic Rd., Scarborough, Ontario M1L 2K9 Phone: (416) 750-3513 Fax: 416-750-3345	English
		Toronto South Detention Centre	160 Homer Ave, Toronto, Ontario M8Z 0C2 Phone: (416) 354-4030 Fax: 416-212-6412	English
		Vanier Centre for Women	655 Martin St., Milton, Ontario L9T 5E6 Phone: (905) 876-8300 Fax: 905-876-7334	Bilingual
Northern Ontario	Ontario	Algoma Treatment and Remand Centre	800 Great Northern Rd, Sault Ste. Marie, ON P6B 0B5 Phone: (705) 946-0995 Fax: 705-946-0314	Bilingual
		Brockville Jail	10 Wall Street Brockville, Ontario K6V 4R9 Contact: Wanda Clement Phone: (613) 354-9701 ext. 212 Fax : (613) 354-6128	English
		Monteith Correctional Complex	Junction Hwys 11 & 577, Box 90 Monteith, ON POK 1P0 Tel: 705-232-4092 Fax: 705-232-4530	Bilingual
		North Bay Jail	2550 Trout Lake Rd. North Bay, ON P1B 7S7 Tel: 705-472-8115 Fax: 705-472-3803	Bilingual

		Ottawa Carleton Detention Centre	2244 Innes Rd. Ottawa, Ontario K1B 4C4 Contact: Elsa Sante Phone: (613) 341-2870 ext. 1231 Email : elsa.sante@theroyal.ca Fax : (613) 341-2881 Records : (613) 341-2870 ext. 1100 PLO: Tom Cooney Email: tom.cooney@ontario.ca Fax: (613) 824-2252 Records: (613) 824-6080 Fax: (613) 824-1297 Security: Scott Munro Inland Boardroom – (613)990-8885 (for cases by phone) Hearings Fax: (613) 949-8315	Bilingual
		Quinte Detention Centre	89 Richmond Blvd. Napanea, Ontario K7R 3S1 Contact: Connie Cardinal Phone: (613) 351-8116 Fax: (613) 351-8463	English
		Sudbury Jail	181 Elm St.W. Sudbury, ON P3C 1T8 Tel: 705-564-4150 Fax: 705-564-4157	Bilingual
Quebec	Quebec	Établissement de détention Rivière-de-Prairies	11900, rue Armand-Chaput Montréal (Québec) H1C 1S7 Tél. : 514 494-3930 Télééc. : 514 494-1423	Français
		Établissement de détention Montréal/Bordeaux	800, boulevard Gouin Ouest Montréal (Québec) H3L 1K7 Tél. : 514 336-7700 Télééc. : 514 873-4605	Français
		Établissement de détention Laval/Leclerc	400, montée Saint-François Laval (Québec) H7C 1S7 Tél. : 450 664-1234 Télééc. : 450 664-4779	Français
		Établissement de détention de Saint-Jérôme	2, boulevard de la Salette Case postale 513 Saint-Jérôme (Québec) J7Y 5G5 Tél. : 450 436-8144 Télééc. : 450 436-8444	Français

Southern Ontario	Ontario	South West Detention Centre	4819 8th Concession Road Maidstone, ON N0R 1K0 Phone: (519) 967-3100 Fax: (519) 967-3154	Bilingual
		Niagara Detention Centre	1355 Upper's Ln Thorold, ON L2V 4A6 Phone: (905) 227-6321 Fax: (905) 227-0032	English
		Elgin Middlesex Detention Centre	711 Exeter Rd London, ON N6E 1L3 Phone: (519) 686-1922 Fax: (519) 686-0352	Bilingual
		Sarnia Jail	700 Christina St N Sarnia, ON N7V 3C2 Phone: (519) 337-3261 Fax: (519) 336-6505	English
Pacific	British Columbia (most commonly used)	Fraser Regional Correctional Centre	PO BOX 1500 Maple Ridge, BC V4R 1C9 Phone: (604) 462-9313 Fax: (604) 462-5186	English
		Alouette Correctional Centre for Women	24800 Alouette Rd Maple Ridge, BC V2X 7G4 Phone: (604) 476-2660 Fax: (604) 476-2981	English
		Vancouver Island Regional Correctional Centre	4216 Wilkinson Rd Victoria, BC V8Z 5B2 Phone: (250) 953-4400	English
		Okanagan Correctional Centre	200 Enterprise Way Oliver, BC V0H 1T2 Phone: (236) 216-2000	English
		Kamloops Regional Correctional Centre	2250 Trans-Canada Hwy Kamloops, BC V2E 2T1 Phone: (250) 571-2200	English
	British Columbia	Ford Mountain Correctional Centre	57657 Chilliwack Lake Rd Chilliwack, BC V4Z 1A7 Phone: (604) 824-5350	English
		Nanaimo Correctional Centre	3945 Biggs Rd Nanaimo, BC V9R 5N3	

	(Infrequently Used)		Phone: (250) 756-3300	
		Prince George Regional Correctional Centre	795 BC-16, Prince George, BC V2L 5P1 Phone: (250) 960-3001	
Prairie	Alberta	Calgary Remand Center	12200 85 St NW Calgary, AB T3R 1J3 Phone: (403) 695-2100	English
		Edmonton Remand Center	18415 127 St NW Edmonton, AB T6V 1B1 Phone: (780) 638-5100	English
		Lethbridge Correctional Centre (aka: Lethbridge Remand)	21123 AB-512 Lethbridge, AB T1J 3Z3 Phone: (403) 388-3000 Fax: (403) 388-2966	English
		Medicine Hat Remand Center	874 2 St SE Medicine Hat, AB T1A 8H2 Phone: (403) 529-2111 Fax: (403) 529-3132	English
		Red Deer Remand Center	4720 49 Street Red Deer, Alberta T4N 1T7 Phone: (403) 340-3200 Fax: (403) 340-7170	English
	Manitoba	Brandon Correctional Centre	375 Veteran's Way Brandon, MB R7C 0B1 Phone: (204) 725-3532 Fax: (204) 727-3961	English
		Headingley Correctional Institution	6030 Portage Ave Headingley, MB R4H 1E8 Phone: (204) 837-1351 Fax: (204) 889-3033	English
		Milner Ridge Correctional Centre	PO Box 460 Correction Facility Rd Beausejour, MB R0E 0C0 Phone: (204) 268-4011 Fax: (204) 268-4833	English
		The Pas Correctional Centre	300 3 St E The Pas, MB R9A 1K7 Phone: (204) 627-8450 Fax: (204) 623-7774	English
		Winnipeg Remand Centre	141 Kennedy St Winnipeg, MB R3C 4N5 Phone: (204) 945-3540 Fax: (204) 948-2217	English

		Women's Correctional Centre	31 Routledge Ave Headingley, MB R4H 0A9 Phone: (204) 948-8806 Fax: (204) 948-8833	English
	Saskatchewan	Regina Correctional Centre	4040E 9th Ave N Regina, SK S4P 3A6 Phone: (306) 924-9000	English
		Prince Albert Provincial Correctional Centre	3021 1st Avenue West Prince Albert, SK S6V 5A7 Phone: (306) 953-3000 Fax: (306) 953-3030	English
		Saskatoon Provincial Correctional Centre	910 60 St E Saskatoon, SK S7K 2H6 Phone: (306) 956-8800 Fax: (306) 931-0811	English
		White Birch Female Remand Unit	Box 1452 Regina, SK S4P 3C2 Phone: (306) 787-1985 Fax: (306) 787-2118	English
		Pine Grove Correctional Center	1700 7 Ave NE Spruce Home, SK S0J 2N0 Phone: (306) 953-3100 Fax: (306) 953-3108	English

Annex E – Protocol Regarding the Death of an Individual Detained Pursuant to the Immigration and Refugee Protection Act

Introduction

This protocol has two parts. The first part provides instruction and operational guidance for Canada Border Services Agency (CBSA) staff and third-party service providers working within a CBSA Immigration Holding Centre (IHC) or providing transportation services. In addition, it provides guidance on situations where death occurs at a hospital, in a hearing room or any pre-hearing holding area, or during transfer between any of these aforementioned locations where an individual is under detention pursuant to the Immigration and Refugee Protection Act (IRPA). The second part of this protocol provides instruction and operational guidance for CBSA staff in situations where a death occurs in a federal, provincial or municipal correctional facility where the deceased was detained pursuant to the IRPA. In addition, protocols are provided should a death occur during a transfer between an IHC and a correctional facility.

Please be cognizant that this protocol does not apply in situations where death occurs at Port-of-Entry, during an inland investigation or within the removals stream pursuant to IRPA.

Definitions

Immigration detention

is any detention pursuant to the Immigration and Refugee Protection Act (IRPA).

Immigration Holding Centres

are CBSA-managed detention facilities currently located in Laval, QC; Toronto, ON; and Richmond, BC.

Federal, provincial or municipal correctional facilities

are any government run correctional or detention facility where immigration detainees may be held.

Third-Party Service Provider

is a vendor that has been awarded a Government of Canada contract to provide the specific services of security guards to assist CBSA in the daily management of the detention program.

Protocol for Incidents at the IHC

Canada Border Services Agency Responsibilities

CBSA officers:

1. CBSA officer who is first person on the scene:

- Assume the responsibilities of the first person on the scene, as it relates to the application of first aid.
- Contact emergency services (e.g. emergency medical technician [EMT], police, IHC medical staff, etc.)

- Clear the area of other detainees and all non-essential personnel as soon as possible, while being mindful of the need to preserve evidence for any subsequent investigation. In some cases, this may include controlling or segregating individuals depending on the nature of death.
- Take note of all persons present at the time of the incident.
- Report the incident immediately to the appropriate CBSA official (e.g. manager or supervisor).
- Complete a security incident report ([BSF 152 \(PDF, 634 KB\)](#)) at the conclusion and provide a copy to CBSA IHC manager or supervisor. Follow established procedures: [Reporting of Security Incidents](#)

2. In an assisting role:

- Follow all instructions provided by the individual providing first aid and assist wherever possible.
- Assume scene management responsibilities from 3rd party service provider staff, if applicable.
- Assist in clearing the area of other detainees and all non-essential personnel as soon as possible, while being mindful of the need to preserve evidence for any subsequent investigation. In some cases, this may include controlling or segregating individuals depending on the nature of death.
- Take note of all persons present at the time of the incident.
- Provide any other required supporting role to the individual first on the scene.
- Complete a security incident report ([BSF 152 \(PDF, 634 KB\)](#)) at the conclusion and provide a copy to CBSA IHC manager or supervisor. Follow established procedures. [Reporting of Security Incidents \(PDF, 500 KB\)](#)

3. The CBSA manager or supervisor will:

- Ensure that the appropriate emergency services were contacted (e.g. EMT, police, IHC medical staff, etc.) and if not, contact them immediately.
- Ensure that the scene is secure to preserve evidence (this can be delegated to another CBSA officer in situations where the CBSA manager or supervisor at the IHC is unable to be physically present in a timely manner following the incident).
- Brief regional senior management immediately following confirmation of death.
- Notify the Border Operations Centre (BOC) of a "significant event" – (613-960-6001)
 - Follow established procedures: [Reporting of Security Incidents \(PDF, 500 KB\)](#)
- Identify next of kin and notify the Regional Director General (RDG). This should be done as soon as possible following the confirmation of death.
 - In cases where there is an investigative body (e.g. local police or RCMP) involved. The notification of next of kin will be undertaken by them. The CBSA manager or supervisor must have confirmation from the investigative body that the notification of next of kin has taken place.
 - Notify the RDG once confirmation is received from the investigative body.

4. The RDG will:

- In cases where an investigative body is not undertaking the notification of next of kin (e.g. death as a result of natural causes); notify next of kin, this should be done in person, whenever possible.
 - For overseas notification the template notification to next of kin – overseas (appendix A) should be used.
- In cases where next of kin notification was not possible. The RDG must ensure that the Embassy and / or Consulate of the deceased country of citizenship is notified.
 - Always keep in mind the importance of not disclosing personal information beyond tombstone data or any particulars of the investigation or case to the authorities of the country of citizenship.

5. The BOC will:

- Notify required NHQ senior management of the "significant event".
- Notify the Communications Directorate of the "significant event".

Third-Party Service Provider Responsibilities

1. The third-party service provider staff, first on the scene, will be required to:

- Assume the responsibilities of the first person on the scene, as it relates to the application of first aid.
- Contact emergency services (e.g. EMT, police, IHC medical staff, etc.).
- Clear the area of other detainees and all non-essential personnel as soon as possible, while being mindful of the need to preserve evidence for any subsequent investigation. In some cases, this may include controlling or segregating individuals depending on the nature of death.
- Take note of all persons present at the time of the incident.
- Report the incident immediately to the appropriate CBSA official (e.g. manager or supervisor).
- When CBSA officers arrive on scene, defer scene management responsibilities and assist as required. This does not include the application of first aid.
- Complete a security incident report ([BSF 152 \(PDF, 634 KB\)](#)) at the conclusion and provide a copy to CBSA IHC manager or supervisor. Follow established procedures: [Reporting of Security Incidents \(PDF, 500 KB\)](#)

2. In an assisting role:

- Follow all instructions provided by the CBSA officer; or third-party service provider staff or supervisor that is responsible for the scene.
- Assist in clearing the area of other detainees and all non-essential personnel as soon as possible, while being mindful of the need to preserve evidence for any subsequent investigation. In some cases, this may include controlling or segregating individuals depending on the nature of death.
- Take note of all persons present at the time of the incident.
- Provide any other required support to the individual first on the scene.
- Complete a security incident report ([BSF 152 \(PDF, 634 KB\)](#)) at the conclusion and provide a copy to CBSA IHC manager or supervisor. Follow established procedures: [Reporting of Security Incidents \(PDF, 500 KB\)](#)

In cases where death occurs in a hospital, the third-party service provider must report the incident immediately to the appropriate CBSA officials and comply with all instructions provided by the hospital staff on site.

Protocol for Incidents at a Federal, Provincial or Municipal Correctional Facility

Canada Border Services Agency Responsibilities

Upon receiving notification of the death of a detainee from the correctional facility:

1. The CBSA manager or supervisor will:

- Brief regional senior management immediately following confirmation of death.
- Notify the BOC of a "significant event" – (613-960-6001)
 - Follow establish procedures: [Reporting of Security Incidents \(PDF, 500 KB\)](#)

- Identify next of kin and notify the Regional Director General (RDG). This should be done as soon as possible following the confirmation of death.
 - In cases where there is an investigative body (e.g. local police or RCMP) involved. The notification of next of kin will be undertaken by them. The CBSA manager or supervisor must have confirmation from the investigative body that the notification of next of kin has taken place.
 - Notify the RDG once confirmation is received from the investigative body.

2. The RDG will:

- In cases where an investigative body is not undertaking the notification of next of kin (e.g. death as a result of natural causes); notify next of kin, this should be done in person, whenever possible.
 - For overseas notification the template notification to next of kin – overseas (appendix A) should be used.
- In cases where next of kin notification was not possible. The RDG must ensure that the Embassy and / or Consulate of the deceased country of citizenship is notified.
 - Always keep in mind the importance of not disclosing personal information beyond tombstone data or any particulars of the investigation or case to the authorities of the country of citizenship.

3. The BOC will:

- Notify required NHQ senior management of the "significant event".
- Notify the Communications Directorate of the "significant event".

All CBSA employees and the third-party service provider staff are encouraged to cooperate with police, the coroner's office, medical examiner or any other investigative body in relation to incidents involving the death of a detainee in CBSA custody.

In cases where wrongdoing is suspected by an employee or third-party service provider they should be afforded the right to instruct counsel and/or their union representative prior to providing any information.

For more information please consult [Legal Assistance and Indemnification for CBSA Employees – Guidelines and Procedures](#)