



Canada Border
Services Agency

Agence des services
frontaliers du Canada

Information for People Detained Under the *Immigration and Refugee Protection Act*



BSF5012

Canada

This document provides important information about your rights and obligations and the reasons for your detention. If you have any questions concerning this information or your detention, please ask to speak to a Canada Border Services Agency (CBSA) officer.

The Law

You were detained under the *Immigration and Refugee Protection Act* because a border services officer:

- considered it necessary to complete an examination;
- had reasonable grounds to suspect that you were inadmissible to Canada for reasons of security or for violating human or international rights;
- had reasonable grounds to believe you were inadmissible to Canada and were a danger to the public;
- had reasonable grounds to believe you were inadmissible to Canada and were unlikely to appear for an examination, an admissibility hearing, removal from Canada or a proceeding that could lead to a removal order; or
- was not satisfied about your identity.

Policy on the Treatment of Detainees

Treatment of detained people

- People detained under the *Immigration and Refugee Protection Act* are to be treated with dignity and respect at all times.
- People who are detained are informed of their legal rights, given an opportunity to exercise their rights and informed of the status of their case.

Detention facilities

- The CBSA is responsible for ensuring that people are detained in an environment that is safe and secure.
- The privacy of detained people will be respected.
- Reasonable efforts will be made to meet the physical, emotional and spiritual needs of detained people in a way that is appropriate to their culture.
- The CBSA welcomes comments from detainees regarding the conditions of their detention.
- The place of detention will depend on the degree of risk that detainees represent to themselves or to others.

Your Rights

- You have the right to be represented by counsel at your expense or to receive legal aid, if you qualify. You will be given the necessary information about the legal aid services available to you.
- You have the right to be informed of the reason for your detention.
- You have the right to contact your embassy or a representative of your country's consulate at your request.

- If you do not want a consular representative to be contacted because you are seeking refugee protection in Canada, you can ask that the office of the United Nations High Commissioner for Refugees in Canada be informed of your detention.
- If you do not understand or speak the language in which proceedings (that is, detention reviews, immigration hearings, etc.) are conducted, you have the right to be assisted by an interpreter.

General Information

Community assistance

Members of non governmental organizations, such as local community or religious organizations, may visit you and provide help. They can give you useful information and, if you want, they will try to put you in touch with people from your country or people who speak your language. These services may not be available at all facilities. You can ask for information and assistance from the border services officers, who can provide you with a list of these organizations.

Medical assistance

If you need a doctor, please tell the facility staff immediately. Emergency medical treatment is available at all times.

If you are taking medication, please tell the facility staff when you are admitted. Your medication will be examined by the doctor and given to you according to the doctor's instructions.

Luggage and personal belongings

Dangerous objects, such as knives and other objects that may be used as weapons to endanger personal safety, will be taken away and will not be returned to you.

Meals

You will be provided with three meals a day. If you are on any medical diet or have any special needs with regard to food, please tell the border services officer, a guard or another person from the facility immediately. Special arrangements can be made to meet your medical dietary needs.

Visitors

- Visiting hours and the number of visitors permitted may differ, depending on each facility's rules.
- Visits take place in the visiting area only.
- At facilities that do not have a visiting area, special arrangements will be made for counsel and consular officials only.
- Visits from counsel will be allowed during the facility's normal visiting hours. Visits after these hours will be allowed only with the permission of the director or manager of your facility. Their decision will depend on the particulars of your case.

Telephone calls

You can make free local telephone calls at certain places and times. If many people want to use the telephones available, the time for your call may be limited. If you need help in using the telephone, please ask the facility staff to help you.

Mail

- In some facilities, you are allowed to send and receive written mail.
- Any mail that you send and receive may be opened and inspected.
- Mail sent and received from courts or from your counsel may be opened and inspected by the facility, **in your presence only**.

Complaints

If you want to speak to a border services officer about any aspect of your detention, please tell a guard or another staff member from the facility where you are detained. The border services officer will look into your complaint as soon as possible.

Transportation

It is CBSA's policy to search and handcuff anyone who is being transported or attending any proceeding inside or outside the facility. Exceptions may be made for people with disabilities, elderly people, minor children and pregnant women.

In case of fire

- If you smell smoke or see fire at any time, tell the facility staff **immediately**.
- If a fire begins in your room, tell the guards on duty **immediately**.
- **Stay calm** and follow the instructions of the guards so that you can leave the building safely.

More Information

The rules of each facility are for the safety and security of all people. You are expected to follow these rules. Disruptive behaviour, including damage to property, will not be tolerated. This type of behaviour may result in your being placed in isolation or transferred to a more secure detention facility.

In addition, border services officers may ask for your help in the processing of your case by asking you to confirm certain information directly. You have the right to have your counsel present when this happens.

Should you have any other questions, please ask staff at the facility or a border services officer.

Decisions to Continue Detention or Release

Detention review

- A border services officer will review your detention within the first 48 hours . If the officer believes that the reasons for detention no longer exist, you may be ordered released under certain conditions.
- Within the first **48 hours** of detention, or without delay after that, a member of the Immigration Division of the Immigration and Refugee Board of Canada (IRB), an independent decision-maker, must review the reasons for your detention.
- If you continue to be detained, a member of the Immigration Division of the IRB will review your case again within the next **seven days**.
- After the seven-day review, a member of the Immigration Division of the IRB must review your case again at least once every **30 days**.
- Your presence is required at each review.
- It is recommended that you make the necessary arrangements for your counsel, if you have one, to be present at all your immigration proceedings.
- At any time before your next scheduled review date, you may ask for an earlier review, if new facts justify such a request, .This request must be made in writing and presented to the Immigration Division of the IRB, which will decide whether or not to grant your request.

Release from detention

After the review, a member of the Immigration Division of the IRB will either order that you continue to be detained or that you be released from detention. The IRB may impose conditions on your release that may include:

- **a deposit:** This is money provided by a guarantor to make sure you comply with the conditions of your release from detention. It is returned to the guarantor six to eight weeks after the conclusion of your case, provided that all the conditions of your release have been met.
- **a guarantee:** This does not require a deposit. The guarantor (who must be a Canadian citizen or a permanent resident of Canada) promises to pay a sum of money if you do not respect the conditions of your release.

If you fail to respect the conditions of your release, action will be taken and you will be taken into custody again.