



# Information for people detained under the *Immigration and Refugee Protection Act*

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This document is available on the Canada Border Services Agency website at [www.cbsa-asfc.gc.ca](http://www.cbsa-asfc.gc.ca)

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Renseignements à l'intention des personnes détenues en vertu de la *Loi sur l'immigration et la protection des réfugiés*

And available in other languages: Arabic, Chinese Simplified, Chinese Traditional, Hindi, Japanese, Korean, Farsi, Portuguese, Punjabi, Russian, Spanish, Tagalog, Tamil, Urdu

This is not a legal document. For legal information, consult the *Immigration and Refugee Protection Act* and Regulations.

This document provides you with important information about your rights and obligations and reasons for your detention, as well as general information that may be helpful while you are detained. If you have any questions about your detention or information contained in this document, please ask to speak to a Canada Border Services Agency (CBSA) officer.

## The Law

You were detained under Canada's *Immigration and Refugee Protection Act* because a CBSA officer:

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

## Policy on the Treatment of Detainees

### Treatment of Detained People

- You will be treated with dignity and respect at all times.
- You will be informed of your legal rights, and given an opportunity to exercise your rights and be informed of the status of your case.

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and respect at all times.**

### Children

- The CBSA detains children under the age of 18 only as a last resort. If you have children, the CBSA will carefully consider their best interests, based on the facts of your particular case. A CBSA officer will assess such factors as the availability of alternative childcare arrangements, including your family members; the anticipated length of your detention; and if appropriate accommodation and services would be available to your children.
- If it is in their best interests, your children will be allowed to stay with you in a CBSA immigration holding centre. The centre has separate living areas for families. Depending on how long you stay, your children will have access to a teacher.
- Provincial authorities may be contacted and your child may be placed in the care of provincial child welfare services. If this happens, arrangements may be made for your child to visit you.

### Detention Facilities

- You may first be held at a CBSA office or at a port of entry (land or marine border crossing, airport, etc.).
- You could then be held in either a CBSA immigration holding centre (Laval, Quebec; Toronto, Ontario; or Vancouver, British Columbia) or a provincial correctional facility. Where you will be held depends on which facilities are available and the degree of danger or risk the CBSA believes you pose to yourself or others.
- The CBSA facilities can accommodate men, women and families. In some cases, if a family is detained, children may be housed in a separate wing with one parent. Arrangements will be made so that families can visit each other during their stay.

**Your privacy  
will be  
respected.**

- The CBSA is responsible for ensuring that you are detained in an environment that is safe and secure.
- Your privacy will be respected.
- Reasonable effort will be made to meet your physical, emotional and spiritual needs in a way that is appropriate to your culture.
- The CBSA welcomes your comments regarding detention conditions.

## **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 may also designate a friend or a member of an organization or association to represent 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, 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.
- If you are a minor under the age of 18, or in the opinion of the Immigration Division of the Immigration and Refugee Board (IRB), are unable to understand the nature of the proceedings, a designated representative may be appointed to help guide you through the proceedings.

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country's consulate at your request.**

## **GENERAL INFORMATION**

### **Community Assistance**

Members of non governmental organizations, such as local community or religious organizations may visit you and provide assistance. 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 CBSA officers, who can provide you with a list of these organizations.

### **Medical Assistance**

If at any time you become ill (physically or mentally) and need to see a doctor, please tell the facility staff immediately. If you are taking any medication or have an illness (physical or mental), please tell staff when you are admitted to the facility. Your medication will be examined by the doctor and given to you according to the doctor's instructions.

## Luggage and Personal Belongings

When you arrive, you will need to give your personal effects, including cell phone, luggage, jewellery, money, medication, and all other items in your possession, to security personnel for storage and safe keeping. You may have reasonable access to your belongings upon request to security personnel. Dangerous objects such as knives and other objects that may be used as weapons and could endanger personal safety will be taken away and may be disposed of.

## Meals

If you have special dietary requirements for medical, dental or other reasons, please tell the CBSA officer, a guard or another person at the facility immediately. Special arrangements may be made to meet your 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 or a designated representative will be allowed during the facility's normal visiting hours. Visits after these hours will be allowed only with the permission of the management of the facility. Their decision will depend on the particular details of your case.

## Telephone

You can make 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 using the telephone, please ask the facility staff for help. If you need to make an international phone call, please speak to a local official for instructions.

## 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 CBSA officer about any aspect of your detention, please tell a guard or another staff member at the facility. The CBSA officer will look into your complaint as soon as possible.

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## Transportation

The CBSA or security officer will search and may handcuff you when you are being transported or attending any proceeding 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 staff immediately. If a fire begins in your room, tell the guards on duty immediately. Stay calm and follow the guards' instructions so that you can leave the building safely.

## Other Information

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

CBSA officers may also ask you to confirm certain information to process your case.

If you have any other questions, please ask staff at the facility or a CBSA officer.

## Decisions to Continue Detention or Release

### Detention Review for “Non-Designated” Arrivals

Before the first detention review, you may be released if a CBSA officer believes the reasons for detention no longer exist or if concerns can be eased by posting a bond.

- **Within forty-eight (48) hours (or as soon as possible after that)** - The Immigration Division of the Immigration and Refugee Board (IRB) will review your detention. The decision-maker (the “member”) from the Immigration Division is independent from the CBSA.
- **Seven (7) days** - If you continue to be detained, your case will be reviewed again within the next seven days by the IRB.
- **Every thirty (30) days** - After the seven-day review, your case must be reviewed again at least once every 30 days by the IRB.
- You must be present at each review.
- It is recommended that you make the necessary arrangements for your counsel or designated representative, 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. The request must be made in writing and presented to the Immigration Division of the IRB, who will decide whether or not to grant your request. A copy of the request must be provided to the CBSA.

## 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 to make sure you follow the conditions of your release from detention. Generally, it is returned 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 have a guarantor, they will not normally be excused from their legal obligations before your immigration case has been concluded.

## Breach of conditions

If you fail to comply with any condition of your release, the money posted or promised by your guarantor may be lost, and/or you may be returned to detention.