



# FCI Refugee Centre

*Walking with Uprooted People*

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## **How to provide support clients detained under the Immigration and Refugee Protection Act**

### **INTRODUCTION**

This document has 2 sections: the first section is an explanation of what happens at the Toronto Immigration Holding Centre. The second section describes how a refugee house or any other agency can become a community-based alternative to detention.

The FCJ Refugee Centre has been supporting detainees at the Immigration Holding Centre through the TORONTO REFUGEE AFFAIRS COUNCIL (TRAC) for more than a decade. Through this experience the Centre is trying to identify how the refugee houses at the Coalition of Service Providers, or any other agency, can provide a better support to this population.

The guide provides a quick overview of the release process for detained immigrants at the Toronto Immigration Holding Centre (TIHC). Our goal is to increase awareness among service providers and the wider population about issues of detention. We hope this guide is a helpful tool on procedures and promising practices to best support detainees in their transitioning process to independent living.

### **IMMIGRANT DETENTION FACILITIES**

People detained under the Immigration and Refugee Protection Act are usually sent to one of the three immigrant detention facilities in Canada: Vancouver, Montreal (Laval) or Toronto. The person detained can be a refugee claimant, a rejected refugee with a deportation order, a visitor who overstayed, a refused visitor, a victim of human trafficking, a temporary foreign worker who changes employer without permission, or any precarious migrant who does not have official immigration status. A person can be detained by the CBSA officers when they consider there is a risk to the public, if there is a deportation order issued, a problem with identification, a flight risk possibility, or a situation of inadmissibility. The majority of people who are in detention are waiting for their deportation order to be carried out. Usually they are waiting for a travel document and are considered a flight risk.



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The Toronto Immigration Holding Centre is located ten minutes away from Toronto Pearson International Airport. According to the Canadian Border Services Agency (CBSA) there are, on average, about 450 to 500 people held in immigrant holding centres and Provincial Jails across the country.

## WHAT HAPPENS WHILE THE PERSON IS AT THE DETENTION CENTRE

1. **Detention Review:** During or before the first forty-eight (48) hours after detention, the Immigration Division of the Immigration and Refugee Board (IRB) will review the case. A decision-maker (known as the “member”) from the Immigration Division will review the case. A CBSA officer presents the case and usually makes a recommendation to release or continue detention.
2. **Review every 7 and 30 days:** If the person was not released at the 48 hour review, the IRB member will review the case in 7 days. After this, the case will be review again in 30 thirty (30) days, and every 30 days as long as the person is still there. If there is any new situation, the person can request an earlier review.
3. **Release from Detention:** During the detention review, a member of the Immigration Division of the IRB will either order a release or prolong the detention.
4. **Release at the discretion of a CBSA officer:** When a detainee is being processed after an arrest, it is possible for the officer to offer immediate release to a bondsperson before the 48 hour review.

## CONDITIONS FOR RELEASE:

The member may offer a release to the detainee under one of the following conditions:

1. On offer of a bond. The bond may be an amount of cash alone, cash plus a performance bond (on property), or performance only.
2. On conditions only. These conditions are usually to sign in regularly at the CBSA offices.
3. Under supervision of the Toronto Bail Program.



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## **WHO CAN BE A BONDSPERSON?**

A bondsperson must be someone who knows the detainee personally, must be a Canadian citizen or a permanent resident of Canada, does not owe any taxes, and be working full time. If accepted, they promise the member that they will ensure that the person will leave the country within the time requested by CBSA. When the person leaves, the bondsperson will receive the money back from the government. If they do not leave, the bondsperson loses the money. The bondsperson is also expected to report that the person did not leave. For this reason, usually a family member or spouse is not suitable because a family member would probably not report them. This process of presenting a bond can only happen at a detention review.

## **TORONTO BAIL PROGRAM**

The Toronto Bail Program has been considered an alternative to detention, but originally it was implemented for a criminal justice system model and is not always applicable to the area of immigration detention.

<http://ccrweb.ca/en/alternatives-detention-comments-toronto-bail-program>.

On request by a detainee, the Toronto Bail program will interview them, and then make a decision as to whether they will accept them or not. If accepted, they will request an early detention review and go with the detainee to the Detention Review. They find accommodation in a shelter, usually Sojourn House. They also have sign-in requirements.

## **REASONS FOR DETENTION:**

1. A refugee claimant who arrives with no identification
2. A visitor who is refused entry.
3. A refused refugee who does not obey a deportation order.
4. A refused refugee who is deemed a flight risk.
5. A visitor who overstays their visitor visa
6. A farmworker who changes their employer or who does not return home.



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## **NGO'S SUPPORT AT THE DETENTION CENTRE:**

There are organizations that are involved in providing services to detainees at the Toronto Immigration Holding Centre.

### **1. TORONTO REFUGEE AFFAIRS COUNCIL (TRAC)**

Support provided by TRAC:

1. Provide information about the process at the detention centre and services available
2. For refugee claimants, ensure they have access to legal aid, a lawyer, and the bail program
3. Facilitate communication of detainees with relatives, CBSA officers,
4. Provide a limited amount of used clothing
5. Advocates with CBSA when necessary

### **2. REFUGEE LAW OFFICE**

Provides legal representation at detention reviews.

Ensures detainees get legal aid and a lawyer

Advocates with CBSA when necessary

### **3. MEDICAL SERVICES**

Detainees have access to the services of a doctor, a nurse, a psychiatrist/psychologist

### **4. RED CROSS MONITORING COMMITTEE**

The Red Cross visits the Holding Centre regularly to monitor conditions in the Centre.

Detainees can bring complaints to them about conditions in the Centre, e.g. food

### **5. SALVATION ARMY**

A member of the Salvation Army visits the Centre regularly to provide emotional and spiritual support.

### **OTHER SUPPORTS**

Romero House offers a Mother-Tots program when there are children in the Centre.

A teacher is available when there are children in the Centre.



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Fitness and yoga have been offered in the past, by volunteers.

## **QUALITY OF LIFE MEETINGS.**

The management of the Centre holds regular meetings with the NGOs involved at the Centre in order to deal with any problems that arise and need to be brought to the attention of CBSA.

## **WHAT TO DO WHEN A PERSON IS DETAINED FOR IMMIGRATION REASONS**

If one of your clients has been detained, or you receive a phone call from a relative/friend of a detained person you can advise your client to contact someone from **TORONTO REFUGEE AFFAIRS COUNCIL (TRAC)**. Request forms are available for the detainees.

There is someone in the NGO office at the Immigration Holding Centre from Monday to Friday. To contact the person call: **416-401-8537**.

The current schedule is as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
Lois Anne Bordowitz, FCJ Refugee Centre	Nasrin Tabibzadeh Refugee Law Office	Nasrin Tabibzadeh Refugee Law Office	Eusebio Garcia Friend's House	Nasrin Tabibzadeh Refugee Law Office

## **HOW A REFUGEE HOUSE OR ANY OTHER AGENCY CAN BECOME A COMMUNITY-BASED ALTERNATIVE TO DETENTION.**

### **1. An Alternative to Detention for persons to prevent them being detained.**

These would be persons who make a refugee claim at the airport and have their identification established and are not deemed to be a flight risk or danger to the public. Or they could be arrested by the police, but a CBSA officer does not consider them a flight risk or danger to the public and therefore could avoid being detained if they can find a shelter. What is required in this instance is that the CBSA officers have a list of places where they can phone to get a space.



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## **2. An Alternative to Detention for persons already detained.**

These are persons who have been detained, but could be released to a community-based organization because they do not have a bondsman, are not deemed to be a flight risk or a danger to the public, or in the case of refugee claimants, have established their identification.

During the first period of 2016-2017 the FCJ Refugee Centre, in coordination with the Coalition of Service Providers, collected information about the disposition of the refugee houses to be part of the options list of long term and short term refugee houses/shelters that are willing to be contacted by CBSA. The goal is that CBSA officers (who would be seeking to obtain accommodation for vulnerable populations as an alternative to release them from detention) will have a community base list of organizations that will be able to receive detainees.

When detainees are homeless but required to provide an address upon release, they may be placed in a temporary shelter program. The refugee houses who are providing their support will be in the position of provide Temporary shelter for homeless individuals who has been detained.

Through this program the refugee houses will be able to provide an address upon release, they may be placed in a temporary shelter program, Matthew House, which does not supervise residents or impose curfews.

Once the person is release the agencies will follow up on the released person and will provide the support agreed with CBSA.

**For more information you can contact FCJ Refugee Centre at 416-469-97 54 or by email**

**[info@fcjrefugeecentre.org](mailto:info@fcjrefugeecentre.org)**

**to learn more about our services you are welcome to visit our website: [www.fcjrefugeecentre.org](http://www.fcjrefugeecentre.org)**