

COUNCIL MEMBERS' MOTION

3. Urging the BC Government to End its Immigration Detention Contract with the Canada Border Services Agency

Submitted by: Councillor Swanson

WHEREAS

1. Human rights organizations and advocates in British Columbia and across Canada (including BC's Office of the Human Rights Commissioner, the British Columbia Civil Liberties Association, West Coast Leaf, BC Poverty Reduction Coalition, Centre for Gender and Sexual Health Equity, Community Legal Assistance Society, Immigration and Refugee Legal Clinic, Migrant Workers Centre BC, SWAN Vancouver, Prisoners' Legal Services, as well as hundreds of lawyers, academic scholars, healthcare providers, and people from various faith communities), and international organizations Human Rights Watch and Amnesty International, are calling for Canada to stop incarcerating immigration detainees in provincial jails;
2. Over the past five years, Canada has detained tens of thousands of individuals under immigration law while they await the resolution of their immigration or refugee matters, including children, survivors of severe trauma or persecution, and persons with disabilities including mental health conditions;
3. In a June 2021 joint report, Human Rights Watch and Amnesty International documented serious human rights violations within the Canadian immigration detention system. People in immigration detention are regularly handcuffed, shackled, and held with little to no contact with the outside world in some of the country's most restrictive confinement conditions, including maximum security provincial jails and solitary confinement;
4. Canada has no legislated limit to the length of time people can be held in immigration detention, so they can be held for months or years with no set release date;
5. There are viable alternatives to incarcerating people for immigration matters in provincial jails, as demonstrated when authorities released significant numbers of people from immigration detention early on in the pandemic;
6. Many people placed in immigration detention are already embedded in their communities and have the resources and support they require, including housing. Immigration detention is not a form of housing. In fact, many people are removed from their homes, families, communities, and employment when they are placed in immigration detention. For people who are detained on arrival or shortly after arriving in Canada, immigration detention interferes with their ability to access effective legal advice and representation, secure housing and employment, connect with friends and family members, and become settled in the community;

7. The federal government pays BC a \$235 per diem for each immigration detainee held in provincial jail. These funds could instead be used to invest in community-based organizations that provide support rather than surveillance. Such organizations include Kinbrace and the Vancouver Association for Survivors of Torture, which provide access to housing, legal representation, counselling, medical services, language classes, and employment search support;
8. In a March 2022 submission to BC Corrections, BC's Office of the Human Rights Commissioner stated that the ableism and racism embedded in the current immigration detention system mean that people with disabilities and racialized people experience harsher treatment and are detained for longer periods of time. According to the Commissioner, there is strong evidence that current practices contravene BC's *Human Rights Code* and international human rights conventions;
9. The severe mental health consequences of immigration detention are consistently recognized in medical literature in Canada and abroad. Imprisonment in a penal institution has adverse effects on health, particularly for people with pre-existing mental health conditions, including those seen among survivors of trauma and persecution;
10. Canada's federal government has sole legal responsibility for border enforcement and immigration detention. However, a significant number of people in immigration detention are held in provincial jails on the basis of agreements between the federal government and provincial authorities. By virtue of these agreements, the provinces are implicated in human rights violations against immigration detainees incarcerated in provincial jails;
11. In an April 2022 joint legal memorandum, Human Rights Watch and Amnesty International found that Canada's practice of incarcerating immigration detainees in provincial jails is inconsistent with international human rights standards, and jail conditions potentially breach federal-provincial immigration detention agreements;
12. Between fiscal years 2017-18 and 2019-20, hundreds of immigration detainees were held in BC provincial jails, most of them in Allouette Correctional Centre for Women, Fraser Regional Correctional Centre, and North Fraser Pretrial Services Centre;
13. BC Corrections is currently reviewing the BC government's 2017 agreement with the Canada Border Services Agency, which allows for immigration detainees to be incarcerated in BC provincial jails. According to article 13(3) of the agreement, either signatory can cancel the agreement without explanation or penalty, with a year's written notice;
14. In accordance with the report recently published by the Special Committee on Reforming the Police Act, titled *Transforming Policing and Community Safety in British Columbia*, community safety requires the full decriminalization of immigration status; and

15. The City of Vancouver has an Access to City Services without Fear policy “to support access to City services by Vancouver residents with uncertain or no immigration status and who fear detention, psychological and physical harm, or deportation, when accessing services.” But people who are incarcerated in immigration detention cannot access city services.

THEREFORE BE IT RESOLVED THAT Council ask the Mayor to write to the BC Minister of Public Safety, Mike Farnworth, urging him to respect the provincial government’s human rights obligations by terminating its immigration detention agreement with the Canada Border Services Agency;

FURTHER THAT Council ask the Mayor to write to the federal government urging it to abolish immigration detention, and, rather than paying per diems for incarceration, to adequately fund community-based organisations to increase their capacity to provide tailored and compassionate support, including rights-respecting alternatives to detention.

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