

Key Facts

- *Number of Migrants Detained (2008-2009):* 14,362
- *Number of Migrants Deported (2008-2009):* 13,249
- *Budget for Detention and Removals (2008-2009):* \$85 million
- *Annual Cost per Detainee (2008-2009):* \$3,185
- *Average Length of Detention:* 24 days
- *Percentage of Low-Risk Detainees in Max. Security Provincial Jails (April 22, 2010):* 32%¹
- *Number of Immigration Detainees (Nov. 8, 2013):* 585²
- *Number of Minor Detainees (2011-2012):* 285 (1-5 years-old: 75, 6-9 years-old: 67, 10-12 years-old: 55, 13-17 years-old: 92)³

Introduction

Canada's immigration system has shifted towards permanent temporariness in recent years, with drastic cuts and limitations placed on the refugee system, spousal sponsorship, and other permanent residency streams. As a result, more people are entering Canada each year through temporary means. In 2012, there were over 1 million people who entered Canada on a temporary basis, including migrant workers, international students, and refugee applicants.⁴ In addition, there are an estimated 200,000 to 500,000 undocumented residents across Canada.⁵ This means that 1.5 million people living in Canada are at risk of detention and deportation.

Recent changes in Canadian immigration have led to increased criminalization and illegalization of migrants who have little to no access to permanent residency. This has contributed to a growing number of migrants who are vulnerable to detention, deportation, family separation, and related financial and emotional difficulties. Furthermore, recent legislation has introduced mandatory detention for "irregular arrivals" (Bill C-31), made it easier to deport permanent residents who have been convicted of crimes (Bill C-44, Bill C-43), and stripped the right to appeal removal orders and denied sponsorship applications based on criminality (Bill C-11, Bill C-43).

The Canadian government is increasingly using incarceration to enforce its immigration laws, which in Canada is administrative and not criminal in nature. Every day, hundreds of migrants are detained across the country, many of whom are held in maximum-security prisons. Unlike many Western nations, Canada does not have a maximum length of detention. This is in direct contravention to international laws that prohibit arbitrary detention and mandate a "presumptive period" that limits the detention time pending a person's removal, after which point s/he must be released. The detention review mechanisms in place have also proven to be ineffective, evidenced by the 13.9% release rate in the Ontario Region.⁶ As a result, many detainees are held indefinitely, spending years without being charged or receiving a proper trial.

Despite the gender neutral language in immigration policy, there are distinct gendered effects of migration controls: male migrants are detained more often than female migrants, female migrants are more likely regulated through their family relationships. Fearing detention, deportation, and losing their status, many precarious status women facing gender-based violence are forced to stay in abusive relationships. In detention, women with children must choose between keeping their children incarcerated with them or handing them over to a child welfare agency. Female detainees may also be denied some of the services available to male detainees.⁷



Community Advocacy

- On Sept. 17th 2013, 191 migrants detained in Ontario's Central East Correctional Centre held a hunger strike to protest indefinite detention of migrants. Visit: www.endimmigrationdetention.com.
- The Canadian Bar Association has publicly condemned Bill C-43 (Faster Removal of Foreign Criminals Act), calling this legislation's provisions "deeply flawed and not keeping with fundamental principles of our Canadian justice system." Visit: www.cba.org.
- The Canadian Association of Refugee Lawyers (CARL) testified before the House of Commons' Citizenship and Immigration Committee on the negative impact of removing the appeal rights of immigrants convicted of a crime. Visit: www.carl-acaadr.ca.

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For more information:
www.migrantmothersproject.com

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Case Study

On December 20, 2013, Lucia Vega Jiménez attempted suicide while in the custody of Canada Border Service Agency and then passed away eight days later. When news of this tragedy broke, there was an outcry among immigrant rights and anti-violence against women advocates at the lack of transparency and accountability in Canadian detention and immigration enforcement. News accounts reported that Jiménez, who was a 42-year old woman from Mexico, had previously had a refugee claim denied and was deported to Mexico a year earlier, but found her way back to Canada due to ongoing fears of an abusive partner in Mexico. A representative from the Mexican consulate, who had been in touch with Jiménez prior to her death, gave a statement that "she was fearful of going back to Mexico – not to the country, but specifically to some domestic situation that she might face."⁸ We call attention to Jiménez's tragedy because it is emblematic of the spectrum of violence in the lives of migrant women who seek refuge in Canada, but whose claims of gender-related persecution are dismissed as private, not state violence, by both the Canadian government and in Jiménez' case, her country of origin. In February 2014, responding to immense public pressure, the B.C. Coroners Service called an inquest into the death of Lucia Vega Jiménez. The jury will begin hearing evidence on September 29, 2014.⁹

Policy Recommendations

- *End Arbitrary and Indefinite Detention:* Implement a "presumptive period" as per international convention ensuring that detainees are released if they cannot be deported within 90 days.¹⁰
- *Ban the Use of Maximum Security Jails:* Ensure that migrants are detained in designated minimum-security immigration holding centres.¹⁰
- *Overhaul the Adjudication Process:* Ensure migrants have access to legal aid and representation and the right to appeal decisions.¹⁰
- *End the Criminalization of Sponsored Spouses:* Ensure that victims of intimate partner violence can access support without fear of detention.
- *Ban the Detention of Minors:* Ensure that families are not forcibly separated by detention.
- *Implement Alternatives to Detention:* Reduce the number of detainees and cost of detention.

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