

UNCLASSIFIED

**An Arrangement respecting the detention of persons detained under the
*Immigration and Refugee Protection Act (IRPA)***

BETWEEN

**HER MAJESTY THE QUEEN
IN THE RIGHT OF CANADA**

as represented by the **CANADA BORDER SERVICES AGENCY**
(Herein referred to as "the CBSA")

AND

**HER MAJESTY THE QUEEN
IN THE RIGHT OF THE PROVINCE
OF BRITISH COLUMBIA**

as represented by the Ministry of Public Safety and Solicitor General,
Corrections Branch, Adult Custody Division
(Herein referred to as "Adult Custody Division")

Collectively referred to as the "Participants"

Effective Date:

PREAMBLE

Roles and Responsibilities:

WHEREAS the *Immigration and Refugee Protection Act* ("the IRPA") allows for or requires the detention of persons for administrative purposes;

WHEREAS the Canada Border Services Agency is responsible for the administration of Canada's immigration detention program;

WHEREAS Adult Custody Division is responsible for the operation of correctional centres for the safe, secure custody of persons awaiting trial or serving provincial sentences, or both, in the Province of British Columbia;

WHEREAS the Participants agree that persons subject to lawful detention pursuant to the IRPA can be detained in accordance with this Arrangement in correctional centres operated by the Province of British Columbia.

Purpose:

The purpose of this Arrangement is to document the terms and conditions whereby Adult Custody Division will, upon request by the CBSA, maintain custody of persons detained by the CBSA in accordance with the IRPA.

This Arrangement will also document the management and exchange of information between the Participants, in compliance with the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 (BC) and the *Privacy Act* of Canada.

THEREFORE the Participants intend as follows:

1. DEFINITIONS

"Arrangement" means this document as a whole, including any appended schedules, annexes, and amendments.

"Authority to Release from Detention" means a form issued under the IRPA that grants the authority to release a person from Immigration detention.

"Adult Custody Division" means one of three divisions within British Columbia Corrections.

"CBSA" means the Canada Border Services Agency or an agent acting on its behalf.

"CBSA Immigration Detainee Admission Protocol Agreement" refers to an agreement between the CBSA and Adult Custody Division for the acceptance of Immigration detainees on weekends and statutory holidays at participating correctional centres.

"Correctional centre" has the same meaning as in s. 1 of the *Correction Act, SBC 2004*.

"Emergency medical care" means urgent medical treatment that cannot be provided in a correctional centre and requires immediate transfer to a hospital.

"FoIPPA" means the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 (BC).

"Immigration detainee" or "detainee" means a person who has attained the age of majority pursuant to the *Age of Majority Act*, RSBC 1987, c. 7 (BC), is a permanent resident or a foreign national who may be, is required to be, or has been detained by the CBSA under the IRPA, including an Individual subject of a security certificate.

"Individual subject of a security certificate" means a person who has attained the age of majority pursuant to the *Age of Majority Act*, RSBC 1987, c. 7 (BC) who has been detained under the authority of a security certificate issued under Section 77 of the IRPA.

"IRPA" means the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

"Order for Detention" means a written order issued under the IRPA that grants the authority to detain a person with respect to whom the order was made.

"Order of the Canada Border Services Agency to Deliver Inmate" means a written order issued under the IRPA that requires the person in charge of the institution to deliver an inmate to an immigration officer at the end of the inmate's period of detention in the institution.

"Participant(s)" refers to representatives of the CBSA or Adult Custody Division, or both, as applicable.

"Per diem" means the amount payable per day for each immigration detainee detained in a correctional centre.

"Specialty medical care" means medical treatment other than emergency medical care or care that should only be provided in a psychiatric facility as defined by the *Mental Health Act*, (RSBC 1996, Part 3) (BC) that cannot be provided in a correctional centre and requires transfer to a clinic, hospital, doctor's office or other health facility.

2. DETENTION AND TRANSFER OF IMMIGRATION DETAINEES

2.1 Persons detained pursuant to this Arrangement may be detained in any correctional centre operated by Adult Custody Division.

2.2 Adult Custody Division will not refuse to detain an immigration detainee except for reasons of operational necessity, if the person is not sufficiently medically fit, or if there is insufficient documentation provided to satisfy Adult Custody Division that there is authority to detain the person in a correctional centre. Where Adult Custody Division refuses to detain an immigration detainee, Adult Custody Division will provide the CBSA with written reasons for that refusal.

2.3 At the written request of the CBSA and upon receipt of an Order for Detention, Adult Custody Division will detain persons in accordance with the terms of this Arrangement.

2.4 Transfer of an immigration detainee, from the CBSA to Adult Custody Division, will occur when the detainee is delivered by the CBSA to a BC correctional centre and responsibility for safe, secure custody is transferred to Adult Custody Division.

2.5 The transfer from a BC correctional centre to the CBSA will occur when the CBSA retrieves the immigration detainee. Once the transfer has officially taken place, the responsibility for the safe and secure custody will become the responsibility of the CBSA.

2.6 The CBSA will be responsible for the delivery, and removal, of immigration detainees from any correctional centre when the CBSA has requested that Adult Custody Division detain them. The CBSA will provide Adult Custody Division with an Order for Detention prior to delivering the detainee to Adult Custody Division. The CBSA will provide Adult Custody Division with as much advance notice as possible when a detained person is scheduled for release, removal from Canada, or is required to attend any proceeding under the IRPA.

2.7 Subject to any other provision of this Arrangement, the CBSA will provide transportation for immigration detainees to and from the correctional centre when any immigration proceeding is conducted outside of the correctional centre.

2.8 Notwithstanding Section 2.7, Adult Custody Division is responsible for transporting and monitoring those immigration detainees being held on a concurrent criminal court warrant during an absence from a correctional centre for the purpose of attending an immigration hearing. Those held on a concurrent criminal court warrant will only be scheduled to attend an immigration hearing in exceptional circumstances.

2.9 Admission and release to and from any correctional centre, will be in accordance with this Arrangement and Adult Custody Division's policies and procedures. Admission and release will normally occur during Adult Custody Division operating hours and in accordance with the CBSA

Immigration Detainee Admission Protocol Agreements. However, the correctional facility's operational manager may authorize admission and release of immigration detainees at other times.

2.10 When an immigration detainee requires emergency medical care requiring transfer to a hospital, Adult Custody Division will transfer the person and will immediately notify the CBSA of the transfer as outlined in Annex D.

2.11 **In cases where there is grievous bodily harm or death**, Adult Custody Division will immediately notify the CBSA Detentions Manager or the Assistant Director as outlined in Annex D. Outside of regular business hours (08:00 to 16:00hrs), Adult Custody Division will use the CBSA's After Hours Contact Information and ask to speak to the Duty Manager. Adult Custody Division will report the particulars of the situation to the Duty Manager and will ask to speak directly with the Detentions Manager or the Assistant Director.

2.12 If a detainee in the care of Adult Custody Division is transferred to hospital, Adult Custody Division will be responsible for the custody of the detainee while in hospital. In the event of a prolonged stay, the CBSA will assume responsibility for the custody of the detainee while in hospital.

2.13 When an immigration detainee requires a specialty medical care appointment, Adult Custody Division will notify the CBSA. Adult Custody Division will provide all necessary supervision and transportation to the place where the specialty medical care appointment will be provided and for the return of the immigration detainee to the correctional centre.

2.14 Adult Custody Division will provide as much advance notification as possible to the CBSA of any transfers of an immigration detainee from one institution to another.

2.15 The conditions of detention and the treatment and privileges of immigration detainees will be as specified by the *Correction Act* (SBC 2004, c. 46) and *Correction Act Regulation* and the policies and procedures of Adult Custody Division, as amended from time to time.

2.16 The Participants will meet on an annual basis to review this Arrangement and the policies, procedures and guidelines required to deliver immigration detention service.

2.17 Adult Custody Division will release an immigration detainee if:

- The detainee is ordered released from custody pursuant to an order lawfully made under the provisions of the IRPA, or, in the case of a security certificate, by an Order of the Federal Court of Canada;
- The detainee is released from custody by a CBSA officer who is executing a removal order; or
- This Arrangement is terminated.

2.18 Adult Custody Division will not release an inmate detained under an Act of Parliament at the end of that inmate's period of detention if a warrant for the arrest and detention of that inmate

has been issued under the IRPA and if that warrant takes effect no later than the end of that inmate's period of detention. The CBSA will set out such information in an Order of the Canada Border Services Agency to Deliver Inmate form (BSF498), which it will deliver in advance to Adult Custody Division along with an Order for Detention. Adult Custody Division will notify the CBSA via email to the designated agreed upon mailbox as outlined in Annex D as soon as possible once a detainee's criminal matters have concluded in order for the CBSA to initiate processes pursuant to statutory requirements under the IRPA.

2.19 Notwithstanding clause 2.17, Adult Custody Division will only continue the detention of an immigration detainee upon receipt of an Order for Detention.

3. TERMS AND CONDITIONS OF DETENTION

3.1 Adult Custody Division will treat immigration detainees in a lawful, responsible, just and humane manner that recognizes their inherent dignity as human beings.

3.2 Adult Custody Division will ensure that all immigration detainees have access to free privileged calls to legal counsel, consulate officials and other agencies according to Annex A. Adult Custody Division will display specific CBSA information to detainees, including but not limited to: CBSA and non-governmental organization telephone numbers in a location that is visible to all detainees when using the telephone. Adult Custody Division will also allow detainees to retain their CBSA Orientation Guide throughout their detention.

3.3 Adult Custody Division will advise the CBSA if they are unable to communicate or provide services in the official language (English or French) desired by an immigration detainee.

3.4 Adult Custody Division will also advise the CBSA if they are unable to communicate or provide services in the language of the detainee. Once provided with the appropriate information by the CBSA, Adult Custody Division will utilize the services of an interpreter during the intake and assessment process. Where the CBSA contacts an external interpreter on behalf of Adult Custody Division, the CBSA will cover the cost of the interpretation services.

4. COMMINGLING

4.1 The Participants recognize that:

- The primary population of the correctional centres are persons subject to criminal process; and,
- Immigration detention is administrative in nature.

4.2 The Participants will, individually and jointly, follow the principles laid out in the *U.N. Standard Minimum Rules for the Treatment of Prisoners* and, wherever possible, prevent the

mingling of immigration detainees with the regular prison population. There will be separation of detainees from inmates to the greatest extent possible and where operationally feasible.

4.3 Notwithstanding clause 4.2, immigration detainees will be allowed to participate in, to the greatest extent possible, available program opportunities consistent with section 4.2.

5. QUALITY ASSURANCE and ACCESS

5.1 Adult Custody Division will grant CBSA officers access to correctional centres where immigration detainees are held for the purpose of liaising with immigration detainees and to carry out their enforcement functions under the IRPA.

5.2 Persons entering BC correctional centres may be subject to a criminal records check before access can be granted. CBSA officers are exempt as identified in section 5.1.

5.3 Canada has established a formal relationship with the Canadian Red Cross ("the CRC"), whereby the CRC monitors the conditions of detention. The CRC may meet with immigration detainees and provide confidential reports of their findings to Adult Custody Division management and the CBSA. Following reasonable notice from the CRC, Adult Custody Division will allow representatives, identified by the CBSA, access to correctional centres in order to carry out their monitoring activities.

5.4 Canada is a Party to the United Nations' High Commissioner for Refugees' (UNHCR) *1952 Convention Relating to the Status of Refugees* (the Convention) and *1967 Protocol*. Under section 35 of the Convention, Canada is committed to cooperating with the UNHCR in exercising its functions and, specifically, to facilitating the functions related to monitoring the application of the Convention's provisions. Accordingly, the CBSA authorizes the UNHCR representatives to meet with refugee status claimants. Following a reasonable notice from the UNHCR, Adult Custody Division will allow representatives, identified by the CBSA, access to correctional centres on the grounds of Canada's commitment under the Convention.

5.5 When an immigration detainee has entitlements under the *Vienna Convention on Consular Relations*, Adult Custody Division will facilitate meeting those entitlements. These entitlements include:

- a. Communication with and access to consular officers;
- b. Having any communication addressed to the relevant consular post forwarded to that consular post without delay; and
- c. Receiving visits from consular officers at a correctional centre

6. DOCUMENTATION

6.1 The CBSA will provide Adult Custody Division with an Order for Detention for all immigration detainees to be detained by Adult Custody Division. These documents must direct that the person in charge of the correctional centre hold the immigration detainees in a correctional centre.

6.2 The CBSA will provide Adult Custody Division with all relevant information and documentation, including personal effects and information on any known medical/mental health condition that may be necessary to maintain safe, secure custody of the individual.

6.3 Adult Custody Division will provide the CBSA with the health, safety and security information regarding the detainee related to the term of custody authorized by the IRPA. This information will include medical, mental health, contacts, no contacts, behaviour, alerts and security concerns. Medical information will be provided to the designated CBSA medical professional.

6.4 Sensitive personal and legal electronic information will be accessed or transferred in a secure manner in accordance with federal and provincial information and privacy requirements.

6.5 The CBSA will provide Adult Custody Division with an Authority to Release from Detention form for all detainees to be released by Adult Custody Division. Subject to any other Act of Canada's Parliament or Statute of British Columbia which requires that British Columbia incarcerate an immigration detainee, Adult Custody Division will accept this form as sufficient authority to effect release of any immigration detainee detained pursuant to this Arrangement, provided there are no other reasons for continued detention.

7. ACCESS TO PREMISES

7.1 Immigration detainees will be allowed to meet with their legal counsel and a representative designated by the Immigration and Refugee Board of Canada; the meetings will be conducted in accordance with BC Correction's policies and procedures governing visits by professionals.

8. FINANCIAL ARRANGEMENTS

8.1 The CBSA will pay Adult Custody Division a daily rate (the "*per diem* rate"), for each day an immigration detainee is detained pursuant to this Arrangement. The daily rate will be in effect for the fiscal year starting April 1 and ending March 31.

8.2 The daily rate for each fiscal year will be based on the daily rate for the preceding fiscal year, adjusted for the annual percent change in the BC Consumer Price Index for the preceding calendar year. In the initial fiscal year of this Arrangement (2017/18) the daily rate will be \$228.00. Adult Custody Division will provide written notification to the CBSA by April 15th of each fiscal

year or within three weeks after the BC Consumer Price Index is published by BC Statistics, of the daily rate for that fiscal year.

8.3 The CBSA will pay Adult Custody Division the daily rate from the day of admission up to but not including the day of release from a correctional centre.

8.4 The CBSA will pay Adult Custody Division any additional costs that are incurred to detain persons under the IRPA. This will include arrangements for special holding and office facilities, medical expenses, extraordinary staffing costs, special dietary, and handling and equipment costs. Adult Custody Division will consult with the CBSA prior to initiating these additional costs.

8.5 Any additional charges in special circumstances incurred as a result of the detention of an immigration detainee will be supported by an invoice for payment made by the Participants with acceptable details and justification. Payments received for additional charges for services provided in special circumstances are not to be included as eligible operating expenditures used in the calculation of the per diem for the next fiscal year.

8.6 Adult Custody Division will provide to the CBSA, on a monthly basis, an invoice comprising a statement for the previous month which identifies the immigration detainees, the number of detention days for each detainee, the total number of detention days for the month, the daily rate, any additional costs under section 8.4 and the total amount payable by the CBSA under this Arrangement and as determined in an annual letter of agreement.

8.7 The CBSA will pay Adult Custody Division the amount payable in each monthly statement, within sixty (60) days of receipt of an invoice, subject to, and in accordance with, procedures specified in the federal *Financial Administration Act*, R.S.C., 1985, c. F-11 (Canada).

8.8 Pursuant to paragraphs 2.10 to 2.12 of this Arrangement, medical treatment or health care services not covered by the Medical Services Plan (MSP) of British Columbia or included in the per diem, will be billed directly to the Interim Federal Health Program service provider or to the CBSA.

8.9 When an immigration detainee is away from the correctional centre in which he or she has been detained but is under the control and supervision of Adult Custody Division, that person will, for the purposes of this Arrangement, be considered to be in the care and custody of the correctional centre.

9. EXCHANGE OF INFORMATION

The information sharing described in this Arrangement is authorized pursuant to:

Authorization to collect Detainees' personal information:

The CBSA

Sections 4 and 5 of the *Privacy Act*, R.S.C. 1985, c. P-21

Adult Custody Division
Section 26(c) of FoIPPA
Section 27(1)(c)(iv) of FoIPPA

Authorization to use Detainees' personal information:

The CBSA
Section 7 of the *Privacy Act*, R.S.C. 1985, c. P-21

Adult Custody Division
Section 32(a) of FoIPPA

Authorization to disclose Detainees' personal information:

CBSA
Section 8(1) and 8(2)(a) of the *Privacy Act*, R.S.C. 1985, c. P-21

Adult Custody Division
Section 33.2(a) of FoIPPA

9.1 Adult Custody Division will disclose to the CBSA personal information of immigration detainees specific to security, alerts, behaviour, discipline and physical and mental health concerns that may impact ongoing care, risk and needs assessment. These events include but are not limited to:

- Health care referral;
- Hunger strikes or fasting;
- Assaults or fights;
- Escorts to hospitals or other medical emergencies;
- Scheduled medical appointments;
- Transfers between correctional centres;
- Diagnosis of a contagious disease, or
- Significant and/or unexpected change in healthcare status, either physically or mentally;
- Serious non-cooperation or violence toward others, including correctional staff; or
- Other behavioral concerns that may impact the proper care and management of the detainee.

9.2 The CBSA will email Adult Custody Division Primary Assessment and Care (PAC) Help Desk at the designated agreed upon mailbox as outlined in Annex D prior, during or after the release from a correctional centre to request the detainee's medical records. The request will include the name of the designated CBSA medical professional. The PAC Help Desk will retrieve the medical information, password-protect the PDF file and email it to CBSA with the reminder that it is to be opened by a designated CBSA medical professional.

9.3 The Electronic Health Record (EHR) will contain the doctors' orders and recommendations for follow-up appointments or requirements to see specialists, etc. All possible or confirmed communicable diseases will be noted in the EHR.

9.4 The PAC Help desk will document release of medical information so there is full accountability and security of the file will be consistent.

9.5 The CBSA will provide Adult Custody Division with relevant information that directly impacts the supervision of the detainee and/or the safety and operation of correctional centres including:

- Scheduled immigration proceedings;
- Health, safety and security concerns, including medical and mental health assessments, contact concerns, and significant behaviours
- Any other information relevant to assessing risk; and
- When an adverse decision regarding the detainee's IRPA case has been rendered.

9.6 The CBSA email inbox as outlined in Annex D will serve as the single point of contact for all immigration detainee related communication between Adult Custody Division staff and the CBSA, including medical, behavioural and safety related information. In case of emergency, the CBSA can also be reached by phone as outlined in Annex D.

9.7 In cases **where there is grievous bodily harm or death**, Adult Custody Division will immediately notify the CBSA Detentions Manager or the Assistant Director as outlined in Annex D. Outside of regular business hours (08:00 to 16:00hrs), Adult Custody Division will use the CBSA After Hours Contact Information and ask to speak to the Duty Manager. Adult Custody Division will report the particulars of the situation to the Duty Manager and will ask to speak directly with the Detentions Manager or the Assistant Director. **Where a person detained dies** Adult Custody Division will immediately advise the CBSA of the death and share, in confidence and in a timely manner, pertinent incident-related information.

9.8 The CBSA will provide health related information to the admitting nurse and all other information to the classification officer at the correctional centre where the detainee is held.

9.9 All information and documentation provided to, collected by, delivered to or compiled by or on behalf of the Participants to this Arrangement in the performance of their duties and responsibilities will be dealt with subject to and in accordance with federal and provincial statutes, particularly the *Privacy Act*, R.S.C. 1985, c. P-21, the *Access to Information Act*, R.S.C. 1985, c. A-1, and the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165.

9.10 The Participants agree that for the purposes of section 13(1)(c) of the *Access to Information Act*, section 19(1)(c) of the *Privacy Act* and section 16(1)(b) of the *Freedom of Information and Protection of Privacy Act*, all information disclosed and received between the Participants under this Arrangement is disclosed and received in confidence.

9.11 Where a Participant receives a request under the *Access to Information Act*, the *Privacy Act*, or FoIPPA, or a Court order, summons or subpoena for disclosure of records relating to this Arrangement, that Participant will immediately consult the other Participant to this Arrangement before disclosing the records to the applicant.

9.12 The terms and conditions under which Adult Custody Division will provide the CBSA with access to personal information in the Corrections Network System (CORNET) is outlined in the established CORNET Electronic Access Agreement (see Annex B). The CBSA is responsible for the collection, use, disclosure and retention of all information obtained from CORNET in accordance with the *Privacy Act*.

10. CONFIDENTIALITY AND SECURITY OF INFORMATION

10.1 Both Participants will make every reasonable effort to ensure the personal information in their custody is accurate, complete and up-to-date.

10.2 Both Participants will make reasonable arrangements to maintain the security of the personal information in their custody, by protecting it against such risks as unauthorized access, collection, use, disclosure or disposal.

10.3 Participants will implement this Arrangement in conformity with their own government's Information Security Policy.

10.4 Both Participants will advise the other immediately of any circumstances, incidents or events which to its knowledge have jeopardized or may in future jeopardize:

- the privacy of individuals;
- the security of any computer system in its custody that is used to access the personal information.

10.5 Participants will maintain appropriate records concerning the transmission and receipt of information exchanged;

10.6 Participants will limit access to the personal information to employees whose duties require such access and who have the appropriate security clearance.

10.7 Participants will record and monitor access to the personal information in their custody, in order to establish a chain of responsibility.

10.8 Participants will investigate all reported cases of:

- unauthorized access to or modification of the personal information in its custody;
- unauthorized use of the personal information in its custody;
- unauthorized disclosure of the personal information in its custody; and

- breaches of privacy or security with respect to the personal information in its custody or with respect to any computer system in its custody that is used to access the personal information.

10.9 Participants will report to the other Participant the results of any such investigation and the steps taken to address any remaining issues or concerns about the security of the Personal Information or computer systems, or the privacy of individuals to whom the personal information relates.

11. ELECTRONIC COMMUNICATION

11.1 At the discretion of the CBSA, interviews with CBSA officers or legal counsel may be conducted by means of electronic communication such as videoconferencing or teleconferencing. Adult Custody Division will, upon request by the CBSA, facilitate the movement of the detainee and supervise the detainee during any electronic communication.

13. TERM, AMENDMENT and TERMINATION

13.1 This Arrangement comes into effect on the latest date of signing and remains in effect until terminated by either Participant in accordance with section 13.3 of this Arrangement.

13.2 The Participants may amend this Arrangement at any time, upon written mutual consent. For the purpose of this provision, the written consent may be affected by an exchange of letters between the Official Representatives identified in section 15 of this Arrangement.

13.3 This Arrangement may be terminated by either Participant, upon twelve (12) months written notice to the other Party. Termination of this Arrangement does not release a Participant from any undertaking which accrued while the Arrangement was in force.

13.4 For the purpose of ensuring the continued relevancy of this Arrangement, the Participants will, by their appointed representatives, review the Arrangement annually and will, as required, identify additional changes to the Arrangement in writing.

14. DISPUTE RESOLUTION

14.1 In the event of a dispute arising from the interpretation or operation of this Arrangement, it will be referred to the Official Representatives identified in section 15 who will use their best efforts to resolve the matter amicably and as practically as possible. If such negotiation fails, the Participants may refer the matter to the signatories for resolution.

15. OFFICIAL REPRESENTATIVES

The following officials are the Official Representatives for all purposes related to this Arrangement. Any policies required under this Arrangement will be delivered to:

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For The CBSA:

Director General
Enforcement and Intelligence Programs Directorate
100 Metcalfe Street, 10th Floor
Ottawa, Ontario
K1A 0L8

For Adult Custody Division:

Provincial Director,
BC Corrections
Ministry of Public Safety and Solicitor General
7th Floor, 1001 Douglas Street
Victoria, British Columbia
V8W 9J7

IN WITNESS THEREOF, this Arrangement, was signed in duplicate, each copy being equally authentic.

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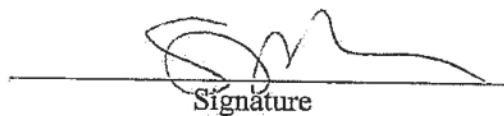
SIGNED ON BEHALF OF THE CANADA BORDER SERVICES AGENCY
THIS 1 DAY OF August, 2017
BY: **Jennifer Lutfallah**

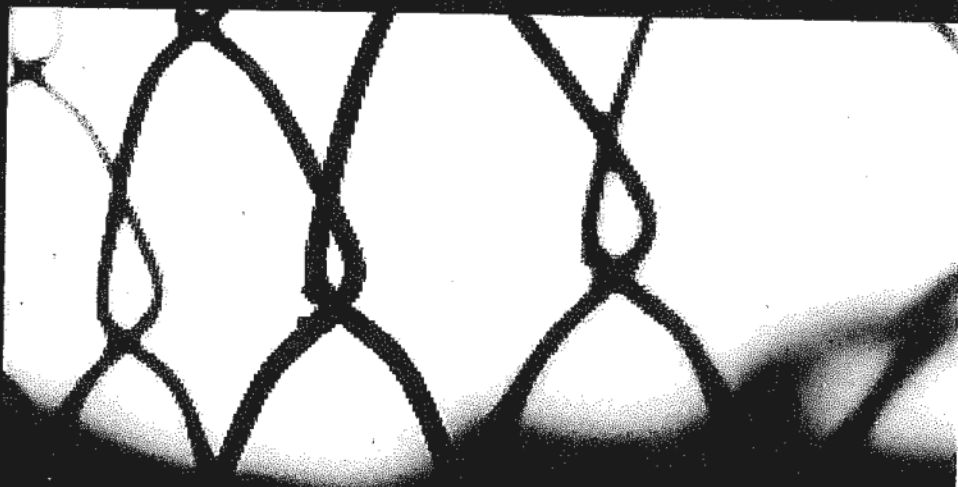
TITLE: Director General
Enforcement and Intelligence Directorate
Programs Branch
Canada Border Services Agency


Signature

SIGNED ON BEHALF OF ADULT CUSTODY DIVISION,
THIS 12th DAY OF September, 2017
BY:

TITLE: Provincial Director
BC Corrections Branch
Ministry of Public Safety and Solicitor General, British Columbia


Signature



IMMIGRATION

REFUGEES

Guidelines for B.C. Correctional Staff

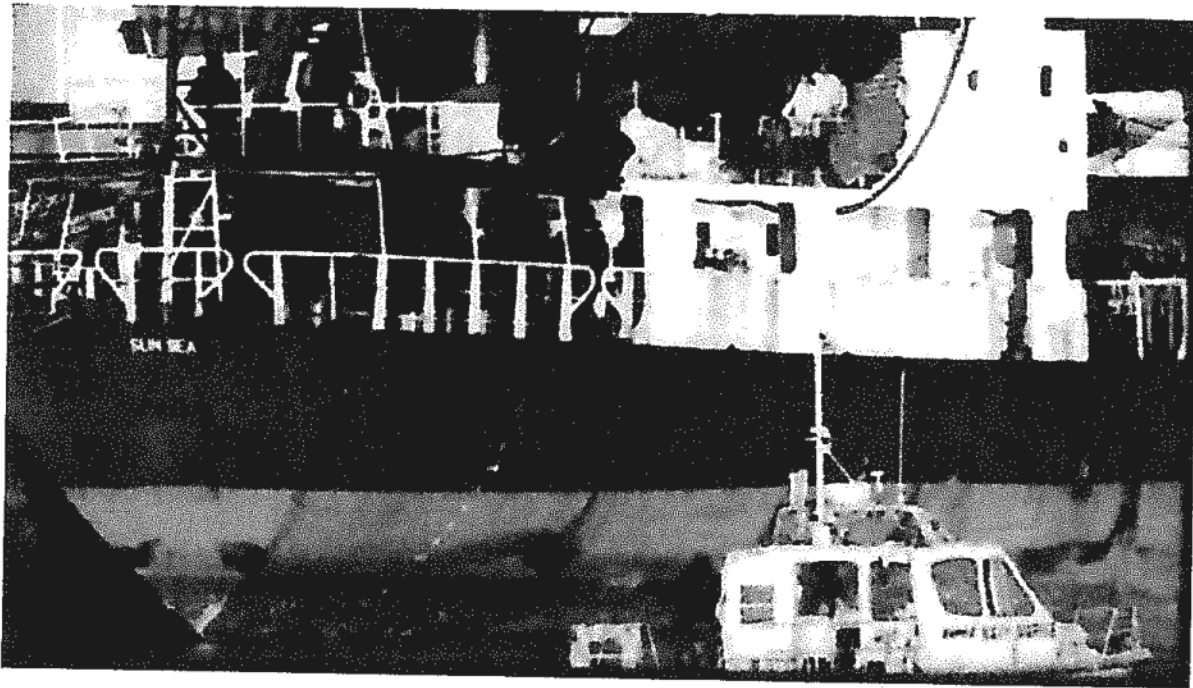
CBSA IMMIGRATION DETAINEES Guidelines for B.C. Correctional Staff

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CBSA IMMIGRATION DETAINEES

Guidelines for B.C. Correctional Staff



Introduction

British Columbia provincial correctional centres are designated holding facilities for individuals or groups of detainees under the *Immigration and Refugee Protection Act (IRPA)*. Canada Border Services Agency (CBSA) has contracted with the BC Corrections to care and house its administrative detainees. Held according to *IRPA*, these detainees are subject to an administrative, rather than criminal, process.

CBSA Immigration detainees, herein referred to as immigration detainees, are held exclusively under the authority of CBSA through such documents as an Order for Detention.

The purpose of these guidelines is to provide best practices in managing immigration detainees throughout the Adult Custody Division (ACD).

CBSA IMMIGRATION DETAINEES Guidelines for B.C. Correctional Staff

Intake

- At the written request of the CBSA and on receipt of an Order for Detention, BC Corrections will detain persons identified by CBSA.
- Intake process for detainees follows the standard Adult Custody Division policy.
- CBSA Immigration Detainee Admission Protocol Agreements are in place for the acceptance of immigration detainees on weekends and statutory holidays.
- Immigration holding documents do not appear on JUSTIN and must be manually entered into CORNET.
- Upon admission to a correctional centre, the records officer determines the citizenship of the inmate. If the birthplace is not Canada and the inmate does not have citizenship, the records officer contacts the nearest immigration office requesting verification of citizenship. Staff can contact the nearest Pacific Region CBSA Inland Enforcement Section– Detention Operations enforcement assistant at s.15 or s.15 to request verification of citizenship.
- If the detainee is held on an immigration holding document, a Correctional Services (CS) number is provided.
- Questions regarding holding documentation can be forwarded to CBSA staff at s.15. Outside of regular business hours (08:00 to 16:00hrs), questions regarding documentation can be directed to s.15. Please ask to speak to the duty officer.
- Any questions regarding immigration holding documents can be forwarded to the BC Corrections Branch analyst who is responsible for this area.
- In the event of a large mass arrival of detainees, ACD works in conjunction with CBSA and Operation Support Unit (OSU) to develop a strategy for CORNET data entry. A mass arrival is defined by ACD as 15 or more individuals arriving simultaneously.
- BC Corrections staff will contact the CBSA if they are unable to communicate with immigration detainees due to language during the intake and mental and physical health screening processes. If interpretation service is required and BC Corrections has exhausted all internal resources, CBSA must be contacted to engage the services of an interpreter.
- During regular business hours (08:00 to 16:00hrs), BC Corrections will phone s.15 and request that an interpreter be contacted. Outside of regular business hours, BC Corrections will phone s.15 and request that an interpreter be contacted.
- In all cases where the CBSA provides an external interpreter, BC Corrections must send an email to **PAC-Vancouver-Prec, Reception** and **PAC-Dist_EID_IES_DLO** with the following information:
 1. Full name of the interpreter
 2. Date of use
 3. Start/End Times
 4. Full name and FOSS/Client ID of the detainee
- If the detainee is being held on a criminal matter, a copy of the warrant is sent to CBSA with a covering letter outlining the term of imprisonment, earliest release date, and the date and place of birth.
- If the individual can be removed from Canada, a removal order may be issued under IRPA. Once a removal order is received, this information is entered in CORNET.

CBSA IMMIGRATION DETAINEES

Guidelines for B.C. Correctional Staff

- Centres receiving inmates who were initially admitted to another centre verify that information regarding the transfer has been relayed to the CBSA office.
- CBSA retains the detainee's physical property whenever possible.
- Detainees will be provided with an Orientation Guide upon arrest by CBSA and shall be permitted to keep this in their possession throughout their detention.
- Detainees are referred to health care for mental and physical health screening within 24 hours. The CBSA notifies corrections staff of any specific medical concerns of which they become aware. Interpreters should be engaged as needed.
- Correctional staff follow ACD policy for infection control and prevention as with all newly admitted individuals.

CBSA detainee liaison officer responsibilities

- The CBSA has several enforcement officers who have been designated detainee liaison officers (DLO). Their role is to provide oversight, detainee case management and liaise with key stakeholders and partners, including BC Corrections.
- CBSA DLO's can be contacted by e-mail at s.15 or by phone at s.15
- The following outlines some of the duties they are responsible for carrying out:
 - Meets with detainees at provincial detention centres to address questions about the IRPA enforcement process.
 - Meets with detainees at provincial detention centres to address, investigate and when possible resolve complaints.
 - Facilitates detainee access to medical, legal and Non-Government Organization (NGO) support and, in particular, ensures to the greatest extent possible that detained refugee claimants are not restricted from accessing the information they require to support their applications for refugee protection.
 - Serves as a liaison between provincial detention centres and the CBSA for cases where safety and security, behavioral, medical and/or mental health issues require intervention and/or impact a detainee's ability to participate in the IRPA enforcement process including removal.
 - Serves as a liaison by providing appropriate provincial detention centre staff with general information about the CBSA and the IRPA enforcement process.

Legal representation

- Detainees are advised upon intake that they may apply for legal aid for immigration matters by calling the Legal Services Society (LSS) free of charge to speak with an LSS intake worker. LSS may be contacted at 604-601-6076 or 1-888-601-6076.
- CBSA recognizes active Regulated Canadian Immigration Consultants (RCIC) as having legal status. They must be registered and in good standing with the Immigration Consultants of Canada Regulatory Council (ICCRC). This in accordance with Section 91 of *IRPA* and Section 2 of the *IRPA* regulations.

CBSA IMMIGRATION DETAINEES

Guidelines for B.C. Correctional Staff

Classification

- An Inmate Assessment (IA) is completed for each detainee.
- The CBSA DLO can provide additional information regarding security concerns and background information when available.
- Detainees who are held under *IRPA* are, where possible, housed separately from inmates who are sentenced or remanded under the *Criminal Code* or another federal or provincial statute. The agreement between Corrections Branch and the CBSA indicates that:
 - We prevent the mingling of CBSA detainees with the regular prison population whenever possible; and
 - There is a separation of detainees from inmates to the greatest extent possible and where operationally feasible.
- Detainees may be housed in a dormitory-style setting; however, the gymnasium should not be utilized as a long-term housing option.
- Referrals are made to work programs and school as appropriate provided the detainee has provided his/her consent prior to being assigned.

Case management

- When possible, information is provided in the detainee's language of origin through the use of translation programs or translation services. Detainees are advised of translation and interpretation services.
- When possible, a correctional staff member (case manager, classification officer, program officer, etc.) is to be assigned to have regular on-going contact with the detainee. This provides the detainee with additional support to better understand internal processes such as making requests and telephone access.
- The CBSA Orientation Guide has been translated into several different languages and provides detainees with important information on their detention, including translated instructions on the BC Corrections phone system. As such, detainees are permitted to retain this guide throughout their detention.
- Free translation programs are available online for day-to-day queries including:
 - Canteen list;
 - Centre's daily routine (e.g. lockups and staff break schedules, meal times, inmate movement, recreation schedules);
 - Use of the mail system, writing materials and stamp requests;
 - Request for religious services and materials;
 - Access to the library;
 - How to arrange visits, booking telephone number, and identification requirements for visitors and minors;
 - How to have money deposited into their account by family or community members; and
 - Requests to attend school.

CBSA IMMIGRATION DETAINEES

Guidelines for B.C. Correctional Staff

- Online translation is not to be used for:
 - Disciplinary process;
 - Complaint forms;
 - Complaint process;
 - Access to legal aid;
 - Legal questions;
 - Health care issues; and
 - Food allergies.
- The CBSA will provide and cover costs for interpreters when all other resources are exhausted.

Meals

- Prior to changing the scheduled meal rotation, dietary needs are discussed with the detainee. Detainees are advised of their ability to make a diet choice as outlined in ACD policy. In cases of mass arrivals, special meals may be provided as approved by the warden.
- The CBSA detainee liaison officer assists with ensuring meal requirements are met. Standard meal choices available are regular (meals may include meat, pork, and fish), vegetarian, and vegan.

Visits and telephone contact

- In-person visits:
 - ACD policy regarding visits is followed.
 - Visits for new detainees are conducted in a timely manner.
 - Complaint form;
 - The CBSA recognizes active Regulated Canadian Immigration Consultants (RCIC) as having legal status. They must be registered and in good standing with the Immigration Consultants of Canada Regulatory Council (ICCRC). This in accordance with Section 91 of *IRPA* and Section 2 of the *IRPA* regulations.
 - In the instance where families have arrived together and one partner and/or children have been released, they are provided with Canadian immigration identification (with photograph) to confirm their status and identity.
 - In cases where detainees are held solely under *IRPA*, and when possible, open visits are provided based on considerations of all relevant circumstances and on a case-by-case basis. If, after due consideration, open visits are not possible, the CBSA is advised.
- Telephone contact:
 - For indigent detainees, assistance is provided to establish telephone contact with family in their home communities.
 - Telephone contact for family members detained in different centres is permitted on a case-by-case basis within operational considerations.
 - For those detainees who are unable to understand English and/or are experiencing difficulties with the Corrections phone system instructions, assistance is provided to

CBSA IMMIGRATION DETAINEES

Guidelines for B.C. Correctional Staff

establish telephone contact with family members.

- For those being deported from Canada, assistance is provided to establish phone contact with family in their home community prior to the detainee leaving the correctional centre.
- Detainees may contact the United Nations High Commission for Refugees in Ottawa at 613-232-0909 through a free cut call on the inmate call system.

Incoming items

- For those held under *IRPA*, consideration may be given in individual cases for local churches and/or community agencies to provide books, videos and magazines in the detainee's language. These items will be mailed to the centre.
- Standard practices should be utilized regarding contraband screening.

Pregnant detainees

- ACD policy applies to pregnant detainees.
- The level of supervision and restraint equipment used with pregnant detainees are determined by the warden or designate in consultation with health care personnel and the CBSA.
- B.C. Corrections facilitates access to appropriate pre and post-delivery resources as necessary in consultation with pregnant detainees. This may involve contacting a resource deemed necessary, including the local:
 - Health authority;
 - Aboriginal health authority;
 - MCFD office;
 - Hospital; and
 - B.C. Corrections health care personnel.
- Infants without immigration holding documents are not provided with CS numbers.

Temporary absence and hearing attendance

- ACD policy regarding temporary absence applies to detainees.
- CBSA will provide transportation for Immigration detainees to and from the correctional centre when any immigration proceeding is conducted outside of the correctional facility.
- Any time a detainee leaves a centre for any reason unrelated to Immigration and Refugee Board hearings, the CBSA is advised immediately by e-mail at s.15

Medical emergency involving a detainee

- When an Immigration detainee requires Emergency medical care requiring transfer to a hospital, BC Corrections will transfer the person and will immediately notify the CBSA of the transfer by email at s.15 or by phone at s.15
Outside of regular business hours (08:00 to 16:00) BC Corrections will phones.15

CBSA IMMIGRATION DETAINEES Guidelines for B.C. Correctional Staff

s.15

- In cases where there is grievous bodily harm or death, BC Corrections will call the CBSA Detentions Manager at s.15 or the Assistant Director at s.15. Outside of regular business hours (08:00 to 16:00hrs), BC Corrections will phone s.15 and ask to speak to the Duty Manager. BC Corrections will report the particulars of the situation to the Duty Manager and will ask to speak directly with the Detentions Manager or the Assistant Director. Where a person detained pursuant to this Agreement dies while in custody of BC Corrections, BC Corrections will immediately advise the CBSA of the death and share, in confidence and in a timely manner, pertinent incident-related information.

File retention

- File retention conforms to Corrections Branch Operational Records Classification System (ORCS).

Release from correctional centre

- Records staff are advised by CBSA when detainees are to be released.
- Copies of release documents are provided to correctional staff and the CBSA contracted security personnel.
- When an immigration detainee with a communicable disease is being moved from the correctional centre, the CBSA is advised in advance by e-mail at s.15
- Questions regarding release documents can be forwarded to CBSA staff at s.15. Outside of regular business hours (08:00 to 16:00hrs), questions regarding release documents can be directed to s.15. Please ask to speak to the duty officer.

Information Sharing with the Canada Border Services Agency

- CBSA and B.C. Corrections operate under an agreement.
- According to the *Immigration and Refugee Protection Act (IRPA)*, the CBSA maintains ultimate responsibility for detainees' care and housing during their term of custody.
- Confidential information may be shared with other agencies, such as CBSA, according to the *Freedom of Information and Protection of Privacy Act* of B.C.
- The CBSA Detainee Liaison officer or other designated contact person at s.15 or by phone at s.15 is advised of significant events involving immigration detainees, including:
 - Health care referral;
 - Hunger strikes or fasting;
 - Assaults or fights;
 - Escorts to hospital or other medical emergencies;
 - Scheduled medical appointments;
 - Transfers between Correctional centres;
 - Diagnosis of a contagious disease, or

CBSA IMMIGRATION DETAINEES

Guidelines for B.C. Correctional Staff

- Significant and/or unexpected change in healthcare status, either physically or mentally;
 - Serious non-cooperation or violence toward others, including correctional staff; or
 - Other behavioural concerns that may affect the proper care and management of the detainee.
-
- When an Immigration detainee requires Emergency medical care requiring transfer to a hospital, BC Corrections will transfer the person and will immediately notify the CBSA of the transfer by email at s.15 or by phone at s.15
Outside of regular business hours (08:00 to 16:00) BC Corrections will phone s.15
s.15
 - In cases where there is grievous bodily harm or death, BC Corrections will call the CBSA Detentions Manager at s.15 or the Assistant Director at s.15 Outside of regular business hours (08:00 to 16:00hrs), BC Corrections will phone s.15 and ask to speak to the Duty Manager. BC Corrections will report the particulars of the situation to the Duty Manager and will ask to speak directly with the Detentions Manager or the Assistant Director.
 - Where a person detained pursuant to this Agreement dies while in custody of BC Corrections, BC Corrections will immediately advise the CBSA of the death and share, in confidence and in a timely manner, pertinent incident-related information.
 - CBSA has established single points of contact at each of the centres:
s.17

Canada Border Services Agency – Hearings

- Detainees are provided a hearing with the Immigration and Refugee Board (IRB) within 48 hours of their detention.
- Another hearing is provided seven (7) days following initial review and then every 30 days thereafter.
- Detention for designated mass arrivals starts as soon as detainees are on Canadian transport (e.g. bus, ferry).
- Hearings are conducted in Vancouver; however, they can be completed on site or by phone or video conference if deemed appropriate by IRB members.
- The CBSA Detainee Liaison officer meets regularly with detainees to discuss hearing status and outstanding requests.
- CBSA Detainee Liaison Officers can be contacted by e-mail at s.15 or by phone at s.15

Canadian Red Cross

Under an agreement with the Government of Canada, the Canadian Red Cross monitors the

CBSA IMMIGRATION DETAINEES Guidelines for B.C. Correctional Staff

condition of those held in immigration detention through the Detention Monitoring Program for those with immigration holding documents. There are two additional Canadian Red Cross programs that may be accessed by those in immigration detention:

- Restoring Family Links Program; and
- First Contact Program for refugee claimants in the community.

Detention Monitoring Program

Authority to conduct visits with detainees is contained in the memorandum of understanding between the Red Cross, the CBSA, and B.C. Corrections. The purpose of the detention monitoring program is to ensure human rights and dignities are upheld for individuals in immigration detention. Visits are typically conducted on a quarterly basis unless there are extenuating circumstances.

Visits follow a standard procedure that includes:

- An initial discussion with the warden or designate;
- A tour of detainee accommodations and facilities (kitchen, sanitary installations, health care, dormitories, etc);
- Private talks with detainees, individually or as a group. The focus of these visits is to confirm:
 - The well-being and treatment of the detainees;
 - Their access to legal and medical services;
 - Complaint mechanisms are in place; and
 - Contact with family is available if required; and
 - A concluding private, formal talk with the warden or designate.

Restoring Family Links Program

This program helps to re-establish contact with family after separation due to conflict, disaster or other humanitarian crises, including migration. The Red Cross is able to assist with:

- Tracing the whereabouts of people missing as a result of conflict or disaster;
- Providing a system for exchange of news between family members when all other means of communication have broken down;
- Obtain health and welfare reports on family who have suddenly and inexplicably fallen out of contact; and
- Obtain certificates of detention for prisoners of war and civilian detainees who were visited and registered by the International Committee of the Red Cross their detention.

Detainees are assisted with calls to this program at no cost.

First Contact Program

This program is available only in the Vancouver area. It is for refugee claimants who have been released and are seeking assistance with housing, health care and other basic necessities of life. Detainees are assisted with calls to this program at no cost.

CBSA IMMIGRATION DETAINEES Guidelines for B.C. Correctional Staff

First Contact, Canadian Red Cross Lower Mainland Region can be contacted by telephone at 604-787-8858 or via e-mail at s.15

United Nations High Commissioner for Refugees (UNHCR)

Following reasonable notice from the United Nations' High Commissioner for Refugees (UNHCR), BC Corrections will allow representatives, identified by the CBSA, access to correctional centres on the grounds of Canada's commitment under the Convention relating to the Status of Refugees (CSR).

Resources

Immigration and Refugee Protection Act:

<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/index.html>

Immigration and Refugee Board of Canada – process for making a claim for refugee protection: <http://www.irb-cisr.gc.ca/Eng/RefClaDem/Pages/ClaDemGuide.aspx>

Canada Border Services Agency – information for detainees:

<http://www.CBSA-asfc.gc.ca/publications/pub/bsf5012-eng.pdf>

Legal Services Society – guide to the refugee claim process:

<http://lss.bc.ca/publications/pub.php?pub=286>

B.C. Office to Combat Trafficking in Persons – resources:

<http://www.pssg.gov.bc.ca/octip/resources.htm>

Citizenship and Immigration Canada – protection and assistance for victims of human trafficking:

<http://www.cic.gc.ca/english/information/applications/trp.asp>

Free online translation programs:

<http://www.freetranslation.com/> or <http://translate.google.com/#>



CORNET

ELECTRONIC ACCESS AGREEMENT

Ministry of Public Safety and

Solicitor General, Corrections Branch

Read-only Electronic Access Agreement

BETWEEN: Her Majesty the Queen in right of the Province of British Columbia, as represented by the British Columbia Ministry of Public Safety and Solicitor General, Corrections Branch, hereafter "CB".

AND: Canada Border Services Agency, Pacific Region, hereafter referred to as "CBSA".

RE: Electronic access to the Corrections Information System (hereafter "CORNET").

1. Definitions

CB means the Corrections Branch of the Ministry of Public Safety and Solicitor General

CORNET means the Corrections Network, a single client file application used by the Corrections Branch and the Ministry of Children and Family Development to track details relating to the supervision and management of adult and youth offenders.

CORNET Data means data of adult clients or the adult portion of an integrated record in the CORNET database.

CORNET user means any individual who is authorized to have electronic access to CORNET pursuant to this EAA.

EAA means an electronic access agreement.

FoIPPA means the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 (British Columbia).

IMC means the Information Management Committee of the Corrections Branch.

IRPA means the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

Personal information means recorded information about an identifiable individual. [FOIPP Act, Schedule 1].

Read-Only access means that the party providing access allows the authorized party to read or print the data from the CORNET database. No authority is provided to create, modify or delete information in the CORNET database.

OSU means the Operations Support Unit of CB.

2. Background to this Electronic Access Agreement (hereafter "EAA")

- a. CORNET is an operational integrated offender case management system. It is the provincial repository for all adult offender personal information;

- b. CORNET is used by CB for public safety purposes, law enforcement purposes, and the administration of the CB mandate. Through CORNET, information is shared with other justice agencies;
- c. CB is responsible for the operation of correctional facilities for the secure detention of persons awaiting trial or serving sentences, or both, in the Province of British Columbia;
- d. An EAA is a written agreement in a format set by the CORNET Electronic Access Policy, which authorizes electronic access to CORNET. Where applicable, it also acts as an Information Sharing Agreement pursuant to section 69(5) of FoIPPA;
- e. The Immigration and Refugee Protection Act, S.C. 2001, c. 27 (IRPA) allows for or requires the detention of persons for administrative purposes;
- f. The CBSA is responsible for the administration of Canada's immigration detention program; and,
- g. It is necessary to ensure that persons subject to lawful detention pursuant to IRPA are held in appropriate facilities for secure detention within the Province of British Columbia; and CB will, upon request by the CBSA, detain persons who would otherwise be detained by the CBSA in accordance with IRPA.

3. Authority for Access

The electronic access described in this EAA is authorized pursuant to:

Authorization for BC Corrections to disclose CORNET data:

- Section 33.2(a) of FoIPPA, and/or
- Section 33.2(i) of FoIPPA

Authorization for CBSA to collect CORNET data:

- Section 4 of the *Privacy Act* of Canada, R.S.C. 1985, c. P-21.

Authorization for CBSA to use CORNET data:

- Section 7 of the *Privacy Act* of Canada, R.S.C. as it relates to sections 8(2)(a), (e), (f), and (m)(i).

4. Purpose of the Electronic Access Agreement

The purpose of the EAA is to document the terms and conditions under which CB will provide CBSA with access to personal information in CORNET. This personal information is provided for the purpose of co-managing detention of persons who are being detained under the IRPA and to ensure timely access to legislated reviews of detention and access for

removal from Canada.

5. General Provisions

- a. CBSA will establish and maintain policies and procedures to ensure that the CBSA CORNET users comply with the terms and conditions of this EAA.
- b. CBSA CORNET users will be employees of CBSA and will have a certified criminal records check and the appropriate law enforcement standard security clearance level required to perform their positions.
- c. OSU will grant access when:
 - I. CBSA confirms the CORNET user has successfully completed training by the certified CBSA CORNET trainer; and
 - II. CBSA has submitted account access forms for all its CORNET users. A copy of the account access form is included for reference in Appendix A. This form may be amended from time to time.
- d. Access to CORNET will require individual IDIR accounts. CBSA, upon obtaining access, agrees not to share IDIR/CORNET accounts with anyone else. Furthermore, any problems concerning the data and its security must be reported within 24 hours (please see Section 20.1 of this agreement).
- e. CBSA will designate a central contact person who will be responsible for liaising with CB for CORNET account authorization purposes and maintain a list of those CBSA employees that are assigned CORNET accounts (see Appendix B).
- f. Authority to assign CBSA accounts will be delegated to the central contact person(s). The number of CBSA accounts will be no more than the number defined in Appendix B.
- g. The central contact person indicated in Appendix B will provide the CB with a sample of the authorizing signature that will appear on the Approving Authority form.
- h. The list of CBSA employees with CORNET accounts will be provided to the chair of IMC upon request or at the end of every calendar year.
- i. CBSA CORNET users will access CORNET only from government-approved technology that has been supported by IMC.
- j. The CBSA CORNET users will be provided with read-only access to the data described in Appendix C.
- k. CORNET users' access privileges will be revoked by the CBSA delegate responsible for system maintenance when they no longer require access due to changes in employment duties or employment status. This delegate will submit the appropriate forms requesting deletion of that employee's access to the CB as soon as possible.
- l. The use of CORNET by CBSA will be audited yearly before access is renewed.

6. Information to be Accessed

CB will provide access to the information listed in Appendix C as available in CORNET. All information obtained via CORNET is strictly confidential and access to this sensitive personal data is governed by FoIPPA. Specifics on any individual may not be shared with anyone other than CBSA employees as needed and consistent with the use of the information. Additionally, precautions must be taken to ensure that such information remains confidential. All data pertaining to individuals not of direct interest to CBSA, such as visitors, victims, and so on, may not be written, read, or printed.

7. Method of Providing the Information

- a) Access to information is controlled by OSU through account security matrices.
- b) CB will provide access to information in CORNET to the CBSA CORNET user via a personal user ID access account.

8. Information Accuracy

CB does not guarantee the accuracy of the information accessed under this EAA. This information is made available on an "as is" basis. CB will not be held liable for any inaccuracies.

9. Liability

Information contained in CORNET may contain errors and is subject to change or modification, therefore the Crown in right of the Province of BC or the Ministry, their contractors, or employees are not liable to any person or agency using the specified CORNET modules or information generated, for direct, indirect, general, special, or consequential damages including personal injury, lost profits, lost savings, interruption of business, or any other incidental damages arising out of the use of, or inability to use, the specified CORNET modules.

10. Information Privacy

CBSA is responsible for the collection, use, disclosure and retention of all information obtained from CORNET in accordance with the *Privacy Act* of Canada, R.S.C.

11. Training

- a) The parties agree that the CBSA CORNET users will be provided with the necessary instruction and practice in accordance with the EAA before access is granted to CORNET.

- b) The CBSA will identify individuals to be certified as CORNET trainers in accordance with CB policies;
 - I. Certification can occur through the Justice Institute of BC or OSU.
- c) CBSA will maintain and regularly review records of all users trained, including the dates of training sessions and names of the trainer(s). New CBSA CORNET trainers are required to comply with section 11(a) and (b).

12. Statement of Services

Technical Support

- a) CBSA CORNET users may request assistance from the CBSA Computer Services for problems relating to hardware, network connectivity and other problems related to hardware infrastructure. If the issues cannot be resolved by CBSA Computer Services, CBSA Computer Services can contact the Ministry Help Desk for support.
- b) The CBSA will provide any other technical support required, including support for CBSA internal hardware, connection and network.
- c) CBSA will provide internal resources to administer CORNET access within CBSA.

OSU

- d) The CBSA CORNET users will contact the CORNET Help Desk OSU for data quality or software problems in accordance with the EAA.
- e) OSU creates, modifies and removes user access.
- f) OSU provides application support for users.
- g) OSU provides day-to-day operation support and trouble-shooting for application and user access.
- h) OSU manages data quality process.
- i) OSU hours of operation: 8:00 am to 4:30 pm, Monday to Friday, excluding Statutory holidays.
- j) OSU contact information:

Phone: s.17

Fax:

Email: !

13. Costs

- a. There is no financial cost to CBSA for CORNET.
- b. Cost of OSU Support:

- i. Through this agreement CB recovers costs associated with OSU support if the number of authorized CORNET users exceeds 10 as per Appendix B.

14. Communication and Consultation

The parties agree that when a party is considering changes to systems, policies or procedures which may affect access to information under this Agreement, the party will provide reasonable notice to the other party of any proposed changes and will establish a process for further consultation and communication which takes into account the operational requirements of both parties.

15. Copyright and Licence

CBSA will not make copies of any CORNET software that is owned by or licensed to the Ministry, without the written consent of the Ministry. Upon termination of this EAA, CBSA will cease using all such software and will no longer have access to terminals in CB custody centres.

16. Dispute Resolution

Once this EAA comes into effect, if a policy, legal or technical issue arises that cannot be resolved by the parties, the issue may be brought to IMC for review.

17. Modification

- a) This EAA may be altered by agreement in writing from all parties and may be supplemented with an addendum.
- b) Appendix B may be amended by the agreement of the Chair of IMC and CBSA's designate.

18. Cancellation of this EAA

A party may terminate this EAA by providing written notice to the other party.

19. Non-Performance Due to Causes Outside the Control of the Parties

Notwithstanding anything herein to the contrary, none of the parties shall be deemed to have breached this EAA with respect to the performance of any of its terms, covenants, or conditions, if same shall be due to any strike, lockout, civil commotion, invasion, rebellion, hostilities, sabotage, governmental regulations or controls, or natural disaster.

20. Unauthorized Collection, Use, Disclosure, Access, Disposal, or Storage of information contained in CORNET (whether suspected or confirmed)

20.1 Response to unauthorized activity

If CBSA, including any employee, service provider, or other person discovers any of the following activities involving CORNET, whether suspected or confirmed, then this activity shall be reported immediately to the CB's Director of Programs and Strategic Services ("Director"). CBSA also agrees to ensure that all CBSA CORNET users are aware of their obligation to report unauthorized activity as prescribed here. The activities that must be reported to the Director include:

- Unauthorized access to the information provided under this Agreement whether it is suspected or confirmed;
- Unauthorized collection, use, disclosure, disposal, or storage of the information provided under this Agreement whether it is suspected or confirmed;
- Breaches or suspected breaches of security of the information provided under this Agreement or the computer system used to access such information.

Once the Director has been advised of an unauthorized activity, whether it is suspected or confirmed, CB will follow provincial government policy for reporting information incidents. In circumstances where the CBSA is unable to immediately contact the Director, the CBSA are required to immediately report the information incident by calling the CB emergency after hours contact number at 250-387-5354.

Subsequent to reporting any suspected or confirmed unauthorized activity to the Director, and at the direction of the Director, CBSA will make every effort to retrieve and contain all personal information involved in the unauthorized activity to minimize the potential of harm to any affected individual. CB will provide the CBSA with ongoing direction to respond to and address any unauthorized activity.

Notwithstanding any other provision of this Agreement, CB may terminate access to information under this Agreement where information is accessed or used for a purpose not authorized under section 4 of this Agreement. CB may terminate an individual user's access or CBSA's access as a whole.

20.2 Complaints about Information Practices

CBSA agrees to respond in a timely manner to complaints about the information practices set out in this agreement. In addition, the CBSA will immediately notify the CB's Director of Programs and Strategic Services of any complaints that relate to the inappropriate collection, use, disclosure, access, disposal, or storage of CORNET information. The CB will, in turn, follow provincial government policy for the reporting of information incidents.

20.3 Auditing and Audit Trails

CORNET maintains an audit trail for user read-only access. The participants agree that audits of the CBSA CORNET users' access to CORNET may be conducted. Where CB has determined that there has been inconsistent access, CBSA will assist in resolving any arising concerns.

21. Transferability

This EAA is neither transferable nor assignable.

22. Legal status of this EAA

EAA's are intended to facilitate co-operation and communication to the mutual benefit of each party and each party will exercise good faith to comply with the terms of the EAA. No party will commence an action on the basis that this EAA has been breached.

Contacts

Corrections Branch:

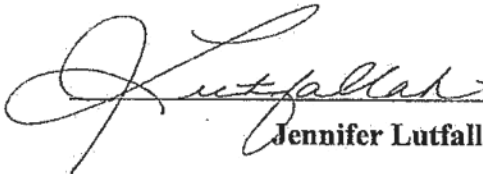
Director, Strategic Technology and Corporate Projects,
Corrections Branch

Deputy Provincial Director,
Adult Custody Division
Corrections Branch

CBSA:

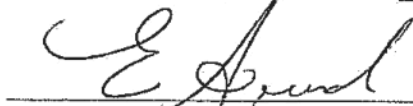
Assistant Director, Inland Enforcement Section
Operations Branch, Pacific Region
Canada Border Services Agency

Director, Enforcement and Intelligence Division
Operations Branch, Pacific Region
Canada Border Services Agency


Jennifer Lutfallah

Director General
Programs Branch
Canada Border Services Agency

Dated at Ottawa, Ontario, this 1 day of August, 2017.


Elenore Arend

Assistant Deputy Minister
Corrections Branch
Ministry of Public Safety and Solicitor General

Dated at Victoria, British Columbia, this 15TH day of SEPTEMBER, 2017.

APPENDIX B

A maximum of 10 CORNET user accounts will be provided to BCSS. The participating employees collecting and/or analysing the data are:

The contact to review and sign all applications prior to submission is:

s.17

The contact to maintain a list of all authorized CORNET users is:

s.17

APPENDIX C

Personal Information Provided

The following personal information about individuals who are detained in British Columbia, Corrections Branch facilities under section 55 of the *Immigration and Refugee Protection Act* may be provided to Canada Border Service Agency under this Agreement:

CORNET:

Corrections Service Number
Fingerprint Number
Surname
Given Names
Address
Telephone numbers
Gender
Date of Birth
Birth place
Racial Characteristics
Height
Weight
Hair Colour
Eye Colour
Facial hair
Identifying Marks
Occupation
Education
Marital Status
Citizenship
Year entered Canada
Probable Discharge Date
Possible Parole Date
Final Warrant expiry date
Final Order Expiry Date

Current Status with Corrections:

Custody
Supervising office
Supervising Officer
Risk/needs Assessment Ratings

History with Corrections:

Custody
Supervising offices
Court level
Charges
Sentence/Court orders
Sentence Details
Warrant details
Movements (Community and Custody
Admissions and Releases)

Contacts/No Contacts:

Relationship
Name
Phone Number



January 27, 2016

CBSA Immigration Detainee Admission Protocol Agreement

In 2016 an agreement will be signed between the CBSA and BC Corrections. This protocol agreement will serve to document the arrangement between the CBSA and BC Corrections for the acceptance of immigration detainees on weekends and statutory holidays at a provincial facility, namely Alouette Correctional Centre. A six (6) hour time frame will be allotted to facilitate the transfer of female inmates to Alouette Correctional Centre for Women (ACCW). See below:

1. CBSA officers and/or contract security staff will transport immigration detainees on weekends and statutory holidays to deliver female inmates at between the hours of 06:00 to 12:00.
2. CBSA staff will contact either the ACCW records officer at s.17 or SSP (control) at s.17 at the earliest possible convenience to advise if there will be any female detainees to be delivered.
3. ACCW is not resourced for and will not accept male detainees.
4. ACCW will not accept female detainee admissions to the centre outside of the above stipulated hours from CBSA.
5. ACCW records staff will ensure all required holding documents have been received or are provided at pick up prior to detainee acceptance.

This agreement can be terminated upon agreement of both parties.

Signature Sandra Gemmill

Date Feb 02/16

Sandra Gemmill
Assistant Deputy Warden
Sentence Management Unit
Alouette Correctional Centre for Women

Signature Christian Lane

Date 2016.02.01

Christian Lane
Manager, Regional Programs
Enforcement and Intelligence Division
Canada Border Services Agency

Protect communities, reduce reoffending

Ministry of
Public Safety &
Solicitor General

Corrections Branch
Adult Custody Division

Mailing Address:
PO Box 9278 Stn Prov Govt
Victoria BC V8W 9J7

Location Address:
7th Floor, 1001 Douglas St
Telephone: (250) 387-5098
Facsimile: (250) 952-6883



January 27, 2016

CBSA Immigration Detainee Admission Protocol Agreement

In 2016 an agreement will be signed between the CBSA and BC Corrections. This protocol agreement will serve to document the arrangement between the CBSA and BC Corrections for the acceptance of Immigration detainees on weekends and statutory holidays at a provincial facility, namely North Fraser Pretrial Centre. A four (4) hour time frame will be allotted to facilitate the transfer of male inmates to North Fraser Pretrial Centre (NFPC). See below:

1. CBSA officers and/or contract security staff will transport immigration detainees on weekends and statutory holidays to deliver male inmates at between the hours of 13:00 to 17:00.
2. CBSA staff will contact either the NFPC records officer at s.17 Classification
Supervisor at s.17 or SSP (control) at s.17 at the earliest possible
convenience to advise if there will be any male detainees to be delivered.
3. Due to operational resources available the latest notification for the inmate transport will be 16:00 hours.
4. NFPC is not resourced for and will not accept female detainees.
5. NFPC will not accept male detainee admissions to the centre outside of the above stipulated hours from CBSA.
6. NFPC records staff will ensure all required holding documents have been received or are provided at pick up prior to detainee acceptance.

This agreement can be terminated upon agreement of both parties.

Signature

Date

2016.01.28

Raj Bahla
Assistant Deputy Warden
Sentence Management Unit
North Fraser Pretrial Centre

Signature

Date

2016.01.27

Christian Lane
Manager, Regional Programs
Enforcement and Intelligence Division
Canada Border Services Agency

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Telephone: (250) 387-5098
Facsimile: (250) 952-6883

Annex D: CONTACT INFORMATION

CBSA Contacts:

CBSA Detainee Liaison Officer

Phone: s.15

E-mail:

CBSA After Hours Contact Information

Phone: (604) 666-5888

*Ask to speak to the Duty Manager

CBSA Detentions Manager

Phone: s.15

CBSA Assistant Director

Phone: s.15

Adult Custody Division Contacts:

Adult Custody Division Primary Assessment and Care (PAC) Help Desk

E-mail: s.17

References :

2.10 When an Immigration detainee requires emergency medical care requiring transfer to a hospital, Adult Custody Division will transfer the person and will immediately notify the CBSA of the transfer by email at s.15 or by phone at s.15 Outside of regular business hours (08:00 to 16:00) Adult Custody Division will phone s.15

2.11 In cases where there is grievous bodily harm or death, Adult Custody Division will immediately notify the CBSA Detentions Manager at 604-666-9016 or the Assistant Director at s.15 s.15 Outside of regular business hours (08:00 to 16:00hrs), Adult Custody Division will phone s.15 and ask to speak to the Duty Manager.

2.18 Adult Custody Division will not release an inmate detained under an Act of Parliament at the end of that inmate's period of detention if a warrant for the arrest and detention of that inmate has been issued under the IRPA and if that warrant takes effect no later than the end of that inmate's period of detention. The CBSA will set out such information in an Order of the Canada Border Services Agency to Deliver Inmate form (BSF498), which it will deliver in advance to Adult Custody Division along with an Order for Detention. Adult Custody Division will notify the CBSA via email at s.15 as soon as possible once a detainee's criminal matters have concluded in order for the CBSA to initiate processes pursuant to statutory requirements under the IRPA.

9.2 The CBSA will email the Adult Custody Division Primary Assessment and Care (PAC) Help Desk s.17 prior, during or after the release from a correctional centre to request the detainee's medical records. The request will include the name of the designated CBSA medical professional. The PAC Help Desk will retrieve the medical information, password-protect the PDF file and email it to CBSA with the reminder that it is to be opened by a designated CBSA medical professional.

9.6 The CBSA email inbox s.15 will serve as the single point of contact for all immigration detainee related communication between Adult Custody Division staff and the CBSA, including medical, behavioural and safety related information. In case of emergency, the CBSA can also be reached by phone at s.15

9.7 In cases where there is grievous bodily harm or death, Adult Custody Division will call the CBSA Detentions Manager at 604-666-9016 or the Assistant Director at s.15 Outside of regular business hours (08:00 to 16:00hrs), Adult Custody Division will phone s.15 and ask to speak to the Duty Manager. Adult Custody Division will report the particulars of the situation to the Duty Manager and will ask to speak directly with the Detentions Manager or the Assistant Director.



September 22, 2017

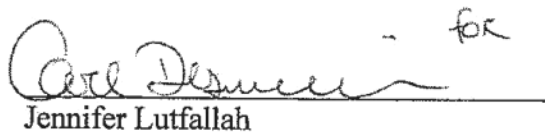
Stephanie Macpherson
Provincial Director, BC Corrections
Adult Custody Division
Ministry of Public Safety and Solicitor General
7th Floor, 1001 Douglas Street
Victoria, British Columbia
V8W 9J7

Re: An Arrangement respecting the detention of persons detained under the Immigration and Refugee Protection Act (IRPA) between the Canada Border Services Agency (CBSA) and the Ministry of Public Safety and Solicitor General, Corrections Branch, Adult Custody Division

Dear Ms. Macpherson,

Pursuant to paragraph 13.2 (Term, Amendment and Termination) of the Arrangement referenced above, the CBSA would like to request an amendment to reflect the 2017-2018 per diem rate of \$235.00, effective April 1, 2017. Unfortunately this particular item was overlooked and not captured in the final version. As such, I am writing to seek your concurrence to make the amendment for accuracy and clarity. Please indicate your concurrence by signing below and returning one fully executed original of this letter to my attention. You may retain the other fully executed original for your files. Thank-you for your collaboration.

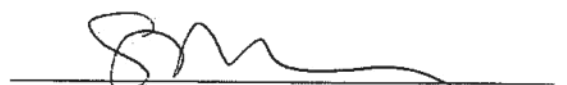
Best regards,

 for
Jennifer Lutfallah

Date: Sept. 28, 2017

Director General, Enforcement and Intelligence Programs Directorate
Canada Border Services Agency
100 Metcalfe Street, 10th Floor
Ottawa, Ontario
K1A 0L8

Concurrence:


Stephanie Macpherson, Provincial Director
Adult Custody Division BC Corrections

Date: October 3, 2017