



Canada Border
Services Agency

Agence des services
frontaliers du Canada



May 26, 2014

Dana Tadla
Deputy Provincial Director
Adult Custody Division, Corrections Branch
Ministry of Public Safety and Solicitor General, Province of BC

Re: Letter of Agreement for Immigration Detentions

This letter will serve to document the arrangement between the Canada Border Services Agency (CBSA), Pacific Region and the Corrections Branch, Ministry of Public Safety and Solicitor General, Province of BC (BC Corrections), for detaining persons under the *Immigration and Refugee Protection Act* (S.C. 2001, c.27).

Documentation

- At the request of the CBSA, BC Corrections will detain persons under the *Immigration and Refugee Protection Act*.
- An Immigration Detention Order for any person already in Provincial custody will not be enforced until the person would otherwise be released from custody.
- The CBSA will provide all relevant information and documentation, including known medical/mental health information, as well as personal effects for the person being detained.

Transfer of Custody

- BC Corrections may transfer a detained person to a medical facility if necessary and will notify the CBSA by the next working day of such a transfer.
- BC Corrections may refuse to accept a person if they do not have the necessary facilities to house the person or if the person is not sufficiently medically fit.
- The CBSA will provide BC Corrections with as much advance notice as possible when a detained person is scheduled for release, removal, or is required to attend immigration proceedings. The CBSA will make any necessary transportation arrangements for the detained person.
- BC Corrections follows the principles laid out in the U.N. Standard Minimum Rules for the Treatment of Prisoners and, where ever possible, will prevent the co-mingling of CBSA detainees with the regular prison population.
- BC Corrections will segregate IRPA detainees from inmates to the greatest extent possible and where operationally feasible. Where co-mingling of inmates and IRPA detainees is unavoidable BC

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Corrections will, based on risk assessment, house IRPA detainees in the most appropriate environment possible.

Detention Monitoring

B.C. Corrections and the CBSA fully support the Red Cross Detention Monitoring Program as it relates to the monitoring of detainees.

Payment

- The CBSA will pay will the current per diem rate each person held in custody.
 - The daily rate for males or females will be _____ for the period from April 1, 2014 to March 31, 2015.
- This rate will be established early each fiscal year, and the CBSA will be charged that amount for the remainder of that fiscal year, which runs from April 1 to March 31 of the following year.
- The daily rate above consists of the normal operating costs of a provincial correctional centre and standard dietary needs.
- The CBSA will pay BC Corrections any additional costs incurred to detain persons under the *Immigration and Refugee Protection Act*. This will include arrangements for special holding and office facilities, medical expenses, extraordinary staffing costs, and special dietary, handling and equipment costs. BC Corrections agree to consult with the CBSA prior to initiating these additional costs.
- BC Corrections will send the CBSA a detailed monthly invoice. Payment will be due within 60 days.

Exchange of Information

- BC Corrections will only exchange information permitted under the *Privacy Act* (Canada) and the *Freedom of Information and Protection of Privacy Act* (British Columbia).
- When a detainee has or is suspected to have a communicable disease, information will only be shared through medical personnel in a way that is consistent with provincial and federal communicable disease communication protocols.
- Exchange of all information allowable under relevant privacy legislation is required on a consistent and continual basis throughout a detainee's detention under IRPA. This information is required for the common purpose of accurate risk assessment and ensuring, to the greatest extent possible, the appropriateness of care and control of IRPA detainees.



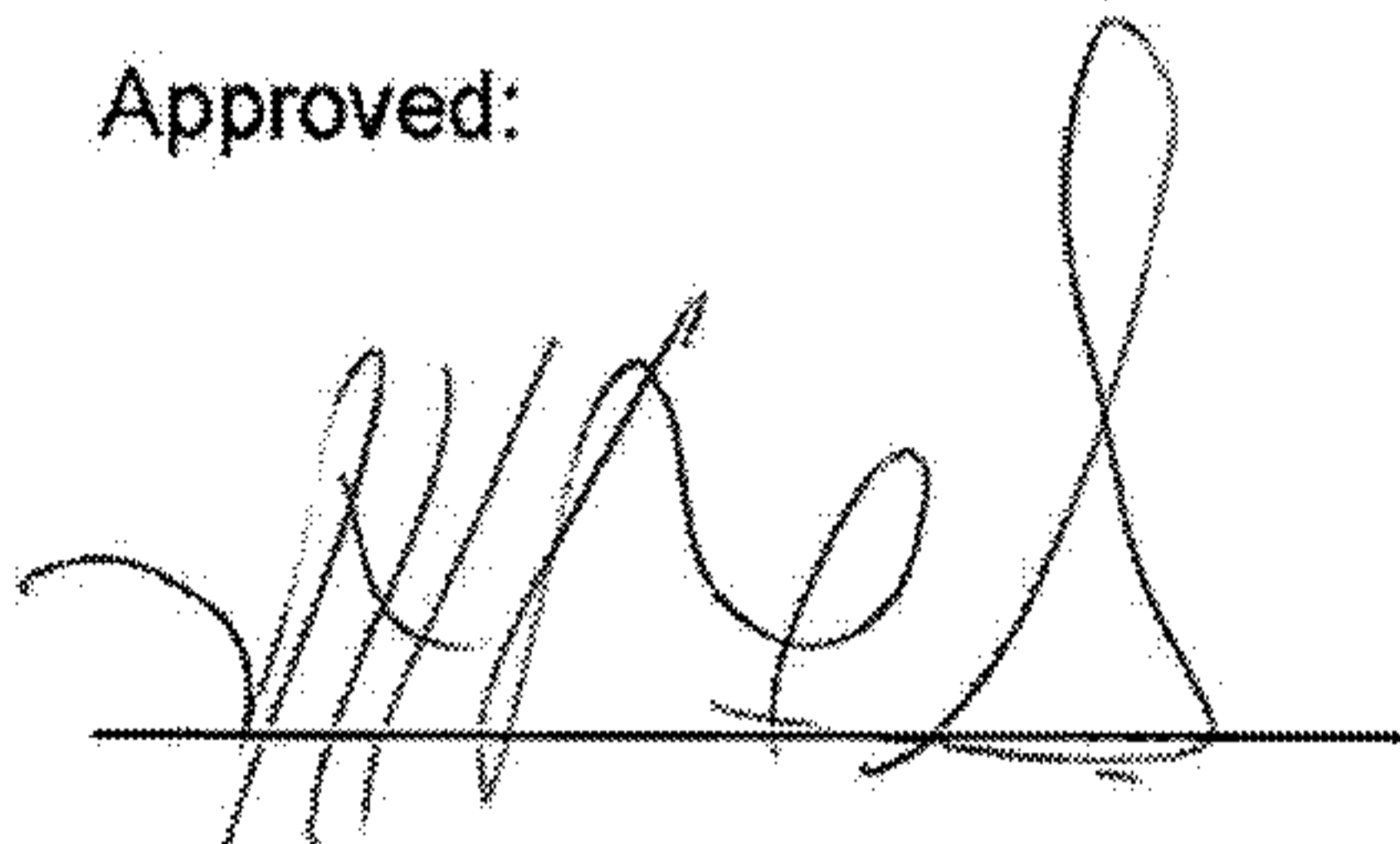
Resolution Procedures

- BC Corrections and the CBSA agree that any dispute, which cannot be resolved between signatories, will be referred to the Director General, Pacific Region, CBSA and the Assistant Deputy Minister, Corrections Branch, British Columbia.

Review of Letter of Agreement

- BC Corrections and the CBSA have committed to a fulsome assessment of the current letter of agreement with the intent being to establish a fully documented detention arrangement, including an enhanced mechanism for sharing and management of information related to the care, custody and control of IRPA detainees.

Approved:



Yvette-Monique Gray
Director, Enforcement and Intelligence Division
Canada Border Services Agency

03 June 2014
Date:

Dana Tadla
Deputy Provincial Director
Adult Custody Division, Corrections Branch

Date: