

Pacific Region Enforcement and Intelligence Division Canada Border Services Agency



Introduction to Immigration Enforcement



Inland Enforcement

What

The Inland Enforcement Section (IES) is part of the Enforcement and Intelligence Division (EID) of the Pacific Region within CBSA and conducts all Immigration Enforcement activities in BC and Yukon.

Where

700 - 300 West Georgia Street in Vancouver (Library Square)

- Short Term Detention Cells Located on site
- Immigration detention facility located at BC Holding Centre (at YVR) – Maximum 72 hours



Who

Approximately 65 Enforcement Officers divided into various units:

- Investigations, Removals, National Security (War Crimes, Organized Crime, etc.)
- All Enforcement Officers also conduct escorted removals of subjects from Canada
- Four police Liaison Officers (Vancouver, Burnaby and Abbotsford)
- Two officers located throughout BC (one responsible for Vancouver Island and one for Northern & BC Interior)



Inland Enforcement

Inland Enforcement Officers:

- Enforce the Immigration and Refugee Protection Act of Canada (IRPA)
- Have powers of a Peace Officer under IRPA; and have PO status under the Criminal Code of Canada
- Are equipped with a vest, OC spray, collapsible baton and are in the process of being armed (over 80%)
- Have the same powers for entry as a police officer, our Managers can issue a Feeney warrant
- Use ECOMM radios with the Vancouver s.15 (1) s.16(1) s.15 (1) s.16(1) and s.15 (1) s.16(1)



Response

- On duty officers available seven days a week, 24 hours per day
Provide Radio Coverage s.15 (1) s.16(1)
 - Can be reached by calling either phone number below:
- Law Enforcement Support / Investigations Tips Line s.15 (1) s.16(1)
 - Answered in-house Monday-Friday 0800-1630
 - After hours forwarded to the CBSA Immigration Warrant Response Centre (Ottawa)
 - Internal number only
- **1-800-523-5072** – CBSA National Targeting Centre / Immigration Warrant Response Centre

Status of Person in Canada

- People in Canada are NOT required to carry identification relating to their immigration status, although we encourage them to do so.
- The Enforcement of IRPA depends on the status of the subject in Canada. There are five main categories:

There are five main categories:

Canadian Citizen

Registered Indian

Permanent Resident

Protected Person

Foreign National



Status of Person in Canada

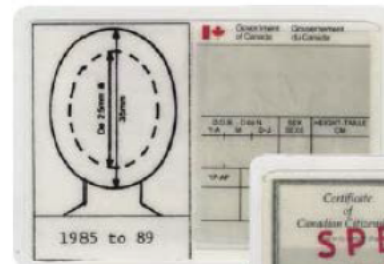
1. Canadian Citizen

- No provisions to enforce, have a right to be in Canada
- A Parliamentary Committee can revoke the granting of Canadian Citizenship (Ex: Nazi Soldiers)

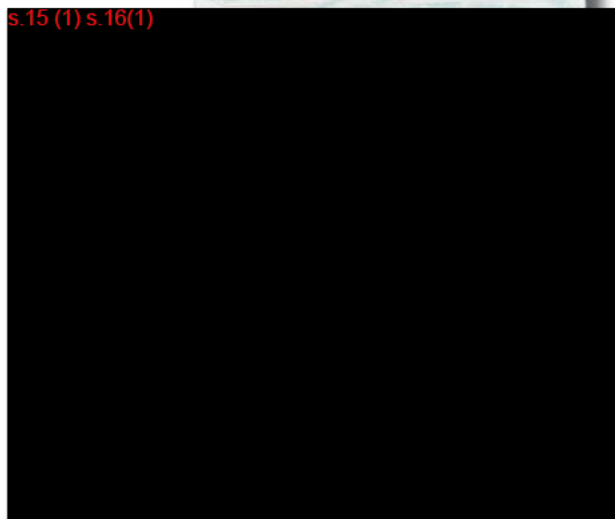


New Citizenship certificate issued as of February 1, 2012

s.15 (1) s.16(1)



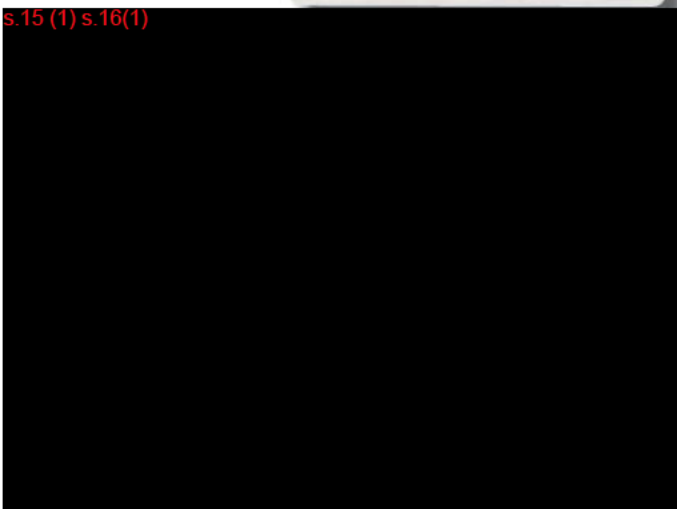
s.15 (1) s.16(1)



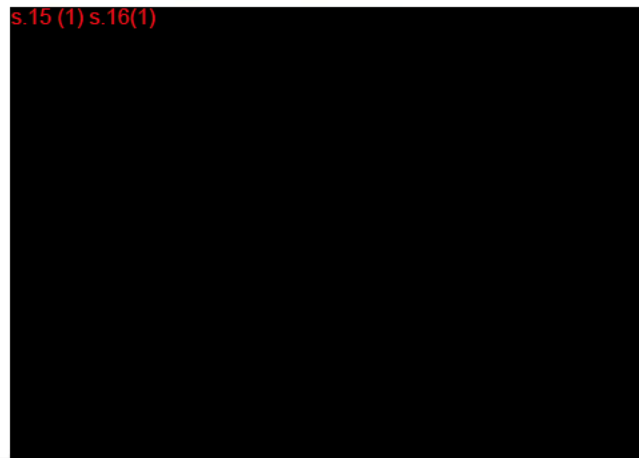
Some of the previous Citizenship cards.

These cards are no longer made but are still in circulation and are still valid.

s.15 (1) s.16(1)



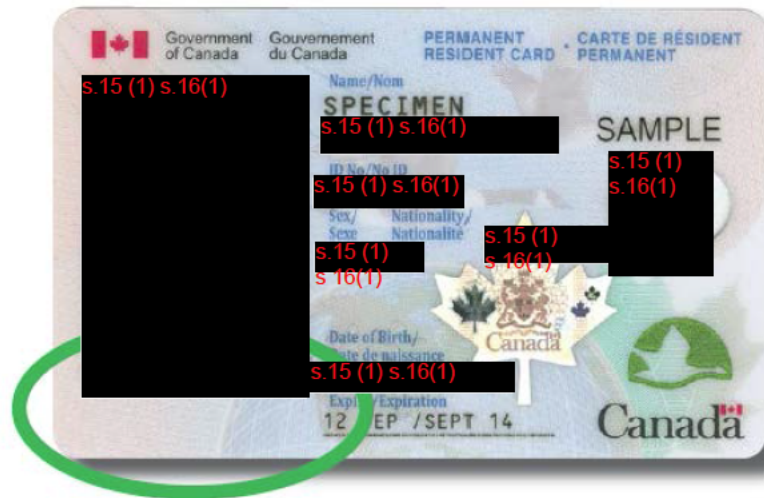
s.15 (1) s.16(1)



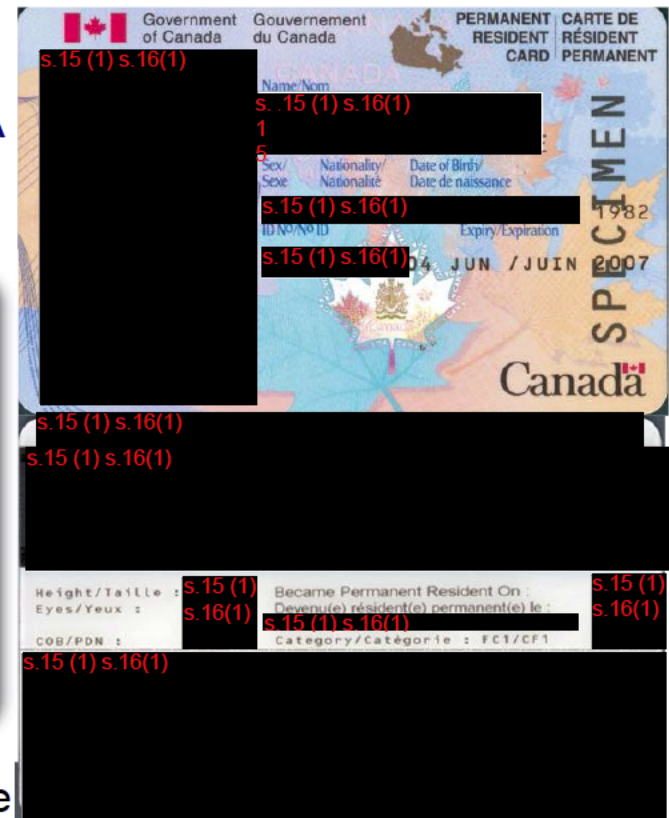
Status of Person in Canada

3. Permanent Resident of Canada (Landed Immigrant)

- Has a right to enter and remain in Canada
- Prior to 2004 Permanent Resident were issued a paper Record or Landing
- Permanent Resident Card now required to enter Canada
- Can be subject to enforcement under IRPA



New PR Card as of Feb 2012, no signature



Status of Person in Canada

4. Protected Person

- Has been granted the protection of Canada (*Found to be a Convention Refugee*)
- Considered a Foreign National under the Enforcement provisions of IRPA
- Require Criminal Conviction(s) and the issuance of a Danger Opinion by NHQ in Ottawa to deport from Canada.

1000 (Rev. 01-01-2015)

19-FEB-2015 15-FEB-2015

Canada

Status of Person in Canada

5. Foreign National / Temporary Resident (Visitor)

- This category included Visitors, Students, Workers, Refugee Claimants
- Some require visas to enter Canada while others do not
- A visitor to Canada is authorized to remain in Canada for 6 months after their date of entry unless otherwise noted in their passport.



Status of Person in Canada

- If issued a permit (Student, Work) must comply with the conditions of the permit and depart Canada before it expires. (However, they can apply for an extension from inside Canada)
- May be in possession of a SIN card beginning with a #9. Since 2004 these cards have an expiration date.

Citizenship and Immigration Canada / Citoyenneté et Immigration Canada

PROTECTED WHEN COMPLETED / PROTÉGÉ UNE FOIS REMPLI - B

CANADA

IMMIGRATION

STUDY PERMIT

CASE TYPE : 34

TRAVEL DOC : PASSPORT

BONDED : NO

INSTITUTION : OTHER HOSP., GOV., BUS. B.C.

FIELD OF STUDY : COOP

FEE STATUS : FFA

CONDITIONS:

1. UNLESS AUTHORIZED, PROHIBITED FROM ENGAGING IN EMPLOYMENT IN CANADA.
2. MUST LEAVE CANADA BY 30 APR 2012

SURNAME - NOM DE FAMILLE - PRÉNOMS : s.15 (1) s.16(1)

BIRTH DATE - DATE DE NAISSANCE : s.15 (1) s.16(1)

SEX - SEXE : s.15 (1) s.16(1)

COUNTRY OF BIRTH - PAYS DE NAISSANCE : s.15 (1) s.16(1)

COUNTRY OF CITIZENSHIP - CITOYEN DE : s.15 (1)

OFF FILE NO. - N° DE RÉF. DU BUREAU : s.15 (1) s.16(1)

CLIENT ID. - ID DU CLIENT : s.15 (1) s.16(1)

DATE SIGNED - SIGNÉ LE : 03 MAY 2011

VALID UNTIL - DATE D'EXPIRATION : 30 APR 2012

EXT. NO. - CODE PROROG. : 00

REMARKS: *****

THIS DOES NOT AUTHORIZE RE-ENTRY.

CIC: VANCOUVER IA 5135

Canada

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Arrests under IRPA with Warrant

Section 55(1) of IRPA,

Arrest and Detention with Warrant

- All Immigration Warrants are Canada Wide
- Warrants issued are immediately entered into the Immigration System and sent to Ottawa to be entered into CPIC, but the entry may take several days
- All warrants **MUST** be confirmed with CBSA Inland Enforcement or the Immigration Warrant Response Centre



Arrests under IRPA Without Warrant

Section 55(2) of IRPA Arrest and Detention without Warrant

- An officer may, without warrant, arrest and detain a Foreign National except for a Protected Person
- An officer (includes **any police officer** in Canada) may, without warrant, arrest and detain with reasonable grounds to believe a person is **inadmissible and**
 - is a danger to the public **or**;
 - is **unlikely to appear** for examination, an admissibility hearing, removal from Canada, or at a Minister's Proceeding (similar to a JP), **or**;
 - for identity** (**only** in the course of an Immigration proceeding)
- Subjects to be arrested without warrant are not entered onto CPIC (except some Previously Deported Persons)

Detention Under the Immigration Act

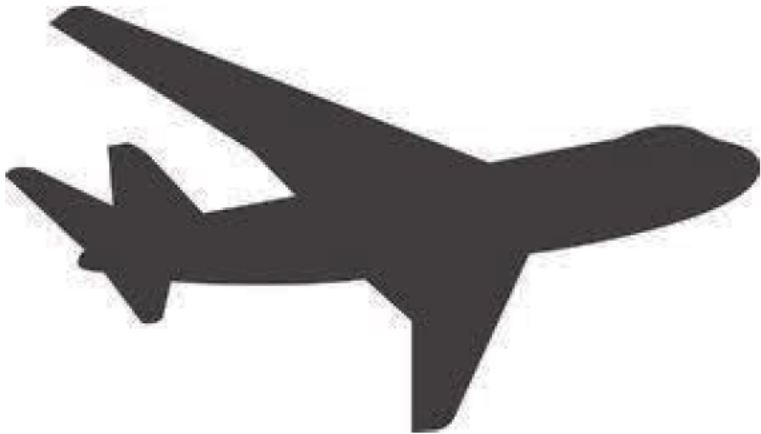
- Subjects detained under the Immigration Act can be released with or without conditions and/or a cash bond by a Minister's Delegate prior to 48 hours after their arrest.
- A subject has to be brought before an Immigration Member (Judge) 48 hours after their arrest to determine if further detention is warranted.
- If a subject is held in detention, their next review will be within 7 days and every 30 days afterwards.
- If a person is arrested for a criminal matter, it will take precedence over the Immigration Hold.



Removal Orders

Three types of orders depending on the Violation Committed

- **Deportation Order**: Once removed can never return to Canada unless authorized
- **Departure Order**: 30 days to depart Canada after issued, If you fail to depart it becomes a Deportation order
- **Exclusion Order**: Once you depart Canada you cannot return for one or two years (depending on type of case) without authorization



CBSA cannot remove a person with outstanding criminal charges unless Crown agrees to stay charges.

Seizure of Documents

- Immigration Officers may seize documents:
 - If they have reasonable grounds to believe they were fraudulently or improperly obtained or used.
 - To prevent their fraudulent or improper use.
 - To carry out any purpose under the Act.

Examples:

Birth

Certificate

Driver's

Licence

Student ID

National ID

Passport

Immigration

Documents



What We DON'T Do

- Passports - The Passport office falls under Foreign Affairs Canada
- Exit Control - None in Canada, yet. We don't track people leaving the country unless they're under removal orders
- Canadian Citizens – We have no authority to track them or collect information on them

Inadmissibilities and Violations

Section 34: Security

Section 35: Human or International Rights Violation

Section 36: Criminality

Section 37: Organized Crime

Section 38: Health Grounds

Section 39: Financial Reasons

Section 40: Misrepresentation

Section 41: Non-Compliance with IRPA

Section 36: Criminality

Permanent Residents

Enforcement action only if:

1. Convicted for an offence in Canada where they could receive 10 years or more (i.e. Trafficking, assault CBH or w/ weapon); or
2. Convicted outside Canada for an offence that is equivalent to an offence above; or
3. For committing an offence outside Canada equivalent to #1 above (i.e. fugitives); or
4. Is sentenced in Canada to a term of imprisonment of 6 months or more

Note: If a PR receives a sentence of 2 years or more for an offence, they lose their right to appeal.

Section 36: Criminality

Foreign Nationals

Enforcement action only if:

1. Foreign National is convicted for an offence in Canada that could be indictable (hybrid) or two separate summary matters
2. Foreign National convicted for an offence outside Canada, need to know details of offence (i.e. type and quantity of drugs, weapons used in assaults)
3. Foreign National has committed an offence outside Canada that could be indictable (hybrid)

Section 36: Criminality

- A refugee claimant who receives a sentence of 2 years or more for an offence where they could receive 10 years or more, loses their right to make a claim
- If a person has a criminal record in another country they can apply for permission to enter Canada
- If more than 10 years has transpired since the end of a sentence for which the equivalent maximum sentence in Canada would be less than 10 years in prison, they are able to enter Canada (i.e. DUI)



Section 37: Organized Crime

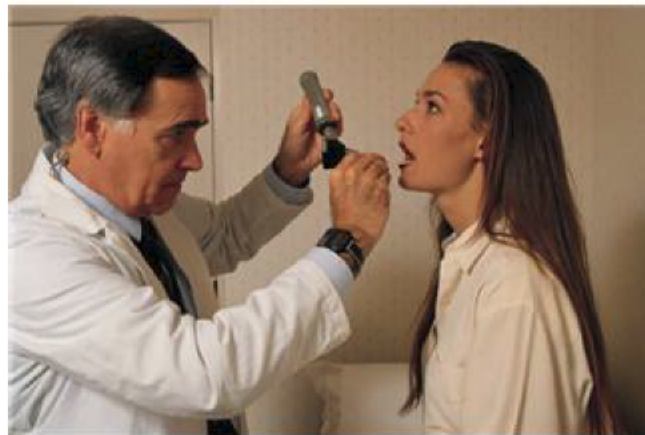
- Membership or previous membership in an Organized Crime Group (Hell's Angels, Banditos, Mara Salvatrucha, 18th Street etc.)
- This section has been recently used and been successful in finding members of the MS-13 and 18th Street gang inadmissible to Canada
- If determined inadmissible under this section, a refugee claim cannot be made in Canada

s.15 (1) s.16(1)



Section 38: Health Grounds

- Cannot take action until a Medical Doctor with Health Canada in Ottawa issues a Medical Certificate based on medical records
- Most often used for Psych cases
- Not all of these cases result in an arrest





Section 39: Financial Reasons

- They are unable or unwilling to support themselves or any other person who is dependent on them
- Must not have access to any funds (credit card, bank accounts in/out of Canada, family/friends willing to send money – selling crack does *not* count...)





Section 40: Misrepresentation

- Directly or indirectly lied or withheld facts to gain entry to Canada
- A person must declare any reason at the port of entry on why they may be inadmissible to Canada (i.e. criminality)

Section 41: Non-Compliance with the Act

Most commonly encountered by Police Services

- Border Jumpers: Not using port (eluding examination), No passport, Immigrant without visa
- Previous Deport without Authorization
 - Some Previous Deports are now being entered on CPIC
- Failure to Depart Canada (Overstay)
 - Has been in Canada longer than 6 months or longer than authorized
- Attending School without Authorization



Working without Authorization

- Need to know where and for how long they have been working
- How much they have made to date, hourly wage
- Job performed, details



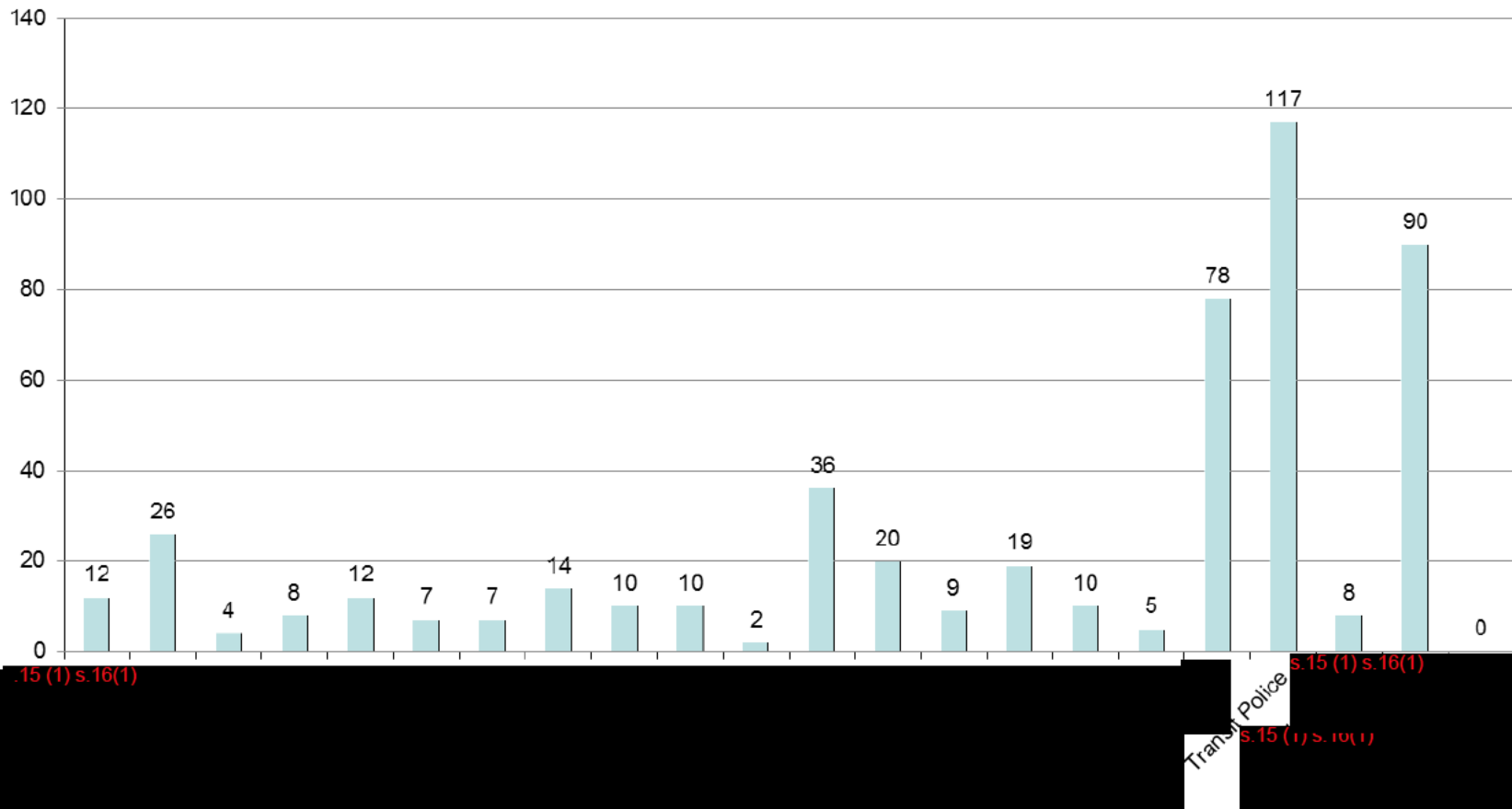
General Information

- Hearsay is allowed in Immigration Proceedings. Any statements made by the subject to a Police Officer are admissible.
- There is no paperwork/report that has to be completed by a Police Officer for an Arrest under the Immigration and Refugee Protection Act.
- No such thing as Immigration “holds,” only arrest under IRPA.



Working together with Transit Police

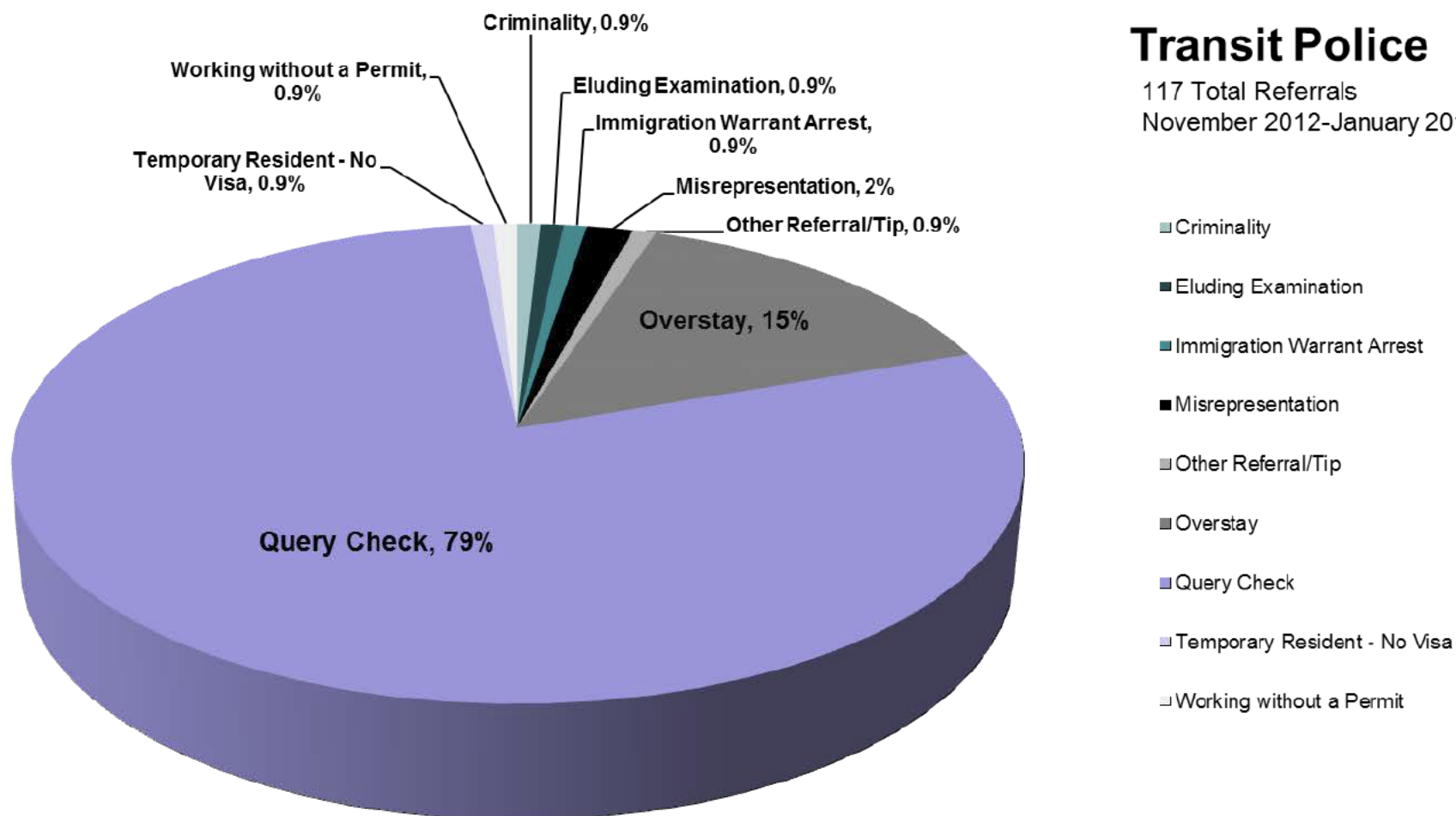
Referrals by Police Agency



Data from November 2012-January 2013

Transit Police

117 Total Referrals
November 2012-January 2013



Working together with Transit Police

Public transit sexual offender and fugitive arrested by Transit Police in Vancouver

s. 15 (1) s. 16(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Working together with Transit Police

CBSA fugitive arrested by SCBCTAPS at s.15 (1) s.16(1) Station, attempts to flee & assault arresting officers

s.15 (1) s.16(1)

[REDACTED]

Working together with Transit Police

SCBCTAPS refer removable psychiatric/suicidal female encountered at s.15 (1) s.16(1) station to CBSA

s.15 (1) s.16(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contact Info

CBSA, Pacific Region, Inland Enforcement Section

Law Enforcement Support / Investigations Unit (24/7):

s.15 (1) s.16(1)

(automatically forwarded to NTC/IWRC)

**National Targeting Centre (NTC) / Immigration Warrant
Response Centre (IWRC):**

1-800-523-5072

Shauna Good, Inland Enforcement Officer 604-666-0259

Arsalan Mahmood, Inland Enforcement Officer 778-887-9150



Canada Border
Services Agency

Agence des services
frontaliers du Canada

Thank you

Questions?