

May 17, 2016

Hon. Yasir Naqvi
Minister of Community Safety and Correctional Services
18th Floor, George Drew Building
25 Grosvenor Street
Toronto, Ontario M7A 1Y6

Dear Minister,

Re: Request to cancel the federal-provincial agreement that permits the incarceration of immigration detainees in Ontario's prisons

We are doctors, nurses and other healthcare providers practicing in the province of Ontario. We are writing to bring to your attention our shared concerns around immigration detention in this province. While there are many concerns in this arena, we specifically wish to raise the ongoing incarceration of immigration detainees in provincial prisons. This worrisome practice is adversely impacting the health of a very vulnerable population in our province, and we call on you to bring this practice to a stop immediately.

Prisons are part of the criminal justice system. Individuals awaiting resolution of their immigration or refugee matters in Canada should not be transferred to, and detained in, these institutions. We are alarmed that Ontario would agree to confine any person in a provincial prison who is not serving a criminal sentence or awaiting trial.

The Canada Border Services Agency ("CBSA"), detains thousands of individuals each year under the authority of the Immigration and Refugee Protection Act. Many immigration detainees are held in dedicated immigration holding centres across the country, including in Ontario. Nonetheless, CBSA also routinely transfers immigration detainees to medium-maximum security provincial prisons, where they are held in the custody of the Province. This includes refugee claimants, survivors of severe trauma or persecution, and other vulnerable non-citizens including many who are dealing with mental health challenges. These transfers take place under the agreement between the federal and Ontario governments signed by yourself on October 1, 2014.

A leading justification for CBSA transfers of immigration detainees to provincial prisons is the presence of physical or mental health concerns. This can include people with heart disease, respiratory concerns and various types of cancers. It also routinely involves persons with mental illness, such as schizophrenia and bipolar disorder, or those who are perceived to be suicidal while at the immigration holding centres. Indeed, an expression of suicidal ideation to a CBSA officer may even lead to a person's arrest and immediate detention in a provincial prison.

Simply put, prisons are not healthcare facilities. Ontario should not be accepting transfers to its prisons of persons detained by CBSA who require medical or mental health intervention. The practice is profoundly inhumane and inconsistent with the values of Ontarians.

It goes without saying that imprisonment in a penal institution is generally bad for a person's health. The harms include increased exposure to tuberculosis, HIV and Hepatitis C, which exist at epidemic rates in some provincial prisons; the possibility of assaults or other injury; and a lack of access to ample nutritious food and recreational opportunities.

Furthermore, imprisonment of people suffering pre-existing mental health issues, including those seen among survivors of trauma and persecution, is particularly troublesome and likely to lead to worse outcomes. Refugee claimants and other migrants are especially vulnerable to the toxic stress of incarceration, as many have already experienced prolonged and repeated trauma, including torture, in their countries of origin.

Incarceration in prisons often has a profound and debilitating impact on persons with suicidal ideation. In fact, the standard procedure for dealing with persons with suicidal ideation in custody is placement in near or complete isolation and sometimes in solitary confinement. These placements may indeed cause a suicide rather than prevent it. We note the most recent case of Melchioro Gahungu, the Burundian man who hung himself while on immigration hold at the Toronto East Detention Centre on March 7, 2016.

We call on the Government of Ontario to bring an end to this harmful practice immediately. We urge you to cancel the federal-provincial agreement that permits the incarceration of immigration detainees in Ontario's prisons, and in the interim, during the one-year cancellation notice period, to immediately stop accepting transfers of any immigration detainee with a documented and serious medical illness, including suicidal ideation or other mental health disorders.

We would be very pleased to meet with you soon to discuss these concerns, and look forward to your prompt reply.

Yours sincerely,

On behalf of 146 Ontario medical practitioners:

Dr. Michaela Beder, MD, FRCPC
Psychiatrist
Lecturer, University of Toronto

Dr. Ritika Goel, MD, MPH, CCFP
Family Physician
Lecturer, University of Toronto

Dr. Rachel Kronick, MD, FRCPC, MSc
Psychiatrist, Child Youth and Family Service

CC: Hon. Ralph Goodale, PC, MP, Minister of Public Safety and Emergency
Preparedness; Renu Mandhane, Chief Commissioner, Ontario Human Rights
Commission