



The Right Honourable Justin Trudeau
Prime Minister of Canada
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November 23, 2022

RE: Ending Canada's contracts permitting immigration detention in provincial jails

Dear Prime Minister Trudeau,

Please accept our greetings on behalf of East Coast Prison Justice Society, the Halifax Refugee Clinic, Elizabeth Fry Society Mainland Nova Scotia, BIPOC USHR and the New Brunswick Refugee Clinic. Our organizations are joining together as Atlantic migrant-serving organizations on this submission, in the context of the #WelcomeToCanada 12-Days-of-Action Campaign, led by Amnesty International and Human Rights Watch, to urge you to cancel the federal government's remaining immigration detention contracts with provincial governments.

Last spring, East Coast Prison Justice Society and the Halifax Refugee Clinic came onboard to the #WelcometoCanada campaign and focused our efforts on appealing to the province of Nova Scotia to end its contract with the federal government which permits the use of our provincial jails as sites for immigration detention.

As you know, our Nova Scotia campaign was successful. In the first few weeks of the campaign (which commenced on Refugee Rights Day, April 4th, 2022), over 3,500 letters were emailed to Nova Scotia's Premier, Tim Houston. In early August, Nova Scotia gave notice that it was ending its contract with CBSA. At the time of writing, 3 other provinces have similarly notified the federal government that they will no longer participate in the gross abuses of human rights and dignity perpetuated in their name.

We ask you to take inspiration from Nova Scotia and other provinces and do your part to end the brutal practice of incarcerating immigration detainees in provincial jails. Moreover, we appeal to you to show leadership by investing in meaningful community alternatives to immigration detention, in order for people to be properly supported with the intersecting challenges accompanying migration. In the Atlantic provinces, where immigration is sharply on the rise, non-profit organizations such as ours are under-resourced but fiercely committed to represent, advocate for, serve and accompany refugee claimants and non-status migrants.

As background, let us provide some brief information about our organizations:

East Coast Prison Justice Society is a collective of individuals and organizations working to advance the human rights of criminalized and incarcerated persons in the Atlantic region. Our focus is threefold: 1) transparency and accountability of Nova Scotia provincial corrections, 2) transparency and accountability of NS policing practices and policing policy, and 3) promoting community alternatives to incarceration.

The Halifax Refugee Clinic is a non-profit, non-governmental organization providing legal representation and settlement services to refugee claimants and at-risk non-status migrants in Nova Scotia.

The Elizabeth Fry Society of Mainland Nova Scotia (EFMNS) is a non-profit, charitable organization devoted to improving the lives of marginalized groups of identified women, girls, non-binary, and gender diverse individuals who have been let down by broken systems that perpetuate inequality.

BIPOC USHR, (Black, Indigenous, and People of Colour United for Strength, Home, Relationship) is a PEI-based not-for-profit organization, providing support and advocacy to Black, Indigenous, and People of Colour (BIPOC) folks living on Prince Edward Island.

The New Brunswick Refugee Clinic (NBRC-CRNB) provides free bilingual legal services to refugee claimants and persons making humanitarian-based immigration applications in New Brunswick who cannot afford a private lawyer.

We wish to bring to your attention a [June 2021 Human Rights Watch and Amnesty International joint report](#), “*I Didn’t Feel Like a Human in There*”: *Immigration Detention in Canada and its Impact on Mental Health*. This report documents serious human rights violations against immigration detainees in Canada, particularly persons with psychosocial disabilities. The report was based on interviews with former immigration detainees and their relatives, mental health experts, academics whose research focuses on immigration detention, lawyers, civil society representatives, and government officials.

We draw your attention, too, to the [July 2021 Annual Report of the East Coast Prison Justice Society Visiting Committee](#), which presents a set of concerns and recommendations arising from facilitated conversations with persons incarcerated in Nova Scotia correctional facilities from February 2020 – June 2021. The report is provided to give local context to the Human Rights Watch / Amnesty International analysis of the situation of immigration detainees incarcerated in provincial jails and attests to the grave health and human rights concerns arising in Nova Scotia’s provincial jails, issues that have been similarly documented in provincial jails across the region and country.

In particular, looking elsewhere in the Atlantic provinces, [five people have died so far this year in New Brunswick jails](#). The most recent in this string of deaths involved an individual who was restrained [after becoming “combative”](#) – a state that in past correctional incidents in [Nova Scotia](#), [New Brunswick](#), [Newfoundland](#) has been linked to mental health issues triggered by jail conditions and securitized correctional responses. Immigration detention is supposed to be used as a last resort, but the current punitive approach toward discipline and control and against supportive alternatives continues to do harm, as seen recently when [an international student in PEI](#) was subjected to immigration detention in a provincial jail for having accessed necessary mental health supports.

In April 2022, Human Rights Watch and Amnesty International released a [joint legal memorandum](#) concluding that the practice of incarcerating immigration detainees in provincial jails is inconsistent with international human rights standards, and jail conditions potentially breach federal-provincial immigration detention contracts.

Our organizations have all have worked closely with immigration detainees incarcerated in provincial jails. Our experience supports the conclusion of the above-noted Human Rights Watch and Amnesty International report that federal and provincial treatment of individuals with mental health conditions in immigration detention is discriminatory and in breach of Canada’s obligations under international human rights law. More generally, it supports the conclusion that the conditions in which immigration detainees are held in Nova Scotia jails, and comparable jails across the region and the country, are unconscionable.

Canada is admired around the world for our dedication to refugee protection and openness to immigration and diversity. As a country, we must demonstrate our commitment to human rights and inclusivity and uphold our international legal obligations by finally ending this rights-abusive practice.

Right now, as we write, the Halifax Refugee Clinic is representing two people held in facilities in the Atlantic region who are experiencing terrible conditions in immigration detention. In Nova Scotia just this week, a young man who has come to Canada to seek asylum was doubled over in pain and distress as he was not receiving adequate medical attention. In New Brunswick, a non-status migrant who has been in Canada for almost a decade was held in solitary confinement in a provincial jail, and is experiencing a grave exacerbation of his mental health condition.

As advocates, we have long come face to face with the pain felt by migrants and asylum seekers, who are fleeing war, persecution, or coming to Canada for a better life, only to be jailed. We have witnessed the shock, dismay and hopelessness written on their faces when they are incarcerated without end in sight, instead of welcomed and supported in our community, where they belong. We urge you to read the attached testimonials from previous immigration detainees in Nova Scotia and hear their heartbreaking experiences.

We would be happy to set up a meeting with you or other relevant officials to discuss these and other issues critical to the ending of immigration detention in the Atlantic region and beyond.

Sincerely,



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Encl: *Voices from Burnside Jail: Immigration detention stories. Testimonials from previously detained clients of the Halifax Refugee Clinic (November 2022)*