



Registered Nurses' Association of Ontario  
L'Association des infirmières et infirmiers  
autorisés de l'Ontario

Hon. David Oraziotti  
Minister of Community Safety and Correctional Services  
16<sup>th</sup> Floor, George Drew Building  
25 Grosvenor Street  
Toronto, ON M7A 1Y6

July 25, 2016

**RE: End the Incarceration of Immigration Detainees in Provincial Prisons**

Dear David,

First, let me extend on behalf of Registered Nurses' Association of Ontario (RNAO), a warm welcome and congratulations on your recent appointment as the Minister of Community Safety and Correctional Services. We at RNAO look very much forward to working with you to build healthier communities in our province. To this end, we are asking to meet with you to discuss perspectives and collaboration.

As the professional association representing registered nurses (RN), nurse practitioners (NP) and nursing students in Ontario, RNAO is a strong and consistent advocate for the need to improve health, health care, and human rights protection within our provincial correctional facilities.<sup>1 2</sup> We have long been concerned with the criminalization of people with mental health and addiction challenges.<sup>3</sup> Therefore, we urge you to end the ongoing incarceration of immigration detainees in provincial prisons, and prevent more needless deaths of immigration detainees in your care.

The Canadian Border Services Agency (CBSA) routinely transfers immigration detainees – refugee claimants, survivors of trauma, and other vulnerable non-citizens, including many with mental health challenges – to medium-maximum security provincial correctional facilities.<sup>4</sup> Having a severe physical or mental illness or expressing thoughts of suicide are often the very reasons CBSA sends a detainee to a provincial facility.<sup>5</sup> Such circumstances require referral to health care, not jail.

Since the CBSA has the authority to detain non-citizens indefinitely, there have been cases of people held for more than a decade.<sup>6</sup> The indefinite nature of immigration detention, as well as the damaging physical and psychological impacts of detention itself are particularly harmful for vulnerable migrants, including people with mental or physical disabilities, and victims of torture.<sup>7</sup> And tragically, those who are most unwell often end up in solitary confinement or isolation.

The dangers of this practice are evidenced by the 15 people who have died across Canada in immigration detention since 2000. Of these deaths, eight were immigration detainees jailed in Ontario's provincial prisons.<sup>8</sup> In fact, there were two such deaths in provincial facilities within a week in March 2016.<sup>9</sup> This is simply unacceptable.

The province of Ontario is already failing to meet its human rights obligations to provide a community standard of health care to those incarcerated within provincial correctional facilities.<sup>10 11</sup> It defies common sense and human decency for the province to accept even more vulnerable people from CBSA into already overcrowded and under-resourced facilities. Research by the University of Toronto Law School found that "CBSA routinely detains individuals with severe mental illnesses including individuals diagnosed with schizophrenia, bipolar disorder, severe depression, and suicidal ideation--in provincial jails. In many of these cases, CBSA is aware of detainees' mental health status; indeed, it is often the very reason they are sent to maximum-security provincial jails in the first place."<sup>12</sup>

RNAO joins other health-care providers,<sup>13 14 15</sup> members of the legal community,<sup>16</sup> and the Ontario Human Rights Commission.<sup>17 18</sup> in calling for swift action to end this unjust practice. Instead of incarcerating and further traumatizing people who may already be in a fragile state, we urge you to immediately stop accepting transfers of CBSA immigration detainees with physical and or mental health challenges including suicidal ideation. Cancelling the federal-provincial agreement that permits the incarceration of immigration detainees within Ontario's prison will help CBSA to focus on least restrictive solutions, consistent with a non-criminal population.

We look forward to your response.

Warmest regards,

A handwritten signature in black ink, appearing to read "Doris Grinspun", with a long horizontal flourish underneath.

Doris Grinspun, RN, MSN, PhD, LLD(hon), O.ONT  
Chief Executive Officer, RNAO

Copy:

Honourable Kathleen Wynne, Premier of Ontario

Patrick Brown, Leader, Official Opposition

Andrea Horwath, Leader, New Democratic Party of Ontario

Honourable Dr. Eric Hoskins, Minister of Health and Long-Term Care

Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission

Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness

## References

- 
- <sup>1</sup> Registered Nurses' Association of Ontario (2015). Protection of Human Rights and Improving Health Care in Correctional Facilities. Letter to Minister Naqvi, January 26, 2015. [http://rnao.ca/sites/rnao-ca/files/RNAO\\_-\\_Letter\\_to\\_Minister\\_Yasir\\_Naqvi\\_-\\_re\\_Human\\_Rights\\_and\\_Health\\_Care\\_in\\_Correctional\\_Facilities\\_-\\_Jan\\_23\\_2015\\_0.pdf](http://rnao.ca/sites/rnao-ca/files/RNAO_-_Letter_to_Minister_Yasir_Naqvi_-_re_Human_Rights_and_Health_Care_in_Correctional_Facilities_-_Jan_23_2015_0.pdf)
- <sup>2</sup> Registered Nurses' Association of Ontario (2016). Transforming Ontario's Correctional Services: Starting, but Not Stopping, with Segregation. Submission to the Segregation Review. [http://rnao.ca/sites/rnao-ca/files/RNAO\\_submission\\_segregation\\_Feb\\_22\\_2016.pdf](http://rnao.ca/sites/rnao-ca/files/RNAO_submission_segregation_Feb_22_2016.pdf)
- <sup>3</sup> Registered Nurses' Association of Ontario (2011). Safeguarding Human Rights, Strengthening Mental Health and Well-Being. Submission to the Ontario Human Rights Commission. Toronto: Author. [http://rnao.ca/sites/rnao-ca/files/Safeguarding\\_Human\\_Rights\\_Strengthening\\_Mental\\_Health\\_and\\_Well\\_Being.pdf](http://rnao.ca/sites/rnao-ca/files/Safeguarding_Human_Rights_Strengthening_Mental_Health_and_Well_Being.pdf)
- <sup>4</sup> Letter from 130 health care providers to Ontario Minister of Community Safety and Correctional Services, May 17, 2016. <https://stoptransferstojails.wordpress.com/>
- <sup>5</sup> Kronick, R. & Beder, M. (2016). Jailing immigration detainees a gross injustice. *Toronto Star*, May 18, 2016. <https://www.thestar.com/opinion/commentary/2016/05/18/jailing-immigration-detainees-a-gross-injustice.html>
- <sup>6</sup> Kronick & Beder
- <sup>7</sup> International Human Rights Program, University of Toronto Faculty of Law (2015). "We Have No Rights:" Arbitrary imprisonment and cruel treatment of migrants with mental health issues in Canada. Toronto: Author, 6. [http://ihrp.law.utoronto.ca/utfl\\_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf](http://ihrp.law.utoronto.ca/utfl_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf)
- <sup>8</sup> Kronick & Beder.
- <sup>9</sup> Black, D. (2016). Second immigration detainee dies in prison in less than a week. *Toronto Star*, March 14, 2016. <https://www.thestar.com/news/immigration/2016/03/14/second-immigration-detainee-dies-in-prison-in-less-than-a-week.html>
- <sup>10</sup> Ontario Human Rights Commission (2012). *Minds that Matter: Report on the consultation on human rights, mental health and addictions*. Toronto: Author. [http://www.ohrc.on.ca/sites/default/files/Minds%20that%20matter\\_Report%20on%20the%20consultation%20on%20human%20rights,%20mental%20health%20and%20addictions.pdf](http://www.ohrc.on.ca/sites/default/files/Minds%20that%20matter_Report%20on%20the%20consultation%20on%20human%20rights,%20mental%20health%20and%20addictions.pdf)
- <sup>11</sup> Ministry of Community Safety and Correctional Services (2016). Ottawa-Carleton Detention Centre Task Force Action Plan. [http://www.mcscs.jus.gov.on.ca/english/Corrections/OCDC\\_task\\_force.html](http://www.mcscs.jus.gov.on.ca/english/Corrections/OCDC_task_force.html)
- <sup>12</sup> International Human Rights Program, University of Toronto Faculty of Law (2015), 91.
- <sup>13</sup> Keung, N. (2016). Healthcare providers urge Ontario to end immigration detention. *Toronto Star*, May 17, 2016. <https://www.thestar.com/news/immigration/2016/05/17/healthcare-providers-urge-ontario-to-end-immigration-detention.html>
- <sup>14</sup> Kronick & Beder.
- <sup>15</sup> Letter from 130 health care providers to Ontario Minister of Community Safety and Correctional Services, May 17, 2016. <https://stoptransferstojails.wordpress.com/>
- <sup>16</sup> Draaisma, M. (2016). Stop transfer of immigration detainees to provincial jails, lawyer tells minister. *CBC News*, May 26, 2016. <http://www.cbc.ca/news/canada/toronto/lawyers-legal-specialists-immigration-detainees-ontario-jails-1.3601390>
- <sup>17</sup> Black, D. (2016). Human rights chief seeks overhaul in jailing of immigration cases. *Toronto Star*, April 12, 2016. <https://www.thestar.com/news/immigration/2016/04/12/human-rights-chief-seeks-overhaul-in-handling-of-immigration-detainees-in-ontario-jails.html>
- <sup>18</sup> Mandhane, R. (2016). OHRC calls for reforms to immigrant detention system. April 11, 2016. [http://www.ohrc.on.ca/en/news\\_centre/ohrc-calls-reforms-immigrant-detention-system](http://www.ohrc.on.ca/en/news_centre/ohrc-calls-reforms-immigrant-detention-system)