



Canada Border Services Agency Agence des services frontaliers du Canada

President Président

Ottawa, Canada
K1A 0L8

Mr. Abdelrahman Elmady and co-signatories
vancouveregyptianrefugees@gmail.com

Dear Mr. Elmady and co-signatories:

Thank you for your correspondence of December 17, 2021, concerning your complaint regarding interactions with Canada Border Services Agency (CBSA) officers in the Pacific Region and your request to have your cases reassigned to a different hearings officer. I am responding on behalf of the Honourable Marco E. L. Mendicino, Minister of Public Safety, to whom I note you have also sent your correspondence. I would also like to thank you for sharing your experiences with the CBSA.

Our agency is committed to ensuring that all clients are treated equally, regardless of race, gender, national or ethnic origin, colour, religion, age, or mental or physical ability. The Canadian Charter of Rights and Freedoms stipulates that all individuals are equal before the law and have the right to equal protection and benefit of the law without discrimination. Any behaviour that does not reflect these values is neither condoned nor tolerated. A considerable part of our employees' training is dedicated to diversity and inclusion, as well as anti-bias awareness.

The *Immigration and Refugee Protection Act* (IRPA) authorizes the suspension of refugee proceedings in cases where the matter has been referred to the Immigration Division (ID) of the Immigration and Refugee Board of Canada (IRB) to determine whether a claimant is inadmissible on grounds of security, violating human or international rights, or serious or organized criminality under paragraph 103(1)(a) of IRPA. There are multiple officials involved in an inadmissibility proceeding on section 34 IRPA security grounds. An officer who is of the opinion that a foreign national in Canada is inadmissible on security grounds may prepare a report under subsection 44(1) of IRPA.

A Minister's delegate who finds that the report is well-founded may refer the report to the ID pursuant to subsection 44(2) of IRPA. If the officer believes that a foreign national has contravened IRPA, the officer may write a report and recommend that the matter be referred for an admissibility hearing. This decision is then reviewed by another Minister's delegate to ensure fairness, transparency, and proper application of the Act. Once these steps have been concluded, a hearings officer is assigned the file to present the case before the ID of the IRB.

The ID is a quasi-judicial tribunal, and an ID member is an independent decision-maker who will hear the matter and, after considering all of the evidence, make a decision on whether or not to issue a removal order. At every decision point in the IRPA continuum, the person concerned has the ability to make submissions explaining why an admissibility hearing should not take place or why they should not be found inadmissible to Canada.

Different recourse avenues are available to the person depending on the nature of the inadmissibility. In some cases, the person may appeal their removal order to the Immigration Appeal Division of the IRB or make an application for leave and for judicial review to the Federal Court of Canada. Appeals may be possible to the Federal Court of Appeal and to the Supreme Court of Canada. This system is designed to promote impartial decision making and fairness in the process.

While the inadmissibility process can be unwelcome to a foreign national, the CBSA is committed to conducting these actions with transparency and respect. The Agency is dedicated to continually improving service delivery, and recognizes that the way its employees conduct themselves has a direct impact on clients' perception of Canada. The CBSA takes complaints regarding the conduct of its officers very seriously, and all complaints are thoroughly reviewed. We can confirm that the Agency has not shared any information on your cases with any foreign governments. The CBSA is committed to privacy and the protection of personal information.

Due to privacy concerns, I cannot discuss the details of the CBSA's internal review. However, I can advise you that the review concluded that all officers involved in the processing of your cases have acted in good faith and all of their actions were conducted in accordance with Agency procedures and the CBSA Code of Conduct.

You also raised concerns with respect to your experience with the Delta Police. I recommend that you bring any such concerns directly to the Delta Police Department.

Thank you for writing and bringing your concerns to our attention.

Yours sincerely,



January 21, 2022

John Ossowski

c.c.: Ms. Nina Patel, Regional Director General, Pacific Region
CBSA

Mr. Christian Lorenz, Director General, Enforcement Directorate
CBSA