

**GOVERNMENT RESPONSE TO THE FIFTH REPORT OF THE HOUSE OF COMMONS STANDING  
COMMITTEE ON PUBLIC ACCOUNTS ENTITLED *IMMIGRATION REMOVALS***

**INTRODUCTION**

The Government of Canada has carefully considered the Fifth Report of the Standing Committee on Public Accounts (PACP), entitled *Immigration Removals* presented to the House of Commons on February 18, 2021. The PACP report follows up on three previous recommendations provided by the Office of the Auditor General (OAG) in their audit of the immigration removal system tabled in the House of Commons on July 8, 2020.

The Government would like to thank the members of the Committee for their work in preparing their report and their interest in improving the immigration removals system. The Government agrees with the Committee's recommendations and this Government Response addresses each recommendation provided by the Committee.

**Recommendation 1: That, by 31 May 2021, the Canada Border Services Agency (CBSA) should provide the Committee with a report on the following subjects: (1) the changes to its removal strategy; (2) the new performance measures aligned with removal priorities; (3) its information technology requirements and the timelines for the required changes to be made; and (4) the customization of its strategy based on the country involved.**

The Government accepts the first recommendation. In fulfillment of this recommendation, the CBSA is providing the Committee with the report as set below to respond to this requirement.

*Removal Strategy Refinements*

Since the initial report from the OAG, the CBSA has made considerable progress and has finalized updates to its removal strategy. The refined approach continues to enhance removal efforts and increases the number of annual removals while maintaining a focus on the highest priority cases. The strategy is a multi-pronged approach comprised of key pillars that include: workforce development; modernized case management; leveraging data; outreach; and continuing to explore a range of potential legislative and regulatory updates that would increase the efficiency of inadmissibility determination and removal-related processes while maintaining Canada's balanced approach between facilitation and enforcement.

Progress has been achieved, in part, through funding which was provided in the Budget 2019 Border Enforcement Strategy. Under the Agency's enhanced approach, it is envisioned that removals will steadily increase to 16,312 per year by fiscal year 2022-23. Focus will remain on top priority cases (i.e., inadmissible for security, human or international rights violations, criminality, organized criminality, irregular migrants with an unsuccessful asylum claim, and other failed claimants). For improving oversight of the removal inventories, detailed monthly statistical and performance dashboards have been developed. Additionally, a review of national case triage functions has been completed and system enhancements will be implemented beginning June 2021 and continuing throughout the next fiscal year, to ensure cases are processed effectively and based on priorities and legislated timelines. A Data Stewardship Model has also been finalized and will lead to the development of Quality Assurance Program with regional input and oversight commencing in April 2021.

In terms of concrete action to reduce inventories, during the Agency's warrant review exercise in 2020, the CBSA reviewed 47,046 immigration warrants. Of those, 1,441 warrants were executed (i.e. persons located and arrested) and 7,891 warrants were cancelled. Approximately 95% of the warrants cancelled were as a result of them having departed Canada without notifying the CBSA. The Agency is also continuing to refine its approach to case management by

focusing on improved triage of removal cases, updating information technology (IT) systems, and developing systematic quality assurance processes. The Agency will continue to seek ways to better leverage available data with a national data integrity strategy and through the use of predictive analytics tools. In the area of workforce development, moreover, the CBSA is reviewing its approach to staffing, training, career development and retention of staff in the immigration enforcement business lines to optimally support the removal strategy refinements.

Legislative and regulatory updates are an essential element of the removal strategy particularly given that so much of the removal-related processes are codified in law. With respect to legislative updates, tangible steps have been taken and more are being explored. For instance, in recognition that port of entry removals can be effected much more quickly and cost-effectively (with fewer risks of absconders or public safety risks) than those which must first be referred into Canada for a removal order to be issued, the Government has taken steps to provide officers with expanded authorities. Under this component of the removal strategy, officers would be authorized to issue a broader range of removal orders, at ports of entry or within Canada, for relatively straightforward inadmissibility grounds which do not require the time and labour intensive admissibility hearings process. In recognition of criminal removals being a top priority, this approach is in part supported through proposed legislative amendments to the *Immigration and Refugee Protection Act* which would transfer policy responsibility for the Transborder Criminal Inadmissibility framework from the Minister of Immigration, Refugees and Citizenship Canada (IRCC) to the Minister of Public Safety.

These proposed amendments were introduced in Parliament on February 16, 2021 in Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms). Concurrent related efforts are underway to amend the *Immigration and Refugee Protection Regulations* to provide delegated officers with the authority to issue removal orders for the commission of certain straightforward criminal offences at the border, such as importing a firearm without a permit.

In support of the removal strategy, the CBSA has also advanced a considerable range of additional regulatory updates which are outlined in the Agency's Forward Regulatory Plan and Departmental Plans. Subject to the requisite Treasury Board approvals, these amendments are all expected to come into force in the 2021-2022 fiscal year:

- **Return of Things Seized:** streamlines and simplifies processes related to seized items, such as travel documents, required to support removal operations;
- **Automatic Cancellation of Immigration Documents:** streamlines authorities and information technology processes to align removal order issuance with cancellation of immigration documents (e.g. work, study, visitor permits, Electronic Travel Authorizations (eTA) and visas) and fosters consistent case management;
- **Findings of Fact: Organized Criminality:** leverages Canadian court rulings in inadmissibility determinations to generate efficiencies in securing related removal orders for these low volume, but high priority cases;
- **Minister's Delegate (MD) Review:** transfers authority to issue removal orders from the Immigration Division (ID) to the MD in the following cases: misrepresentation on an eTA; failure to appear for a medical examination; and failure to appear for a port of entry examination, thereby resulting in faster removal order issuance and removal from ports of entry while reinforcing the importance of Canadian laws intended to support public health;
- **Recovery of Removal Costs:** accounts for inflation and other factors while increasing amounts for the Consolidated Revenue Fund, thereby increasing cost-effectiveness of removals.

The CBSA will continue to advance these initiatives and further develop policy, legislative and regulatory updates that will support public safety and immigration program integrity objectives, including the timely removal of inadmissible individuals.

#### *Performance Measures Aligned to Removal Priorities*

With respect to key performance measures, in December 2020, the CBSA updated its program logic model and introduced new key performance indicators and associated performance objectives. One new indicator will allow an examination, by CBSA operational region (i.e. Greater Toronto Area Region, Prairie Region, etc.), of the percentage of high priority foreign nationals removed from Canada. Each region will have as an objective, the removal of 80% of their respective actionable inventory. A second indicator focuses on the percentage of cases that have remained in the inventory for a lengthy period of time. The associated objective is that cases remaining in the working inventory for more than five years represent less than 10% of the overall working inventory.

The new performance indicators, and associated objectives, complement the existing indicators and will assist in reporting, at both a national and regional level, on the removal inventory while helping to ensure more timely removals. Additionally, the Agency developed a program performance management dashboard that provides a comprehensive overview of the existing removal inventories, current delays and removals that have been enforced. Furthermore, the dashboard provides information with respect to the timeliness of removals, results of the performance indicators and provides greater awareness of the removal inventories at a national and regional level.

#### *Information Technology (IT) Requirements and Timelines*

The CBSA has progressed in terms of its IT requirements and timelines. With respect to the regulatory amendments mentioned above, IT requirements have been developed. Subject to the requisite Treasury Board approvals, it is envisioned that the following IT changes (with accompanying regulations) will be implemented in fall 2021: automatic cancellation of immigration documents; findings of fact organized criminality; and Minister's Delegate Review. IT changes for the recovery of removal costs is expected in winter 2021-2022.

With respect to broader systems changes and interoperability, the CBSA continues to work closely with IRCC as that department leads the Asylum Interoperability Project (AIP), which focuses on case management IT changes. The AIP will, among other things, synchronize removals data between the two primary case management systems used by the CBSA and IRCC, the National Case Management System (NCMS) and Global Case Management System (GCMS). This synchronization will allow both organizations to have a more accurate inventory of cases that can be actioned by the respective departments. In addition to the above changes, this project will enhance data integrity within the CBSA, IRCC and IRB existing case management capacity by improving the interface between each of the organizations' systems.

Lastly, the CBSA is exploring options to potentially replace its NCMS. Related requirements include the ability to manage documents and workflow, electronic reporting and analytics functionality, and support for mobile devices. Modernization is also required in order to keep pace and ensure interoperability with key partners and modern tools, which is important for ongoing program effectiveness.

#### *Country-Based Removal Strategy Customization*

Finally, in support of the Government of Canada's efforts to deter irregular migration, maintain program integrity, and protect public safety by removing inadmissible persons, including failed

asylum claimants and high risk individuals, the CBSA and IRCC have developed four country-specific Removals and Repatriation Engagement Plans (RREPs), in consultation with Global Affairs Canada and Public Safety Canada, to guide and coordinate interdepartmental efforts accordingly in support of the Agency's removals objectives. These plans have been developed in recognition of the Government's commitment to maintaining and fostering positive relationships with international partners based on priorities that are of mutual interest. The RREPs leverage existing strategies, activities and engagement lead by Government of Canada partners, and aligns with efforts under the broader Border Enforcement Strategy.

**Recommendation 2: That, by 31 December 2021, the CBSA should provide the Committee with a report describing its pilot project to encourage voluntary compliance with removals and the initial results achieved through this initiative.**

The Government accepts the second recommendation and agrees to provide a report to the Committee by December 31, 2021. The Minister of Public Safety and the CBSA are committed to encouraging and promoting voluntary compliance, and will continue to advance initiatives aimed at this objective.

In the interim, the Agency would like to inform the Committee that the CBSA launched a removals Help Line on August 10, 2020 in an effort to increase voluntary compliance for removals. This Help Line enables foreign nationals to speak directly with CBSA officials on case-specific inquiries. Since it was launched, 74 individuals who have contacted the removals Help Line have voluntarily complied with their removal orders.

The CBSA is also continuing to advance the development and implementation of its broader Assisted Voluntary Return Pilot Program (AVRPP), which will begin in Q3 of 2021-22, subject to requisite Treasury Board approvals. The CBSA will report on the status of this initiative by December 31, 2021 as requested. At this time, we can provide a brief overview of the design. As envisioned, the enhanced pilot project would be available to foreign nationals who have received a negative asylum decision with focus on a specific set of countries of origin (that are generally problematic in the repatriation of their citizens). The program is looking at providing incentive funding and enhanced social services that will include individual foundational return plans to facilitate the long term re-establishment of returnees. Key monitoring mechanisms will be built into the new AVRPP to effectively address gaps identified in the previous program and those of international likeminded partners to ensure program efficacy.

Finally, it should be noted that the Minister of Public Safety, moreover, is committed to exploring further opportunities to incentivize voluntary compliance within immigration removals. Accordingly, the CBSA will explore an additional potential legislative initiative which could, subject to the requisite government approvals, further promote and encourage voluntary compliance focused particularly on low-risk non-compliance cases, such as those who have become recently out of status as visitors, students or workers, and are eligible for restoration of that status.

**Recommendation 3: CBSA should provide the Committee with: (1) by 31 May 2021, a report on the results of implementing its data quality assurance process and its new approach to triaging and assigning cases in its working inventory; and (2) by 31 December 2021, a report on the implementation of its new reporting and oversight mechanism to ensure data entry by Department of Justice officials.**

The Government accepts the third recommendation. In fulfillment of the first part of this recommendation, the CBSA is providing the Committee with the following report to respond to this requirement. For the second part of the recommendation, IRCC will report to the

Committee within the recommended timeframe by December 31, 2021 as it is responsible for implementation of the reporting and oversight mechanism with the Department of Justice.

#### *Data Quality Assurance, Triage, and Assignment of Removal Cases*

The CBSA has made significant progress in the areas of data quality assurance and a new approach to triaging. With respect to data quality assurance, the initiative ensures that data can be both trusted and used to manage the removals programs while delivering on expected results. Data science and analytics are being introduced in support of this initiative, which involves the following:

- Establishing a **Community of Practice** to provide a centralized vehicle to share best practices related to removal data challenges and will provide a forum to facilitate discussion on possible solutions to increase and maintain a high level of program data quality, such as tools to advance system challenges or enhancements and address data entry training on emerging issues. This Community of Practice will facilitate overall discussion on possible solutions to increase and maintain a high-level of removal program data quality and is targeted for implementation in Q2 of 2021-22.
- Development of a **new process** for regions to contact the CBSA's Enforcement Directorate with data challenges, which will ensure a clear and consistent path between the Community of Practice and national headquarters. This process has already been established in Q4 of 2020-21.
- An updated **data stewardship model** to clarify data roles and responsibilities between the regions and headquarters. This will be implemented by the newly established Community of Practice working group and will be implemented in Q1 of 2021-22.

In addition to these measures, business intelligence and data science tools and techniques are currently employed to extract insights from the data and support decision making on an ongoing basis.

With respect to triage, significant efforts have already been made. The CBSA has undertaken a mapping triage exercise in the Greater Toronto Area Region and solicited feedback from other CBSA regions in order to identify and incorporate best practices into a standardized, national model. The CBSA is also working with IRCC to overcome existing system limitations within each department's case management's systems, which will improve the capacity to better identify persons subject to an enforceable removal order and are removal ready as early as possible. A standardized national triage system model was finalized in March 2021 and is being implemented in Q1 of 2021-22. Overall, given the Agency's ongoing commitment to sound management of the removals program, the triage function is expected to continuously evolve and improve over time.

#### *Litigation Data Entry: Reporting and Oversight*

IRCC has the lead responsibility for the implementation of this commitment. IRCC has confirmed that it is pursuing changes to the Global Case Management System (GCMS), which will be incorporated into a regular system update, in consultation with the CBSA and the Department of Justice, as per the commitment to the OAG. These changes will create a system-based reporting and oversight mechanism to ensure litigation data entry impacting removals is completed in a timely manner and would be carried forward to any future system changes. IRCC has committed to providing the Committee with a further report on the status of this recommendation by December 31, 2021.

**Recommendation 4: That, by 30 June 2021, and every three months thereafter until 30 June 2023, CBSA should provide the Committee with a report including statistics on executed**

**removals in the most recent quarter and the number of cases in the monitoring, wanted, and stay inventories at the end of the most recent quarter.**

The Government accepts the fourth recommendation and agrees to provide quarterly reports to the Committee. The first report requested by June 30, 2021, is provided below and quarterly reports will be provided until June 30, 2023. The CBSA closely tracks both the statistics on executed removals as well as remaining cases contained in the removals inventory and will continue to do so on an ongoing basis.

<b>NATIONAL REMOVAL INVENTORIES as of Q4 of 2020-21*</b>		
	<b>DESCRIPTIONS</b>	<b>TOTAL</b>
<b>Monitoring Inventory</b>	The monitoring inventory includes asylum claimants awaiting a final determination from the Immigration and Refugee Board (IRB) on their asylum claim. Individuals who are awaiting a decision from the IRB are issued conditional departure orders at the time of their claim, which can be enforced only if a negative determination is made on their case. Those individuals conferred refugee protection based on a positive decision by the IRB and who are awaiting their permanent resident status, are also included in this inventory.	<b>138,720</b>
<b>Stay Inventory</b>	The stay inventory includes cases that benefit from a regulatory or legislative stay of removal. This includes, but is not limited to the following: cases where litigation is in process, cases pending a decision on an application for a pre-removal risk assessment (PRRA), cases where there is a temporary suspension of removal or an administrative deferral of removal and cases where an inadmissible foreign national is serving a term of imprisonment.	<b>15,807</b>
<b>Wanted Inventory</b>	The wanted inventory includes cases under review to determine if a warrant is required or cases where a warrant has been issued for the arrest, detention, and removal of a foreign national.	<b>31,093</b>
<b>Working Inventory Total</b>	The working inventory includes all cases being processed for removal, including those who have access to PRRA. Of the total working inventory, 3,846 currently have no listed impediments to removal and can be removed.	<b>19,507</b>
<b>Total for all Removal Inventories</b>		<b>205,127</b>

*\*Volumes are accurate as of April 6, 2021. Of note, removal volumes may increase over time for data covering the same timeframe, due to delays with data entry (i.e. when a removal is enforced overseas or removed under escort). Due to the number of recourse mechanisms available, these volumes are fluid and individuals may move in and out of these inventories over a period of time. Individuals who claim refugee protection, for example, are maintained in the monitoring inventory until there is a decision on their asylum claim. Subsequently, if an appeal is initiated on a negative refugee decision, this individual would move to the stay inventory until a decision on the appeal is rendered.*

The CBSA enforced 1,751 removals in Q4 of 2020-21, which represents 16% of the 11,095 enforced removals in fiscal year 2020-2021. The removals inventory provided above, represents foreign nationals subject to a removal order that has not been enforced or voided through a positive permanent resident application. The monitoring inventory, stay inventory and wanted inventories include those cases that are not ready to be processed, due to the availability of legal avenues available to foreign nationals subject to a removal order. The working inventory includes cases that are ready to be processed, with the “actionable removals” subset of this inventory representing those that have no impediments to removal.

### **Conclusion**

The Government of Canada remains firmly committed to maintaining public safety and immigration program integrity through sound management of the immigration removals program. The Government thanks the Committee for their thoughtful analysis and report which has helped to promote the importance of the CBSA’s roles and responsibilities to administer and enforce the *Immigration and Refugee Protection Act*.