

# Admissibility Hearings and Detention Reviews\*

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## The Immigration Division (ID):

- Conducts admissibility hearings for people believed to be inadmissible to, or removable from, Canada.
- Reviews, at intervals established in the Act, the grounds for detention of people detained under the *Immigration and Refugee Protection Act*.

## Admissibility Hearings

*Q. When does the ID decide to hold a hearing?*

A. The ID holds a hearing for someone **only** at the request of the Canada Border Service Agency (CBSA). A CBSA officer provides a report containing the reasons for which he/she believes that the person should not be admitted to, or allowed to stay in, Canada.

*Q. For whom are hearings held?*

A. Foreign nationals or permanent residents believed to be in violation of the *Immigration and Refugee Protection Act*.

*Q. What are the grounds for inadmissibility to, or removal from, Canada?*

- security grounds
- violating human rights
- serious criminality
- organized criminality
- health reasons
- financial reasons (unable to provide for oneself)
- misrepresentation
- failure to comply with the Act

*Q. What happens after a hearing?*

A. Based on the evidence and the testimony of both parties (CBSA and the person concerned), the ID decides whether or not the allegations are founded.

- If it decides that the allegations are founded, the ID issues a removal order for the person concerned.

- If it decides that the allegations are not founded, the ID stops the hearing and the person concerned retains his/her status.

## Detention

### Q. Who can be detained?

A. A foreign national or permanent resident.

### Q. *What are the grounds for detention?*

A. The CBSA may want to detain a person who:

- is unlikely to appear for a hearing or removal,
- is a danger to the public or has violated human or international rights, or
- has not established her identity.

### Q. *Why does the ID review the grounds for detention?*

A. The ID reviews the grounds for detention to ensure that the person is not detained without sufficient reasons, and that the situation which led to the detention still exists.

### Q. *When does the ID review the grounds for detention?*

A. When a person is detained by the CBSA, the ID carries out a review:

- within 48 hours of the start of detention,
- then within 7 days of that first review.
- After that, the ID reviews the grounds for detention at least every 30 days.

### Q. *What happens then?*

A. Based on the evidence and the testimony of both parties (CBSA and the person concerned), the ID may:

- order the release of the person detained, with or without conditions, or
- maintain the detention.

**For any questions or clarifications please contact me at [dsn\\_lawyer@yahoo.ca](mailto:dsn_lawyer@yahoo.ca)**

*\* Source – Immigration & Refugee Board, Canada*