

**Coroner's Inquest into the death of Lucia Vega Jimenez**

**September 29–October 3 and October 6-7, 2014**

**British Columbia Civil Liberties Association**

**Proposed Recommendations to the Jury**

1. To the CBSA: the underground YVR detention centre should no longer be used for immigration detentions of any duration as it does not have sufficient access to light or fresh air, or areas for recreation, visitations, or private meetings with counsel; any detention facility at YVR or elsewhere must meet internationally-recognized standards for such facilities;
2. To the CBSA: private security companies, such as Genesis Security, should no longer be contracted by the CBSA to supervise and care for immigration detainees; only government agencies should be permitted to guard and care for detainees, and these should not be the same individuals who are responsible for enforcement or other functions within CBSA;
3. To the CBSA: to ensure that detainees can meaningfully exercise their right to counsel, CBSA should ensure that immigration detainees should, as soon as is practicable upon arrest, be provided with written and oral information on the availability of legal aid (in a language understood by the detainee), access to legal counsel, telephones, interpretation and health services, and this access should remain suitably available for the duration of their detention;
4. To the CBSA:
  - a. immigration detainees should no longer be held with a general prison population in penal institutions and the CBSA should proceed immediately to obtain a facility designed specifically for immigration detainees with suitable resources and conditions. Such a facility must be located within a 30 minute

driving distance of the Immigration and Refugee Board, and be reasonably accessible by transit;

- b. immigration detention in any facility must only be used as a last resort;
- c. in the interim, where there is no present alternative to using provincial correctional facilities, detainees – who are not criminals – should:
  - i. be held in the lowest-security environment available,
  - ii. be held separate from the general prison population,
  - iii. be held according to standards appropriate to housing a non-criminal population,
  - iv. not be required to wear prison uniforms, and
  - v. have reasonable and free access to telephones, including international calling, Internet and email;
  - vi. have access to a library that includes current information on the immigration and refugee system;
  - vii. correctional officers must be made aware that detainees are not in the correctional facility for a criminal reason.

- 5. To the Government of Canada: an organization that provides independent, civilian oversight and review of the CBSA should be established as soon as practicable; further, there should be independent civilian investigation of deaths in custody or other critical incidents involving the CBSA, similar in principle to the Independent Investigations Office of BC;
- 6. To the CBSA: all deaths that occur in CBSA custody must be reported publicly, to the Coroner's Service, to the RCMP and to the proposed civilian oversight organization as soon as practicable;

7. To the Transit Police, BC Corrections, CBSA, and Genesis Security: all staff in contact with immigration detainees should undergo mandatory mental health and suicide prevention training;
8. To the CBSA: All immigration detention facilities must be open to visitation by family, counsel, and appropriate non-governmental organizations, in addition to the Red Cross and the U.N. High Commissioner for Refugees;
9. To the Transit Police: Since real or perceived racial and ethnic profiling compromises public trust in police and officers should not check individuals' identities with CBSA prompted by a person's accent, appearance or racial or ethnic background;
10. To the CBSA: an adequately-trained support person, such as a victims' service worker, should accompany CBSA officers when delivering news to an immigration detainee that is likely to have a negative impact on the detainee's mental health;
11. To the CBSA: the Detention Liaison Office (DLO) position should be enhanced by increasing the number of individuals in the position and by limiting the function of the DLO to only a supportive role to discuss with detainees their status in the process and to ensure detainees' needs while in detention are met effectively; the detention liaison officers should not also perform other functions in CBSA such as enforcement, or acting as minister's designate, as these functions are in conflict with the role of assisting detainees;
12. To BC Corrections: the Mental Health Screening process upon intake should take place in the presence of an interpreter rather than relying on interpretation services over the telephone;
13. CBSA should ensure that all detainees receive written pamphlets, available in a wide range of languages, informing them of the detention process, their rights at each stage of the process, and information on available legal resources.

14. To the Government of Canada: the Pre-Removal Risk Assessment (PRRA) application should be able to be completed in any language, not just French and English;
15. To the Government of Canada: the PRRA application deadline should not occur until 30 days after the immigration detainee has been offered the opportunity to file a PRRA; and
16. To the Government of Canada: CIC should have the discretion to extend the PRRA deadline on any reasonable basis, and a stay of deportation order should automatically extend when a PRRA deadline is extended.

All of which is respectfully submitted to the jury,

This 7<sup>th</sup> day of October, 2014.

Jason Gratl  
Gratl & Company  
Barristers and Solicitors  
601-510 West Hastings Street  
Vancouver, BC V6B 1L8  
T: (604) 694-1919  
F: (604) 608-1919

Neil Chantler  
Chantler & Company  
Barristers and Solicitors  
601-510 West Hastings Street  
Vancouver, BC V6B 1L8  
T: (604) 424-8454  
F: (604) 424-8455