



SWAN Vancouver

**Submission to the
Review of Immigration Detention in Provincial Jails and the
Province of British Columbia's Agreement with Canada Border Services Agency**

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by SWAN Vancouver

Authored by: Alison Clancey, Executive Director

SWAN Vancouver (SWAN) promotes the rights, health & safety of newcomer, migrant and immigrant women engaged in indoor sex work through front-line service & systemic advocacy.

Over the past 20 years, SWAN has supported migrant women whom Canada Border Services Agency (CBSA) has surveilled, arrested, detained in both provincial jails and immigration holding centres, and deported. Because of SWAN's extensive experience supporting women who have been traumatized by their interactions with CBSA and detention in provincial jails, SWAN calls upon the Province of British Columbia to urgently cancel its immigration detention agreement with the federal government.

Background

Since 2012, the Immigration and Refugee Protection Act (IRPA) has prohibited temporary residents from working "with an employer who, on a regular basis, offers strip tease, erotic dance, escort services or erotic massages." The IRPA effectively bars migrant women from engaging in sex work in Canada. [In SWAN's legal counsel's view, the IRPA prohibitions on sex work violate the Charter of Rights and Freedoms, specifically Sections 7 and 15.](#) It is in this legal context that SWAN posits interactions with CBSA and detention in provincial jails violate the rights of the women we serve.

Discrimination & Rights Violations

The racialized, migrant women whom we serve work and live on the margins of Canadian society with few to no labour and legal protections. Their systemic vulnerability is a result of intersecting forms of discrimination based on gender, race, class, immigration status, and occupation. Although migrant sex workers experience multi-layered criminalization via municipal bylaws, prostitution laws, anti-trafficking laws and enforcement, and the immigration prohibitions on sex work, women tell SWAN over and over again that their fear of CBSA and detention and deportation is their greatest fear. Predators target migrant sex workers knowing it is highly unlikely women will report violence to police, as any interaction with police results in crimmigration, i.e. the convergence of criminal law and procedure and immigration law and procedure. Recently, one of our clients was the victim of intimate partner violence, and

immediately after being assaulted, she was arrested and detained in Alouette Correctional Centre for Women. Under no circumstances should a person for immigration-related reasons be treated in a punitive manner, including being detained in facilities used for criminal law enforcement, such as provincial jails.

Lydia, a single mother, international student, and SWAN Client, shared her experience of being arrested, detained and deported by CBSA in 2019 (shared with permission):

I was treated like a criminal instead of receiving support or help for the violence I experienced. I was punished with deportation without even having the benefit of telling my story. As someone who has never been involved in any legal issues, the deportation process gave me the major anxiety and depression that I am fighting against until today. This is also important because I don't want any other women living the nightmare I did. This is unfair and puts any foreign citizen (as I was called many times) in a very vulnerable situation against traffickers. This is about laws and not about human beings, is misogynist and put female temporary residents in a "different" category of people. I was treated like any other person that breaks the law, a "criminal" I should say. I did not know my rights and what Canada Border Services could do to me. I was very confused and that made a huge impact on my mental health and my power to make decisions even now. I had to leave my studies. I had suicidal thoughts; I am happy I did not do it. It is very shocking when CBSA takes away your documentation. I was very confused and that took me to a very dark place in my mind. I was not illegal; I was enrolled in and going to college, I was paying my rent and trying to have a safe, normal life for me and my kid as someone who was never involved in any kind of legal situation. I thought my life was about to end.

Mental Health Impacts

Women have told SWAN repeatedly that their experiences with CBSA and detention impact them more than violence they experience at the hands of violent partners or predators. The devastating mental health impacts of interactions with CBSA and detention include: flashbacks, nightmares, PTSD and suicidal ideation. These impacts stay with women years after they have been released from detention or deported because of CBSA's dehumanizing and degrading treatment in detention and deportation processes as recounted in Lydia's experience above. Please listen to another SWAN client, Ann, [describe her experience](#) (shared with permission).

Ann reported to us the mistreatment she experienced at the hands of CBSA officers after she was "wronged" and "forced" by a perpetrator: "even when I said my life was at risk, the officer said he doesn't care." After she was deported, Ann told us, "In their eyes, we are foreigners, especially foreign women. They don't treat us like human beings. I can see though the racism. Immigration speaks no reason." She went on to say:

Canadian law protects Canadian citizens, but they [perpetrators] do whatever they want. ... What I have heard is that [the perpetrator] has already contributed to the deportation of 4-5 other women who didn't obey him. He kept on using his Canadian status, and that he is protected by Canadian law. How can this be? ... They have to change the law so women will not be victimized by it. ...

I thought Canada values human rights, but there is no human rights in Canada. I am harmed. I have to increase my depression medication. ... I feel like there is nothing good in life for me. ...

Our voices should at least be heard. They [CBSA] should listen to our experiences. ... I kept thinking, I went to Canada full of confidence, hope and good ideas, with an amazing future ahead of me. But now I don't have any recollection of good memories in Canada. I don't remember how beautiful Canada is. I only have bad memories, nothing good. What was the reason? What kind of country is this? And why? What did I actually do to deserve this? ... I still don't know the answer.

CBSA: An Unacceptable Partner for the Province of British Columbia

Since the serial killings of sex workers in the Lower Mainland in the 1980s and 1990s, the Province of British Columbia, in collaboration with community organizations, has made strides to address violence against sex workers and address the stigma that so often leads to violence. Given the Province's efforts to improve sex workers' safety and acceptance in society in recent years, it is inconceivable to SWAN that the partnership with CBSA should continue.

Through an Access to Information Request, SWAN obtained CBSA training materials and the following is what CBSA officers are taught about sex workers in a final quiz.

TIP [Trafficking in Persons] – Module 4

#6. Which of the statements are wrong? Select all that apply.

- a) An individual who gives consent to be exploited is not a VTIP [victim of trafficking in persons].*
- b) A woman who is trafficked for sexual exploitation earns a lot of money.*
- c) An individual who is trafficked cannot be rehabilitated.*

Feedback when correct. That's right! Statements "a", "b", and "c" are all wrong.

Statement b [correct answer]: A woman's time in prostitution is spent in debt bondage. A chain of traffickers (recruiters, transporters, pimps and brothel managers) ensure that the woman gets a very small cut of her earnings. Women are left with disease-ridden bodies, children and no savings.¹

Women tell SWAN they feel humiliated and degraded through immigration-related processes. It is unacceptable that this 'training' informs CBSA's approach and attitude towards sex workers in their custody. In Lydia's case, CBSA officers went as far as to show up at her door and ask her son, "Do you know what your mother does for a living?"

CBSA remains the only law enforcement agency in Canada without independent civilian oversight to review policies or investigate misconduct. In Lydia's case and a multitude of others, SWAN would have worked with women to file a complaint to an

¹ CBSA. (2016). People at Risk: Officer Induction Training Program.

independent oversight body about the dehumanizing treatment they experience throughout their detention in provincial jails and deportation processes if that had been an option.

RECOMMENDATIONS

SWAN calls upon the Government of British Columbia to respect its human rights obligations by urgently cancelling its immigration detention agreement with the federal government.

SWAN calls upon the Government of British Columbia to encourage federal authorities to abolish immigration detention across the country.