

March 24, 2022

Lisa Anderson  
Assistant Deputy Minister  
BC Corrections  
Ministry of Public Safety and Solicitor General

**Re: BC should stop allowing CBSA to incarcerate immigration detainees in provincial jails**

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I arrived in Canada in late 2017 to seek refugee protection. My life changed on that day in ways that I am still trying to comprehend.

I fled from Egypt because my life was in danger in that country. I am a human rights activist and I love my country fiercely, but I knew I could not survive with the Egyptian military regime in power. I left behind my beloved wife and two boys. It breaks my heart to be apart from them, five years on.

I have a hearing disability, and I depend on hearing aids. Without my hearing aids, I am in complete silence. I have lived this way since I was a child.

When I landed at the Vancouver International Airport, I was filled with hope and anticipation. I knew Canada was a country that stood for freedom and human rights, and I felt deep in my bones I would finally be at home and safe.

But instead of finding freedom, I was arrested without charge. I was handcuffed and shackled. My belongings were taken away, including the rechargeable batteries to my hearing aids. Suddenly, I was in jail, confused and scared. Not only did I have to try to navigate my way through jail with a language barrier, but I also could not hear anyone or anything.

I didn't know why I was arrested and detained. I didn't know why I was put in handcuffs. I didn't know why I was being incarcerated in a jail. I didn't know how long I would be detained. I didn't know who I could ask these basic questions; I didn't know who I could trust. I spent my first night in Canada in the Vancouver Jail. My faith in Canada was violently shattered, and I was alone, incarcerated, in silence. That jail cell will always be my introduction to Canada.

The next morning, I couldn't hear the guard who was trying to wake me up. I woke up to him trying to shake me awake. I looked at him and I couldn't hear him. I didn't know what was happening. It was a terrifying reality check: I was imprisoned in the country where I thought I would find freedom; the country where I thought refugees find safety.

That morning, CBSA officers were waiting for me, and they took me back to the airport to continue questioning me. The interpreter that CBSA provided for my questioning spoke a different dialect, so I could only understand about half of what was being said. The officers didn't care about this and proceeded with the questions. They were aggressive and cruel. After I explained that I fled Egypt because my life was at risk, one of the officers accused me of being selfish for leaving my wife and

children behind. They also violated my privacy and my solicitor-client privilege: without seeking permission, they searched through all my emails between myself and my lawyer.

Before he began his questioning, the officer gave me a battery for my hearing aid, but it was not rechargeable. Over the following weeks, CBSA only provided me with one hearing-aid battery at a time, and only for CBSA meetings and hearings. CBSA would let me keep the battery and take it back with me to the jail to use whatever remained of it (each battery would only last me about 10 hours in total). I would try to save the battery as much as possible and turn on my hearing-aids only for very important situations.

At the end of that first day, the CBSA officer asked me if I wanted to speak with a lawyer. I said yes, and the officer got a lawyer on the phone. After five minutes, the lawyer said he can only help me if I paid him. It was difficult for me to hear him, and I was sobbing with exhaustion and fear. The officer handcuffed and shackled me and took me back to jail.

I was always cooperative with CBSA and answered all the officers' questions. I thought I could trust Canadian authorities. But I later learned that CBSA contacted Egyptian authorities and revealed my name, even though I was fleeing Egyptian authorities and seeking protection in Canada. My family in Egypt was then targeted. Not only was I not there to protect my family, but because of CBSA my refugee claim in Canada put my family in danger in Egypt. I will never be able to forgive this.

I provide the details of how CBSA treated me because I would like BC Corrections to consider whether CBSA is the kind of partner the province deserves, particularly in carrying out the most invasive act a state can take against a person: to deprive them of liberty. I have already submitted a complaint to CBSA about the way I was treated, but the Agency does not have independent civilian oversight.

During my first weeks in Canada, each time CBSA officers took me to and from jail, they handcuffed and shackled me.

After several days in the Vancouver Jail, CBSA came again to the jail and took me to a detention review hearing. I had no idea what was going on, and this was quickly becoming a theme of my first few days in Canada. By the time I arrived for my hearing, the hearing aid battery that CBSA provided me ran out. I couldn't hear anything. I told the lawyer that was assigned to me that I couldn't hear anything. I had a few minutes with her before the hearing was supposed to start. She wrote on a piece of paper, "you're going to have a detention review hearing." I didn't know what that meant. The hearing started, but the tribunal adjudicator adjourned it until the next day when I could get a battery. The next day, CBSA brought me back for my hearing, I still had no idea what was happening.

After my first hearing, CBSA took me to the North Fraser Pretrial jail. No one told me why this was happening. They strip searched me. This was absolutely humiliating, and I could not wrap my mind around why any of this was happening to me. At the North Fraser Pretrial jail, I was only allowed out of my cell for two hours a day. I understood that it was a maximum-security facility. I was terrified of the people around me, and I had no idea why I was there. I just cried.

About two weeks later, I was transferred to Fraser Regional Correctional Centre. Again, I had no idea why. Like in the previous jails, I mostly stayed in my cell.

One of the most difficult aspects of detention was that I had no idea when I would be released. I met some people who had been in jail for immigration reasons for months, and they also didn't know how much longer they would be locked up. I didn't know how to cope with this reality. What's the point of counting the days if you are not counting towards anything? I lost all sense of time, and along with it my hope. The days became shapeless, amorphous, never-ending.

I managed to call my family once when the jail Champlin allowed me to use the phone in his office. I told my wife not to worry about me. After that, I couldn't contact my family for the rest of my time in detention. No one knew about me. I didn't know what to do. I wanted to speak with my family, but I had no battery for my hearing aids. The phones are old and very hard to use, and they are also very expensive.

I stayed in immigration detention for almost two months. I couldn't contact anyone for weeks while I was locked up in jail because I had no hearing-aid batteries. I couldn't hear anything or anyone around me. I sent requests to the jail Champlin, but he responded that the jail couldn't afford to give me batteries. CBSA seized all my belongings and refused to give me my rechargeable batteries.

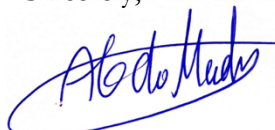
When I was finally released and was able to use my hearing aids with my re-chargeable batteries, I felt so happy. I could hardly believe it. I felt like my life was back again. The first thing I did was call my family. I just sobbed. Eventually, I found my way to the Welcome Centre in Vancouver.

For most of my life, I only knew about human rights in the abstract. In Egypt, I could only dream of human rights. I thought that in Canada I would feel the texture of human rights; what it's like to have human rights protected and respected. But while I was in immigration detention, moving from one jail to another, I experienced such deep injustice that I questioned whether I should have come to Canada at all. The fear that was instilled in me in detention has stayed with me all these years later. I always think, "maybe they will come after me and arrest me again, even though I didn't do anything wrong."

Once I got a work permit, I started working very hard to try to forget. Day by day I moved forward. I know this is a beautiful country. There is something wrong with this system, but this is a beautiful country. I feel like I belong here. I feel like my life is here. I am a human being. I have a hearing disability. I have a family, like anyone else. I live everyday thinking about my family, and my heart aches for them. But I have the right to live in a peaceful way. Like one of you.

I urge the BC government to do the right thing and stop allowing CBSA to incarcerate immigration detainees in provincial jails.

Sincerely,



Abdelrahman Elmady