

Canada Border Services Agency

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Internal Audit and Program Evaluation Directorate

Audit of Immigration Enforcement

December 2016

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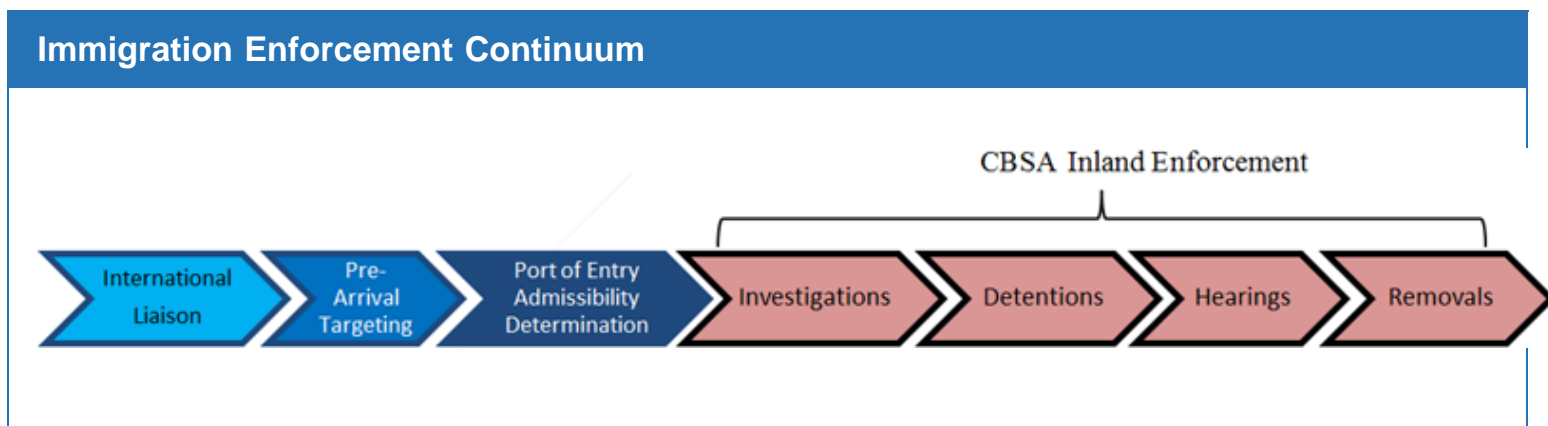
1.0 Introduction

1. One of the responsibilities of the Canada Border Services Agency (CBSA) is the enforcement of the *Immigration and Refugee Protection Act* (IRPA). Through the Immigration Enforcement program, the CBSA investigates, detains, monitors, and/or removes inadmissible persons from Canada. ¹ Foreign nationals and permanent residents of Canada believed to be inadmissible may be investigated and have a report written against them by a CBSA inland enforcement officer (IEO).

2. Depending on the type of inadmissibility, the merits of the report are reviewed by either a Minister's delegate or an independent decision maker at the Immigration and Refugee Board of Canada (IRB), where a CBSA hearings officer represents the Minister of Public Safety and Emergency Preparedness or the Minister of Immigration, Refugees and Citizenship Canada (IRCC). Subsequent to this review, a removal order may be issued against the foreign national or permanent resident in question.

3. The CBSA may detain and/or monitor the conditions of release of an individual where there are reasonable grounds to believe the individual is inadmissible and where the individual is a danger to the public, poses a flight risk or where their identity is not established. Under section 57 of IRPA, the IRB must review the reasons for immigration detention within 48 hours after a permanent resident or a foreign national is taken into detention, or without delay afterward, and at least once during the seven days following the review, and at least once during each 30-day period following each previous review. ²

4. The Immigration Enforcement (IE) program is one of the Agency's Enforcement and Intelligence programs, and is also known as "Inland Enforcement." Inland Enforcement activities (or sub-programs) include Immigration Investigations, Detentions, Hearings, and Removals, which are part of a larger immigration enforcement continuum depicted below. Descriptions of each of the inland enforcement activities are provided in Appendix C.



5. For fiscal year 2015–2016, the IE program was allocated a budget of \$145M. ³ The IE program is delivered by regional Inland Enforcement Offices with the support of the Operations Branch Enforcement and Intelligence Operations Directorate (EIOD). The Programs Branch Enforcement and Intelligence Programs Directorate (EIPD) is responsible for program policy, program management, performance reporting and transformation, and business system integration. Descriptions of the activities performed by EIOD and EIPD are also included in Appendix C.

6. IRCC is an important partner, responsible for screening and approving immigrants, foreign students, visitors and temporary workers who help Canada's social and economic growth; resettling, protecting refugees; and managing access to Canada to protect the security and health of Canadians and the integrity of Canadian laws. ⁴

7. Immigration detentions are reviewed and decided by the IRB, and closely monitored by the United Nations

High Commissioner for Refugees (UNHCR), and the Canadian Red Cross Society. The UNHCR has a supervisory role under article 35 of the 1951 Convention relating to the status of refugees. In 2006, the CBSA established a new Memorandum of Understanding with the Canadian Red Cross Society to reflect the transfer of enforcement of the IRPA from the former Citizenship and Immigration Canada to the CBSA. The agreement mandates the Red Cross to monitor the conditions of persons detained under IRPA and compliance with all applicable domestic standards and international instruments to which Canada is a signatory.

8. The CBSA has developed a National Detention Strategy which includes eight initiatives aimed at addressing program delivery inconsistencies, stakeholder and client concerns, external pressures and resource constraints.

⁵ Some parts of the strategy have been implemented, including national detention standards and a national risk assessment methodology for detention. In August 2016, the Agency secured Treasury Board funding for Immigration Holding Centre infrastructure and for expanding the availability of alternatives to detention through the National Immigration Detention Framework. The funding also provides for increased access to medical and mental health services to detainees within Immigration Holding Centres.

9. Major changes faced by the program have included new legislation ⁶ which put more emphasis on the faster removal of criminals and failed refugee claimants, and the implementation of a new information system in 2015. The CBSA now uses the IRCC Global Case Management System (GCMS) and the National Case Management System (NCMS) for managing immigration case files. GCMS replaced the Field Operating Support System (FOSS), a legacy mainframe document management system.

10. Previous audits and evaluations have examined various aspects of the IE program or sub-programs and have highlighted the following key recommendations:

- A CBSA evaluation of Immigration Investigations in September 2015 included recommendations to improve training, the development of standard operating procedures to improve consistency in the documentation of referrals, and the prioritization and tracking of enforcement cases.
- An evaluation of Detentions and Removals in November 2010 recommended the possible expansion of alternatives to detentions, as well as the consideration of alternative service delivery models for removals and alternative service delivery arrangements at Immigration Holding Centres. The evaluation recommended improved guidance on the handling of detainees and addressing training and performance gaps for IEOs and border services officers (BSOs). In addition, the evaluation recommended enhancing the collection of performance and financial information.
- The May 2008 Audit of Detentions and Removals by the Office of the Auditor General also recommended improving the collection and analysis of data as well as the development of suitable policies and procedures to ensure that risks, situations, and individuals are treated in a consistent manner.

2.0 Significance of the Audit

11. This audit is of interest to management due to the program's highly complex, dynamic and costly operating context and this represents the first internal audit of the management control framework for the IE program. The program is also high profile, receiving frequent media ⁷ and stakeholder attention, and ineffective internal controls would create a reputational risk for the Agency.

12. The audit objective was to determine the extent to which program governance, management processes, practices and internal controls are in place and support the achievement of program objectives. The audit examined the overall program and focussed on program governance, resource management, monitoring and

reporting, organizational and management structures, and policies and procedures in support of program delivery. The audit methodology and criteria are described in Appendix A.

3.0 Statement of conformance

13. The audit conforms to the *Internal Auditing Standards for the Government of Canada*, as supported by the results of the quality assurance and improvement program. The audit approach and methodology followed the *International Standards for the Professional Practice of Internal Auditing* as defined by the Institute of Internal Auditors and the *Internal Auditing Standards for the Government of Canada*, as required by the Treasury Board's *Policy on Internal Audit*.

4.0 Audit opinion

14. The management control framework for the Immigration Enforcement Program is in place; however, certain aspects require strengthening, including governance, business and strategic planning, and HR planning. In addition, the program could benefit from optimizing the capacity and coordination of resources at National Headquarters (NHQ). The program should continue improving information for decision making, updating policies and procedures, and implementing the National Detention Strategy.

5.0 Key findings

15. A governance structure for the Immigration Enforcement program is in place, and includes several committees. The governance structure and processes could be improved to more effectively escalate and resolve program risks and issues.

16. Program performance reporting is occurring on a formal and informal basis. Reporting on key program management elements (i.e., human resources, program budget, risk management) has been recently included as part of the Program Health Checks. The Program Health Checks provide information on resource allocation levels and expenditures across NHQ and the regions, highlight program risks and mitigation strategies, provide updates on priorities and commitments, and provide the status of the program's ability to meet performance.

17. Data integrity challenges are making it difficult for the program to produce accurate, reliable and timely program performance information. The data integrity issues stem from a variety of sources that the program expects to address through introducing data and quality control standards. The Program Health Check for the Removals sub-program indicates a commitment to implement a quality assurance program for improving data integrity and file management.

18. An overall Human Resources (HR) strategy for the IE program has not been developed. The program is limited in the extent to which it can draw officers from the BSO feeder group; however, hearings officers are able to be sourced outside of the Officer Induction Training Program (OITP). As a result, regions have had to rely on short-term assignments. Without a staffing strategy in place, the IE program may continue to face challenges in having a full complement of qualified officers to support program delivery.

19. National Training Standards have been developed for IE and hearings officers; however, the identified core training is delivered infrequently and some specialized training needs are not being met. The program is unable

to demonstrate that all employees exercising the Minister's Delegate authority have completed the core mandatory training due to inconsistent tracking, particularly for legacy IRCC employees.

20. Current limitations of CBSA costing and forecasting tools and processes make it difficult for program areas, including Immigration Enforcement, to determine the expected level of performance that can be achieved with the amount of resources that are allocated, or vice versa, how much needs to be allocated to achieve a specific program objective. The Agency is undergoing a financial management transformation initiative which is expected to help improve financial resource management processes.

21. The IE program is managed, delivered and supported through a complex array of organizational and management structures across the regions and at NHQ. Regional Inland Enforcement Offices are structured based on their respective operating contexts and resource levels. At NHQ, the program is managed and supported primarily by Programs and Operations branches. As both branches are involved in aspects of program monitoring and reporting and in developing procedures and providing guidance, it would be beneficial to clarify the respective roles and responsibilities of each branch.

22. Programs Branch has developed and implemented a methodology to review the new "National Risk Assessment for Detention" (NRAD) process. Having this type of program monitoring in place is consistent with the principles for effective internal control. Through this monitoring, the program has identified areas for improving compliance with key elements of the NRAD policy and procedures that would promote greater consistency in the treatment of detainees across regions.

6.0 Summary of recommendations

23. The audit makes four recommendations to:

- Develop and communicate a program governance authority matrix for the Immigration Enforcement Program that clearly describes the role and types of decisions/approvals or guidance that each committee is responsible for and continue to improve the quality of information for decision-making.
- Develop an HR strategy for the Immigration Enforcement Program that includes enhancing existing staffing mechanisms to meet operational needs and ensuring the delivery of core and specialized training.
- Explore options and formally agree on the most effective way to optimize the capacity and coordination of Immigration Enforcement Program resources at NHQ.
- Implement identified improvements to the National Risk Assessment for Detention process and continue evolving the monitoring methodology.

7.0 Management response

The Programs Branch agrees with the recommendations provided by the Internal Audit and Program Evaluation Directorate. Work is already underway on all recommendations, with the last one being completed by November 2017.

8.0 Audit findings

8.1 Governance and information for decision-making

Audit Criteria:

- Oversight bodies provide strategic direction and monitoring of the program to ensure the achievement of objectives.
- Useful and relevant key performance indicators have been established in pursuit of program objectives.
- The program has effective processes to provide senior management and oversight bodies with sufficient, relevant, accurate and timely information to support decision-making.

Strategic direction and monitoring by oversight bodies

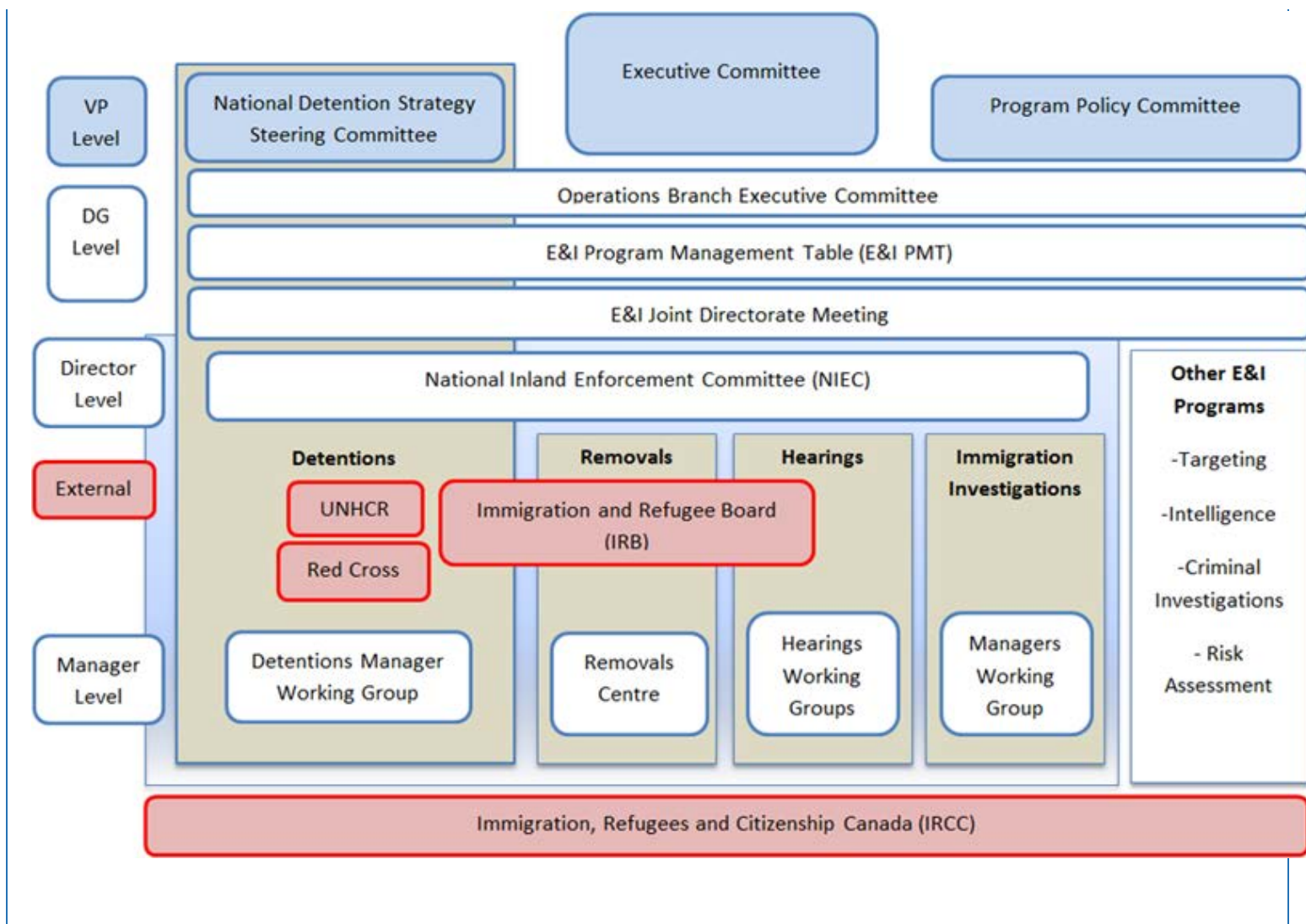
24. Governance is defined as "the combination of processes and structures implemented to inform, direct, manage, and monitor the activities of the organization toward the achievement of its objectives". ⁸ Effective governance ensures and monitors that processes or controls are in place to prevent, detect and manage events that could have a negative impact on the achievement of organizational strategies, goals and objectives, operational efficiency and effectiveness, financial reporting, or compliance with applicable laws and regulations.

25. The CBSA IE program is a high profile program that receives a lot of attention from the media and is subject to external oversight. Effective governance is key to ensuring the achievement of program objectives while protecting the Agency from reputational risks.

26. As previously noted, independent oversight over immigration detention is provided by external organizations such as the IRB, the Canadian Red Cross Society, and the UNHCR. The Red Cross produces an annual report on its detention monitoring activities, which includes recommendations for the CBSA to address. The CBSA also responds to observations of the UNHCR that are provided on a regular basis. The CBSA has also implemented its own Quality Assurance Program to monitor the extent to which National Detention Standards are being met in CBSA Immigration Holding Centres.

27. A CBSA governance structure for the IE program is in place and includes the National Inland Enforcement Committee (NIEC), the Enforcement and Intelligence Program Management Table (E&I PMT), and the National Detention Strategy Steering Committee (NDSSC). There are also manager level working groups such as the Hearings Manager Committee, Hearings Working Groups, Removals Centre and Investigations Management Committee. In addition, Joint Directorate Meetings are held between Programs and Operations E&I Divisions and there is the Operations Branch Executive Committee (OBEC) both of which include regional representation. However, these were not listed as part of the Enforcement and Intelligence National Governance Structure depicted in the E&I PMT Terms of Reference and no documentation was provided to describe their role in the governance of the program.

Diagram 1: IE Program Oversight and Governance



28. The NIEC is a director-level meeting co-chaired by the directors of EIPD and EIOD and includes a regional director from each region. The mandate of NIEC is to act as consultative and advisory body, providing direction on program development, defining strategic priorities, developing resourcing strategies and reviewing policy and program issues to ensure vertical and horizontal alignment for national consistency and to ensure the program is well-positioned to deliver its mandate. The Terms of Reference indicate that NIEC meetings shall be held quarterly, but records of decision provided indicate that the committee was only meeting twice per year.

29. The Enforcement and Intelligence (E&I) PMT Terms of Reference states that the mandate is to provide leadership on the Enforcement and Intelligence program strategic policy direction, priority setting, performance measurement, risk identification and mitigation strategies, workforce training and learning requirements and making financial recommendations. Specifically, the E&I PMT is to provide functional guidance on eight Enforcement and Intelligence Programs, one of which is the Immigration Enforcement program. The E&I PMT meets monthly, is chaired by the Director General of EIPD, and includes standing members from all branches of the CBSA, with required participants from Comptrollership and Corporate Affairs. A review of E&I PMT records of decision indicates that the committee discusses IE program performance data and impediments and risks related to human resources and program funding.

30. The NDSSC is a monthly teleconference co-chaired by the Associate Vice-Presidents of Programs and Operations branches and includes the Vice-President of Comptrollership, the Regional Directors General for the

Pacific, Quebec and Greater Toronto Area regions, and senior management of EIPD and EIOD. The committee is mandated to lead the development and implementation of the national detention strategy through having informed discussions and "agile decision-making" to address the challenges, risks and opportunities associated with achieving the objectives of the strategy. The audit team reviewed meeting agendas and records of decisions from November 2014 to March 2016, and this review indicated that typically, meetings occurred on a monthly basis. Most meetings included updates on procurement for guard and medical services, updates on provincial memoranda of understanding, and discussion on detention funding issues and the development of the detentions business case. The governance of the NDSSC helped the Agency secure funding for the implementation of the National Detention Strategy. The program could learn and build upon this success to support the achievement of objectives for the other Immigration Enforcement sub-programs.

31. Review of the records of decision for the NIEC, E&I PMT and NDSSC shows that program monitoring is occurring. Updates are regularly provided to the committees on whether the program is meeting Removals targets, the status of the National Detention Strategy, program funding, and the need to develop certain policies or procedures. However, a review of correspondence, records of decision, and interviews with senior management suggested the established governance structure is not always working effectively to escalate and resolve issues. This may be as a result of a lack of clarity around which committees are decision-making bodies versus consultative and/or advisory bodies and insufficient vertical and horizontal communication between committees. Further, additional regional representation on the E&I PMT and improved attendance of standing committee members could lead to more strategic discussion and effective decision-making.

32. The Immigration Enforcement program, with each of its different sub-programs is complex and subject to continual scrutiny, evolving and dynamic legislation and jurisprudence. Effective governance for the program is fundamental for providing clear and strategic direction on objectives and priorities, and to ensure that operational plans, resources and budgets are reviewed on a regular basis for the achievement of program objectives.

Information for decision-making

33. Senior management and oversight bodies must receive sufficient, relevant, accurate, and timely information on program results to ensure changes or risks to program delivery are proactively reviewed and considered in decision-making. This is supported by the establishment of useful and relevant key performance indicators that are aligned with and measure achievement of program objectives.

34. The Enforcement and Intelligence Program maintains a performance measurement registry, in addition to a performance management framework (PMF) specific to inland enforcement. The PMF and registry outline the program performance indicators, outputs, and key activities to be conducted by regions and NHQ to achieve priorities. The indicators and targets focus largely on outputs (e.g., 80% removal commitment for failed refugee claimants within 12 months of a negative refugee determination, percentage of investigations finalized within one year, and percentage of high-risk detainees). The focus on outputs does not reflect the varying workloads, levels of effort, and resources involved in more complex cases, nor does it consider the impediments leading up to a removal. [9](#)

35. The Corporate Affairs Branch is currently helping the IE program strengthen the draft logic models for its sub-programs. It is expected this will result in updates to the PMF and improvements to the appropriateness and relevance of the associated indicators and targets. Further, the Programs Branch has committed to identifying new, more appropriate indicators for hearings and investigations in the *2016-17 Report on Plans and Priorities*.

36. A few of the performance indicators outlined in the PMF are reported publicly on an annual basis through the Departmental Performance Report (DPR) and Report on Plans and Priorities (RPP) and through the quarterly Agency Performance Summary (APS) reports, Joint Performance Report with IRCC, and the Performance and Service Standards Report (PSSR).

37. APS reports are currently the mechanism most widely used by senior management and Agency oversight bodies to track progress of the IE program. However, APS reports do not include information on all key program management elements, including human resources, program budget, resource allocations, and risk management. Going forward, APS reports are being revised to resemble more of a balanced scorecard ¹⁰ and the Programs Branch has introduced "Program Health Checks" (with the Removals program as a pilot) to provide governance committees with more program management information for decision-making. ¹¹ The Program Health Checks are intended to provide more detailed information on resource allocation levels and expenditures across NHQ and the regions, highlight program risks and mitigation strategies, provide updates on priorities and commitments, and provide the status of the program's ability to meet performance targets. ¹²

38. Data integrity challenges are currently making it difficult for the program to produce accurate, reliable and timely program performance information. The data integrity issues stem from a variety of sources, including: insufficient training on case management systems and a lack of national guidance/standard operating procedures for systems use resulting in inconsistent data entry/extraction across regions; insufficient integration between key case management systems; and inadequate reporting functionality in case management systems resulting in the need to manually track and validate information. Similar challenges are encountered when management requires detailed data on the amount of program resources that have been allocated and expended. The Removals Program Health Check indicates a commitment to implementing a quality assurance program for improving data integrity and file management. ¹³ Further, the Performance Reporting Unit plans to implement data and quality control standards, and the Programs Branch is working with policy and operational areas to identify and prioritize systems related issues, change requests, and enhancements to functionalities.

39. Financial reporting at the overall program level (for Enforcement and Intelligence) was found to be reliable, with a variance of less than 2% between what was reported in the DPR and what was extracted from the CBSA Corporate Administration System for fiscal years 2013–2014 and 2014–2015.

40. Efforts are ongoing to improve the quality of information provided to senior management and oversight bodies for decision making. Initiatives to improve performance indicators and targets should continue to ensure data collected is useful and relevant and effectively measures the achievement of program objectives. Initiatives to address data quality issues should also move forward to ensure the processes needed to provide senior management with quality performance information are in place and effective.

Recommendation 1:

The Vice-President of the Programs Branch, in collaboration with Operations Branch, should develop and communicate a program governance authority matrix for the Immigration Enforcement Program that clearly describes the role and types of decisions/approvals or guidance that each committee is responsible for and continue to improve the quality of information for decision-making.

Management Response:

Management Response:	Completion Date:
<p>The Programs Branch agrees with the recommendation. As such, the Enforcement and Intelligence Programs will review the overall governance for the Enforcement and Intelligence Program ensuring that it addresses the governance requirements for the Immigration Enforcement Program. In developing program governance, Programs in collaboration with the membership of the E&I Program Management table will review overall roles and responsibilities and a matrix of accountabilities for E&I. Additionally, Programs Branch will continue to improve the quality of information for decision making, including the establishment and implementation of key performance indicators that are aligned with the program.</p>	April 2017

8.2 Resource management

Audit Criteria:

- Human Resource plans are in place to attract, develop and retain sufficient competent Immigration Enforcement staff to support operational objectives.
- Financial resource management supports the achievement of program objectives.

41. Sound management of people and financial resources is an expectation for public sector management and both are critical to achieving program performance. [14](#)

Human Resource Management

42. Human Resources (HR) planning is an essential and mandatory process that facilitates the identification of current and future HR needs in support of meeting the Agency's mission, mandate and objectives. [15](#) An HR plan or strategy should be documented and communicated and include an analysis of current and future resource and competency needs; an analysis of key positions and succession planning; and a training and development plan. [16](#)

43. An overall human resource plan or strategy has not been created specifically for the Immigration Enforcement Program, although a staffing strategy for the Removals sub-program was created in 2014. [17](#) The Hearings Program Review that was completed in February 2016 by the Programs Branch also included several staffing-related action items including the development of a standard job description for Hearings Advisors and the need to assess the impact of IRB hiring plans and processes on the CBSA. [18](#)

44. In 2013, the CBSA established the Officer Induction Training Program (OITP) which includes a national selection process for hiring recruits. On an annual basis, the OITP is funded to recruit and train approximately 290 entry level land and air BSO positions. The IE program is limited in the extent to which it can draw IEOs from

the frontline BSOs, though hearings officers can be recruited through other selection processes due to the need for candidates with legal knowledge and expertise. As a result, regional Inland Enforcement offices have had to rely on short-term, determinate strategies (e.g., assignments) to alleviate capacity issues.

45. Establishing a staffing strategy or HR plan for the IE program that considers other relevant plans (i.e. training and development) will allow for proactive alignment of priorities and development of an appropriate national selection process. The strategy should also include professional development and retention strategies. Without this, the IE program may continue to be limited in its capacity to leverage the BSO feeder group, which in turn may prevent regions from having a full complement of qualified officers to support program delivery or to enable succession planning.

46. Training and professional development enhances the skills, capabilities, and knowledge of employees within a program area. Identifying training and development needs and activities as part of HR planning leads to quality performance and improves employee morale, thereby contributing to overall retention rates. As part of succession planning processes, training and professional development ensures the availability of experienced and capable employees to assume key management positions. [19](#)

47. National training standards have been established for IEOs and for hearings officers. [20](#) In addition, the Training and Development Directorate of the Human Resource Branch has a plan for the delivery of Enforcement and Intelligence training. The training needs identified in this plan are extensive and are not fully funded. The audit noted that the provision of core training is infrequent and there are limited opportunities for the provision of specialized training (e.g. Refugee Appeal Division training for hearings officers, training on executing residential arrest warrants, and GCMS training specifically tailored for inland enforcement).

48. IEOs are required to successfully complete the Minister's Delegate Review (MDR) and inland enforcement management must complete the Immigration for Chiefs and Directors courses prior to performing Minister's Delegates functions and reviews under IRPA. An Operational Bulletin was sent in December 2015 to remind field staff of this mandatory training requirement. Audit testing validated that within the last few years, an increasing number of IEOs have completed the newly developed web-based version of the courses. It could not be determined which IEOs may have completed previous formats of the training because the Agency did not consistently track this information for legacy IRCC employees. Moving forward, the IE program should consider regularly tracking the completion of this mandatory training to ensure IEO activities are being executed with authority.

Financial Resource Management

49. Financial management activities include those of planning, budgeting, accounting, reporting, control, oversight, analysis, decision support/advice, and financial systems. [21](#) Sufficient resources and effective management is required to support the achievement of program objectives or goals.

50. At the beginning of each fiscal year, initial budget allocations are set by the Comptrollership Branch for each branch of the CBSA. [22](#) Each branch is subsequently responsible for distributing their respective budgets down to lower reporting levels, which are comprised of Fund Centres at the level of Directors General and Regional Directors General who are responsible for managing and delivering CBSA programs, program sub and sub-sub activities (PSSAs).

Branch Level	Programs Branch, Operations Branch and Regions
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Program Level	Enforcement and Intelligence
Sub-Program	Immigration Enforcement
PSSAs	Detentions, Removals, Immigration Investigations, Hearings

51. Limited information was available on the process to allocate resources to the program and operational areas, however the E&I Functional Integrated Business Plan 2016–2019 notes that program budgets are largely based on historical budget allocations and expenditures. It is difficult to determine the level of performance the program is achieving each year in relation to the funding levels. Although resource allocation models have been developed for each of the Immigration Enforcement sub-programs, these models do not identify the various factors that make up the cost to deliver the program; instead they divide program spending by the volume of outputs. A simple forecasting of the volumes of outputs (enforcement actions) does not take into account the changing composition of the working inventories and the differing levels of effort for immigration enforcement cases.

52. Current limitations of CBSA costing and forecasting tools and processes make it difficult for program areas, including Immigration Enforcement, to determine the expected level of performance that can be achieved with the amount of resources that are allocated, or vice versa, how much needs to be allocated to achieve a specific program objective. At the time of the audit, the Agency was developing a cost factor manual to support the standardization of operating costs for the Agency's core activities. Once this new costing methodology is validated and finalized, it could be used as the basis for improved program resource allocations.

53. Reports that are regularly produced for financial monitoring such as the financial situation and summary reports only provide expenditure information at the branch level or E&I level and not at the sub-program and PSSA levels. This results in a lack of detailed data to support program funding decisions across the Agency. To overcome this deficiency, the Program has developed and implemented Program Health Checks to improve the reporting of more detailed financial and human resource information for decision-making. Continuing to improve the monitoring and reporting of program resources and performance is important for ensuring the achievement of program objectives.

54. Allocation models based on projected or planned volume of activities, the expected level of effort required, anticipated costs and resources to achieve specific program objectives would form the basis for more effective program planning and budget allocations. The CBSA is currently undergoing a financial management transformation initiative which includes new processes and systems to strengthen and support financial planning and forecasting. ²³ Given this ongoing transformation, the audit did not make any recommendations pertaining to financial resource management. It is expected that future budget planning will be enhanced by improved forecasting systems and processes.

Recommendation 2:

The Vice-President of the Programs Branch, in collaboration with Operations and Human Resources branches, should develop an HR strategy for the Immigration Enforcement Program that includes enhancing existing staffing mechanisms to meet operational needs and ensuring the delivery of core and specialized training.

Management Response:

Management Response:	Completion Date:
The Programs Branch, Human Resources Branch and Operations Branch to work collaboratively and deliver jointly an HR Strategy that includes a staffing strategy for Enforcement and Intelligence officers that addresses all specialized needs of this program, including recruitment, training, and development of talent.	April 2017

8.3 Organization and management structures

Audit Criteria:

- Organization and management structures support the effective operational delivery of the program across regions.

55. Organizational and management structures determine how roles, authorities and responsibilities are assigned, controlled, and coordinated, and how information flows between the different levels and areas of an organization. [Footnote 24](#) Organizational structures reflect the groupings of particular functions whereas management structures (e.g. matrix, divisional, professional bureaucracy) refer to the way tasks are assigned and coordinated, the levels of centralization and standardization, communication styles, etc. [Footnote 25](#) Effective structures ensure the execution of authorities and responsibilities and the flow of information to manage activities in support of the achievement of objectives. [Footnote 26](#)

56. The regions deliver the IE program as part of their Enforcement and Intelligence Operations Divisions and are structured based on their regional resourcing levels and operational requirements. Some regions have established their own specialized support units and roles. For example, the Pacific region has a Data Integrity Unit to perform quality assurance on case files and Detention Liaison Officers to coordinate detention needs. The Prairie region recently established a centralized travel desk to support the planning of removals, and the Quebec region has an Operational Support and Integrated Services Team that provides an administrative support function.

57. Analysis of the management structures in terms of the number of subordinates and case workload per supervisor identified considerable variances across regions. Specifically, some regions have additional management positions at the FB-06 levels that perform similar work as FB-05 supervisors in other regions. Some regional unit supervisors oversee as many as 17 staff, whereas others oversee 8-10 staff. There were also significant differences in workloads per supervisor. For example, in fiscal year 2015-16, there were 608 forecasted removals per supervisor for the GTA region as opposed to 221 for Pacific, 52 for Prairie and 165 for Quebec. However, the analysis did not include an examination of level of case complexity. As such, it is possible that regions with higher volumes per supervisor included a significant proportion of lower complexity or similar

case types. Supervisors with higher workloads and higher numbers of direct reports find it challenging to keep up with managerial and administrative tasks such as monitoring attendance, approving overtime and leaves of absence, providing supervision and feedback and conducting performance evaluations.

58. At NHQ, the expertise and responsibility for the IE program is shared between the Programs Branch (EIPD) and Operations Branch (EIOD). The roles of EIPD and EIOD are described in Appendix C and a partial organizational structure for the program is depicted in Appendix D. EIPD has the following three divisions for the Immigration Enforcement program: Program Management; Policy; and Program Performance and Transformation. Under the Program Management Division, Hearings and Investigations are grouped into one functional unit while two regions have grouped the Investigations and Removals functions together. Although Operations Branch provides mostly case specific support, it is also involved in monitoring and reporting on program performance, updating the Enforcement Manual, developing and issuing some of the Operational Bulletins and providing guidance to Hearings Officers. [Footnote 27](#)

59. Although the various organizational and management structures are designed to support the way the program is managed and delivered in different operational and regional contexts, it adds complexity to overall program management. Inefficient resolution of national policy or procedural issues can lead to inconsistent program delivery as regions must determine how to deal with their current case files. The program would benefit from optimizing the capacity and coordination of NHQ resources.

Recommendation 3:

The Vice-President of Programs Branch, in collaboration with Operations Branch, should explore options and formally agree on the most effective way to optimize the capacity and coordination of Immigration Enforcement Program resources at NHQ.

Management Response:

Management Response:	Completion Date:
The Vice-Presidents of Programs and Operations branches accept the recommendation and have agreed to conduct a diagnostic of the HQ Enforcement and Intelligence Program capacity to identify ways to optimize utilization of resources. Upon review of the diagnostic by the Vice-Presidents, recommendations will be considered and a decision made on how to optimize the capacity and coordination of the Immigration Enforcement Programs resources in Programs Branch at Headquarters.	November 2017

8.4 Maintenance and monitoring of program policies and procedures

Audit Criteria:

- Program policies and procedures are in place and are updated in a timely manner to reflect relevant changes in operating requirements.
- Monitoring of operational decisions to detain a subject is in place and any identified gaps are addressed.

60. The establishment, maintenance, and monitoring of policies and procedures is a principle of effective internal control that supports the day-to-day execution of management directives and expectations. [28](#)

61. The Enforcement Manual is intended as a support and guide for CBSA officers in the execution of their enforcement related responsibilities. Operational bulletins (OBs) are used to communicate policy and procedural changes that impact front-line work. The need to develop or update policies or procedures was also found to be discussed at various program committees and working groups. As a general best practice, OBs should not be issued where updating a chapter in the Enforcement Manual can serve the same purpose.

62. Policies and procedures for the IE program and sub-programs are in place, and include the Enforcement Manual, Standard Operating Procedures, OBs, Standing Orders, Post Orders and administrative forms. However, the Enforcement Manual is infrequently updated, despite changes such as the introduction of new legislation, processes and systems. For example, the Removals chapter was last updated in March 2010, and while the Detentions chapter was updated in December 2015, the update previous to that was September 2007. Similarly, the chapter for Admissibility and Detention Review Hearings was last updated in April 2014 but the previous update was in 2006. The Immigration Appeal Hearings has not been updated since 2005. While updates were made to the chapter for Investigations and Arrests in 2010, 2013 and 2014, the Program indicated that these were minor updates and that a comprehensive review was required. In the absence of ongoing, regular updates to key policies and procedures, CBSA officers must independently interpret new legislation, processes, and systems, resulting in varying understandings, workarounds, and inconsistent program delivery across regions. Working groups for the hearings sub-program act as a compensating control, where issues are discussed to promote consistent interpretations.

63. Policies and procedures have not been developed for some key IE activities. Examples include regional requests for national policies on medical escorts for removals, detention of vulnerable populations, file retention, the release of detainees, electronic monitoring, Hearings bonds, and the processing of detainee arrivals that are in possession of illicit substance.

64. Communication to the field about new or updated policies or procedures relies heavily on the issuance of OBs. Interviews and the review of detention files through both by the Internal Audit team and the Programs Branch National Risk Assessment for Detention (NRAD) review found that reliance on OBs was not guaranteed to reach all those who need to be made aware of the information. In addition, program policies and procedures are not available in a single location.

65. The Enforcement and Intelligence Functional Integrated Business Plan and the Agency's most recent Report on Plans and Priorities [29](#) have a key commitment for the 2067-17 fiscal year to "develop and implement robust immigration enforcement policies and ensure the integrity of the immigration policy framework". Given this commitment, the audit makes no recommendations related to policies and procedures at this time.

Monitoring of Detention Decisions

66. In September 2014, as part of the National Detention Strategy, the Agency implemented an NRAD process whereby the decision and rationale for detaining an IE subject must be documented in an NRAD form that is also kept on file. The purpose of the NRAD process is to "improve national consistency and enhance the overall management of the detention program in a transparent and equitable fashion." ³⁰ The bulletins and the NRAD form provide definitions for the risk level of detainees.

67. Between June 2015 and February 2016, the Programs Branch, with assistance from the Operations Branch, conducted a "Review of the Use and Application of the NRAD Tool". The existence of such a review in addition to a Quality Assurance program to verify the compliance of CBSA Immigration Holding Centres with National Detention Standards demonstrates that the program has established some important program monitoring activities. Since the NRAD was a newly established process, the Audit included an examination of this review and its results.

68. The program NRAD review included over 270 files, with each region being asked to provide all "active files" for a selected period. The review found that the NRAD process and tools had not been fully or consistently implemented across all regions. Further, analysis of detention decisions showed regional variance in the detention location for detainees assigned the same risk rating. This highlights that while the NRAD is meant to improve consistency in detention decisions, the regions are constrained by other factors such as uneven availability of alternatives to detention and detention capacity that are expected to be addressed through the new National Immigration Detention Framework.

69. The audit team also independently reviewed a judgmental sample of 28 detention files with the objective of assessing the monitoring methodology and to make independent observations on the implementation of the NRAD tool. The audit noted that while the program monitoring methodology was rigorous and included a large number of files, it required over 12 months of time and effort to conduct, which may reduce its value for informed decision-making.

70. For 21 out of the 28 files reviewed by the audit team, the decision to detain a subject was consistent with the risk levels described in the NRAD. However, of the remaining files, some cases were rated as "low-risk" and released on condition despite being scheduled for imminent removal. As per NRAD definitions, these individuals are expected to be rated as "medium-risk" and be detained as they are considered flight risks. It should be noted that some regions (i.e., Pacific) are limited in their ability to detain subjects in Immigration Holding Centres given their maximum capacity and 48-hour limit for detaining subjects. Nevertheless, the correct risk ranking should be used along with a documented rationale for deviating from the policy/procedure.

71. The NRAD form was on file for only 15 of the files examined by the audit team, and the NRAD reassessment form was not on file for any of the cases that required one. This was consistent with the findings of the program's own review. NRAD Reassessment forms are supposed to be completed for periods of detention of 60-days or more, or if there is a change in the detention circumstance. Responsibility for completing the reassessment form was not clear, with regions indicating it may be completed by either by the investigator/arresting officer, by officers at the detention facility, or by a Hearings Officer. There is room to improve compliance with NRAD policy and procedures, particularly in terms of completing NRAD and NRAD reassessment forms. It was also noted that the "Alternative to Detention" field on the NRAD form may not be needed and consideration should be given to removing it from the form. ³¹

72. The CBSA will continue to be limited in its ability to ensure the consistent treatment of immigration detainees

across the country until key initiatives forming the National Detention Strategy have been fully implemented (e.g., addressing infrastructure replacements and establishing additional Alternatives to Detention). Until the strategy is implemented through the National Immigration Detention Framework, addressing issues around compliance with NRAD policies and procedures will support consistency across the country. It is important that the Agency continue monitoring detention decisions.

Recommendation 4:

The Vice-President of the Programs Branch should implement identified improvements to the National Risk Assessment for Detention process and continue evolving the monitoring methodology.

Management Response:

Management Response:	Completion Date:
<p>The Programs Branch agrees with the recommendation. The Detention Program, with support from and collaboration with Operations Branch, is finalizing National Risk Assessment for Detention (NRAD) updates and instructions as a core element of the implementation of the new National Immigration Detention Framework.</p>	<p>February 2017</p>

Appendix A – About the Audit

Audit objectives and scope

The audit objective was to determine the extent to which program governance, management processes, practices and controls are in place and support effective program delivery. The audit focused on program governance; resource management; monitoring and reporting; organizational and management structures; and policies and procedures in support of program delivery.

The scope of the audit focused primarily on documents and data from between April 1, 2014 and March 31, 2016 for the Detentions, Removals, and Hearings sub-programs. The audit largely excluded the Immigration Investigations sub-program as it was the subject of a 2015 Program Evaluation.

The Audit of Immigration Enforcement was approved as part of the 2015 Integrated Audit and Evaluation Plan.

Risk assessment

A preliminary risk assessment was conducted during the planning phase to identify potential areas of risk and audit priorities. The risk assessment was guided by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) framework and included an extensive document review and preliminary stakeholder interviews. The following key residual risk areas were identified:

- Program governance and oversight bodies may not be effectively establishing plans, priorities and performance objectives and may not be effectively monitoring and supporting the program in the achievement of objectives.
- Effective and informed decision making may be hampered by the absence of complete, accurate and timely information and program performance targets may not be realistic.
- Program policies and procedures may not be kept sufficiently up-to-date.
- Processes for planning, budgeting, allocating and monitoring financial resources may not be supporting the achievement of program objectives in an effective, efficient and economical manner.
- Human resources planning (i.e., retention and succession planning) and organization may not be aligned with current and future strategic and business objectives of the program.
- Some staff may be exercising Minister's Delegate authority without having taken the core training.
- Regional differences in program delivery models and design might result in varying operational risk tolerance levels and risk priorities and lead to the inconsistent treatment of inadmissible people.
- The program may not be properly maintaining and securing case file information according to accepted information management and records disposal policies and practices. 32

Approach and methodology

The audit was conducted in accordance with the *Internal Auditing Standards for the Government of Canada*. The examination phase of this audit was performed using the following approach:

- Review and analysis of program documentation (e.g., training standards, records of decision, and applicable program policies, directives and procedures).
- Review and analysis of resource allocation, budgeting, and expenditure monitoring processes.
- Interviews with EIPD, EIOD, Human Resources, and Comptrollership branches.
- Site visits to Calgary, Vancouver, Toronto and Montréal, including process overviews, file reviews, and interviews with key regional management and staff.
- Review of a sample of case files to assess the implementation of the National Risk Assessment for Detention forms and to determine the consistency of detention decisions across regions.
- Review and comparison of training records against lists of Inland Enforcement officers that have Minister's Delegate Authority.

Audit criteria

The audit criteria are aligned with the 2013 COSO management control principles. Given the preliminary findings and risks from the planning phase, the following criteria were chosen.

Lines of Enquiry	Audit Criteria
1. Governance	1.1 Oversight bodies provide strategic direction and monitoring of the Immigration Enforcement (IE) program to ensure the achievement of objectives.
2. Resource	HR plans are in place to attract, develop and retain sufficient competent IE staff to support

Management	operational objectives. Financial resource management supports the achievement of IE objectives.
3. Program Delivery	Organization and management structures support the effective operational delivery of the program across regions. Monitoring of operational decisions to detain a subject is in place and any identified gaps are addressed. Program policies and procedures are in place and are updated in a timely manner to reflect relevant changes in operating requirements.
4. Performance Monitoring	4.1 Useful and relevant key performance indicators have been established in pursuit of program objectives. 4.2 The program has effective processes to provide senior management and oversight bodies with sufficient, relevant, accurate, and timely program performance information to support decision making.

Appendix B – List of acronyms

CBSA

Canada Border Services Agency

COSO

Committee of Sponsoring Organizations of the Treadway Commission

DPR

Departmental Performance Report

E/E&I

Enforcement and Intelligence

EIOD

Enforcement and Intelligence Operations Division

EIPD

Enforcement and Intelligence Programs Division

ERP

Enterprise Risk Profile

FOSS

Field Operations Support System

GCMS

Global Case Management System

GTA

Greater Toronto Area region

IE

Immigration Enforcement

IEO

Inland Enforcement Officer

IHC

Immigration Holding Centre

IRB

Immigration and Refugee Board of Canada

IRCC

Immigration, Refugees and Citizenship Canada (formerly Citizenship and Immigration Canada)

IRPA

Immigration and Refugee Protection Act

NCMS

National Case Management System

NDSSC

National Detention Strategy Steering Committee

NHQ

National Headquarters

NIEC

National Inland Enforcement Committee

NRAD

National Risk Assessment for Detention

MDR

Minister's Delegate Review

PMT

Program Management Table

OAG

Office of the Auditor General of Canada

OITP

Officer Induction Training Program

UNHCR

United Nations High Commissioner for Refugees

Appendix C – Description of program activities

The Immigration Enforcement program consists of the following four sub-programs:

- **Immigration Investigations:** investigation and arrest of foreign nationals and permanent residents already in Canada who are or may be inadmissible into Canada as defined by the IRPA. Activities include conducting desk and road investigations, conducting Minister's Delegate reviews and issuing removal orders, writing inadmissibility reports, issuing and managing immigration warrants, as well as arresting and detaining inadmissible individuals. Cases are prioritized to focus on the highest degree of risk (e.g. security, war crimes, organized crime, criminality, etc.) and persons whose removal may be imminent are not delayed.
- **Detentions:** detention and/or monitoring of the conditions of release of foreign nationals or permanent residents where there are reasonable grounds to believe the individual is inadmissible to Canada and where the individual is a danger to the public, poses a flight risk or where their identity is not established. Foreign nationals and permanent residents may also be detained upon entry into Canada for an examination or where the individual is suspected of being inadmissible for security reasons. They are entitled to an IRB hearing after being detained for 48 hours, 7 days and 30 days. The CBSA has three immigration holding centres in Canada located at Vancouver, Toronto and Montréal.
- **Hearings:** Regional CBSA hearings officers (Minister's Delegates) are responsible for representing the Minister of Public Safety and Emergency Preparedness and/or the Minister of IRCC at immigration and refugee proceedings before the IRB. This function ensures that foreign nationals and permanent residents who are inadmissible to Canada are denied status, and removal orders are issued where appropriate.
- **Removals:** Foreign nationals and permanent residents with an enforceable removal order are removed from Canada. IEOs ensure that travel documents are available and conduct pre-removal risk assessments. Where a valid travel document is not available, IEOs liaise with foreign embassies to secure the required travel documents. The CBSA may have to make further arrangements for removal, which could include arranging for travel (e.g. purchasing an airline ticket or chartering a plane for high risk individuals in exceptional cases), providing escorts (e.g. to respond to airline and transit country requirements), and liaising with CBSA staff abroad (migration integrity officers) to ensure smooth passage from Canada to the final destination.

National Headquarters

Role and Responsibilities of Programs Branch (EIPD):

Policy:

- Management of the overall legislative and policy frameworks for E&I programs
- Development of coherent, evidence-based and outward looking policies
- Delivery of the Ministerial Relief Program in support of the Minister of Public Safety and Emergency Preparedness Canada

Program Management:

- Leadership, strategic direction and program management, including program policy support and functional guidance to Operations Branch for all E&I programs
- Development and maintenance of E&I program related manuals

- Development of training strategies for E&I programs
- Supporting and responding to E&I related audits and evaluations

Program Performance, Reporting and Transformation:

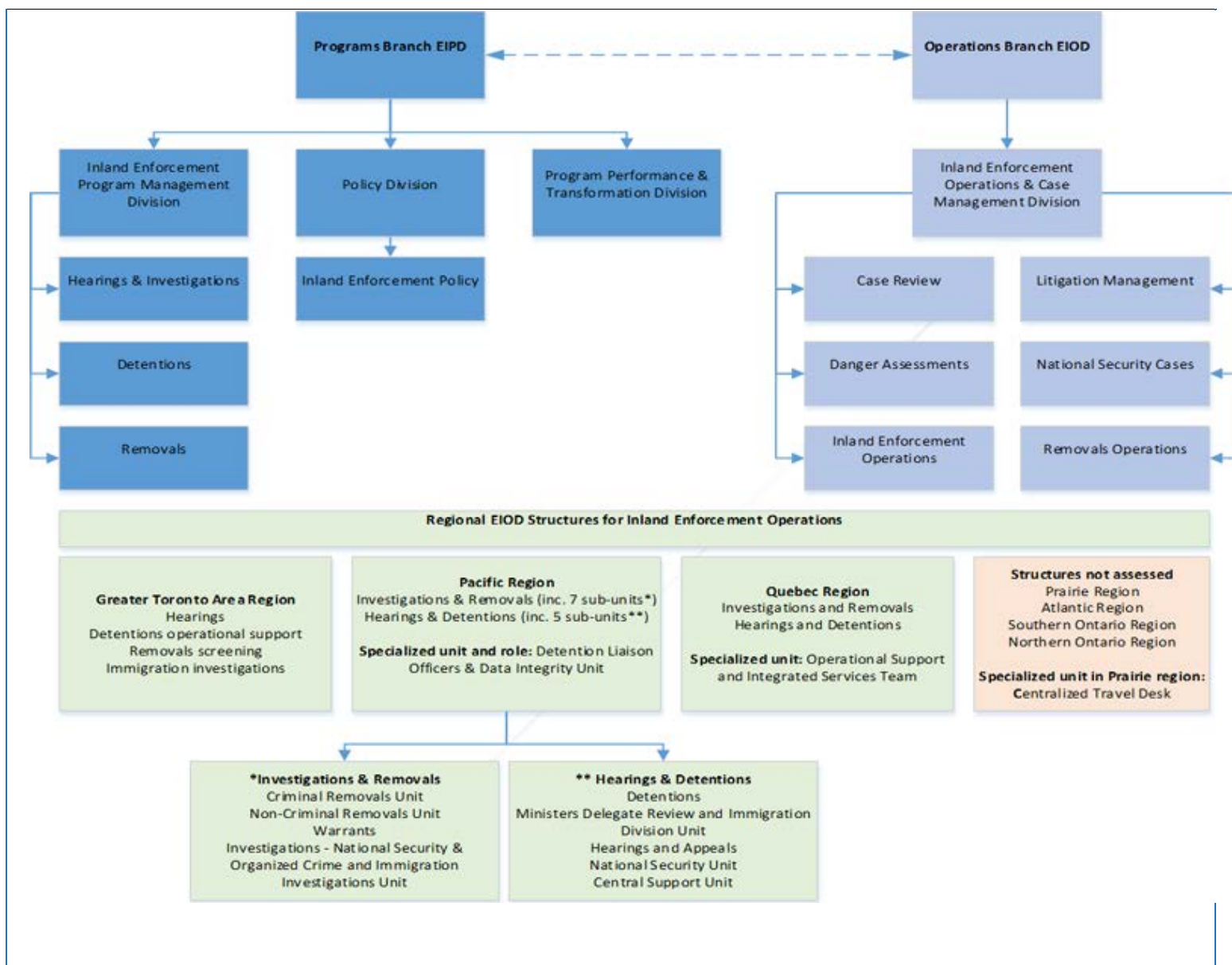
- Development, maintenance and reporting of E&I programs performance measurement framework
- Coordination and strategic planning and E&I priorities setting
- Governance and financial oversight for E&I
- Development of transformational initiatives related to our E&I programs
- Program Business System Integration

Support provided by the Operations Branch (EIOD) includes:

- Tracking and reporting on high profile cases in consultation with program areas, IRCC and the regions;
- Management of the "wanted" program; and providing advice on taking enforcement action against long-term permanent residents and applicants for work permits;
- National operational planning for mass marine migrant arrivals;
- Provides advice and instruction to the Department of Justice on litigation related to inadmissibilities involving national security, and Canada's responses to international and human rights tribunals;
- Oversees the regional monitoring of Court-ordered release conditions for security cases, to ensure national consistency in monitoring activities, reviews phone calls to ensure compliance with release conditions, prepares risk assessments, and manages the national contract for GPS bracelets;
- Assistance to the regions in obtaining travel documents for persons to be removed and conduit to uncooperative countries in issuing travel documents; and
- Preparation of danger assessments for persons found inadmissible for national security or for those who have been excluded from the refugee determination process for these reasons.

Appendix D – Organizational structure for the IE Program

Organizational Structure for the IE Program



Footnotes

- 1 Under sections 34-42 of IRPA, a person may be inadmissible to Canada for reasons of security; human or international rights violations; criminality (including serious and organized criminality); dangers to public health or public safety or because they might reasonably be expected to cause excessive demands on health or social services; financial reasons; misrepresentation; non-compliance; or if they are accompanying an inadmissible family member.
- 2 Source: IRPA <http://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-11.html#h-30>
- 3 Source: CAS data from January 11, 2016 reported in E&I Functional Integrated Business Plan
- 4 What We Do. <http://www.cic.gc.ca/english/department/what.asp>
- 5 The eight initiatives of the National Detention Strategy are i) national detention standards ii) a national

risk assessment methodology iii) detention training iv) alternatives to detention v) engagement of partners vi) infrastructure replacement vii) internal efficiencies viii) provincial detention arrangements.

[6](#) *Protecting Canada's Immigration System Act* (2012), *Balanced Refugee Reform Act* (2010) and the *Faster Removal of Foreign Criminals Act* (2013).

[7](#) Media attention has included recent deaths in detention and criticisms of lengthy detentions giving rise to detainee hunger strikes.

[8](#) Source: International Standards for the Professional Practice of Internal Auditing (Practice Advisory 2110-1)

[9](#) Impediments to removal include constraints in procuring travel documents, the person may not appear for removal, or there may be an unexpected IRB or Ministerial decision to "stay" a removal.

[10](#) Balanced scorecard is a strategic planning and management system that is used to monitor an organization's performance against strategic goals. A scorecard includes strategic financial and non-financial performance measures to give management a "balanced" view of organizational performance.

[11](#) Source: E&I PMT Record of Decision

[12](#) Source: Removals Program Health Check March 2016

[13](#) Source: Removals Program Health Check March 2016

[14](#) Treasury Board Secretariat <http://www.tbs-sct.gc.ca/hgw-cgf/oversight-surveillance/maf-crg/ap-pe-eng.asp>

[15](#) CBSA Staffing Guide (currently under review)

[16](#) March 2011 Office of the Comptroller Audit Criteria Related to the Management Accountability Framework (PPL-1).

[17](#) Source: Regional Removals Staffing Strategy was developed to enable the program to deliver on the timely removal of failed refugee claimants which was committed to as part of the *Protecting Canada's Immigration System Act* which came into effect in December 2012.

[18](#) Source: Hearings End-to-End – summary of proposed activities in response to findings

[19](#) Source: Treasury Board Secretariat, Core Management Controls (November 2007).

[20](#) Sources: National Training Standards for Inland Enforcement Officers; National Training Standards for Hearings Officers

[21](#) Source: Treasury Board Secretariat (TBS) Policy on Internal Control <http://www.tbs-sct.gc.ca/pol/doc->

[eng.aspx?id=15258](#)

[22](#) Source: CBSA Budgeting Guide, draft March 2016.

[23](#) "A Renewal of Financial Management, Budget Allocation and Budget Management – An information Brief" for 2016–2017 approach

[24](#) Derived from <http://www.businessdictionary.com/definition/organizational-structure.html>

[25](#) <http://www.hkiaat.org/images/uploads/articles/Management.pdf>

[26](#) Committee of Sponsoring Organizations of the Treadway Commission (COSO) Principle 3.

[27](#) E.g. OPS-2016-20; OPS-2015-11

[28](#) Source: Principle 12 of the COSO Internal Control - Integrated Framework.

[29](#) Sources: E&I Functional Integrated Business Plan and <http://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/rpp/2016-2017/report-rapport-eng.html>

[30](#) Source: Operational Bulletin PRG 2014-52

[31](#) The NRAD form includes a checkbox to indicate whether Alternatives to Detention were considered, however this is redundant as they must be considered and does not account for differences in the availability of alternatives across regions.

[32](#) Given the large scope of this audit, this risk was recommended for consideration in a future audit or review.

Date modified: 2017-04-26