



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **IMMIGRATION REMOVALS**

**Report of the Standing Committee on Public Accounts**

**Kelly Block, Chair**

**FEBRUARY 2021**  
**43<sup>rd</sup> PARLIAMENT, 2<sup>nd</sup> SESSION**

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## **NOTICE TO READER**

### **Reports from committee presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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# **THE STANDING COMMITTEE ON PUBLIC ACCOUNTS**

has the honour to present its

## **FIFTH REPORT**

Pursuant to its mandate under Standing Order 108(3)(g) and the motion adopted by the committee on Thursday, November 5, 2020, the committee has studied Report 1, Immigration Removals, of the 2020 Spring Reports of the Auditor General of Canada and has agreed to report the following:





# IMMIGRATION REMOVALS

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## INTRODUCTION

### ABOUT THIS COMMITTEE REPORT

On 8 July 2020, the Office of the Auditor General of Canada (OAG) tabled in the House of Commons a report entitled *Immigration Removals*, which was referred to the House of Commons Standing Committee on Public Accounts (the Committee) for study.<sup>1</sup> The Committee held a meeting concerning the report on 24 November 2020, with the following persons in attendance:

- OAG – Karen Hogan, Auditor General of Canada; Carol McCalla, Principal; and Erin Jellinek, Director.
- Canada Border Services Agency (CBSA or the Agency) – John Ossowski, President; and Scott Harris, Vice-President, Intelligence and Enforcement Branch.
- Immigration, Refugees, Citizenship and Immigration (IRCC) – Catrina Tapley, Deputy Minister; and Nicole Giles, Associate Assistant Deputy Minister, Operations.
- Immigration and Refugee Board – Richard Wex, Chairperson; and Greg Kipling, Deputy-Chair, Immigration Division.<sup>2</sup>

## BACKGROUND

### Objective of the Audit

The objective of the OAG’s audit was to determine whether “the Canada Border Services Agency, in coordination with Immigration, Refugees and Citizenship Canada and the Immigration and Refugee Board of Canada, removed individuals ordered to leave Canada as soon as possible to protect the integrity of the immigration system and

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1 House of Commons, *Journals*, No. 41, 1st Session, 43rd Parliament, 8 July 2020.

2 House of Commons, Standing Committee on Public Accounts, *Evidence*, [Meeting No. 8](#), 2nd Session, 43rd Parliament, 24 November 2020.



maintain public safety.”<sup>3</sup> The audit was conducted from 1 January 2018 to 31 May 2019 and its conclusion applies to this period. However, to better understand the subject under audit, the OAG also examined certain files previous to this period. The audit did not examine “immigration detentions, investigations of inadmissibility, or the processes used to determine admissibility.”<sup>4</sup>

## Definitions

The following definitions apply throughout this report:<sup>5</sup>

- Removal order – An order issued against a foreign national who no longer has a legal right to remain in Canada because their refugee claim has been denied, their visa has expired or they have a criminal record. The order becomes enforceable when the person has waived or exhausted all legal recourses.
- Criminals – Persons identified by CBSA “who may pose a safety and security risk because of convictions or charges, ties to organized crime, national security risks, or human rights violations.”<sup>6</sup>

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3 Office of the Auditor General (OAG), [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, [About the Audit](#).

4 Ibid.

5 Ibid., paras. 1.1, 1.4 and Definitions.

6 Ibid., Definitions.

## Roles and Responsibilities

The roles and responsibilities of the audited organizations are shown in Figure 1.

**Table 1—Roles and Responsibilities of Audited Organizations**

Organization	Responsibilities Regarding Immigration Removals
Canada Border Services Agency	Enforce the removal of foreign nationals found inadmissible to Canada.
Immigration, Refugees and Citizenship Canada, and Immigration and Refugee Board of Canada	Promptly share decisions with CBSA on such matters as asylum claims and applications for permanent residence.

Source: Office of the Auditor General, [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, paras. 1.1 and 1.2.

## Additional Background

In April 2019, toward the end of the audit period, there were about 197,000 removal orders in CBSA's national removal inventory, including the following:

- 147,000 unenforceable removal orders, including:
  - 132,500 cases in the monitoring inventory awaiting a decision on an asylum claim or permanent residence;
  - 14,500 cases in the stay inventory, for which an asylum claim was rejected but a review of decision had been asked to the Federal Court; or cases for which the Court rejected the application a year ago, triggering an assessment.
- 50,000 enforceable removal orders, including:
  - 15,300 enforceable orders in the working inventory;



- 34,700 cases in the wanted inventory, involving foreign nationals who cannot be located.<sup>7</sup>

CBSA provided the Committee with updated figures. In November 2020, there were 217,000 cases in the national removal inventory, 165,000 of which were unenforceable (149,000 cases in the monitoring inventory and 16,000 cases in the stay inventory) and 52,000 which were enforceable (18,175 cases in the working inventory and 33,825 cases in the wanted inventory). Of the cases in the working inventory, CBSA stated that 14,000 could not be enforced for various reasons, and 4,175 were enforceable.<sup>8</sup>

## FINDINGS AND RECOMMENDATIONS

### A. Few Inadmissible Foreign Nationals Were Removed as Soon as Possible

The OAG found that CBSA “removed few of the foreign nationals in Canada who were subject to enforceable removal orders. Despite a recent increase in removals, the level of enforceable removal orders remained largely unchanged, even for priority cases. Failed asylum claimants accounted for most of the cases in the [A]gency’s inventory. Most orders had been enforceable for several years.”<sup>9</sup> The analysis leading to this finding focused on: (1) the persistent accumulation of removal orders; (2) the overall target; and (3) few incentives for voluntary returns.<sup>10</sup>

#### 1. Persistent Accumulation of Removal Orders

The OAG observed that CBSA had removed 9,500 foreign nationals in 2018–2019, including 2,800 who had been refused entry at the border, which means that 6,700 cases had been removed from its inventories. This had “little impact on their levels,” which declined from 50,800 in 2017–2018 to 50,000 in 2018–2019.<sup>11</sup>

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7 Ibid., [Exhibit 1.1](#).

8 House of Commons, Standing Committee on Public Accounts, *Evidence*, [Meeting No. 8](#), 2nd Session, 43rd Parliament, 24 November 2020, 1110.

9 OAG, [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, para. 1.17.

10 Ibid., para. 1.18.

11 Ibid., para. 1.23 and Exhibit 1.1.

## 2. The Overall Target

In 2018–2019, CBSA nearly reached its target of 10,000 removals for that fiscal year.<sup>12</sup> However, the OAG noted that “focusing on an overall target does not address the risk or complexity of the cases in its inventories.”<sup>13</sup> Also, CBSA did not tell the OAG how its performance measures for removals aligned with the overall target.<sup>14</sup>

Consequently, the OAG made the following recommendation concerning CBSA’s strategy to promptly carry out removal orders and its indicators to track progress:

The Canada Border Services Agency should continue to refine its strategy to ensure the timely removal of new and accumulated removal orders, particularly for high-priority cases. To support these efforts, the [A]gency should regularly track the timeliness of its removals against performance targets.<sup>15</sup>

In response to this recommendation, CBSA established specific milestones in its Detailed Action Plan to be achieved by 31 March 2021 at the latest, namely: (1) refine the removal strategy to improve oversight of the inventories; (2) develop performance objectives focused on top removal priorities and timelines for removal; (3) determine the information technology requirements to improve case management and management of removal inventories; and (4) customize the strategy based on the countries involved in the removals.<sup>16</sup>

In order to monitor the Agency’s progress towards this Action Plan, the Committee recommends:

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12 At the meeting of 24 November 2020, the Committee requested that the Canada Border Services Agency provide statistics on the country of origin of persons whose removal orders have been enforced as well as those awaiting removal decisions. At the time of adoption of this report, these statistics had not been yet provided to the Committee. Once obtained, they will be available on the Committee's website.

13 OAG, [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, para. 1.25.

14 Ibid.

15 Ibid., para. 1.26.

16 Canada Border Services Agency (CBSA), [Detailed Action Plan](#), pp. 1–2.



### **Recommendation 1 – On the accumulation of removal orders, and objectives and performance measures**

**That, by 31 May 2021, the Canada Border Services Agency provide the House of Commons Standing Committee on Public Accounts with a report on the following subjects: (1) the changes to its removal strategy; (2) the new performance measures aligned with removal priorities; (3) its information technology requirements and the timelines for the required changes to be made; and (4) the customization of its strategy based on the country involved.**

### **3. Few Incentives for Voluntary Returns**

The OAG stated that to “meet its international commitments to facilitate safe, orderly, and regular migration, Canada agreed to promote voluntary returns,”<sup>17</sup> which are “preferred to enforced removals, are more cost-effective, and facilitate rapid departures.”<sup>18</sup>

The OAG made the following recommendation concerning incentives for voluntary returns:

The Canada Border Services Agency should continue to explore options to encourage voluntary returns and assist the departure of foreign nationals to their countries of origin in line with Canada’s international commitments to promote safe and orderly migration.<sup>19</sup>

In its report, the OAG stated that a voluntary return program for failed asylum claimants had been piloted in 2012. Although it was unsuccessful, CBSA intends to introduce a new program.<sup>20</sup> CBSA President John Ossowski explained that the Agency is “hoping to have something up and running by Q3 in 2021-22.”<sup>21</sup>

Therefore, the Committee recommends:

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17 OAG, [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, para. 1.27.

18 Ibid., para. 1.28.

19 Ibid., para. 1.29.

20 Ibid., para. 1.27.

21 House of Commons, Standing Committee on Public Accounts, *Evidence*, [Meeting No. 8](#), 2nd Session, 43rd Parliament, 24 November 2020, 1140.

## Recommendation 2 – on incentives for voluntary returns

**That, by 31 December 2021, the Canada Border Services Agency provide the House of Commons Standing Committee on Public Accounts with a report describing its pilot project to encourage voluntary compliance with removals and the initial results achieved through this initiative.**

### B. Many Cases Were Inactive, Sometimes for Years

The OAG found that “poor data quality impaired the Canada Border Services Agency’s ability to enforce the removal of inadmissible people from Canada as soon as possible.”<sup>22</sup> Moreover, “[c]ase management weaknesses resulted in significant periods of inactivity in thousands of cases in the Agency’s working inventory.”<sup>23</sup> Lastly, there were “significant periods of inactivity among cases of foreign nationals whose whereabouts were unknown.”<sup>24</sup>

#### 1. Poor Data Quality

According to the OAG, “significant data integrity issues impaired the Canada Border Services Agency’s ability to know which removal orders to enforce.”<sup>25</sup> Poor data quality delayed the enforcement of removal orders. It was found that “[s]ystem interface failures in receiving data or the late entry of decisions caused most of these delays”<sup>26</sup>: IRCC is responsible for “ensuring the timely entry of these court decisions by Department of Justice Canada officials.”<sup>27</sup> Conversely, there were “no errors with the [A]gency’s entry of removal orders issued by the Immigration and Refugee Board of Canada.”<sup>28</sup>

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22 OAG, [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, para. 1.30.

23 Ibid., para. 1.31.

24 Ibid., para.1.32.

25 Ibid., para. 1.36.

26 Ibid., para. 1.37.

27 Ibid.

28 Ibid., para. 1.36.



Lastly, the [A]gency did not have a sound data quality program in place to ensure that the information in its removal inventories was accurate.”<sup>29</sup>

## 2. Case Management Deficiencies

The OAG found that CBSA “did not effectively monitor enforceable cases in its working inventory to make sure they were advancing toward removal.”<sup>30</sup> In fact, “there were thousands of inactive cases in the [A]gency’s working inventory with no explanation.”<sup>31</sup>

More specifically, the OAG found 150 inactive cases involving serious criminals in the working inventory. Serious criminals are “those convicted of crimes punishable by a maximum sentence of 10 years or more or who, in the opinion of the officer, pose a threat to the public or individuals.”<sup>32</sup> These cases had been inactive for an average of four years.<sup>33</sup>

The OAG also noted that most failed asylum claimants were not removed within a year, often for the simple reason that the case had not been assigned to an officer, which can cause the removal process to be extended.<sup>34</sup> After a year, failed asylum claimants are eligible for a pre-removal risk assessment, a process that takes an average of 10 months to complete.<sup>35</sup>

## 3. Wanted Cases not Investigated

Of the 34,700 individuals in CBSA’s wanted inventory, 2,800 had a criminal background.<sup>36</sup> In addition, “at least 70% of all criminal cases were not reviewed annually, and 75% of all failed asylum cases were not reviewed every 3 years as required.”<sup>37</sup>

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29 Ibid., para. 1.39.

30 Ibid., para. 1.40.

31 Ibid.

32 Ibid., para. 1.41.

33 Ibid.

34 Ibid., para. 1.42.

35 Ibid., para. 1.16.

36 Ibid., para. 1.44.

37 Ibid., para. 1.45.

As explained by Karen Hogan, Auditor General of Canada, the source of delays “was a combination of several elements... Case management was deficient and the [computer] system did not help the Agency in prioritizing and triaging files.”<sup>38</sup> She also added that, in the case of criminals, “it’s very important to follow-up more rigorously to ensure public safety.”<sup>39</sup> Therefore, the OAG made the following recommendation on data quality, case management and the investigation of wanted cases:

The Canada Border Services Agency should improve the integrity of its data and case management practices, so that it can better manage its removals program. Specifically, it should

- further check the accuracy of its removal inventory database with respect to both the status of individual cases and the makeup of its inventory;
- establish a clear triage process for assigning and initiating action on removal cases according to current status and expected next steps and ensure that cases progress toward removal as soon as possible;
- improve its data interface with partners, so that it knows when decisions have been made that affect the status of removal orders;
- in conjunction with Immigration, Refugees and Citizenship Canada, establish a process to ensure that any new information entering the database is accurate and timely.<sup>40</sup>

In response to this recommendation, CBSA plans to implement a reporting and oversight mechanism by 30 September 2021 to ensure Department of Justice officials complete litigation data entry in a timely manner.<sup>41</sup> In addition, IRCC Deputy Minister Catrina Tapley spoke of a new mechanism to encourage cooperation between IRCC, CBSA and the Immigration and Refugee Board of Canada:

[The] Asylum System Management Board was established as a deputy minister-level forum in spring 2018 to improve horizontal coordination among IRCC, the Immigration and Refugee Board and the Canada Border Services Agency... to share information, to

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38 House of Commons, Standing Committee on Public Accounts, *Evidence*, [Meeting No. 8](#), 2nd Session, 43rd Parliament, 24 November 2020, 1140.

39 *Ibid.*, 1145.

40 OAG, [Immigration Removals](#), Report 1 of the 2020 Spring Reports of the Auditor General of Canada, para. 1.46.

41 CBSA, [Detailed Action Plan](#), pp. 4–5.



work collaboratively on priorities and to track our decisions on how we're building different processes.<sup>42</sup>

CBSA President John Ossowski discussed the system interface for data entry, stating that the Agency had a strategy to improve ... data quality and would be working with "other departments to improve interoperability."<sup>43</sup>

In its Action Plan, CBSA also stated that it would develop

a quality assurance process, supported by regional Operations & Data Integrity Analysts, to improve the quality of data across all regions. This quality assurance initiative will include a data verification strategy both at an individual case and inventory as well as reviews to address systematic errors for correction.<sup>44</sup>

Lastly, CBSA's Action Plan states the following regarding the triaging of cases and their prompt assignment to officers:

CBSA will establish a sustainable triaging approach, supported by increased national coordination, to ensure that priority cases that enter the working inventory are assigned, processed, and scheduled for removal based on removal priorities.<sup>45</sup>

Therefore, the Committee recommends:

### **Recommendation 3 – On data integrity and case management**

**That the Canada Border Services Agency present to the House of Commons Standing Committee on Public Accounts: (1) by 31 May 2021, a report on the results of implementing its data quality assurance process and its new approach to triaging and assigning cases in its working inventory; and (2) by 31 December 2021, a report on the implementation of its new reporting and oversight mechanism to ensure data entry by Department of Justice officials.**

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42 House of Commons, Standing Committee on Public Accounts, *Evidence*, [Meeting No. 8](#), 2nd Session, 43rd Parliament, 24 November 2020, 1115 and 1135.

43 Ibid., 1230.

44 CBSA, [Detailed Action Plan](#), p. 3.

45 Ibid.

As reported by Michael Ferguson (former Auditor General of Canada) to the Committee, the issue of inadequate data collection and use is a persistent problem facing federal organizations. Given the significance of sound data in the delivery and accurate assessment of program effectiveness, the Committee has made this issue one of its core priorities.

To monitor CBSA's progress, the Committee recommends:

#### **Recommendation 4**

**That, by 30 June 2021, and every three months thereafter until 30 June 2023, the Canada Border Services Agency provide the House of Commons Standing Committee on Public Accounts with a report including statistics on executed removals in the most recent quarter and the number of cases in the monitoring, wanted, and stay inventories at the end of the most recent quarter.**

## **CONCLUSION**

The Committee concludes that the Canada Border Security Agency did not remove the majority of foreign nationals who were subject to enforceable removal orders as soon as possible in order to protect the integrity of the immigration system and maintain public safety. In this report, the Committee has made four recommendations to the Agency to ensure that it takes the necessary steps to achieve this goal. These recommendations address the Agency's objectives and performance measures regarding immigration removals, the use of voluntary returns, and improvement of the Agency's data and case management.



## SUMMARY OF RECOMMENDATIONS AND TIMELINES

Table 2—Summary of Recommendations and Timelines

Recommendation	Recommended Measure	Timeline
Recommendation 1	Canada Border Services Agency (CBSA) should provide the Committee with a report on the following subjects: (1) the changes to its removal strategy; (2) the new performance measures aligned with removal priorities; (3) its information technology requirements and the timelines for the required changes to be made; and (4) the customization of its strategy based on the country involved.	31 May 2021
Recommendation 2	CBSA should provide the Committee with a report describing its pilot project to encourage voluntary compliance with removals and the initial results achieved through this initiative.	31 December 2021
Recommendation 3	CBSA should provide the Committee with: (1) a report on the results of implementing its data quality assurance process and its new approach to triaging and assigning cases in its working inventory; and (2) a report on the implementation of its new reporting and oversight mechanism to ensure data entry by Department of Justice officials.	1) 31 May 2021; 2) 31 December 2021
Recommendation 4	CBSA should provide the Committee with a report including statistics on executed removals in the most recent quarter and the number of cases in the monitoring, wanted, and stay inventories at the end of the most recent quarter.	30 June 2021, 30 September 2021, 31 December 2021, 31 March 2022, 30 June 2022, 30 September 2022, 31 December 2022, 31 March 2023, 30 June 2023

## APPENDIX A LIST OF WITNESSES

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The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canada Border Services Agency</b> John Ossowski, President Scott Harris, Vice-President, Intelligence and Enforcement Branch	2020/11/24	08
<b>Department of Citizenship and Immigration</b> Catrina Tapley, Deputy Minister Nicole Giles, Associate Assistant Deputy Minister, Operations	2020/11/24	08
<b>Immigration and Refugee Board</b> Richard Wex, Chairperson Greg Kipling, Deputy-Chair, Immigration Division	2020/11/24	08
<b>Office of the Auditor General</b> Karen Hogan, Auditor General of Canada Erin Jellinek, Director Carol McCalla, Principal	2020/11/24	08



# REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 8 and 16](#)) is tabled.

Respectfully submitted,

Kelly Block, M.P.  
Chair

