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Legislative Summary

BILL S-8:
AN ACT TO AMEND THE IMMIGRATION AND REFUGEE PROTECTION ACT, TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS AND TO AMEND THE IMMIGRATION AND REFUGEE PROTECTION REGULATIONS

44-1-S8-E

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Legislative Summary of Bill S-8
(Preliminary version)

44-1-S8-E

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1 BACKGROUND

Bill S-8, An Act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other Acts and to amend the Immigration and Refugee Protection Regulations,[1] was introduced in the Senate on 17 May 2022 by the Honourable Senator Marc Gold, Government Representative in the Senate. On 19 May 2022, the bill was referred to the Standing Senate Committee on Foreign Affairs and International Trade after second reading.

The bill amends the *Immigration, Refugee and Protection Act*[2] (IRPA) and the *Immigration and Refugee Protection Regulations*[3] (IRPR) to expand the scope of inadmissibility to Canada based on sanctions. It also makes consequential amendments to the *Citizenship Act*[4] and the *Emergencies Act*[5] to ensure coherence throughout the various pieces of legislation.

The impetus for Bill S-8 is part of the Government of Canada's response to Russia's further invasion of Ukraine in February 2022, for which the federal government has imposed economic sanctions against entities and individuals waging, and enabling, Russia's aggression. When the bill was tabled, the Minister of Public Safety, the Honourable Marco Mendicino, stated that

> [b]anning close associates and key supporters of Putin's regime, including those responsible for this unprovoked aggression from entering our country is one of the many ways in which we're holding Russia accountable for its crimes.[6]

1.1 SANCTIONS REGIMES IN CANADA

Sanctions are a foreign policy tool that "allow governments to respond to international behaviour that is determined to be adverse to their national interests, including violations of international law and norms."[7] Overall,

> [t]he term "sanctions," or economic sanctions, is used to describe a range of measures that can be implemented by governments to restrict or prohibit certain types of interactions with a foreign state, individual

> or entity. Possible measures range from sanctions targeted against specific individuals to broad economic embargoes. Sanctions are intended to be temporary, implemented to achieve a specific foreign policy objective, yet they often remain in place for many years.[8]

The Minister of Foreign Affairs is responsible for applying sanctions under the *Special Economic Measures Act*[9] (SEMA) and the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* (JVCFOA)[10]. The Minister of Foreign Affairs is also responsible for implementing sanctions in Canada imposed by the United Nations (UN) Security Council through the *United Nations Act* (UNA).[11]

Through advice from the Minister of Foreign Affairs, Canada imposes sanctions by means of orders or regulations made by the Governor in Council pursuant to enabling legislation.[12] The process of determining whether to apply sanctions and the creation and publishing of the regulations enforcing sanctions are similar for the three Acts. However, the underlying reasons to invoke sanctions and the selected individuals or entities differ between the three regimes.

Overall, sanctions may be imposed under SEMA against an individual or an entity because:

- an international organization or association to which Canada is a member has called for economic measures to be taken against a foreign state;
- a grave breach of international peace and security has occurred that has resulted in or is likely to result in a serious international crisis;
- gross and systematic human rights violations have been committed; or
- acts of significant corruption have been committed by public officials or their associates.[13]

For the JVCFOA, sanctions may be imposed on a foreign national responsible for, or complicit in:

- extrajudicial killings, torture, or gross violations of human rights against individuals in any foreign state who seek to defend or promote internationally recognized human rights or who seek to expose illegal activities carried out by a foreign public official;
- ordering, controlling, or otherwise directing acts of significant corruption; or
- materially assisting, sponsoring, or providing financial, material or technological support for, or goods or services in support of, an act of significant corruption by a foreign public official or their associate.[14]

Finally, the sanctions imposed under UNA are in fulfilment of Canada's obligations to implement the decisions of the UN Security Council.

All three pieces of legislation make it "a criminal offence for contravening or failing to comply with sanctions regulations, which in all three cases is a hybrid offence, allowing violators to be charged with either a summary conviction or an indictable offence."[15]

Individuals subject to sanctions under these Acts may be rendered inadmissible to Canada and denied entry, as set out in IRPA (further explained below in section 1.2 entitled Inadmissibility to Canada). Bill S-8 aims to close a gap in Canada's sanctions regime by increasing the number of scenarios in which sanctions lead to inadmissibility to enter or stay in Canada.

1.1.1 Sanctions in Response to Russia's Invasion of Ukraine

Canada responded to Russia's violation of Ukraine's sovereignty and territorial integrity by imposing sanctions under SEMA. The *Special Economic Measures (Ukraine) Regulations* ("the Regulations") first came into force on 17 March 2014, during the "illegal invasion and occupation of Crimea"[16] by Russia. The Regulations have been frequently updated, most recently on 26 April 2022.[17]

The Regulations, in particular,

> impose an asset freeze and dealings prohibition on designated persons, which include both individuals and entities involved in Russia's illegal occupation and attempted annexation of Crimea and the ongoing Russian occupation in parts of eastern Ukraine. They prohibit persons in Canada and Canadians abroad from:
>
> - dealing in any property, wherever situated, held by or on behalf of a designated person
> - entering into or facilitating, directly or indirectly, any transaction related to such a dealing
> - providing any financial or related service in respect of such a dealing
> - making goods, wherever situated, available to a designated person
> - providing any financial or related service to or for the benefit of a designated person.[18]

Under these Regulations, Canada has issued sanctions against more than 1,000 individuals and 241 entities linked to Russia's ongoing violations of Ukraine's sovereignty and territorial integrity.[19]

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1.1.2 Recourses to Remove Sanctions

The JVCFOA and regulations under SEMA contain provisions that allow

> persons targeted by sanctions to challenge their inclusion in the relevant schedule, or list. Listed persons may apply to the Minister of Foreign Affairs for removal. Once an application has been received, the Minister must then determine if reasonable grounds exist to recommend delisting. The UNA does not include a similar provision, as the lists of individuals and entities are established by the UN, which has its own delisting process.[20]

Individuals or entities who wish to have a UN Security Council listing reversed must apply directly to either the UN Security Council Focal Point for Delisting or the Ombudsperson to the ISIL (Daesh) and al-Qaida Sanctions Committee.[21]

Individuals or entities claiming to not be the person or entity in a SEMA or JVCFOA schedule or sanctions list may also apply to the Minister of Foreign Affairs for a certificate of mistaken identity. Whether an application is being made for delisting or for a certificate of mistaken identity, individuals must provide, among other things, "a detailed description of the relevant circumstances and reasons supporting the application."[22]

Entities wishing to contest a listing face a more onerous process. In addition to providing a list of its owners and shareholders, the entity must provide a description of the products it produces, and the ingredients, components, and raw materials acquired in order to make the products; a detailed description of the services it provides; a list of its customers; a list of companies from which it procures ingredients, components, or raw materials; and any further information requested by the Minister of Foreign Affairs in support of the application.[23]

For an application for delisting or for a certificate of mistaken identity, the relevant regulation and section number under which the application is being made must be identified. In addition, Global Affairs Canada requires a detailed description of the relevant circumstances and reasons supporting the application.

1.2 INADMISSABILITY TO CANADA

Part 1, Division 4 of IRPA prohibits foreign nationals or permanent residents from entering or remaining in Canada if they are found inadmissible on one of the 11 grounds set out in sections 34 to 42. Those grounds are:

- security (section 34(1));

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- violation of human or international human rights (section 35(1));
- serious criminality (section 36(1));
- criminality (section 36(2));
- organized criminality (section 37(1));
- health grounds (section 38(1));
- financial grounds (section 39);
- misrepresentation (section 40(1));
- cessation of refugee protection (section40.1);
- non-compliance with the Act (section 41); and
- accompanying a family member who is inadmissible (section 42(1)).

Section 33 of IRPA clarifies that

> the facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur.[24]

Sanctions are a ground for inadmissibility under subsections 35(1)(c), 35(1)(d) and 35(1)(e) of IRPA. For example, sanctions imposed on senior officials of a regime that committed gross human rights violations under SEMA or JVCFOA would render those individuals inadmissible to Canada under subsections 35(1)(d) or 35(1)(e). While not all the grounds for sanctions under SEMA trigger inadmissibility under subsection 35(1)(d) of IRPA, individuals sanctioned for other reasons may be considered inadmissible under other provisions of IRPA when their immigration application is processed.[25]

However, SEMA sanctions for a grave breach of international peace and security that has occurred and resulted in or is likely to result in a serious international crisis, like Russia's war on Ukraine, are not covered under section 35(1). As such, Bill S-8 establishes a new, broader grounds for inadmissibility based on sanctions imposed on a country, an entity or a person.

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1.2.1 Removal Orders for Inadmissible Individuals

Currently, individuals who are in Canada and are found inadmissible cannot stay in the country, unless they obtain a temporary resident permit.[26] Officials from the Canada Border Services Agency (CBSA) will write a report on the issue that leads to a removal.[27] CBSA officials will then refer the report to the Minister's delegate, who is a CBSA officer, supervisor or high-ranking official acting on behalf of the Minister. The Minister's delegate must review the facts of the inadmissibility and, if the allegations outlined in the report are well founded, refers the case to the Immigration Division at the Immigration and Refugee Board of Canada (IRB) for an admissibility hearing in order for a removal order to be issued.[28]

After a hearing, the Immigration Division can issue a removal order if there are grounds for inadmissibility.[29] CBSA is then responsible for enforcing removal orders.[30] It is possible to appeal removal orders at the Immigration Appeal Division.

For individuals who are inadmissible only because of sanctions (under subsections 35(1)(d) and 35(1)(e)) the process was streamlined in 2019. The Minister's delegate only needs to review the report on removal and give its approval to begin removal proceedings.[31]

Once CBSA is ready to remove an individual,[32] it issues a Notification Regarding a Pre-Removal Risk Assessment (PPRA)[33] that advise the individual that they are entitled to apply for PRRA. This

> is an opportunity for people who are facing removal from Canada to seek protection by describing, in writing, the risks they believe they would face if removed. Persons whose PRRA applications are approved may stay in Canada.[34]

Immigration, Refugees and Citizenship Canada is the one conducting the PRRA.

Section 42.1 of IRPA also provides the opportunity to individuals to apply to the Minister and ask that the matters referred to in subsections 35(1)(b) and 35(1)(c) be reviewed. They must satisfy the Minister that those grounds for inadmissibility are not contrary to Canada's national interest and are not a threat to Canadian society.[35]

2 DESCRIPTION AND ANALYSIS

2.1 AMENDMENTS TO THE *IMMIGRATION AND REFUGEE PROTECTION ACT*

Bill S-8 reorganizes IRPA to establish a distinct ground of inadmissibility to Canada based on sanctions. It expands the scope of inadmissibility based on sanctions to

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include not only sanctions imposed on a country but also those imposed on an entity or a person. It also ensures that all orders and regulations made under SEMA are recognized in IRPA.

2.1.1 New Distinct Ground of Inadmissibility Based on Sanctions (Clauses 5 and 6)

Together, clauses 5 and 6 create a distinct new provision setting out a specific ground of inadmissibility based on sanctions and broaden the references to sanctions contained in IRPA.

Clause 5 repeals sections 35(1)(c), 35(1)(d) and 35(1)(e), which currently set out grounds for inadmissibility with respect to sanctions that deal with human or international rights violations:

- Sanctions on a country based on decisions, resolutions or measures of an international organization of states or association of states, of which Canada is a member (section 35(1)(c));
- sanctions imposed under SEMA on the grounds of gross and systematic human rights violations or significant acts of corruption of a foreign public official or an associate (section 35(1)(d)); and
- sanctions imposed under the JVCFOA (section 35(1)(e)).

Clause 6 creates a new, distinct inadmissibility ground based on sanctions in new section 35.1 of IRPA. While the foundations of the sanction regimes are the same in the new section, inadmissibility is applied to an expanded range of sanction scenarios.

Inadmissibility for sanctions based on decisions of international organizations of which Canada is a member are broadened in new section 35.1(1)(a) to include sanctions against entities and foreign nationals to the existing sanctions against a country.

Inadmissibility for sanctions pursuant to SEMA under new section 35.1(1)(b) are also broadened beyond current section 35(1)(d) to add:

- sanctions in response to decisions by an international organization of states and or association of states, of which Canada is a member, to adopt economic sanctions against a foreign state; and
- sanctions in response to a grave breach of international peace and security that has resulted in or is likely to result in a serious international crisis.

These are in addition to the existing criteria of:

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- sanctions in response to gross and systematic human rights violations committed in a foreign state; and
- sanctions in response to significant acts of corruption of a foreign public official or an associate.

The final sanctions regime, JVCFOA, previously referred to in section 35(1)(e) remains unchanged under new section 35.1(c) of IRPA.

2.1.2 Application of the New Sanctions Inadmissibility Category of the *Immigration Refugee Protection Act* (Clauses 1-4, 7-11)

Bill S-8 adds the new distinct sanctions ground for inadmissibility with its broader sanctions package to the scenarios outlined below. While sanctions were not absent from the sections below, they were present in their more limited form under the inadmissibility ground of violating human or international rights.

- Clause 1 adds sanctions to the types of inadmissibility that fall within the responsibility of the Minister of Public Safety and Emergency Preparedness for the enforcement of the Act under section 4(2)(c) of IRPA. This responsibility includes the establishment of policies respecting the enforcement of the inadmissibility provisions of IRPA. The other inadmissibility grounds in the section include security, violating human or international rights, and organized criminality.
- Clause 2 adds the expanded range of sanctions to the grounds for which a protected person under IRPA would be inadmissible to become a permanent resident. Under amended section 21(2) of IRPA, sanctions join inadmissibility on security grounds, violating human or international rights, serious criminality, organized criminality and health grounds.
- Clauses 3 and 4 add the expanded range of sanctions to sections 25(1) and 25.1(1) of IRPA. This broadens the list of reasons that exempt a minister from having to examine whether a foreign national must be granted permanent resident status or an exemption from obligations under IRPA based on humanitarian and compassionate considerations. In this case, sanctions join the inadmissibility grounds of security, human or international rights violations, and organized criminality.
- Section 42(1) of IRPA renders a foreign national, other than a protected person, inadmissible to Canada if their accompanying (and, in some cases, non-accompanying) family member is inadmissible or if they are family with and accompanying an inadmissible person. However, in cases where the foreign national is a temporary resident, has applied for temporary residency, or has

applied to remain in Canada as a temporary resident, section 42(2) of IRPA foresees inadmissibility for only a limited number of grounds.

Clause 7 adds sanctions to the existing limited grounds of security, human or international rights violations, and organized criminality.

- Clause 9 adds sanctions to a list of grounds in section 55(3)(b) of IRPA that are to be considered by an officer when determining whether a permanent resident or foreign national, upon entering into Canada, is inadmissible and may be detained. In order to justify detention, the officer must have "reasonable grounds to suspect" that the person is inadmissible. Sanctions are added to the grounds of security, violating human or international rights, serious criminality, criminality and organized criminality.
- Clause 10 adds sanctions to a list of inadmissibility grounds in section 58(1)(c) of IRPA that allow the Immigration Division at the IRB to continue to hold a foreign national or permanent resident in detention. The Immigration Division may only continue detention, in this case, if it is satisfied that the minister is taking the necessary steps to inquire into a reasonable suspicion that the person is inadmissible. Sanctions are added to the grounds of security, violating human or international rights, serious criminality, criminality and organized criminality.
- Clause 11 adds sanctions to a list of inadmissibility grounds in section 64(1) of IRPA for which no appeal may be made to the Immigration Appeal Division at the IRB by a foreign national or permanent resident found to be inadmissible. Sanctions are added to the grounds of security, violating human or international rights, serious criminality, and organized criminality.

2.1.3 Other Amendments to the *Immigration Refugee Protection Act* (Clauses 8 and 12)

Clause 8 amends sections 42.1(1) and 42.1(2) of IRPA to remove the possibility for the minister, on application or by their ow initiative, to declare that sanctions pursuant to decisions by international organizations do not constitute inadmissibility. Of note, the Minister never had the power to do this for SEMA or JVCFOA sanctions.

Clause 12 is a consequential amendment that removes the inclusion of sanctions pursuant to decisions of international organization as an exception within 101(1)(f) of IRPA. This means that refugee claimants who are determined to be inadmissible due to sanctions can nevertheless be referred to the Refugee Protection Division at the IRB.

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2.1.4 Sanctions Imposed Before the Coming into Force of Bill S-8 (Clause 13)

Clause 13 ensures that individuals sanctioned before the coming into force of Bill S-8 are nevertheless subject to the amendments to IRPA as long as the decision, resolution, measure, order or regulation is in effect on the day that the bill comes into force.

2.2 AMENDMENTS TO THE *IMMIGRATION AND REFUGEE PROTECTION REGULATIONS*

2.2.1 Declarations of Relief (Clauses 16 and 17)

Section 24.1(1) of IRPR allows foreign nationals to apply for a declaration of relief under IRPA if a decision has been made to refuse their application for permanent or temporary resident status, or if a removal order has been issued against them based on certain determinations of inadmissibility.

Clause 16 removes inadmissibility based on sanctions pursuant to decisions of international organizations as one of the grounds for applying for a declaration of relief under section 24.1(1). Given this removal, clause 17 amends section 24.2(1)(g) to also remove the necessity of declaring such sanctions in an application for a declaration of relief.

2.2.2 Exception from Permit Holder Class (Clause 18)

The permit holder class is a class of foreign nationals who hold temporary resident permits and may become permanent residents based on certain requirements. Under section 65(b)(ii) of the IRPR, a foreign national is deemed a permit holder and a member of the permit holder class if they have continuously resided in Canada as a permit holder for a period of at least five years, minus exceptions. Clause 18 amends section 65(b)(ii) to add sanctions as one of the exceptions along with inadmissibility due to security, violating human or international rights, serious criminality, and organized criminality.

2.2.3 Removal Orders (Clauses 19 and 20)

Immigration officers who are of the opinion that a permanent resident or a foreign national in Canada is inadmissible may submit a report on the matter to the minister. If the minister agrees the report is well-founded, the minister may refer the report to the Immigration Division for an admissibility hearing, or in certain cases, the minister may directly make a removal order.

Section 228(1) of the IRPR sets out instances in which the report is not referred to the Immigration Division and lists the types of corresponding removal orders. Clause 19 amends section 228(1)(f) by replacing the inadmissibility ground of 35(1)(d) and 35(1)(e) currently set out in IRPA (sanctions on grounds of violating human or international rights) with the new distinct sanctions category created by new section 35.1. Accordingly, reports of foreign nationals inadmissible due to sanctions are not to be forwarded to the Immigration Division and their removal orders are deemed to be deportation orders.

Given that clause 19 amends the IRPR to remove sanctions from the jurisdiction of the ID, clause 20 makes a consequential amendment to section 229(1)(b) by removing sanctions from the list of possible deportation orders to be decided by the ID.

2.2.4 Stays of Removal (Clause 21)

Under section 230(1) of the IRPR, the minister may impose a stay of removal orders if the circumstances in the country or place of return pose a generalized risk to the entire civilian population due to events listed in the IRPR. Clause 21 amends section 230(3) by adding inadmissibly related to sanctions to a list of exceptions that exclude a person from benefiting from a stay of removal.

2.2.5 Report Referred to Immigration Division Before Royal Assent (Clause 22)

Clause 22 ensures that sections 228(1)(f) and 229(1)(b) of the IRPR (see earlier discussion regarding clauses 19 and 20) continue to apply as they read before Bill S-8 receives Royal Assent in respect of a foreign national awaiting the outcome of an admissibility hearing before the Immigration Division that began before Royal Assent.

2.3 AMENDMENTS TO THE *CITIZENSHIP ACT* (CLAUSE 14)

Under sections 10(1) and 10.1 (1) of the *Citizenship Act*, a person's citizenship or renunciation of citizenship may be revoked for reasons of false representation, fraud or knowingly concealing material circumstances only if the minister seeks a declaration from a court that the person has obtained, retained, renounced or resumed their citizenship in a fraudulent manner.

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Clause 14 amends section 10.1(4) of the *Citizenship Act to* add sanctions to a list of inadmissibility grounds that limit the burden of the minister when seeking the declaration from a court. As such, in cases where false representation, fraud or knowingly concealing material circumstances relate to a situation described in section 35.1 of IRPA (inadmissibility based on sanctions), the minister seeking a declaration will only need to prove that the person obtained, retained, renounced or resumed their citizenship by false representation or fraud or by knowingly concealing material circumstances.

2.4 AMENDMENTS TO THE *EMERGENCIES ACT* (CLAUSE 15)

Section 30(1) of the *Emergencies Act* foresees orders and regulations that may be made by the Governor in Council while an international emergency is in effect. While the removal of persons from Canada figures among the possible measures, section 30(1)(h)(iii)(A) of the *Emergencies Act* places limits on who may be removed. Clause 15 adds sanctions to section 30(1)(h)(iii)(A) of the *Emergencies Act*, thus allowing protected persons subject to the sanctions outlined in 35.1 IRPA to be subject to a removal order in cases of an international emergency.

NOTES

1. Bill S-8, An Act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other Acts and to amend the Immigration and Refugee Protection Regulations, 44th Parliament, 1st session.
2. *Immigration and Refugee Protection Act* (IRPA), S.C. 2001, c. 27.
3. *Immigration and Refugee Protection Regulations*, SOR/2002-227.
4. *Citizenship Act*, R.S.C. 1985, c. C-29.
5. *Emergencies Act*, R.S.C. 1985, c. 22 (4th Supp.).
6. Canada Border Services Agency (CBSA), *Government to ban sanctioned Russians from entering Canada*, News release, 17 May 2022.
7. Scott McTaggart, "1 Sanctions in International Affairs," *Sanctions: The Canadian and International Architecture,* Publication no. 2019-45-E, Library of Parliament, 18 November 2019.
8. Ibid.
9. *Special Economic Measures Act* (SEMA), S.C. 1992, c. 17.
10. *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* (JVCFOA), S.C. 2017, c. 21.
11. *United Nations Act* (UNA), R.S.C. 1985, c. U-2.
12. SEMA, s. 4(1); *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*, S.C. 2017, c. 21, s. 4(1); UNA, R.S.C. 1985, c. U-2, s. 2. For a reference to the Minister of Foreign Affairs in relation to UNA, see *Regulations Implementing the United Nations Resolutions on Iran*, SOR/2007-44, s. 1.
13. SEMA, s. 4(1.1).
14. JVCFOA, s. 4(2).

15. Scott McTaggart, "2 The Canadian Sanctions Architecture," *Sanctions: The Canadian and International Architecture*, Publication no. 2019-45-E, Library of Parliament, 18 November 2019.

16. Government of Canada, "Canada's response to the illegal invasion and annexation of Crimea," *Canada's engagement in Ukraine.*

17. *Special Economic Measures (Ukraine) Regulations*, SOR/2014-60. For a list of the dates in regards to the amendments to these regulations, see Government of Canada, "Prohibitions," *Canadian Sanctions Related to Ukraine.*

18. Government of Canada, "Prohibitions," *Canadian Sanctions Related to Ukraine.*

19. Government of Canada, "Regulations under the *Special Economic Measures Act*," *Sanctions – Russian invasion of Ukraine*.

20. Scott McTaggart, "2 The Canadian Sanctions Architecture," *Sanctions: The Canadian and International Architecture*, Publication no. 2019-45-E, Library of Parliament, 18 November 2019.

21. "Sanctions, international humanitarian law and the humanitarian space in the Canadian perspective: An interview with Elissa Golberg," *International Review of the Red Cross*, Vol. 103, 2021, p. 91.

22. Global Affairs Canada, *Listed Persons*.

23. Ibid.

24. IRPA, s. 33.

25. See *Fallah v. Canada (Citizenship and Immigration)*, 2015 FC 1094 (CanLII). Immigration, Refugees and Citizenship Canada (IRCC) officers conduct screening of all immigration (permanent and temporary residency) applications before issuing immigration documents. IRCC works closely with several Public Safety partners to carry out the screening process during immigration applications.

26. To be eligible for a temporary resident permit, an individual's need to enter or stay in Canada must outweigh the health or safety risks to Canadian society, as determined by an immigration or a border services officer. An individual must demonstrate that their visit is justified when applying for a temporary resident permit. See Government of Canada, *What to do if you're inadmissible*.

27. The report explains why CBSA believes the person should not be allowed to enter or remain in Canada. IRPA, s. 44.

28. CBSA, "Inadmissibilities – A34, A35, and A37," *Acts, regulations and other regulatory information: Delegation of Authority and Designations of Officers by the Minister of Public Safety and Emergency Preparedness under the Immigration and Refugee Protection Act and the Immigration and Refugee Protection Regulations*.

29. Immigration, Refugee Board of Canada, *Admissibility hearings – 4. Possible outcomes of your hearing*. CBSA, *Arrests, detentions and removals: Removal from Canada*.

30. CBSA prioritizes removals of persons inadmissible to Canada on safety or security grounds (security, organized crime or human rights violations, serious criminality and criminality). See CBSA, *Overview of the Removals Program*.

31. In 2019, amendments to the Immigration and Refugee Protection Regulations transferred the authority to issue a removal order from the Immigration Division to the Minister's delegate for foreign nationals inadmissible due to unilateral sanctions imposed by Canada through SEMA and the JVCFOA. *Regulations Amending the Immigration and Refugee Protection Regulations*, SOR/2019-200, 10 June 2019, in *Canada Gazette*, Part II, 26 June 2019, pp. 3512–3519.

32. For example, CBSA must give notice to the country it plans to return the foreign national under a removal order.

33. The notice informs the person that they have 15 days in which to apply, plus an additional 15 days in which to provide written submissions in support of their application.

34. Government of Canada, *Guide 5523 – Applying for a Pre-Removal Risk Assessment*.

35. IRPA, s. 42.1.