



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

Lessons Learned

1999 Marine Arrivals in British Columbia

Final Report



Evaluation
CITIZENSHIP AND IMMIGRATION CANADA

August 2002

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Executive Summary

Four ships carrying a total of 599 illegal migrants arrived between July and September 1999 on the British Columbia coast from the Chinese province of Fujian. Citizenship and Immigration Canada (CIC), and its federal and provincial partners, established and executed a regional response strategy to the marine arrivals. As a result of the marine arrivals operation, CIC and other federal partners spent over \$77 million above normal operating budgets.

This “lessons learned” study was completed as a condition of the special funding CIC received for marine arrivals and contingency planning for future arrivals. The study fieldwork was completed between November 2001 and January 2002. Interviews were conducted with 58 personnel in Victoria, Vancouver and Ottawa.

In late 1998, based on the intelligence available, CIC’s B.C./Yukon Region recognized the possibility of mass marine arrivals from Asia and began to develop a contingency plan. In January 1999, before the first marine arrivals, the B.C./Yukon regional office in Victoria conducted a joint planning session on the marine arrivals first and second response processes with potential partners, such as the Royal Canadian Mounted Police (RCMP), the Department of National Defence (DND) and the Canadian Coast Guard. In addition, CIC established a Marine Response Team (MRT), which received training at the Canadian Forces Fleet School Esquimalt. In the planning session, the various agencies discussed ways they could cooperate if a mass arrival occurred. It was no coincidence that the response to the first marine arrival in Nootka Sound mirrored this training exercise. That response was the result of effective planning.

As a result of the B.C./Yukon regional initiative, many of the key players had an opportunity to work together and to begin their own initial planning. The successful, timely and safe response to the first and subsequent marine arrivals attests to the success of the region’s advance planning and preparation. Operations and procedures improved as the summer progressed, and migrants from boat four were processed much more smoothly than those from boat one.

After the operation, CIC and its partners expended resources to further develop contingency plans. In late 1999, the B.C./Yukon Region continued its contingency planning initiative. Regional employees conducted a lessons learned session with their major partners and produced a report from a regional perspective.

In early 2000, the CIC Victoria office convened a meeting of marine arrivals participants and partners. This meeting resulted in a list of lessons learned to guide future response operations. Following the meeting, many partners expected CIC to coordinate further operational planning exercises to test the plan and related operating procedures. To date this has not occurred. Training in 2000 was aimed at managers. So far, training has not been available for on-site officers.

In budget year 2000–2001, the B.C./Yukon Region placed a major thrust on contingency planning, which NHQ supported. In the past two years, no known large-scale marine arrivals have occurred on the West Coast. This reality may account for the fact that contingency planning has been given less emphasis. For example, funds to operate and maintain a West Coast processing centre were no longer available after October 2001. In 2001–2002, contingency planning and ongoing preparedness was removed as a line item from the CIC national operating budget, based on changing priorities and the need to re-allocate scarce resources to other projects. Interviewees generally reported that there needs to be ongoing commitment and funding from NHQ to maintain a state of preparedness for marine arrivals.

The 1999 response was effective because all potential federal partners had produced, updated and tested initial contingency plans. Marine arrivals contingency planning is now considered a lower priority, based on the decreased threat over the past two years and funding constraints. However, not all interviewees agreed that the threat has decreased. It is recognized that contingency planning has very significant costs and is time consuming. These facts are particularly relevant to CIC, given the lack of resources and more pressing priorities within the department.

Contingency planning is not an exact science. It is difficult and expensive to plan for an event that may or may not occur, or that may be of a lower, similar or much greater magnitude than the event that occurred in 1999. Contingency planning is done to prepare for a theoretical or possible future event, not to deal with a known certainty. It can become a very expensive or unaffordable insurance plan that may never be used.

As a result, CIC needs to balance the risks and the financial considerations. Periodically, CIC should consider conducting a formal risk assessment based on current intelligence data, applicability of the contingency planning of 2000–2001 to the current situation, current resources, capabilities and commitments of CIC's partners, developing international events and so on. If it is determined that the risk is sufficient to merit the expense, CIC may wish to consider the following issues.

- Without an effective and up-to-date plan, there is a higher risk of operational failure.
- Contingency plans should be updated and regularly tested. The plan is usually assessed through tabletop exercises. Since the plan is, of necessity, fluid, due to changes in personnel, in circumstances, in legislation or in policy, CIC needs to conduct annual tabletop exercises with all key partners so that the plan can be adjusted to reflect the current situation and actual circumstances.
- Regular professional development training is needed. Training packages could be developed that include occupational and safety guidelines, as personal safety issues were reported as being paramount, particularly in the first response phase. Desktop exercises are required to validate the effectiveness of contingency planning and training to identify which areas in the plan may require adjustments.
- The contingency planning process should include all potential partners, both federal and provincial. Further, interviewees said that joint training sessions (such as MRT training) with representation from all key partners were necessary to ensure a safe operation and to understand how partners will respond to different scenarios.

Overall Recommendation

All the preceding recommendations relate to standard elements of processing irregular mass arrivals. It would be appropriate to consider them in the context of a comprehensive contingency plan.

The lessons learned were national in scope and could affect one or more federal or provincial departments. Throughout the report, it is indicated, where relevant, that limited financial resources may affect CIC's ability to implement potential solutions arising from the lessons learned.

The 1999 marine arrivals operation has made CIC more effective and better able to manage other large-scale operations. The lessons learned regarding contingency planning relate to the areas listed below.

- Operational planning and preparations should be founded in contingency plans.
- Subject to resource constraints and departmental priorities, contingency plans should be regularly tested through tabletop exercises and regular training with partners.
- Contingency planning should be supported by training for participants, in order to maintain knowledge and skills at a level that would facilitate an efficient and effective response.
- Periodically, CIC should conduct a formal risk assessment based on current intelligence data, the applicability of the contingency planning of 2000–2001 to the current situation, and the current resources, capabilities and commitments of CIC's partners.

The contingency plan should cover the following areas:

- Policy: Within a national policy framework, give regions the flexibility to develop operational procedures.
- Reception and processing: Review the location of any future processing centre.
- Detention: If detention is deemed necessary, determine the most cost-effective and efficient way to detain migrants who are deemed flight risks.
- Management of unaccompanied minors: Provide guidelines to regions, define roles and responsibilities of provincial and federal governments, and shield minors from the influence of smugglers.
- Intelligence: Clarify the roles of NHQ and regions, share intelligence information with partners and improve security of information through increased privacy during interviews of migrants.
- External communications: In any future marine arrival operation, designate a person responsible for information management.
- Command and control: Develop operational capability for emergency responses.
- Personnel resources: Develop a process to deploy personnel across regions in a timely fashion to support unanticipated operations.

The specific issues listed above are discussed in more detail in the Lessons Learned section of this report.



SECTION 1.0

Overview

Between July and September 1999, four ships carrying a total of 599 illegal migrants arrived on the British Columbia coast from the Chinese province of Fujian. Citizenship and Immigration Canada (CIC) and its federal and provincial partners established and executed a regional response to the marine arrivals in three distinct phases. The first response dealt with interdiction, boarding, offloading and transportation activities. The second response consisted of examination, initial hearings and identification activities. The third response involved detention, Immigration and Refugee Board (IRB) hearings, and removal from Canada. Human resources, communications and legal activities supported the three levels of response.

Partners and Their Roles in the Marine Arrivals Operation

Participation by CIC and various federal and provincial partners in the marine arrivals operation was extensive. The following table lists CIC's key partners and describes their primary responsibilities during the operation.

Partners	Response	Major Activities
Department of National Defence (DND)	First and second response	<ul style="list-style-type: none"> - Provide intelligence and operations centre. - Coordinate air and sea assets. - Provide at-sea interdiction platform. - Transport migrants to shore facilities. - Provide second response reception centre at Canadian Forces Base (CFB) Esquimalt. - Provide logistics and medical support.
Canadian Coast Guard	First response	<ul style="list-style-type: none"> - Provide at-sea interdiction platform. - Transport migrants to shore facilities.
Royal Canadian Mounted Police (RCMP) – E Division	First and second response	<ul style="list-style-type: none"> - Provide Emergency Response Team during on-the-water interdiction. - Provide migrant detention services at CFB Esquimalt. - Escort migrants to Prince George detention facilities. - Conduct criminal investigations.
Department of Justice Canada	All	<ul style="list-style-type: none"> - Represent the government's legal interests during the operation.
Immigration and Refugee Board	Third response	<ul style="list-style-type: none"> - Manage refugee determination process.
B.C. Corrections Branch	Third response	<ul style="list-style-type: none"> - Provide and manage detention facilities for adult migrants in Prince George.
B.C. Ministry of Children and Family Development	Third response	<ul style="list-style-type: none"> - Provide and manage group homes used to house and care for unaccompanied minors.
B.C. Immigration	All	<ul style="list-style-type: none"> - Handle liaison with CIC and B.C. ministries.
Canadian Red Cross	Second response	<ul style="list-style-type: none"> - Provide humanitarian support to migrants.
United Nations High Commission for Refugees (UNHCR) – Vancouver	Second and third response	<ul style="list-style-type: none"> - Ensure migrants are handled and processed in accordance with UN guidelines.

Cost of Marine Arrivals

Additional expenditures were incurred above and beyond normal departmental operating budgets. These additional costs exceeded \$77 million.

Study Goals and Objectives

Treasury Board of Canada, Secretariat, has asked CIC to complete a lessons learned study in relation to the marine arrivals operation on the coast of British Columbia. As the lead department responsible for developing an effective response to migrant smuggling, CIC's goal for the study is to systematically examine past actions and activities that could guide the development and management of future operations.

The study covers the funding CIC received for 1999–2000, when the boats arrived, and 2000–2001, when contingency planning occurred. The study focuses on the most significant CIC activities during the operation: reception and processing, detention, contingency planning, and command and control of a multi-partner operation.



SECTION 2.0

Approach

Rather than a formal program evaluation of the marine arrivals operation, the study was designed to be an informed two-way discussion about lessons learned and to capture the steps necessary to ensure that CIC is prepared for future marine arrivals. Evaluation methods included individual and group interviews, policy and procedure reviews, a historical records review and CIC subject matter expert reviews.

The study was conducted between November 2001 and April 2002 in four separate, but related, phases: planning, data collection, data analysis and report preparation. The individual interviews included key participants from CIC, DND, the Canadian Coast Guard, the Department of Justice Canada, the B.C. Corrections Branch (B.C. Corrections), the B.C. Ministry of Children and Family Development (MCFD), B.C. Immigration and supporting non-governmental organizations (NGOs). Annex A lists the interviews conducted with participating organizations.

SECTION 3.0

Background

Over the past two years, CIC has developed several documents that reflect or incorporate lessons learned and observations from the 1999 marine arrivals operation.

A B.C./Yukon Region report, *Summer of the Boats: Marine Arrivals Off the West Coast, July to October 1999*, proved useful for this study. The report guided some of the questions in the interviews and helped the study team complete its detailed investigation. However, *Summer of the Boats* was written from the perspective of the B.C./Yukon regional response and did not deal directly with the potential lessons learned by NHQ and CIC's partners.

During the interviews, a number of lessons learned were suggested, and all levels normally agreed about the specific lessons learned. The lessons learned identified in this study are national in scope and reflect the impact on one or more federal or provincial departments.

It is recognized that the marine arrivals response and contingency planning for future arrivals took place in an environment of limited resources and that CIC must allocate its resources to other priority activities within the department. Since no known marine arrivals have occurred on the West Coast in the past two years, marine arrival issues are not as high a priority as they were in 1999.

In establishing our list of lessons learned, we have applied the criterion of practicality. At the same time, when most interviewees agreed on a particular lesson learned that had significant financial impact, we included it in the study for departmental review and discussion.

SECTION 4.0

Lessons Learned

Policy and Procedures

In 1999, the B.C./Yukon Region was operating without a clear policy on mass marine arrivals. Many of the policies and procedures guiding the response to mass marine arrivals, detention and management of unaccompanied minors were under development or out of date. During the marine mass arrivals operation, policies and procedures were produced on an ad hoc basis to respond to the rapidly changing situation and the unexpected arrival of additional boats. The NHQ policy role is to provide functional guidance to assist regional operations. The marine arrival operation exposed certain gaps in policy, since policies and procedures were not specifically designed to deal with a mass marine arrival situation.

The complexity of the underlying issues related to marine arrivals has had a significant impact on CIC's ability to develop policy in a timely fashion to support regional efforts. The arrivals also came at a time when CIC policy development efforts were largely devoted to preparing the *Immigration and Refugee Protection Act*. During the marine arrivals operation, NHQ personnel developed interim policies and procedures to guide the actions of the B.C./Yukon Region. Due to the crisis nature of the marine arrivals, these interim policies and procedures were developed in a rapidly changing environment. Events were in a state of flux, which made it difficult to develop interim measures.

Consequently, it was reported that regional managers were unable to implement many of the policies and procedures issued by NHQ because the requirements of the situation had changed and these procedures were no longer relevant. The unique requirements of each boat arrival meant that policies and procedures had to be rapidly created or modified in accordance with the current circumstances.

Complications and disagreements arose during the operation due to the lack of suitable policies to guide the required CIC response. For example, there was initial difficulty procuring proper marine assets to deploy the Marine Response Team (MRT) and the Emergency Response Team onto the migrant vessels. Confusion also arose about how to offload the migrants for processing. Many of these initial issues were resolved, in part, because of the trust that developed between the departments and agencies involved, as well as the "can do" attitude of the participants.

Since 1999, the guiding policies have not been formally approved. In 1999, it was proper to decide to use an MRT from CIC to board the migrant vessel. This procedure succeeded. The policy guiding interdiction at sea did not exist, so managers had to rely on their experience and instincts to respond to the crisis. As of mid-2002, there was still no clear policy on marine interdiction. Without a policy, the regions (both B.C./Yukon and Atlantic) continue to invest in MRT preparations, training and

equipment, in order to ensure a certain level of preparedness. The regions' initiatives have been taken without the guidance of clearly defined policies and may prove to be out of step once a marine interdiction policy is approved.

Since 1999–2000, CIC has developed a number of internal policies and procedures to support the lessons learned during the 1999 marine arrivals process. These include CIC internal policies and procedures on detention and on processing of minors, as well as standard operating procedures for the MRT and first response activities. In addition, CIC has signed a memorandum of understanding with B.C. on the provision of detention facilities and management of minors.

None of the internal policies or supporting discussion papers has been widely circulated to other supporting federal departments or provincial agencies for consideration (except within the B.C./Yukon Region). Also, there has been no interdepartmental planning session to address the need to support marine arrivals on both the East and West coasts.

NHQ recognizes that policy must guide and inform operational decisions. CIC also recognizes the need to create and finalize related procedures. Unanticipated operational situations—such as the Kosovo crisis, the attacks of September 11, 2001, and an inability to obtain partner agreement on policy content—have delayed policy development. NHQ has indicated that higher priority projects and a shortage of resources have resulted in delays in formalizing marine arrival policy. As a result, many of the supporting operational memoranda, manuals and procedures derived from policy have not been developed or updated to reflect the content of the draft policies. As well, new legislation has made some of the draft policies and supporting operational procedures obsolete. Concerns were also expressed that, to some extent, NHQ is creating policy in isolation, with only limited NHQ-regional consultation.

Interviewees generally agreed that development of a national policy for marine arrivals must continue and that the resulting policy must address the regions' concerns and reflect the capabilities of potential marine interdiction partners. Some flexibility could remain in the application of that policy, to take into account the rapidly changing environment that characterizes unanticipated operational activities.

Recommendation

1. Within the context of a national policy, CIC should provide its regions with flexibility to develop operational procedures that will allow them to process migrants quickly.

Subject to resource constraints, national and regional contingency plans and standard operating procedures should be developed that flow from CIC national policy and should be coordinated with local federal and provincial government agencies.

Reception and Processing

During the first marine arrival in July 1999, CFB Esquimalt was given less than 12 hours' notice to establish a secure processing centre to temporarily house migrants and enforcers. The facility selected was the Work Point Barracks Gymnasium, located near military and public housing. DND quickly converted the facility to support CIC administrative processing, medical assessments, RCMP interviews and CIC enforcement interviews, and to provide temporary housing and dining arrangements until the refugee determination process could be completed. CIC and RCMP personnel commended DND for its rapid and professional response.

The public and some DND personnel expressed concern about locating the processing centre near civilian and military housing. This location made it difficult to ensure the security of the facility and the safety of individuals involved in the operation. Inside the facility, there was insufficient space to perform many of the second response functions and the following issues arose:

- difficulty in controlling access;
- problems related to the fact that the site was not originally set up as a detention or housing facility;
- lack of privacy for migrants, IRB and legal counsel during the determination process;
- difficulty in conducting on-site hearings; and
- easy access of the site to public and media view.

After the fourth boat arrived, CIC, DND and Public Works and Government Services Canada (PWGSC) constructed a more permanent facility inside the base that was more secure and secluded from the public and military housing areas. This facility was maintained for several months and then dismantled after the shipping season ended.

Then CIC entered into an agreement with B.C. Corrections to convert one of the wings of the Vancouver Island Regional Corrections Centre into a permanent reception and detention facility capable of housing 300 migrants and support staff. The conversions and upgrades to this facility cost approximately \$1 million. CIC paid an additional \$400,000 annually to maintain the facility and ensure it was available to CIC, if required. In October 2001, CIC stopped funding this facility as part of the contingency planning process.

The decision to stop funding the reception and detention facility was based on the need to strike a balance between financial considerations and the risk of other boat arrivals. Since no known additional large-scale marine arrivals had occurred in the previous two years, boat arrivals were deemed a lower priority. Scarce resources made it financially unfeasible to maintain a facility that was not in use and the resources were re-allocated to more immediate priorities.

Since there is currently no facility available to process mass marine arrivals on the West Coast, the location of such a centre is an issue for consideration. If such a facility is deemed necessary, its location could be on Vancouver Island or on the B.C. Lower Mainland. The facility could also be a multi-purpose processing facility that could handle other types of arrivals (air, cross-border) and still manage mass arrival operations. A temporary processing centre could also be co-located with a detention facility. Risk

management considerations would inform any decision. Risk management options include minimizing risk by having in place reception and processing options that can be implemented quickly, avoiding risk by having a permanent facility or accepting risk by having no contingency measures in place.

Recommendation

2. CIC should consider using a risk management approach in determining what kind of contingency plan, if any, should be made regarding reception and processing facilities. If CIC decides to set up such facilities, it should consider the advantages of various options in terms of cost, efficiency and logistics before determining the type and location of the facilities.

Guard Services

Other lessons learned were identified during discussions concerning second response processing. CIC regional staff and the RCMP determined that using the RCMP to provide security services was a misuse of their services, as their skill sets relate to policing rather than to guarding. Although using the RCMP was judged to be the only solution at the time, interviewees felt that the security needs of a low-risk population of migrants could have been met using a more cost-effective security service. As a result, in future marine arrivals operations, the RCMP should only be used as part of the initial interdiction team and as investigators dealing with criminal matters. By the time the fourth boat arrived, CIC was planning to train and employ commissionaires as guards. B.C. Corrections also indicated that it could provide guard support, with appropriate notice.

Following the 1999 experience, CIC engaged commissionaires to provide security and transport services required to process migrants. CIC trained 200 commissionaires to the standard needed to ensure the security of potential marine arrivals. Commissionaires were paid on a standby basis to guarantee that security personnel would be available, if required. No known marine arrivals occurred and the commissionaires were released from standby duty at the end of the summer of 2000. Currently, CIC has no agreement or memorandum of understanding with any provider to meet security needs related to mass marine arrival reception and processing.

Recommendation

3. CIC should consider entering into a contract or standing offer with a security service provider to ensure that the security and safety needs of future marine arrivals are met.

Medical Triage

An integral part of second response was medical triage. DND provided the initial medical support. However, as it became apparent that more boats would be arriving, CIC engaged a private company for medical support. The private medical company operated under the guidance of the Medical Health Officer of B.C. to deliver medical services to the migrants.

The private medical services provider has developed a draft document entitled *Refugee/Immigrant Health: Roles and Responsibilities—Current Process*. This document outlines the steps in dealing with immigrant and refugee medical care, as well as the roles and responsibilities of various departments and agencies when they operate under the arrangement mentioned above. This document was used successfully to guide the medical processing of container migrants in the summer of 2000.

At the time of this writing, CIC had no agreement in place with any public or private organization to meet the medical needs of mass marine arrivals. Having an agreement in place would create a more effective medical assessment and treatment system for the migrant population. This would decrease the risk of any medical incident occurring while the migrants are processed and would help ensure the health and well-being of Canadians if migrants were released into the general population.

Recommendation

4. It is reasonable to assume that DND would not be able to support medical triage for mass arrivals in the future. Consequently, CIC should pursue alternative ways of supporting the initial and long-term health needs of detained migrants.

To make it simpler for CIC, partner agencies and service providers to integrate their processes, CIC should consider options for revising current policies and operating guidelines for immigrant and refugee medical care, based on experience gained during the marine arrivals. A common process and an awareness of roles and responsibilities of the various departments and agencies involved in the medical care of migrants would expedite the medical triage process for marine arrivals and facilitate accurate medical processing.

Bonds

Most migrants from the first boat were released after a guarantor posted a bond to ensure they would report for the hearing process. Bonds proved to be an ineffective deterrent to flight, as all the migrants on the first boat fled and forfeited their bonds. CIC investigators suspected that many of those posting bonds had connections to smuggling organizations. It is suspected that most of the migrants fled to the U.S. with the assistance of human smugglers. As a result, CIC quickly reacted and abandoned the use of bonds after the first arrival and detained subsequent migrants.

Recommendation

5. CIC should not use bonds for any future marine arrivals, as they have proven to be an ineffective deterrent to flight.

Migrants' Access to Legal Aid

Due to the nature of the operation, it was difficult to provide legal aid to migrants quickly. The provision of legal aid was further complicated by the selection of Prince George as the third response detention centre.

With the cooperation of the B.C. Bar Association and B.C. Legal Aid, CIC and the IRB were able to create a system allowing lawyers to represent blocks of clients, rather than individuals. This system greatly facilitated migrant processing and, in most cases, gave migrants access to legal aid in the time frame required by policy.

The decision to have lawyers represent blocks of clients required extensive communication and collaboration between CIC, the IRB and B.C. Legal Aid. During the initial processing of the marine arrivals, the lack of established procedures for access to legal counsel was part of the reason that several migrants were not processed in the required time frame.

Recommendation

6. CIC should examine options for providing legal aid to migrants in a more efficient and timely fashion.

Detention

The normal CIC process and release policy were applied to the first boat. All the migrants released from this boat failed to appear for their refugee determination hearings and reportedly entered the United States clandestinely. For subsequent boat arrivals, CIC determined that the migrants were a potential flight risk. Consequently, CIC began detaining the migrants. Almost all of those detained were eventually removed from Canada.

The success of the marine arrivals operation was, in part, credited to the decision to detain the migrants. Detention proved to be an effective enforcement tool that prevented migrants on the last three boats from fleeing, and ensured that the detainees were available for all proceedings and removal, as necessary. Detention combined with removal deters smugglers if migrants see that efforts to reach North America end in failure and if smugglers are unable to realize their profits.

CIC has embedded the use of detention in a draft national policy document created since the marine arrivals. By detaining illegal and undocumented migrants who appear to pose a potential flight risk, CIC can increase the integrity of the refugee determination process. However, the ability to apply detention policy effectively depends on having access to appropriate detention infrastructure, including facilities, and trained personnel to support the policy.

Recommendation

7. CIC should continue to use detention as one tool to counter the risk that irregular migrants may flee. Based on experience and intelligence assessment, CIC should develop guidelines for assessing flight risk.

Location and Cost of Detention

Detention proved to be a costly deterrent. The total cost of operating the Prince George facility was over \$19 million. The total cost of housing, feeding, educating and supervising the 131 unaccompanied minors was an additional expense for CIC and the B.C. Ministry of Children and Family Development. In addition, the B.C./Yukon Region invested an additional \$1 million in a processing and semi-permanent detention facility at the Vancouver Island Regional Corrections Centre in Victoria.

Interviewees indicated that B.C. Corrections personnel did an excellent job of operating and managing the migrant population. Criticism from CIC and its partners arose, however, over the location of the facility in Prince George. The location required CIC staff, legal staff, the RCMP and IRB personnel to travel long distances to perform their duties. The distance between Vancouver and Prince George caused additional expense and increased the time it took to process the migrants.

All those interviewed who had been involved in the detention process felt that future detention facilities should be located in or around Vancouver, where a support system and resources exist, thus reducing travel needs and costs. There was also general consensus that some form of permanent facility was required in the Lower Mainland. Cost, however, was a mitigating factor.

Recommendation

8. CIC should consider studying potential detention options in the Lower Mainland to determine the most cost-effective and efficient way to detain migrants who are deemed flight risks. (See the “Reception and Processing” section of this report, and Recommendation 2, which concerns risk management.) The results of the study could be used to guide detention policy and procedures. The study should examine, among other topics, existing closed detention facilities that could be modified for CIC use and options that could be implemented on short notice.

Alternatives to Detention

Detention policy should be guided by the fact that detention requires significant CIC and IRB resources, given the need for facilities and regular detention reviews. Moreover, detention represents a serious limitation on the personal freedom of individuals and must be used with great care. If detention is not the favoured option, then CIC could examine other options to ensure that undocumented refugee claimants report for their refugee hearings. Interviewees raised a number of alternatives to detention in a holding facility, including electronic monitoring.

Recommendation

9. CIC should thoroughly study various detention options and alternatives, as well as various technology solutions.

In determining whether electronic monitoring is a viable option, CIC would have to consider provincial implications, since the provinces have traditionally borne the social service costs associated with inland refugee claimants.

Management of Unaccompanied Minors

Management and control of unaccompanied minors was one of the most difficult issues CIC senior managers faced in 1999. During the marine arrivals operation, 131 unaccompanied minors arrived aboard the four ships. Detention was deemed inadvisable for the unaccompanied minors. They were released into the care of the province, which recognized its legislative responsibility to care for the unaccompanied minors. CIC and the B.C. Ministry of Children and Family Development (MCFD) rapidly came to an agreement concerning the housing and care of the minors. B.C. created an intensive staffing model and, after the reception process was complete, placed 115 minors in two large group homes in the Greater Vancouver area.

However, the location of the group homes was known to the media and soon became public knowledge. The minors, who were free to come and go at will from their group homes, were not protected from the influence of human smugglers. Such persons were seen loitering around the group homes on a number of occasions. Within a short period, approximately three quarters of the minors under the care of the MCFD left the group homes and reportedly crossed the border into the United States.

Since the boat arrivals, CIC has continued to encounter problems concerning effective management of unaccompanied minors. CIC continues to rely on provincial arrangements, as the care of minors is a provincial responsibility. Models vary from province to province. Some provinces house the minors in youth detention centres, while others use foster care or group homes. Even within provinces there are variations in methods of care and housing, depending on the point of entry.

Under provincial legislation, the provinces are responsible for the social service and education costs associated with inland refugee claimants, including unaccompanied minors. The federal government is responsible for providing health and emergency dental coverage for refugee claimants awaiting determination of their claims, through the Interim Federal Health program. Refugee claimants are also included in population counts for the purpose of Canada Health and Social Transfer calculations. In addition, where persons, including minors, are formally detained in provincial facilities, CIC reimburses the province for the care of detainees.

In 1999, a federal-provincial letter of agreement between CIC and the MCFD had been in place for some time. It described the basic services and support that the MCFD would provide to unaccompanied migrant children awaiting refugee determination. Funding resided within the federal-provincial transfer payments awarded to British Columbia annually and was based on a steady-state model.

When the 131 minors arrived, the Province of B.C. raised with CIC the issue of roles and responsibilities concerning unaccompanied minors. B.C. also requested additional federal funding for the support it provided to the minors under its care. After lengthy negotiations between the federal and provincial governments, B.C. received additional funds for the enhanced level of care given to the minors.

As indicated previously, when formal detainees are held in provincial facilities on behalf of CIC, CIC assumes financial responsibility for their care and support. As a result, the arrangement under which

B.C. Corrections provided detention services for the adult migrants was funded differently than the support MCFD provided to the minors. CIC negotiated a fixed-price contract with B.C. Corrections to support up to 500 adult migrants in detention, as is standard practice with service providers.

Although the care of minors is a provincial responsibility, the perception that B.C. Corrections was reimbursed for all of its detention costs, while the MCFD was reimbursed for only part of the costs of supporting unaccompanied minors, caused concern within the B.C. government.

Recommendation

10. To enhance the safety and security of minors and to maintain program integrity, CIC and the provinces should consider alternative options and locations for the housing and care of unaccompanied minors. Minors should be shielded from the influence of smugglers.

Since many unaccompanied minors flee provincial care, CIC, working with IRB, should also consider imposing terms and conditions designating residence and imposing reporting requirements for unaccompanied minors released into provincial care.

Overall, there is a need for improved cooperation and collaboration between both levels of government concerning the management and potential detention of mass arrivals of unaccompanied minors. In similar operations in the future, legal roles and responsibilities should be underlined, with an acknowledgement that, on a case-by-case basis, CIC may consider covering extraordinary provincial costs for keeping mass arrivals of minors in special care.

As in the case of the marine arrivals, this relief could apply to the cost differential between costs of regular care for a Canadian child and those for unaccompanied minors. This relief would allow provinces, where now required by individual child welfare legislation, to maintain a role as guardian for unaccompanied minors and would relieve the financial pressures associated with providing an enhanced level of care for large numbers of minors.

As mass arrivals of unaccompanied minors are unusual, CIC should also consider issuing clear directions and guidelines to the regions on how to deal with large-scale arrivals of minors and provincial care arrangements. This will ensure that the regions clearly understand the roles and responsibilities of all parties involved in providing care to unaccompanied minors.

Intelligence

In a crisis, parties must share information in a secure manner if they are to respond effectively. During the marine arrivals response, security of intelligence and information exchange was identified as an issue.

In 1999, CIC intelligence capability consisted of a director and two analysts at NHQ, plus one intelligence analyst in the B.C./Yukon Region, who was responsible for all intelligence activities on the West Coast. The regional intelligence analyst reported to the regional director-general and did not have any formal links to NHQ intelligence personnel. There was no formal mechanism for sharing intelligence

information between NHQ and the Region, nor was there a mechanism for directing intelligence gathering and sharing among CIC partners.

Information Exchange

Based on a threat assessment completed in 1998, the B.C./Yukon Region was aware that a mass illegal marine arrival from the Far East could be expected. The threat assessment was used to craft a first response operation that involved a number of key federal partners. The threat assessment and subsequent intelligence updates, however, were not shared with other second and third response partners.

The intelligence infrastructure in place during the marine arrivals was insufficient to support such a large-scale operation. Consequently, information sharing with partners was somewhat inefficient. By all accounts, the single regional intelligence analyst performed remarkably well, given the circumstances. However, the analyst did not receive the support needed to manage the volume of information collected from the migrants and CIC's partners. As a result, the ability to compile, analyze and share the information with CIC's partners and with NHQ was compromised.

Over the summer of 1999, as more boats arrived and each group was processed through second and third response, more detailed intelligence was collected on individual migrants. Due to time and resource constraints, information was not always shared with the RCMP, B.C. Corrections and the MCFD. B.C. Corrections, for example, was not informed of the identity of enforcers, and as a result enforcers were initially placed in the general migrant population. It took approximately three weeks before B.C. Corrections could identify and separate the enforcers from the rest of the migrants. Similarly, the MCFD had to conduct its own investigations to discover the backgrounds of unaccompanied minors in their care. As migrants entered the third response phase, agencies and departments did not adequately share intelligence regarding the migrants.

In addition, CIC encountered difficulties in acquiring information relevant to CIC's mandate from the RCMP. The reluctance of the RCMP to share information was partially attributed to the fact that CIC was not designated as a federal investigative body and was therefore not entitled to information related to potential criminal investigations.

Moreover, since many of CIC's regional personnel lacked appropriate security clearances, DND limited access to the Maritime Pacific (MARPAK) Operations Centre and provided only low-level intelligence information to CIC. During the operation, intelligence-gathering organizations seemed to operate independently of each other, and at times failed to collaborate with their federal and provincial partners.

Since 1999, CIC has recognized the value of timely and accurate intelligence. The CIC intelligence infrastructure has grown to more than 30 people in NHQ and five intelligence analysts in the B.C./Yukon Region. This expanded intelligence capability should ensure that NHQ is better positioned to provide support to regional intelligence organizations and could increase CIC's participation in intelligence networks.

Since this study was conducted, CIC has created an Intelligence Branch. The new branch brings together divisions formerly part of other branches. It will coordinate CIC's intelligence activities and provide a focal point for contacts with outside organizations.

Recommendation

11. With regard to intelligence, CIC should clarify the roles of NHQ and the regions, intelligence information should be shared with partners and better privacy should be ensured during interviews as a means to protect sensitive information.

Security of Information

While the sharing of information and intelligence between agencies responding to marine arrivals is essential, the security of sensitive information and intelligence is also paramount. By increasing its capacity to obtain and manage sensitive information, CIC can foster information exchange while protecting the information. CIC and the RCMP are currently preparing a memorandum of understanding that should permit substantial progress in developing, analyzing and distributing immigration-related intelligence.

Security of information among migrants was also an issue. Lack of privacy at the Work Point Reception Centre, CFB Esquimalt (a large, open gymnasium), resulted in initial interviews being conducted near long lines of migrants, many within earshot. It soon became obvious that the migrants in line were listening to, and learning from, the interview process. Migrants' stories became increasingly similar, as information about the interview process was shared with those waiting to be interviewed. In addition, it was reported that the smuggling organization had sophisticated electronic equipment, and it became obvious that smugglers could monitor communication channels used by CIC's partners.

Recommendation

12. The committee should re-visit the issue of intelligence security annually, and security protocols should be updated regularly. In addition, CIC and other intelligence-gathering agencies should continue to investigate the risk that smuggling organizations may breach the security of intelligence.

External Communications

In 1999, the marine arrivals operation rapidly became a national and international media event, the scope of which was not anticipated. Print, television and radio media inundated the B.C./Yukon Region public relations unit, which consisted of one communications officer, with requests for information. Many of the media that covered the operation were not familiar with CIC's roles and responsibilities, and the legislation guiding the procedures used to process the illegal migrants. Briefing packages, background information and fact sheets did not exist to reduce this knowledge void, thus time-consuming verbal briefings on this background information were provided.

Initially, a number of different federal and provincial agencies responded to media requests for information. Each of the major participants (CIC, DND, RCMP, the Coast Guard, the B.C. government) and some NGOs (such as the Canadian Red Cross) had their own media liaisons, who worked somewhat independently of each other. At times, this resulted in some misinformation and conflicting points of view among the federal and provincial partners. Management of the media was complicated by the requirement to serve three different locations (Esquimalt, Vancouver and Prince George), and to coordinate and control multiple government communications personnel. In some cases, the media contacted employees who were not officially designated as CIC media spokespersons, which resulted in “anonymous leaks.”

By the second boat arrival, the regional communications officer was able to coordinate daily briefings with all federal communications personnel. From all reports, the regional communications officer performed very well; however, demands for services and time often exceeded the officer’s capacity to respond effectively. The Communications Branch considered contracting additional external communications personnel; however, it was felt that the learning curve for external personnel would be too steep, which in the short term would only add to the workload of the communications officer. Later in the process, a French-speaking media officer was deployed to Vancouver to assist the French-speaking media.

A national communications officer was also deployed to help the team in Esquimalt with press conferences. According to senior members of the team, that arrangement worked well. However, coordination of media relations still presented some challenges that CIC met with various degrees of effectiveness. Late in the operation, the CIC on-site commander in Prince George asked for a local media support person; however, due to a lack of experienced CIC public relations personnel, this request could not be addressed.

During the initial planning process, the B.C./Yukon Region conducted a tabletop exercise with a number of partners in January 1999. Based on this exercise, the CIC regional communications officer created a preliminary communications plan to guide the interdepartmental response. This preliminary plan helped partners develop a unified government media voice, with CIC taking the lead. During this period, a national communications plan was not in place; thus, there was an urgent need to create a unified media response from NHQ and its Ottawa-based partners. NHQ communications personnel relied extensively on the regional communication officer. Since 1999, there has been progress towards a coordinated and improved national communications response; however, as of this writing, there was no comprehensive national plan.

Regarding CIC communications with lead departments and agencies, as the number of migrants increased, it became difficult to meet information requirements accurately and quickly. Each department had different and high volume information requirements at various stages of the operation. The lack of adequate record and information management processes and systems made it difficult to obtain the appropriate information at the proper time. Significant improvements were in place by the time the fourth boat arrived, as an individual was assigned to records management, and a record keeping system and central storage process had begun to develop. Currently, there are no plans in place to foster cross-departmental migrant record and information management.

Based on the 1999 experience, the CIC Communications Branch learned the importance of a rapid response capacity for external communications. Based on our interviews, CIC should consider the following issues.

Recommendations

13. To support the maintenance and currency of these communications plans, CIC should conduct annual meetings of all relevant federal communications personnel to review and update these plans.

During future operations, the CIC regional communications officer should be co-located with the CIC on-site commander to ensure consistency in the information provided to the media and the public. Better intradepartmental media coordination mechanisms should also be put in place.

14. CIC's Communications Branch should consider creating a Web site targeted at the national and international media to provide them with information and to reduce the amount of time and effort required to deal with them.
15. CIC should consider, during any future marine arrivals operation, immediately assigning a records and information management officer to control, coordinate and store all appropriate migrant records.

CIC Command and Control

Strong leadership and dedicated managers overcame the lack of a structured command and control system. In the context of the 1999 marine arrivals operation, command and control systems and processes included the following:

- the ability to communicate and coordinate with federal and provincial partners and between regional headquarters and NHQ;
- the decision-making process employed during the operation;
- the need to analyze and distribute operational information in a timely fashion;
- the ability to plan and execute logistical strategies to support the operation;
- the ability to assess risk and establish priorities; and
- the ability to seamlessly integrate CIC operations with partner operations.

As the lead agency, CIC had to rely on DND, the Coast Guard and the RCMP to provide adequate command, control and communications facilities to support marine arrival operations. This was understandable given the size and scope of the marine arrivals, and the relatively limited CIC resources in the Region.

In 1999, the RCMP, DND, the Coast Guard, and other provincial agencies and departments used a command and control system called the Incident Command System (ICS). It is used both regionally and nationally by various departments that have responsibility for mounting and managing field operations. The use of a common system enables interdepartmental collaboration. ICS is required because “the complexity of incident management, coupled with multi-agency and multi-functional involvement on incidents, means that a single standard incident management system should be used by all emergency response disciplines.” (Justice Institute of B.C.).

Since CIC personnel were not familiar with ICS, it was difficult for staff to follow the logic partner organizations used to make plans and decisions. This fact, in some cases, resulted in miscommunication that caused additional time and effort to be expended and could have created a safety problem, especially during interdiction operations on water. In addition, communications equipment was not always compatible between partner departments and agencies. CIC had no standard operating procedures for working with other departments and, unlike the major partners, had no experience in a high-intensity, round-the-clock, rapidly changing operations environment. Initially, CIC did not have the personnel to operate on a 24-hour, seven-day schedule, until additional employees were deployed from other offices. Even with extra personnel, CIC regional managers worked extraordinarily long hours. The fact that they performed so well, from all interviewees’ perspectives, can be attributed to the dedication of CIC personnel.

During the second and third response, CIC regional staff established a coordinating cell that was split between CFB Esquimalt and Vancouver. Staff members at NHQ observed that it was often difficult to get timely and accurate information and data from the Region, since several managers shared responsibility for operational and logistical response.

In 1999, NHQ did not establish a situation response centre but reacted to the marine arrivals by forming ad hoc committees. Decisions within CIC were made by consensus—when senior executives around the table agreed, a decision moved forward; if they did not agree, a decision was often deferred. At times during the operation, several branches within NHQ were dealing with the same issues (such as detention policies and procedures) and coordination could have been improved. The assistant deputy minister (operations) was designated as the lead and convened an NHQ committee consisting of the relevant directors general, certain directors and supporting staff. Up to 30 senior personnel often attended the daily operations meeting and conference call with the B.C./Yukon Region. At times, decisions and guidance provided to the Region during the meetings conflicted with existing policies and procedures.

There was a range of opinion on how well the unstructured consensus approach to crisis management worked, given the circumstances. While NHQ felt it had worked well, the Region thought that a more structured approach would have served its purposes better. It was reported that decisions were often taken and direction provided with minimal data or with minimal NHQ staff investigation. From senior departmental management’s perspective, the attendance of up to 30 senior staff at a two- to three-hour teleconference kept all senior management informed and ensured that a full range of departmental expertise was readily available to provide input on decisions in a fast-paced crisis environment.

Interviewees told the study team that, partially due to the experiences of 1999, CIC used a more structured national command and control system to respond to the Kosovo situation and the events of September 11. In these situations, CIC established a situation response centre to coordinate the response and to act as an information clearinghouse. NHQ made decisions and provided guidance to regions based on timely NHQ staff assessment and input to senior managers directing the activities. This system was considered more effective than the consensus management system used in 1999.

CIC developed the plan for a dedicated operations centre after the marine arrivals of 1999 and successfully implemented it in response to September 11, when approximately 50,000 people were diverted from U.S. airports into Canada. The plan is in place, but the dedicated operations centre is not, due to lack of financial resources. Consequently, CIC may face difficulty in planning and responding to future emergency operational events.

Recommendation

16. CIC should consider creating a formal operational control structure that employs a recognized command and control process, such as the Incident Command System (ICS).

If CIC determines that there is a high enough probability of future large-scale operations requiring a coordinated national response, then the Department should consider developing an operational capability for emergency responses that would include the following:

- the establishment of a standard operating capability at both the national and regional level that would include operational planning and coordination;
- liaison with CIC partners before and during operations; and
- assistance for CIC senior managers in the planning and coordination of special operations, such as G8 conferences.

Participation in the Operational/Guiding Committee should be defined by the specific situation or crisis being addressed. Committee members, to the extent possible, should avoid making instant decisions or providing instant direction, unless there are issues of safety involved. Time should be allocated in which the committee members can consult with their staff and properly research (in a timely fashion) responses to the issues.

During the operation, CIC's partners established operations centres with dedicated personnel to process information, assist in the control of the operation, and act as a focal point for Incident Commanders and staff at all levels. NHQ should consider establishing policies and procedures to support the deployment of an effective national command and control system that could be used anywhere within Canada. The command centre could support a variety of local, regional and national operations and major incidents such as mass marine arrivals, or illegal air arrivals that need the support of an extended command and control system.

Related to this issue is the need to standardize communications equipment and communications procedures among partner agencies that may be supporting the CIC lead operation. There is a need to implement and regularly conduct local, regional and national command and control exercises with partner agencies to test the SOPs and communications process.

Personnel Resources

Operational workload during the marine arrivals required the B.C./Yukon Region to deploy personnel from their regular duties to support the operation. Personnel were seconded from other district offices within the region, summer leaves were cancelled and CIC personnel were often required to work 12 to 14 hours per day, seven days a week. In order to be available 24 hours a day, some managers slept in their offices.

The operation occurred during the peak operational period, due to tourism and the traditional annual leave period. As a result, CIC personnel were already working at full capacity when the boats arrived and regular enforcement operations in the B.C./Yukon Region had to be curtailed.

Attempts were made to temporarily deploy personnel from other CIC regions; however, it was very difficult to identify available enforcement staff. The regions were facing the problem of contributing staff to aid the response while meeting their own operational priorities with limited staff. As a result, the B.C./Yukon Region often did not know whether essential resources could be secured at critical points of in the operation. Often, resources were identified just days before their services were needed.

Furthermore, enforcement staff members who were deployed to assist in the marine arrivals operation were only available for a short period. By the time the personnel were informed enough to help process the migrants, they had to return to their permanent positions. The rapid turnover and the time and effort it took to garner support from the other regions had a negative impact on the efficiency of operations.

For some short-term relief, CIC Human Resources contracted some recently retired CIC immigration officers to support the operation. However, at the height of the crisis, there were no more than six available.

By the time the fourth boat arrived, CIC personnel were suffering from fatigue due to working in a stressful environment over an extended period. There is general consensus that if a fifth boat had arrived, many personnel would have been unfit to perform, as human resources were stretched to the limit and additional resources were not available.

Recommendation

17. CIC should explore the possibility of developing a process to re-allocate human resources across regions in a timely fashion to support unanticipated national operations. As part of the planning process, regional offices might identify in advance resources that could be made available in the event of a crisis, while maintaining their own operations as much as possible.

Interpreters

Interpretation services are a key to effectively processing migrants during an emergency response operation such as the marine arrivals. Interpreters interact very closely with migrants and are a critical interface between officials and migrants. Due to the crisis nature of the marine arrivals operation and the large number of migrants to be processed, the need for qualified interpreters was difficult to meet. During the operation, the quality of interpretation and the experience of interpreters varied widely. Some interpreters claimed more experience than they actually possessed. Others were suspected of sympathizing with the migrants and may not have provided accurate translations.

This, in turn, had legal ramifications regarding due process, as well as communication of relevant and pertinent information to the migrants. The risk of a migrant being inappropriately processed due to ineffective interpretation or miscommunication was increased because of the large volume of qualified interpreters required.

Most interpreter issues that arose during the processing (conflict of interest, lack of skill or knowledge) were dealt with immediately. Due to the inconsistent quality of the interpreters' interaction with the migrants, staff spent additional time verifying the accuracy of information provided by interpreters.

The B.C./Yukon Region recognized this problem and over the past two years has pre-screened and security cleared approximately 60 Mandarin- and Cantonese-speaking interpreters. However, if mass arrivals of other nationalities occur in the Region, CIC may face similar interpretation problems.

Recommendation

18. CIC should consider creating a national pool of pre-screened interpreters who would be available in emergency situations. Each interpreter would be required to obtain a security clearance. CIC may be able to share costs by partnering with other federal departments and the Translation Bureau of PWGSC to share interpretation resources across the country. This would result in a large body of qualified, security cleared interpreters across Canada.

Regional Legal Counsel for Operational Managers

Legal advice was essential throughout the 1999 marine arrivals operation. CIC received all of its legal advice from Department of Justice Canada lawyers located in Ottawa, Toronto and Vancouver. Government legal counsel was not on site during the initial processing at CFB Esquimalt or at the detention facility in Prince George. According to the Region, the lack of a clear command and control structure at NHQ resulted in some missteps in processing the boat arrivals.

In addition, regional managers were operating without clear or up-to-date policy to guide the legal execution of their duties. Circumstances often required management to create policy and supporting procedures quickly. Modified policies and procedures were not vetted by legal counsel in all cases before being implemented, and protocols were not always followed correctly.

Recommendation

19. The assigned legal counsel should be located in the processing and detention centre, and serve as the single point of contact for all legal issues.

Contingency Planning: A Recapitulation

In late 1998, based on the intelligence available, the B.C./Yukon Region recognized the possibility of mass marine arrivals from Asia and began to develop a contingency plan. In January 1999, before the first marine arrivals, the B.C./Yukon regional office in Victoria conducted a joint planning session on the marine arrivals first and second response processes with potential partners, such as the RCMP, DND and the Coast Guard. In addition, CIC established a Marine Response Team, which received training at the Canadian Forces Fleet School Esquimalt. In the planning session, the various agencies discussed ways they could cooperate if a mass arrival occurred. It was no coincidence that the response to the first marine arrival in Nootka Sound mirrored this training exercise. That response was the result of effective planning.

All interviewees said that the operation might have been chaotic without this prior planning session. As a result of the B.C./Yukon regional initiative, many of the key players had an opportunity to work together and to begin their own initial planning. The successful, timely and safe response to the first and subsequent marine arrivals attests to the success of the Region's advance planning and preparation. Operations and procedures improved as the summer progressed, and migrants from boat four were processed much more smoothly than those from boat one. Most interviewees reported that the learning and experience captured by CIC B.C./Yukon Region and other agencies in developing their contingency plans should not be lost.

After the operation, CIC and partners expended resources to further develop contingency plans. In late 1999, the B.C./Yukon Region continued its contingency planning initiative. Regional staff conducted a lessons learned session with their major partners and produced the *Summer of the Boats* lessons learned report. That report was produced from a regional perspective and framed most of the contingency planning activities over the subsequent two years.

In early 2000, the CIC Victoria office convened a meeting of marine arrivals participants and partners. This meeting resulted in a list of lessons learned to guide future response operations. Following the meeting, many partners expected CIC to coordinate further operational planning exercises to test the plan and related operating procedures. To date this has not occurred.

Contingency planning should be supported by training for participants, to maintain knowledge and skills at a level of preparedness that would facilitate an efficient and effective response. Training in 2000 was aimed at managers. To date, training has not been available for on-site officers, although certain interviewees felt these officers should be the focus of preparedness, given the difficult circumstances they work under.

In budget year 2000–2001, the B.C./Yukon Region placed a major thrust on contingency planning, which NHQ supported. In the past two years, no known large-scale marine arrivals have occurred on the West Coast. This reality may account for the fact that contingency planning has been given less emphasis. For example, funds to operate and maintain a West Coast processing centre were no longer available after October 2001. In 2001–2002, contingency planning and ongoing preparedness was removed as a line item from the CIC national operating budget, based on changing priorities and the need to re-allocate scarce resources to other projects. It is generally reported that there needs to be ongoing commitment and funding from NHQ to maintain a state of preparedness for marine arrivals.

Interviewees reported that CIC's partners may not, now or in the future, be able to provide the same level of support they provided in 1999. Therefore, CIC's contingency plan may not be based on up-to-date circumstances or on existing partner resources. DND, for example, has shifted to a more international operational basis and thus has limited ability to support civilian authority and marine interdiction operations. In addition, the B.C. government is projecting very significant downsizing, so agencies and programs that existed in 1999 may not exist to help CIC in the future.

The 1999 response was effective because all potential federal partners had produced, updated and tested initial contingency plans. Marine arrivals contingency planning is now considered a lower priority, based on the decreased threat over the past two years and funding constraints. However, not all interviewees agreed that the threat has decreased. It is recognized that contingency planning has very significant costs and is time consuming. These facts are particularly relevant to CIC, given the lack of resources and more pressing priorities within the department.

Contingency planning is not an exact science. It is difficult and expensive to plan for an event that may or may not occur, or may occur at a lower, similar or much greater magnitude than the event that occurred in 1999. Contingency planning is done to prepare for a theoretical or possible future event, not to deal with a known certainty. It can become a very expensive or unaffordable insurance plan that may never be used.

As a result, CIC needs to balance the risks and the financial considerations. Periodically, CIC should consider conducting a formal risk assessment based on current intelligence data, applicability of the contingency planning of 2000–2001 to the current situation, current resources, capabilities and commitments of CIC's partners, developing international events and so on. If it is determined that the risk is sufficient to merit the expense, CIC may wish to consider the following issues.

- Without an effective and up-to-date plan, there is a higher risk of operational failure.
- Contingency plans should be updated and regularly tested. The plan is usually assessed through tabletop exercises. Since the plan is, of necessity, fluid, due to changes in personnel, in circumstances, in legislation or in policy, CIC needs to conduct annual tabletop exercises with all key partners so that the plan can be adjusted to reflect the current situation and actual circumstances.

- Regular professional development training is needed. Training packages could be developed that include occupational and safety guidelines, as personal safety issues were reported as being paramount, particularly in the first response phase. Desktop exercises are required to validate the effectiveness of contingency planning and training to identify which areas in the plan may require adjustments.
- The contingency planning process should include all potential partners, both federal and provincial. Further, interviewees said that joint training sessions (such as MRT training) with representation from all key partners were necessary to ensure a safe operation and to understand how partners will respond to different scenarios.

Overall Recommendation

All the preceding recommendations relate to standard elements of processing irregular mass arrivals. It would be appropriate to consider them in the context of a comprehensive contingency plan.

SECTION 5.0

Other Issues to Consider

Throughout the study, interviewees raised other issues. These issues were not considered lessons learned; however, they were considered significant enough to include them in this study. This section describes the issues that a number of the study participants supported or mentioned.

Strong leadership was a theme that all interviewees raised consistently. All participants, including CIC's partners, recognized that the senior management team in the B.C./Yukon Region demonstrated effective leadership and superior management skills in responding to the crisis. The manager of the Victoria CIC office was the officer in charge of the first and second response and was considered to have demonstrated excellent leadership skills, professionalism and dedication throughout the operation.

During the study, many interviewees commented on the length of the refugee determination process. The average adult migrant was detained for approximately nine months. The longest was detained for up to 14 months. Most detained migrants were removed from Canada after they had exhausted their appeals process. The length of detention was directly attributable to the time-consuming refugee determination process. The location of the detention facility (Prince George) and the limited resources available increased the time needed to complete the process. A number of interviewees recommended that CIC and the IRB find ways to shorten the process, thus reducing the overall cost.

ANNEX A

Number of Interview Per Organization

Organization	Location(s)	Number of Interviews
B.C. Attorney General	Prince George, Vancouver, Victoria	3
B.C. Child Protection Branch	Vancouver, Victoria	2
B.C. Ministry of Health	Vancouver	1
B.C. Immigration	Victoria	1
B.C. Legal Aid	Vancouver	2
CIC	NHQ	14
CIC	Atlantic Region	1
CIC	B.C./Yukon Region	13
Coast Guard	Victoria	1
Canada Customs	Victoria	1
Correctional Service Canada	Ottawa	1
Health Canada	Victoria	1
DND	Victoria	3
IRB	Vancouver	4
Department of Justice Canada	Vancouver, Ottawa	2
NGO – Legal	Vancouver	1
NGO – Storefront Orientation	Vancouver	1
RCMP – E Division	Courtenay, Vancouver, Victoria	4
Canadian Red Cross	Victoria	2
	Total	58