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Report of the
**Auditor General
of Canada**
to the House of Commons

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Chapter 5
Citizenship and Immigration Canada—
Control and Enforcement

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The April 2003 Report of the Auditor General of Canada comprises seven chapters, a Message from the Auditor General, and Main Points. The main table of contents is found at the end of this publication.

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Chapter

5

Citizenship and Immigration Canada
Control and Enforcement

All of the audit work in this chapter was conducted in accordance with the standards for assurance engagements set by the Canadian Institute of Chartered Accountants. While the Office adopts these standards as the minimum requirement for our audits, we also draw upon the standards and practices of other disciplines.

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Citizenship and Immigration Canada Control and Enforcement

Main Points

5.1 There is a growing but unknown number of people who remain in Canada despite Citizenship and Immigration Canada's having issued a removal order against them. The gap between removal orders issued and confirmed removals has grown by about 36,000 in the past six years. This does not necessarily mean that this number of people remain illegally at large in Canada—some may have left without reporting their departure. However, it does indicate that the Department is falling behind in removing people.

5.2 An evaluation of the immigration secondary examination process in 1994 concluded that it was only 50 percent effective at controlling inadmissible travellers. No subsequent evaluation has been done or is planned.

5.3 Citizenship and Immigration Canada has invested in developing the National Case Management System. The System can be a valuable tool that significantly improves officers' ability to manage enforcement cases that involve investigations, detentions, and removals. However, the Department has not routinely used some key information to manage those activities, or it has found that the information was not readily available. The Department plans to replace existing systems with the new Global Case Management System by 2005, but currently, the project is behind schedule because of delays in contractor selection. The Department needs to continue to improve its current systems in the meantime.

5.4 The ability of immigration officers to detain travellers at their discretion is a key control in the enforcement program. We are concerned that lack of available space and tight budgets are affecting detention decisions. Also, the Department's policy on detaining travellers who lack proper identification is not clearly understood by staff who have to apply it. There are also no data available on the number of people detained for this reason.

5.5 Overseas, Citizenship and Immigration Canada has established a network of immigration control officers that works with airlines to help identify people attempting to travel to Canada with improper or false documents. This function has worked well and the Department has added to the number of immigration control officers and expanded the role they play.

5.6 Although both Citizenship and Immigration Canada and the Canada Customs and Revenue Agency play critical roles in controlling access to Canada, there is no up-to-date memorandum of understanding between the Department and the Agency that would establish, among other things,

performance standards and a means for monitoring performance. Our Office has commented repeatedly on this since 1985.

5.7 At ports of entry in Canada, customs officers first deal with travellers on the primary inspection line. The officers decide whether a traveller should be referred to a secondary examination by Citizenship and Immigration Canada. Citizenship and Immigration Canada has no system to evaluate the performance of the primary inspection line. A previous evaluation showed that the primary inspection line was not very effective because it allowed into Canada too many people who should have undergone a secondary examination. Some major technological improvements were subsequently made to the tools available to the primary inspection line, such as direct access to the immigration database. However, the Department has not undertaken a recent evaluation to see whether the effectiveness of the primary inspection line has improved, and none is planned. The Department recently collected information that indicates there is still a need to measure systematically the effectiveness of the primary inspection line at identifying and referring potentially inadmissible travellers.

Background and other observations

5.8 Citizenship and Immigration Canada has a difficult task—it must balance the competing demands of facilitation and control. They are both important. The Department must welcome legitimate travellers into the country and prevent the entry of those who are inadmissible. This audit examined control and enforcement activities and did not examine the activities related to facilitation.

The Departments have responded. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency have agreed with our recommendations. Plans and actions they have underway are indicated in their responses in the chapter.

Additional observation. Subsequent to our audit, Citizenship and Immigration Canada and the Canada Customs and Revenue Agency signed an updated memorandum of understanding.

Introduction

5.9 Citizenship and Immigration Canada was established in 1994. Its mission is to ensure that the movement of people into Canada and their membership in Canadian society contribute to Canada's social and economic interests, while protecting the health, safety, and security of Canadians. The Department organizes its activities according to four strategic outcomes (Exhibit 5.1).

5.10 The Department's headquarters are in Ottawa. Citizenship and Immigration Canada has offices in five regions across Canada, and staff in some 90 embassies and consulates overseas.

Coming to Canada

5.11 Not all travellers to Canada require a visa. For people living in countries whose residents require a visa to enter Canada, control and enforcement activities begin overseas. People who want to enter Canada must go through the visa application process and further checks for identity before arriving in Canada.

5.12 Once at a port of entry in Canada, travellers are initially interviewed by Canada Customs and Revenue Agency officers at a primary inspection line. These officers refer travellers to immigration officers for a secondary examination, if required. At smaller land border sites that do not have any immigration officers on site, customs officers conduct primary inspection line interviews and may refer travellers to other ports of entry or perform secondary examinations with assistance from immigration officers at other ports (Exhibit 5.2).

Exhibit 5.1 Planned spending — and how many people it takes to do the job

	Planned spending (\$millions)	Full-time equivalents	Planned spending (\$millions)	Full-time equivalents	Planned spending (\$millions)	Full-time equivalents
	2002-03		2003-04		2004-05	
Strategic outcome						
Maximizing the benefits of international migration	\$146.9	1,638	\$145.5	1,622	\$141.0	1,625
Maintaining Canada's humanitarian tradition	\$111.2	195	\$100.0	192	\$100.1	203
Promoting the integration of newcomers	\$334.6	556	\$332.4	556	\$330.2	555
Managing access to Canada	\$366.8	2,796	\$340.1	2,708	\$313.5	2,548
Total	\$959.5	5,185	\$918.0	5,078	\$884.8	4,931

Source: Citizenship and Immigration Canada

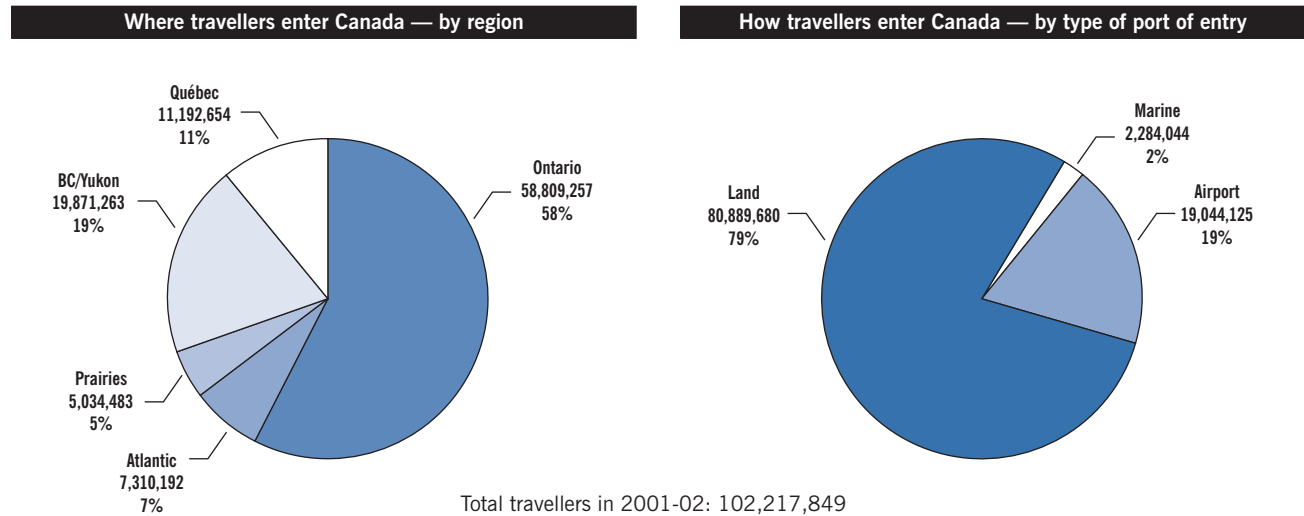
Exhibit 5.2 Ports of entry with on-site immigration staff



Source: Citizenship and Immigration Canada

5.13 Most people enter Canada through Ontario. Almost 80 percent of people entering Canada in 2001–02 did so by land (Exhibit 5.3).

Exhibit 5.3



Source: Canada Customs and Revenue Agency

The Immigration and Refugee Protection Act

5.14 In 2001, Parliament passed the *Immigration and Refugee Protection Act*. This was the first major overhaul of the *Immigration Act* in some 25 years. The preparation and passage of the new legislation was a major preoccupation of senior managers in the Department for the past few years. Following extensive consultations with Canadians, the Department prepared a document in 1999 that served as the basis for discussion with the provinces, federal partners, and Canadians. Parliament passed the *Immigration and Refugee Protection Act* in the fall of 2001, with most provisions coming into effect on 28 June 2002.

5.15 Once the Act was passed, Citizenship and Immigration Canada drafted new regulations and made the necessary changes to operating policies, guidelines, and support systems before the June 2002 deadline. To prepare for the Act, the Department conducted extensive training of its own officers and of customs officers at the primary inspection lines at ports of entry.

Conflicting demands

5.16 The Department has a difficult task, balancing the competing demands of facilitation and control. They are both important. The Department must welcome legitimate travellers into the country and prevent the entry of those who are inadmissible. It is a difficult balance.

5.17 The Canadian Charter of Rights and Freedoms. In 1985, the Supreme Court of Canada decided that the guarantees set out in section 7 of the Charter (namely that everyone is entitled to life, liberty, and security) apply to everyone in Canada, not only citizens, permanent residents, or other persons lawfully in Canada. Once individuals are in Canada, including at ports of entry, section 7 of the Charter applies regardless of the legality of the method of entry. Further, the Supreme Court decided that the principles of fundamental justice required an oral hearing for claims of refugee status even where there is a serious issue of credibility. The Charter gives additional rights to everyone in Canada, such as the right not to be detained without just cause, the right upon arrest or detention to be informed promptly of the reason, and the right to retain and instruct counsel without delay. These rights have a far-reaching impact on immigration control and enforcement activities. When conducting examinations at ports of entry, officers must ensure that they afford individuals all their Charter rights.

Additional funding for security

5.18 The events of 11 September 2001 continue to have a major impact on departmental planning and operations. In December 2001, the government tabled a budget that provided public security and anti-terrorism funding of \$7.7 billion for 2001–02 to 2006–07. According to the 2001 federal Budget, several federal departments and other organizations will receive funding to “build personal and economic security by keeping Canadians safe, terrorists out and our borders open and efficient.”

5.19 Citizenship and Immigration Canada’s planned share of this additional funding for 2001–02 to 2006–07 is \$639.4 million. The Department’s planned major funding commitments are for improving screening (\$196.8 million), building intelligence capacity (\$131.2 million), managing enforcement activities within Canada (\$154.0 million), and replacing the IMM 1000 form with the new permanent resident card that has modern security features (\$157.4 million).

5.20 Our Office intends to report in 2004 on the additional public security and anti-terrorism funding and how it was spent.

Secure and smart border plan

5.21 Citizenship and Immigration Canada is playing an important role in the government’s joint control efforts with the United States. In response to the events of 11 September 2001, the Canadian and U.S. governments issued the *Joint Statement on Cooperation and Regional Migration Issues* and the 30-point *Action Plan for Creating a Secure and Smart Border*. Citizenship and Immigration Canada has the lead for Canada on 10 of the points:

- **biometric identifiers**—developing common standards for the biometrics the two countries use and compatible technology to read the biometrics;
- permanent resident cards—replacing the Canadian IMM 1000 form;
- refugee/asylum processing—screening for security or criminal risks and sharing information;

IMM 1000 form—The record of landing document that overseas immigration officers would give to immigrants before they travelled to Canada.

Biometric identifiers—Physical features that are unique to an individual—fingerprints and retina scans, for instance—and that are used to verify an individual’s identity.

Lookout information—information that alerts officers to question travellers more thoroughly.

- managing refugee/asylum claims—negotiating an agreement to manage the flow at land borders of individuals seeking asylum;
- visa policy co-ordination—consulting between Canada and the U.S. when reviewing a third country to decide if visas should be required or not;
- joint passenger analysis units—locating customs and immigration officers of both countries at selected major airports together to cooperate in identifying high-risk travellers;
- compatible immigration databases—automating existing exchanges of **lookout information** and developing parallel immigration databases for regular information exchange;
- immigration officers overseas—deploying new immigration officers from both countries overseas to deal with document fraud, to be a link between airlines and local authorities, and to work with other countries to interrupt the flow of illegal migrants;
- international co-operation—providing technical assistance to source and transit developing countries that are either a source of illegal travellers or used by them while travelling; and
- removal of deportees—addressing legal and operating challenges to removal.

In December 2002 the governments issued a joint one-year status report on the Plan.

5.22 Among its significant achievements, the Department has produced the new permanent resident card to replace the IMM 1000 form. This card has a number of security features that the IMM 1000 form did not have. Citizenship and Immigration Canada also led the negotiation of the Safe Third Country Agreement with the U.S. Under the Agreement, people claiming refugee status at a land port of entry will, with some exceptions, be ineligible for a review of their claim by the Immigration and Refugee Board. The Department expects the agreement to be in effect by the spring of 2003.

Focus of the audit

5.23 The objective of the audit was to determine whether Citizenship and Immigration Canada is managing control and enforcement activities efficiently and effectively in keeping with Canadian immigration policy.

5.24 Our audit examined immigration control and enforcement activities, a component of one of the Department's strategic outcomes, Managing Access to Canada. It did not examine the Department's role in the arrival of newcomers and their integration into Canadian society. Further details on the audit are found at the end of the Chapter in About the Audit.

Observations and Recommendations

Managing access from outside Canada

5.25 In November 2001 the Department developed a common security strategy for the Canada–U.S. border. This strategy was used in Canada–U.S. discussions on how to deal with our shared borders. The strategy was expanded to become the Multiple Borders strategy that defines a border for immigration purposes as any point at which the identity of a traveller can be verified. Its objectives are to keep the Canada–U.S. border open to legitimate travellers and goods, and to identify and intercept illegal and undesirable travellers as far away from North America as possible. The strategy proposes to broaden border control away from the shared land border with the U.S. to the many, more effective, “borders” that a traveller will pass through before reaching North America (Exhibit 5.4). The Department has developed a framework to guide how it assesses risk. It has prepared an initial risk assessment for key areas abroad and is field-testing a risk framework for addressing these risks. The Department has also developed a risk management framework with the U.S. Immigration and Naturalization Service.

Exhibit 5.4 Points at which travellers can be screened for entry into Canada



Source: Citizenship and Immigration Canada

5.26 Temporary resident visas. At posts abroad, staff issue immigrant visas and temporary resident visas. (We will include issues related to immigrant visas in our May 2003 follow-up chapter on the economic component of the Canadian Immigration Program.) Temporary resident visas have three categories: visitors, students, and temporary workers. In 2002, the Department issued 788,000 such visas. It considers visas to be one of the most effective means to control access to Canada. With a temporary resident visa, a person may board an aircraft or ship. However, the final decision on admissibility into Canada is made at the port of entry. During 2001 and 2002, to ensure better control over travellers entering Canada on a temporary basis, the Department imposed visa requirements on visitors from 10 countries that were previously visa-exempt. This gave the Department the opportunity to

screen travellers from those countries before they were allowed to enter Canada. This was a factor in the decline for example, of refugee claims by Hungarians from 4,162 in 2001 to 711 in 2002, and by Zimbabweans from 2,743 in 2001 to 137 in 2002.

5.27 Processing temporary resident visas at posts abroad takes precedence over the processing of immigrant visas. At the posts we visited, Citizenship and Immigration Canada worked to grant qualified applicants their temporary resident visas as quickly as possible—usually the same day. Since 11 September 2001 there has been a growing awareness that the risks in granting temporary resident visas must be carefully weighed and managed.

5.28 We recognize that the Department cannot impose the same level of screening on potential visitors, students, and temporary workers as it does on people seeking to immigrate to Canada and become permanent residents. Our audit looked at whether the Department was following its own procedures for screening applicants.

5.29 Before immigration officers issue temporary resident visas to applicants from certain countries, the officers must request security checks by the Canadian Security Intelligence Service (CSIS). This also applies when officers have security concerns or when applicants meet specific security profiles. CSIS has 10 days to advise the post to hold the application or Citizenship and Immigration Canada may issue the visa. At its discretion, the post also advises CSIS about applications from nationals of an additional list of countries but does not need to wait for CSIS to perform a check before issuing the visa. Additional intelligence information is also gathered and used in considering applications. For example, in the area of war crimes, posts require applicants to disclose military service and this information is compared with intelligence information. In the posts we visited, we found that these procedures were being followed.

Stopping inadmissible travellers abroad

5.30 The Department recognizes that it is easier and more cost-effective to stop travellers who are inadmissible to Canada from entering the country before they board an aircraft or ship than on arrival at ports of entry. It is more difficult and expensive to remove them after entry. The officers have traditionally worked with airlines at foreign airports to help them identify people attempting to travel to Canada with improper or false travel documents.

5.31 The Department used some of its additional public security funding to increase the number of full-time immigration control officers posted abroad from 44 to 48, and plans to add another 8 full-time officers to support airline training, anti-fraud work, and intelligence gathering at several posts. In 2002, the Department also expanded the role of immigration control officers to include the gathering and use of intelligence and the identification of fraudulent visa applications—activities that officers at some posts had already begun. The Department now refers to those people as migration integrity

officers. As at April 2002, the Department estimates that, in total, 86 full-time equivalent staff were performing this expanded role.

5.32 Citizenship and Immigration Canada conducted an internal audit of immigration control officers' activities in 2001 and the main observation focussed on the time that the officers were spending on activities not related to their job, such as processing visa applications. At most of the posts we visited, the internal audit issues had been addressed.

5.33 These officers are generally effective in identifying passengers attempting to travel with improper documents. Representatives from other countries told us that they consider the Canadian immigration control officer position to be a model. Officers intercepted 6,271 people with improper documents trying to board flights abroad in 2000, 7,880 in 2001, and 5,601 in 2002.

Co-operation by airline carriers is key

5.34 The *Immigration and Refugee Protection Act* has several provisions that make carriers responsible for the removal costs of passengers arriving at Canadian airports with improper documents. However, due to the layout of large air terminals, immigration staff have not been able to consistently identify the airline on which a passenger arrived. Many people claiming refugee status destroy their documents or return them to a smuggler before their first contact with a Canadian official. Recent initiatives are aimed at solving this problem (see paragraph 5.64).

5.35 Under the Act, the Department charges a carrier an administration fee for each traveller arriving with improper documents. The Department has signed agreements with most airlines flying regular routes into Canada. It has generally not applied the same system to marine and rail carriers, although it does have agreements with six marine carriers. According to the agreements, carriers with good performance records in deterring these travellers from arriving in Canada pay reduced administration fees. Carriers without signed agreements pay \$3,200 for each traveller with improper documents. For carriers with signed agreements, that fee drops to between \$0 and \$2,400, depending on that carrier's history of arriving in Canada with travellers with improper documents on board. Airlines, in turn, agree that immigration control officers will train their staff and assist them at foreign airports in identifying passengers with improper travel documents. Immigration control officers we interviewed reported good co-operation from most airlines with agreements. Citizenship and Immigration Canada reports a high rate of collection for the administration fees assessed.

5.36 The Department does not have a system in place, however, to ensure that it consistently charges removal costs to airlines. Citizenship and Immigration Canada officials also told us that its officers do not always review an individual's file to determine if they can charge removal costs to an airline. The Department did not know the extent of the problem or the amounts it failed to charge airlines as a result.

5.37 Recommendation. Citizenship and Immigration Canada should evaluate whether current practices for charging and recovering costs are the most appropriate or whether other approaches should be considered.

Department's response. The Department agrees. A more detailed analysis is needed to confirm that officers are properly reviewing files to determine whether an airline liability exists.

Greater attention to intelligence and related activities

5.38 As part of the government's response to the 11 September 2001 attacks, the Department created the Intelligence Branch in March 2002. The Intelligence Branch defines its role as providing information and expertise on intelligence management, security, terrorism, organized crime, modern war crimes, irregular migration, and measures to prevent the use of false documents. The Branch brought together existing intelligence and case management resources at headquarters and provided a central point for sharing information with partners in the intelligence community. Citizenship and Immigration Canada has also invested in intelligence and related activities that concentrate on three main areas: increasing activities, improving screening for travellers and staff, and managing security within Canada. The Intelligence Branch maintains links to police and other government agencies.

5.39 The Branch now needs to provide increased support and direction to the regions. In the regions and at ports of entry we found that intelligence officers define their own scope of activities. The Department has provided limited guidance to those officers working at the regional and local levels.

5.40 At most ports of entry we visited, Citizenship and Immigration Canada does not provide full immigration intelligence to Canada Customs and Revenue Agency officers on the primary inspection line—who make the initial decision whether to admit a traveller. We found the following:

- Primary inspection line officers do not routinely learn of immigration trends or other general immigration intelligence.
- At land borders, Immigration's lookout system cannot automatically connect with that of the Canada Customs and Revenue Agency. Immigration's intelligence is based on personal identification, but the Agency's system at land borders is based on licence plates.

Control and enforcement at ports of entry

5.41 Ports of entry have two separate control points. Customs officers on the primary inspection line conduct the initial interview of travellers. These officers must try to control the entry into Canada of problem individuals while allowing other travellers to move easily. They may refer travellers to a secondary examination by Immigration for further interviews. Between 1998 and 2002, primary inspection line officers processed over 100 million arrivals each year. During that time they referred about two million travellers per year to Immigration for secondary examination.

The Department does not know if customs officers are referring the right people to Immigration

5.42 A 1992 evaluation concluded that the level of control exercised by the primary inspection line was low. The evaluation, which included a range of airports and land ports of entry, found that during the first study period in August 1991, primary inspection lines did not refer to Immigration 69 percent of potentially inadmissible individuals who should have been referred for secondary examination. In the second study period, November 1991, the rate had increased to 80 percent. That evaluation also found that primary inspection lines at land borders were less effective than those at airports. The evaluation's key recommendations included the following:

- The Department should consistently monitor primary inspection line performance on immigration matters.
- The Department should develop performance standards and performance monitoring indicators for the primary inspection lines.

Citizenship and Immigration Canada and the Canada Customs and Revenue Agency accepted the findings of the evaluation. We found a draft action plan for the 1992 evaluation on file but no indication of further follow-up by Immigration.

5.43 The Department has not established any targets or evaluation mechanisms for primary inspection line performance. Without these, the Department has no assurance that the primary inspection line process is referring the right people to Immigration.

5.44 In examining data on primary inspection line referrals, we inquired about recent events that temporarily changed the referral pattern in the fall of 2002. In some cases, primary inspection line staff referred all travellers or a selected group for a certain period. Although the Department did not systematically evaluate the increased referrals, information in reports collected daily from each port suggests that the much higher referral rates included a large portion of legitimate referrals. This indicates that there is still a need to measure systematically the effectiveness of the primary inspection line at identifying and referring potentially inadmissible travellers.

5.45 We also learned that contrary to Canada Customs and Revenue Agency policy, the length of the secondary immigration examination line can influence a primary inspection line officer's decision on whether to refer. When the secondary examination appears to have a backlog, primary inspection line officers may make fewer referrals.

5.46 Except at one air terminal and one land port of entry, we found no systematic feedback to customs officers at the sites we visited. Citizenship and Immigration Canada's ports of entry enforcement manual states that "immigration officers should, whenever possible, provide feedback on the results of Canada Customs and Revenue Agency referrals." Immigration officers can use this feedback to give guidance leading to a better quality of referrals from the primary inspection line.

5.47 We found some improvements made since the 1992 evaluation. For example, after 1992, primary inspection line officers at larger ports of entry began to have some access to information in the immigration enforcement database. In 2001–02, the Canada Customs and Revenue Agency implemented a new system that gives primary inspection line officers at airports access into the immigration enforcement database. Customs officers now also use the system at some land ports of entry for processing travellers arriving by bus.

5.48 Recommendation. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency should put in place a mechanism to regularly measure and evaluate the performance of the primary inspection line.

Department’s response: Both the Department and the Agency agree with the recommendation. We are currently negotiating a renewed memorandum of understanding, which will include a mechanism to measure and evaluate the performance of the primary inspection line on a regular basis.

The memorandum of understanding needs to be updated

5.49 Despite many audit observations over 15 years, Citizenship and Immigration Canada and the Canada Customs and Revenue Agency have not updated their 1983 memorandum of understanding. The existing memorandum governs the operations of the primary inspection line by the Canada Customs and Revenue Agency on behalf of Immigration, but operating practices have changed since 1983. Several past audits found flaws in the agreement (Exhibit 5.5). Despite considerable effort and consultation between the two organizations, a revised memorandum from 2001 remains unsigned. Given the pivotal role of the primary inspection line in Immigration’s control function, we consider the lack of results on this issue a serious matter.

5.50 An updated memorandum of understanding that sets out expectations and accountabilities is essential so that the primary inspection line operates effectively for immigration purposes. It could also include a process for measuring the performance of the primary inspection line. The Department gives the absence of a current memorandum of understanding as a reason for not conducting another evaluation of the primary inspection line and its immigration responsibilities. An updated memorandum of understanding would create an improved framework for addressing operational issues. Without an updated memorandum, procedures remain inconsistent among ports of entry and officers cannot work as effectively as they might (Exhibit 5.6).

5.51 Recommendation. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency should update their memorandum of understanding to

- clearly describe the border management roles and responsibilities of the Department and the Agency,

- reflect current operating environments and practices, and
- provide for setting performance standards and measuring performance.

Department's response. Both the Department and the Agency agree with the recommendation. We are currently negotiating a renewed memorandum of understanding that will

- contain precise information on the chief roles and responsibilities of the Department and the Agency,
- reflect current operating environments and describe how both agencies will work together to ensure that operating procedures are in place and adhered to, and
- set out the basis for a joint approach to continuous improvement based on data and information collection which will enable both agencies to determine the effectiveness of the examination function administered at ports of entry and to make any changes necessary to ensure performance standards are effective and are being monitored on an ongoing basis.

We are placing a high priority on the finalization and sign-off of a renewed memorandum.

Additional observation. Subsequent to our audit, Citizenship and Immigration Canada and the Canada Customs and Revenue Agency signed an updated memorandum of understanding.

Exhibit 5.5 Our previous findings on the need for an updated agreement between Citizenship and Immigration Canada and the Canada Customs and Revenue Agency

Report	Finding
1982, Chapter 7 – Immigration Program	<ul style="list-style-type: none"> • There is no formal agreement between Customs and Immigration to clearly establish roles, responsibilities and accountabilities regarding the primary inspection line activities.
1985, Chapter 14 – Follow-up and Status Report on Recommendations in 1983 and 1982 Chapters— Immigration Program, 1982, Chapter 7	<ul style="list-style-type: none"> • The formal agreement between Customs and Immigration was concluded in 1983; however, the agreement does not include effectiveness indicators or performance standards.
1990, Chapter 12 – Management of the Immigration Program	<ul style="list-style-type: none"> • The memorandum of understanding (MOU) is incomplete. It does not include: <ul style="list-style-type: none"> • A clear description of the mandates, responsibilities and accountabilities of each party. • a means of monitoring adherence to standards set in the MOU
1992, Chapter 3 – Follow-up of Recommendations in Previous Reports— Management of the Immigration Program, 1990, Chapter 12	<ul style="list-style-type: none"> • Little change has been made to the interdepartmental agreement that existed in 1990
April 2000, Chapter 5 – Canada Customs and Revenue Agency—Travellers to Canada: Managing the Risks at Ports of Entry	<ul style="list-style-type: none"> • “Periodically, Customs’ relationship with Immigration has been strained at some ports of entry” • The update to the 1983 MOU is taking much too long.

Exhibit 5.6 Problems persist due to the lack of an updated memorandum of understanding**Information on travellers who are refused entry into Canada is not always entered in the Immigration database**

If a customs officer refuses to admit a traveller at the port of entry, that traveller may be allowed to withdraw the request to enter Canada. In these instances, the customs officer completes an allowed to leave Canada form at the port to record the history of refusal to enter Canada. The refusal must be recorded in Immigration's database, the Field Operations Support System, because some travellers who are refused entry at a land crossing attempt again to enter Canada using a different port. Timely input into the immigration database of the past refusal history of a traveller is, therefore, essential to preventing the entry of inadmissible persons at land ports. We reviewed this process at the ports we visited that did not have immigration officers on site, and tested a small sample of these reports to check if the information on the inadmissibility of the traveller was communicated to the port providing support and quickly entered into the Field Operations Support System. More than half (4 of 7) of an initial sample of these documents were not entered into the immigration database. Further investigation revealed that at some ports, procedures to ensure that this information gets recorded into the database were inconsistent and at times unclear. We brought this problem to the attention of Citizenship and Immigration Canada and Canada Customs and Revenue Agency in September 2002. Management said they would address the issue. In December 2002, we retested and noted that the problem still existed. In January 2003, Citizenship and Immigration Canada finalized instructions to ensure that the information is entered in the Field Operations Support System and sent them to the Canada Customs and Revenue Agency, which distributed them to its customs offices.

Information on why travellers are referred is not shared

At most air terminals we visited, the immigration referral reason is not indicated on the referral slip. Thus, the immigration officer does not know why a customs officer has referred a traveller and any valuable information obtained by the customs officer's questioning is likely lost.

The Department does not know how effectively its secondary examination process controls access to Canada

5.52 In 1994, the Department evaluated its secondary examination activities at ports of entry. That evaluation found the examinations were only 50 percent effective at controlling the entry of inadmissible travellers. Immigration officers rated themselves least effective at catching individuals who are inadmissible for reasons of crimes, danger to public safety, security, espionage, and war crimes. Most officers who participated said they were particularly ineffective at detecting false travel documents. Management responded that it would develop national standards and a comprehensive monitoring system for the secondary examination process at ports of entry. This has not been done. The Department has not conducted any evaluation of the secondary examination process since 1994, and none is planned.

5.53 We found inadequate monitoring of secondary immigration examinations and inadequate measurement of performance to ensure that quality and consistency of admissibility decisions by immigration officers regularly meet expected standards. There were no formal quality assurance

systems in place that would, for example, provide national standards for documenting information and provide for review of decisions on a sample basis for consistency with the Department's operating policies.

5.54 Recommendation. Citizenship and Immigration Canada should regularly examine the performance of the secondary examination process.

Department's response. The Department agrees. We will be exploring ways to put in place a review mechanism of the secondary examination process. The goal will be to evaluate both primary inspection lines and secondary examinations at the same time through a combined review process and to look at mechanisms for providing better feedback to Customs on the results of referrals.

Citizenship and Immigration Canada does not use risk assessment to focus its work at ports of entry

5.55 The Department has limited resources and a broad mandate. It needs to allocate its resources by understanding what risks exist and how significant they are and then determining the best way to contain them. The Department does no comprehensive risk assessment to identify and reduce risks to the immigration program at ports of entry.

5.56 Immigration officers are present at only 44 of the 272 staffed ports of entry and most of those 44 ports are not staffed 24 hours a day by immigration officers. Ports of entry where no immigration officer is present handle about 15 percent of the total traffic. No framework exists to evaluate which ports should have immigration officers on site.

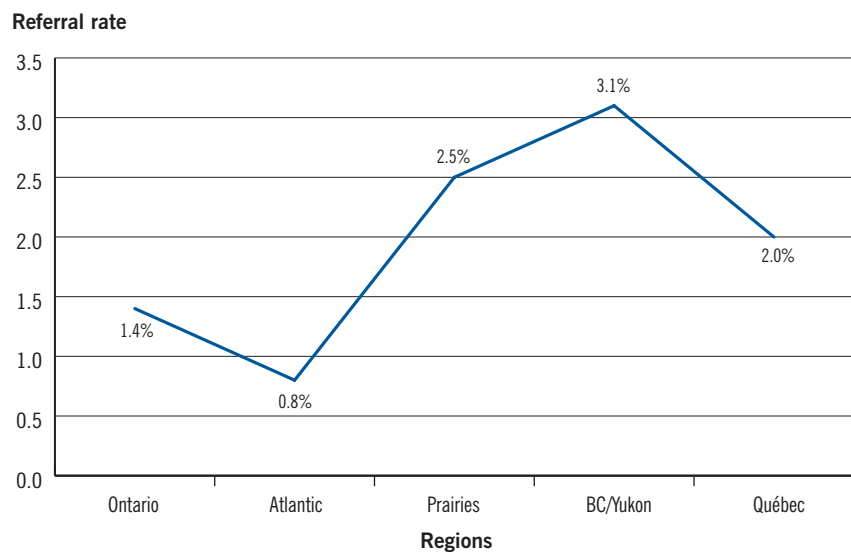
5.57 In 1996, the Canada Customs and Revenue Agency began a national assessment of risks at ports of entry, based on factors such as location and type of traffic, customs enforcement data, and knowledge of the port and its potential for customs violations. It rated each port using the factors and ranked them by level of risk. The Agency then developed risk profiles for 229 ports of entry and used them to help determine the number of travellers that customs officers should refer to a customs secondary examination. Citizenship and Immigration Canada does not use a comparable risk assessment tool.

5.58 We noticed a significant difference between referral rates at land ports where immigration officers are present and those ports where there is no secondary examination available on site—in which case “referral” means that customs officers either send the traveller to a port that has an immigration officer or they perform the secondary examination with assistance from an immigration officer. In 2001–02 the referral rate at ports with immigration officers was 2.56 percent and was 1.14 percent at ports without immigration officers. We also noted significant differences among the regions in the average referral rates at land border sites (Exhibit 5.7).

5.59 Additionally, significant differences in referral rates exist between some land border sites that are close to each other. For example, during 2001–02 along one section of the border in Québec, the port of entry on Route 223

had a referral rate more than five times the rate of the port on Route 221 (4.9 percent compared with 0.9 percent). The difference between the referral rates at these two ports of entry was similar in past years. Although local Immigration management was aware of the difference, it had done little work to investigate the cause. Citizenship and Immigration Canada does not analyze referral rates at a national or regional level and consequently is not able to determine if these differences are justified.

Exhibit 5.7 Average referral rates to Immigration's secondary examination by Customs' primary inspection at land border sites — 2001-02



Source: Canada Customs and Revenue Agency

Screening at marine ports is limited and inconsistent when compared with other ports of entry

5.60 Unlike land and air ports of entry, travellers and crew arriving at marine ports of entry do not always pass through a primary inspection line. People arriving off cruise ships regularly do. Freighters and cargo ships are targeted on a random basis by both Citizenship and Immigration Canada and the Canada Customs and Revenue Agency. Immigration has limited capacity to screen these ships. In Vancouver and Halifax, immigration officers receive crew manifests before the ships dock but perform limited advance screening using this information. This is mostly due to a lack of time and resources dedicated to this work. If no screening is done at the port of entry, inadmissible persons may not be identified. Procedures to control access to Canada at marine ports vary considerably. Most work is in response to such incidents as the discovery of stowaways. In January 2003, the government announced new funding for marine security projects that would allow increased surveillance and tracking of marine traffic and screening of passengers and crew aboard vessels.

5.61 Recommendation. Citizenship and Immigration Canada should assess the level and type of risk at ports of entry to help set targets for the number of referrals its officers receive from the primary inspection line.

Department's response. The Department agrees. We hope to establish national standards for evaluating risks at ports of entry that will allow for appropriate risk analyses. As we are only present at 44 of 272 ports, the Department will work with the Canada Customs and Revenue Agency to incorporate an immigration risk assessment into their annual port of entry risk report. This year the Agency is already including an immigration component to its risk review.

Some gaps in training of immigration officers at ports of entry remain

5.62 Training is a key element in providing immigration staff with the knowledge and skills to properly control access to Canada at ports of entry. Several standard courses help train officers who process travellers at ports of entry. Citizenship and Immigration Canada has developed a series of core courses to train immigration officers who conduct secondary examinations.

5.63 We noted some gaps in the training of immigration officers at ports of entry:

- Immigration officers said they need more in-depth and more frequent training in identifying false documents.
- There is no regular refresher training course available to immigration officers after they complete the core training courses the Department offers.

Recent initiatives target problem flights and passengers

5.64 Disembarkation and response teams are an enforcement initiative by Immigration at major airports. The teams help to identify travellers with improper documents and link them to the responsible air carriers. Immigration officers check the travel documents of incoming travellers at the arrival gate or on board the aircraft, before the travellers arrive at the primary inspection line. The teams also conduct roving checks to identify other illegal activities by travellers such as destroying documents or returning false documents to an escort or a smuggler.

5.65 The teams help target and screen high-risk travellers (notably, smugglers and improperly documented arrivals) before they reach the primary inspection line. They also help gather intelligence and improve the quality of referrals for secondary examination by identifying people who require a more detailed examination.

5.66 Where the teams are deployed, they have recorded a general increase in intercepting inadmissible travellers and linking them to carriers. The result is better intelligence on the movement of illegal migrants, as well as more passport seizures and penalties. Due to the use of these teams, the number of undocumented arrivals who could not be linked to an airline has decreased since 1998 to the current level of about 15 percent.

5.67 The Advance Passenger Information/Passenger Name Record project is a joint initiative of Citizenship and Immigration Canada and the Canada Customs and Revenue Agency. It allows the two organizations to receive and review information on travellers before they arrive in Canada. It increases Canada's ability to detect and stop the illegal movement of people into Canada by screening for high-risk or suspect travellers before they get here. The Advance Passenger Information data include name, date of birth, gender, passport number, and nationality of the traveller. Passenger Name Record data consist of more detailed information such as itinerary, method of payment and travel booking dates. As of 7 October 2002, Immigration began receiving Advance Passenger Information data for international flights to Canada and checking them against the Immigration database. The Passenger Name Record program will begin in early 2003.

Minister's permits—exceptions to the rule

5.68 Temporary resident permits, previously known as Minister's permits, are issued by the Minister or delegated officers to people who are inadmissible to Canada for technical, medical, or criminal reasons. There is a provision in the *Immigration and Refugee Protection Act* (which was also in the previous *Immigration Act*) that permits the Department to allow a non-admissible individual into Canada when there are compelling reasons. The Department issued 3,989 Minister's permits in 2000 and 3,994 in 2001.

5.69 We examined a random sample of permits based on the Department's Annual Report to Parliament on Minister's Permits issued in 2001. This report shows the number of permits issued, classified by the section of the former *Immigration Act* under which the person was inadmissible. Our selection included files from overseas posts and from Canada. The sample included a higher percentage of permits involving reasons for inadmissibility that we considered to be more serious.

5.70 In our review we looked for a rationale to support the decision to issue the permit. We looked at the accuracy of the classification in the Annual Report by sections of the Act showing why entry was denied. We found that in nearly all cases—97 percent—the files clearly gave the reason for inadmissibility. However, in 20 percent of the cases we found that the reason for inadmissibility was incorrectly classified.

The grounds for issuing permits need to be better documented

5.71 We reviewed the information supporting the decision to issue the permit. We found that the files supported the decision in 60 percent of the cases. In cases involving persons denied entry due to serious crimes or security issues, we found that the files supported the decision 51 percent of the time.

5.72 These permits are an exception allowed by the Act. Departmental manuals state that officers "must use exceptional care before an applicant receives one [a Minister's permit]" and the grounds for issuing a permit should be recorded in the case summary. Based on our review, the Department is not consistently documenting the reasons for issuing the permits.

Enforcement activities in Canada

5.73 The goal of the Department's enforcement activities is to manage access to Canada in order to preserve the integrity of immigration and refugee programs and protect the health and safety of Canadians. Enforcement officers in the regions investigate, detain, and remove people who are in Canada illegally.

Detaining individuals who pose a potential risk

5.74 At ports of entry and at inland immigration offices, immigration officers can detain individuals who have contravened the *Immigration and Refugee Protection Act*. Officers may detain an individual because

- the individual is a danger to the public,
- the individual is unlikely to appear for a hearing or removal, or
- the officer cannot establish the individual's identity.

5.75 Depending on the risk the individual poses and the facilities available in the region, detainees stay in either Immigration, provincial, or territorial facilities (Exhibit 5.8). The Department has detention facilities in Vancouver, Toronto, and Montréal and has access to 255 provincial and other facilities.

Exhibit 5.8 People in detention

Fiscal year	Number of detainees	Number of detention days
In Citizenship and Immigration Canada facilities		
1999-00	4,509	43,329
2000-01	4,643	47,880
2001-02	5,720	51,261
In provincial and other facilities		
1999-00	3,712	88,094
2000-01	4,143	88,500
2001-02	3,822	89,941

Source: Citizenship and Immigration Canada

5.76 Detainees must have a detention review in front of the Immigration and Refugee Board within 48 hours, within 7 days after that, and within every 30 days after that if they are not released in the meantime.

5.77 Citizenship and Immigration Canada has done two recent studies on detentions. In 2000, the Department reviewed its detention practices in each region. The review highlighted three major concerns:

- detention space in Vancouver and Toronto;
- the mixing of immigration detainees with the criminal population, particularly in Vancouver; and

- the expense and difficulty of detaining individuals due to delays in obtaining travel documents.

5.78 In 2002, the study focussed on detention strategy. It recommended a three-part strategy: tackle unexecuted removal orders more vigorously; strongly pursue alternatives to detention; and give priority to understanding detainees' cases better and tracking them through all stages of the detention process.

Applying the policy that deals with lack of proper identification

5.79 Increasingly, foreign nationals arrive in Canada without proper documents. The majority are refugee claimants. Some do not have adequate documentation to establish their identity. The Department detains some of them, but could not say how many.

5.80 In October 2001, the Department put in place at ports of entry a much more thorough interview process for refugee claimants to determine identity and permit security and criminal checks. The Canadian Security Intelligence Service (CSIS) is available to interview claimants, if necessary.

5.81 Officers at ports of entry and at inland offices told us that they understand their responsibilities under the Act but are unclear about how strictly the Department wants to apply the legislation to detentions for reasons of identity. For example, Vancouver is implementing the Department's policy to detain people whose identity is unclear. Officers detain people without identity documents until the subsequent workload of detention reviews becomes overwhelming. They then send fewer people to detention. This leaves ports of entry officers and enforcement officers unsure of department policy. Ontario Region is also detaining people without identity documents. The Region added beds at its facility—initially until March 2003—to detain more people without identity documents. The number of beds available dictates the number of people detained. A recent assessment found that 60 percent of people detained for purposes of identification subsequently provide satisfactory documents and are released. The Department continues to investigate the identities of those still in detention.

5.82 The 2000 study recommended that the Department develop a national strategy for the detention of refugee claimants without proper documents. The 2002 study recommended a strategy that included a 12 month monitoring of detentions for reasons of identity. At the time of our audit, Citizenship and Immigration Canada had not yet developed the strategy.

5.83 Recommendation. The Department should monitor the application of its policy on detaining people for lack of identification to ensure that it is consistent.

Department's response. As a result of clarification of certain aspects of this policy earlier in the year, the Department believes that the policy is being consistently applied. The Department will continue to monitor its application to ensure that it continues to be applied in a consistent manner.

5.84 Detention cost and availability of facilities bear heavily on Citizenship and Immigration Canada's ability to detain. The Department uses its own facilities for a significant number of detention days. In 2001–02 the Department held people in its own facilities for 51,261 days (Exhibit 5.8) at a cost of \$10.5 million.

5.85 The Immigration detention facilities in the three regions we visited are very different—yet the mandates and circumstances are very similar. Vancouver has a 24-bed facility with a maximum stay of 72 hours. Toronto has a 130-bed facility for short and long-term stays. Montréal has a 160-bed facility for short or long term stays, including 72 dormitory-style spaces used for overflow. Capacity is limited by the physical attributes of the facilities and by operating costs. In the Ontario and Quebec regions, facilities are operating at close to capacity. In all three regions, the costs of operating facilities and paying for space in provincial and other facilities often exceed the combined budgets for all types of facilities.

5.86 In the Ontario Region, the Department has used the Toronto Bail Program to help with some of its capacity and budget problems. Staff of the program supervise some people who would otherwise be detained. In 2001-02, 191 people were supervised under this program, 9 of whom went missing. The Department saves on detention costs by using this program, but could not calculate accurately the amounts saved.

5.87 The 2000 study stated that detention space is a major concern in Vancouver and Toronto; officers there, particularly at ports of entry, highlighted the difficulties this presents when they are considering detention. The 2002 study noted that there should be at least a minimum capacity to hold non-criminals in Immigration facilities across the country.

5.88 Facilities in the Ontario Region reached capacity several times over the last few years and officers were instructed to choose people for detention carefully and consider alternatives to detention. The increased use of detention for lack of proper identification and the pre-removal risk assessment process have placed more strain on detention facilities. Pre-removal risk assessment allows people to appeal a removal order if they believe they would be in danger if returned to their home countries. The Department may decide to detain individuals until it can hear their appeals.

5.89 We are concerned that lack of capacity and tight budgets are affecting detention decisions. The ability of immigration officers to detain as necessary is a key control in the enforcement program.

5.90 The Department developed the National Standards & Monitoring Plan for the Regulation and Operation of CIC Immigration Detention Centres in the summer of 2002. At the time of our regional visits, monitoring against the standards had not yet begun and no monitoring reports were available. However, managers at all three facilities told us that some areas needed improvement to meet the national standards.

Timely removals while respecting legal rights

5.91 The goal of enforcement staff in Canada, who perform both investigations and removals, is to quickly remove individuals who are here illegally. This must be done in a safe, effective, and respectful manner while ensuring that the individual's legal rights are maintained.

5.92 Officers issue removal orders as a result of examinations at ports of entry, investigations, hearings and appeals, and referrals from police or corrections. The removal process can begin only when a removal order becomes effective or enforceable; this means that a person has either waived certain legal rights or exhausted all legal rights and is not allowed to remain in Canada.

5.93 Enforcement officers work on removal orders until all obstacles to removal are cleared, and they escort people during deportation when necessary. They cannot remove someone as long as that person's legal rights allow him or her to stay. Removal cases are typically prioritized according to the perceived degree of threat to the health and safety of the Canadian public. People with criminal convictions, or who threaten Canada's security, take priority over failed refugee claimants and those who overstay a visit.

5.94 The legal details of removals make it difficult for the Department to carry out removals in a quick and cost-effective way. Delays, which can take several years, can be due to stays ordered by a court, incarceration due to criminal charges in Canada, or the Minister's temporary suspension of removals to countries where there are general risks to safety and security.

5.95 Obtaining travel documents for the person Immigration wants to remove poses one of the biggest challenges once the person has exhausted all legal claims to remain in Canada. In 2000, the Department estimated that close to 60 percent of all refugee claimants arrived with no documents or with false documents. While the Department continues to negotiate removal agreements with several countries, these agreements do not guarantee swift removals. Citizenship and Immigration Canada must find passports or visas for these people to travel, and both the people and the destination countries may be unco-operative.

5.96 Once the Department is sure that all legal claims have been exhausted, an immigration officer interviews the individual to find out if that person

- requires an escort,
- should be held in custody until the removal date, or
- will leave voluntarily.

5.97 Court proceedings can result in long delays. During a delay, a case may change suddenly from being removal-ready to having the removal order stayed by court order or requiring more investigation.

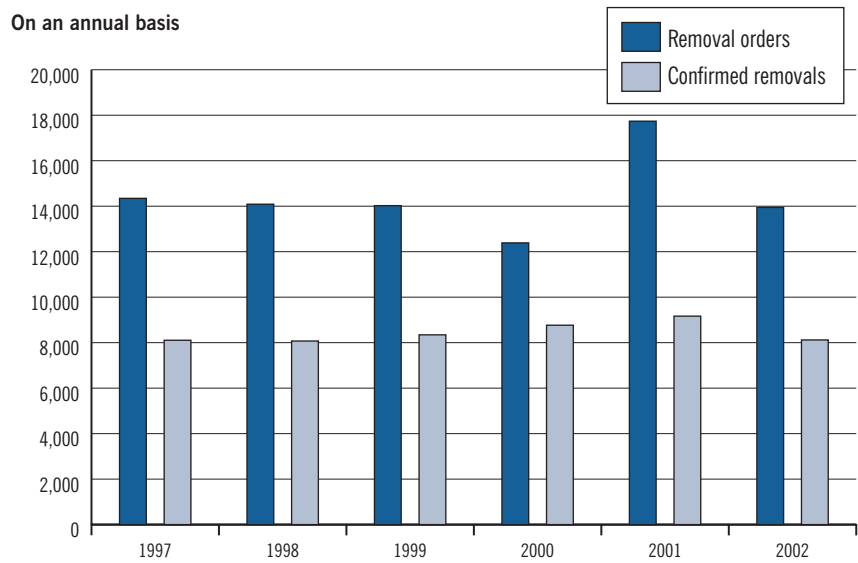
5.98 A 1998 Québec Region study stated that 75 percent of successful removals were performed within four months of the decision or event that initiated the removal stage. Removals not executed within four months took much longer to complete, and the failure rate increased. This study also

noted that 44.8 percent of those facing removal had gone into hiding and their status was unknown. We have not seen any other studies that track removal cases and their duration through the various steps in the system.

A growing gap between removal orders and confirmed removals

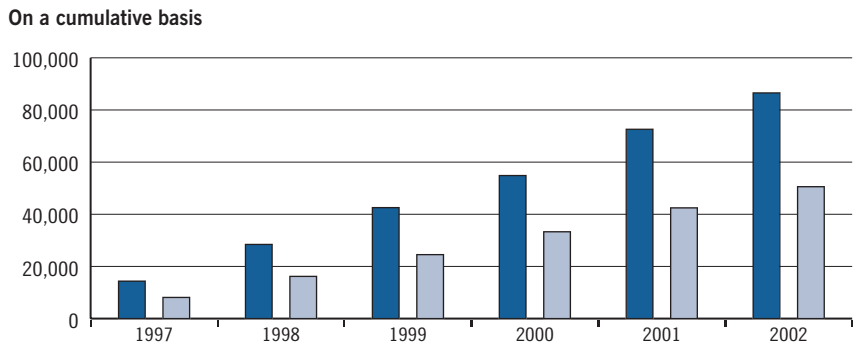
5.99 During the past six years, the Department has removed an average of about 8,400 persons per year (Exhibit 5.9). In 2002, some 8,100 persons were removed. The gap between removal orders and confirmed removals has grown by about 36,000 in the past six years. This does not necessarily mean that all these people remain in Canada illegally. For example, some may have

Exhibit 5.9 Removal orders and confirmed removals



Source: Citizenship and Immigration Canada

Note: These figures do not include conditional removal orders, for example, refugee claimants awaiting a hearing or decision by the Immigration and Refugee Board.



Source: Citizenship and Immigration Canada

Notes:

1. These figures do not include conditional removal orders, for example, refugee claimants awaiting a hearing or decision by the Immigration and Refugee Board.
2. The cumulative totals start from 1997.

left voluntarily without reporting their departure. It is impossible to verify all departures because Canada has no exit controls. Either the immigration officer who escorts the individual from Canada, or, if unescorted, that individual, is expected to confirm a successful removal order at a port of entry. Citizenship and Immigration Canada does not have a national figure for removal orders that are not completed because of delays in getting travel documents or because Canada has temporarily stopped sending individuals to certain countries.

5.100 An increasing backlog of enforcement activities is caused in large part by outstanding removal orders. The three largest enforcement offices informed us that about 11,000 investigations have not been assigned or are pending assignment. In addition, the Immigration and Refugee Board had a backlog of about 53,000 cases at the end of December 2002. The Immigration and Refugee Board estimates that historically about 45 percent of its decisions, on average, resulted in cancelled removal orders. Therefore, the Department can calculate that it will soon have to process about 29,000 more people now in Canada. In light of the increasing gap between removal orders and confirmed removals, we are concerned that Citizenship and Immigration Canada has not analyzed how it will handle its growing backlog of investigations and removals.

5.101 The Department is attempting to increase its effectiveness at removals by co-operating with others. In December 2002, it signed a new national policy framework agreement with the RCMP to establish integrated immigration enforcement teams in Vancouver, Toronto, and Montréal. The teams are operating in Vancouver and Montréal, and the Toronto team plans to start up in 2003–04. Part of the mandate of the teams is to review and prioritize outstanding immigration warrant cases, most of which are for removals. At the international level, the Department has begun co-operating with the U.S. in removal operations using chartered flights. Some of these removals have involved high-risk individuals who could not easily be removed on regular flights.

An unexplained difference between the number of unexecuted removal orders and outstanding arrest warrants

5.102 When there is an enforceable removal order against a person, Immigration officers may enter an arrest warrant into the Field Operations Support System if

- the person does not show up for a hearing or an interview, or
- the Department does not receive confirmation of the person's departure.

5.103 Through the RCMP's Canadian Police Information Centre this System shares information with police about individuals who have outstanding immigration warrants. A warrant is the key method of alerting police or immigration officers to arrest an individual.

5.104 As noted, over the last six years about 36,000 removal orders have not been executed. The Field Operations Support System shows about 30,000 outstanding arrest warrants for removals, some of which date from before

1997. For some removal orders that are not executed for reasons such as temporary suspension of removals to certain countries, the Department would not enter an arrest warrant into the System. However, we are concerned that the difference between the number of unexecuted removal orders and the number of arrest warrants in the System could mean that warrants have not been entered that should have been. The Department has not reconciled the difference.

5.105 Immigration has poor control over attendance at the removal interview or scheduled departure. Once a removal order becomes enforceable, the Department conducts a removal interview. In 2000, the Department estimated that 50 percent of the individuals scheduled for removal did not appear for the removal interview or the scheduled departure. The *Immigration and Refugee Protection Act* allows officers to detain an individual if they think the person might not show up. The high percentage of no-shows suggests that the Department needs to better assess, document, and manage the risk that people will not appear. Failure to show up at the removal interview or the scheduled departure costs the Department time and money because a new removal arrangement has to be made and a search conducted for the missing person.

5.106 In some offices, managers are trying new approaches to address the growing backlog of removal cases (see case study, “Dealing with the removals backlog”).

Dealing with the removals backlog

Integrated task forces

In 1994, Citizenship and Immigration Canada and the RCMP established integrated task forces in Montreal, Toronto, and Vancouver to investigate and remove people with serious criminal backgrounds. The Toronto force still operates but the Montreal and Vancouver forces ceased shortly after they began.

Failed Refugee Project

The Greater Toronto Enforcement Centre started the Failed Refugee Project in January 2000 to speed the removal of unsuccessful refugee claimants from Canada. Shortly after the Immigration and Refugee Board rejects a claim, immigration officers meet with claimants who are able to leave the country and encourage them to do so. Claimants on social assistance receive first priority. At first, the Department offered to pay for the claimant’s airline ticket, but the project only does this now if necessary.

Removals of unsuccessful refugee claimants by the Greater Toronto Enforcement Centre totalled 725 for 2000-01 and 1,354 for 2001-02. About 60 percent of the claimants left voluntarily after the personal interview. A timely follow-up investigation resulted in a further 20 percent leaving. As a result, about 80 percent of those scheduled for removal left Canada. The voluntary departures saved the Department from expensive and time-consuming investigations and removals.

The Centre scaled back this project because of a shortfall in resources. The officers dedicated to the project have been reduced to five from ten. The Centre expects that it will not be able to keep up to its caseload.

The British Columbia and Yukon region started a similar project that produced comparable results. The region has scaled back this project, too.

5.107 Recommendation. The Department should improve its tracking of removal cases. It should give higher priority to reducing the backlog of removal cases.

Department's response. The Department agrees. Significant progress has been made with the implementation of the National Case Management System (NCMS) in its enforcement offices across Canada. The NCMS will enhance the Department's ability to track removal cases electronically. The rollout of the NCMS to all its enforcement offices is nearing completion with the remaining 3 offices (of a possible 36) scheduled for implementation in June 2003.

A need for more and better information

A key support system needs further development

5.108 In our 1997 Report, Chapter 25, The Processing of Refugee Claims, we noted that the Department did not have enough information to manage removals adequately. We also noted that the Department recognized that the Field Operations Support System did not provide the management information or the case-tracking capability needed for the enforcement program. Regions managed their workloads using their own systems. In 1999, the Department began using the National Case Management System to help officers track their caseloads. After many problems, the system was restructured in the fall of 2001 and is now a valuable electronic tracking tool that significantly improves officers' ability to manage enforcement cases. However, it still requires further development to realize the original concept of a national system. At the end of September 2002, only 24 of 36 immigration offices in Canada were using the National Case Management System. Consequently, the Department cannot currently produce national reports, and other reporting capabilities are severely limited.

5.109 The Department's Field Operations Support System is not fully linked with the National Case Management System, and so officers have to enter some of the same data twice for enforcement actions. As yet, there is no data management quality assurance program that would, for example

- set national standards for entering case information, and
- establish quality control measures to ensure data accuracy.

5.110 In January 2003, the Department approved additional funding to put into place the National Case Management System in all offices. The Department also allocated funds for the ongoing support of the National Case Management System for users, and is considering using funds from the public security and anti-terrorism budget to start up and support a data management program.

5.111 We note that Citizenship and Immigration Canada is planning to implement the Global Case Management System by 2005 to replace its three main systems for managing operations (the National Case Management System, the Field Operations Support System, and the Computer Assisted Immigration Processing System). The project is behind schedule due to delays in selecting a contractor. The Department has classified the project as high risk owing to its size, nature, and complexity.

5.112 Recommendation. The Department should improve the capability and data integrity of the National Case Management System.

Department's response. The Department agrees and is developing a data management framework for the NCMS and eventually the Global Case Management System. It will include standard operating procedures, monitoring, quality control and performance measurement at both the national and regional levels. This framework, once completed will ensure a higher level of data integrity.

5.113 Citizenship and Immigration Canada managers do not routinely use some key information in managing the enforcement program. We found instances where the Department generated key information only after we requested it for our audit—for example, the number of removal orders that could be acted on and the number of active enforcement officers and their caseloads. In another instance, the Department was not able to tell us the number of people detained for identification purposes.

5.114 Informed decision making depends on having good information available and its use. In our view, department managers need to take better advantage of performance information that is available in the National Case Management System. The Department also needs to improve the quality of information to better manage the enforcement program.

5.115 Many of our observations have been made in our previous Reports. In our 1990 Report, Chapter 15, Control and Enforcement, we observed the following:

- The existing interdepartmental agreements did not always address responsibilities and accountabilities for some important immigration activities.
- Customs officers on the primary inspection line did not have a performance measurement system for immigration matters. Also, immigration officers were providing only limited feedback to the primary inspection line officers.
- The backlog of investigations was serious.
- The majority of removal orders for failed refugee claimants had not been carried out.

5.116 In our 1997 Report, Chapter 25, The Processing of Refugee Claims, we observed that the Department was experiencing a lot of difficulty carrying out removals.

5.117 In December 2001, the Standing Committee on Citizenship and Immigration published a report on Immigration's border control activities. The Committee recommended many improvements in the areas of co-operation and co-ordination between Canada and the U.S., overseas **interdictions**, operations at ports of entry to Canada, and resources and technology to aid in controlling access to Canada. Many of the Standing Committee's observations are similar to those of this audit. In May 2002, the Department published its response to the report in which it described many of the actions it was taking to improve border control.

Interdictions—Control activities that prevent illegal travellers and criminals from reaching Canada.

Conclusion

5.118 Enforcement activities are under increasing stress and are falling behind. The gap between removal orders and confirmed removals is increasing. Detention budgets and facilities are a departmental concern. The growing backlog in enforcement activities places the integrity of a major part of the immigration program at risk.

5.119 Our examination at ports of entry found problems that have been present for several years. The Department does not currently know how well the Canada Customs and Revenue Agency is performing its immigration-related duties, nor how well Immigration's secondary examination process is working. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency need an updated agreement that includes performance standards and a way to evaluate and measure performance.

5.120 At the offices abroad that we visited we found that the Department grants temporary visas from outside Canada according to Immigration policy. Immigration control officers abroad are intercepting travellers with improper documents and the role of the officers is being expanded.

Department's overall response. Citizenship and Immigration Canada acknowledges the importance of the observations made by the Office of the Auditor General in the Report. We are committed to building on the improvements we have made through the new *Immigration and Refugee Protection Act*, border management strategies, intelligence-led security strategies, and strengthened modern management practices.

The challenge, as confirmed by the Auditor General, is in balancing the competing demands of facilitating entry of legitimate travellers while preventing the entry of inadmissible persons to Canada. The observations will help the Department to improve its enforcement and control activities and meet its program integrity objectives. Strengthening work in the area of modern management through the implementation of the integrated risk management framework developed last year, addresses the observations made by the Auditor General in this and other reports on the need to systematically identify risks and measure performance.

We appreciate the Auditor General's recognition of the substantial progress the Department has made in several key areas, specifically

- The successful implementation of the new *Immigration and Refugee Protection Act*. The Department invested (and continues to invest) considerable efforts to ensure continued success in the implementation of the legislation.
- The implementation in 2002 of the new permanent resident card. The card contains many state-of-the-art security features and has been recognised internationally as one of the best identity cards world-wide.
- Successful negotiation and signing of the Safe Third Country Agreement with the United States. Implementation of this agreement is

scheduled for 2003. The Agreement will improve the management of refugee claims in both countries.

- The national implementation of the Advance Passenger Information Program. This joint initiative between Citizenship and Immigration Canada and the Canada Customs and Revenue Agency will help identify high-risk air passengers who may pose security or safety threats to Canadians.
- The implementation of disembarkation and response teams for rapid passenger screening at ports of entry.

Citizenship and Immigration Canada is fully committed to addressing all the recommendations of the report and views the relationship with the Canada Customs and Revenue Agency as a critical element in meeting this objective. Senior management is fully engaged with their counterparts at CCRA with the aim of having an updated memorandum of understanding soon. In conjunction with these discussions, plans are already being formalized to put into place the recommended mechanisms to perform ongoing evaluations of the effectiveness of the primary inspection lines and secondary examination processes.

About the Audit

Objectives

The purpose of this audit was to determine whether Citizenship and Immigration Canada is managing control and enforcement activities efficiently and effectively in keeping with Canadian immigration policy.

Scope and approach

This audit covered the three major sectors where control and enforcement activities take place: at posts abroad, at official ports of entry to Canada, and inland.

We did not examine another important part of Citizenship and Immigration Canada's activities—facilitating the arrival of newcomers to Canada and their integration into Canadian society. We did not examine the activities of the Immigration and Refugee Board.

In addition to discussions with the Department at national headquarters in Ottawa, we visited posts in Vienna; New Delhi; Manila; New York City; Accra; London; Singapore; Hong Kong; and Guatemala City.

We visited various ports of entry at

- Pearson, Vancouver, Dorval, Halifax, and Winnipeg international airports;
- land borders in Douglas, British Columbia; Emerson, Manitoba; Prescott, Ontario; Fort Erie, Ontario; Lacolle, Québec; Hemmingford, Québec; and Dundee, Québec;
- Vancouver's Amtrak train station; and
- the port of Vancouver, including the cruise ship terminal at Canada Place.

Inland, we visited Citizenship and Immigration Canada offices at

- national headquarters;
- Ontario, British Columbia and Yukon, Prairies and Northern Territories, Québec, and Atlantic regional headquarters,
- the Greater Toronto and Vancouver enforcement centres, and
- the Niagara district office.

We also visited detention facilities in Vancouver, Toronto, and Montréal.

Our examination was conducted by interviewing staff, reviewing files and management reports, and analyzing data.

Criteria

Our audit was based on the following criteria:

- Roles and responsibilities within the federal government should facilitate the efficient and effective management of the immigration program.
- Support systems should provide timely information for rapid decisions on admissibility.
- Staff should be suitably trained to carry out their responsibilities under the *Immigration and Refugee Protection Act*.
- The Department should have appropriate information and feedback systems to monitor program performance and assess the quality and consistency of decisions.
- The organization of activities and allocation of resources should reflect program risks and encourage the achievement of program objectives.

Audit team

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