



# IMMIGRATION DETENTION SYMPOSIUM

*To advance strategies for addressing the ongoing challenges in Canada's immigration detention system*

## MARCH 15, 2019

### PROGRAM

**8:30am – 9:00am**     **REGISTRATION & WELCOME**

**9:15am – 11:00am**     **Immigration Detention External Audit, IRB and Audit Response Report:  
Recommendations and Next Steps**

This panel will review the Immigration and Refugee Board's (IRB) External Audit report of 2018, the IRB's response to the External Audit report, as well as the response to the External Audit from a group of members of the immigration bar, researchers, advocates and civil society members, with a view to facilitating a discussion identifying the areas, arguments and cases for possible further litigation and advocacy.

Panelists: **Aviva Basman** (ADC of the Immigration Division, IRB), Nancy Weisman (Senior Counsel, Immigration Division, IRB), **Kathy Laird** (Toronto lawyer, IRB External Audit Immigration Detention author), **Hanna Gros** (International Human Rights Program, UTLaw), **Sarah Boyd** (Lawyer, Jackman & Associates), with **David Coté** (Staff Lawyer, HALCO) moderating

**11:00am – 11:15am**     **MORNING BREAK**

**11:15am – 12:45pm**     **Habeas Corpus Best Practices**

While the SCC's decision in *Chhina* will provide clarification on the scope of the writ of habeas corpus, this panel will focus on practical strategies for filing habeas corpus claims for immigration detainees. Access and procedure tips, arguments for challenging the lawfulness and reasonableness of a continued deprivation of liberty, arguments in "danger to the public" cases, and how to utilize Section 11 of the Charter will be discussed.

Panelists: **Subodh Bharati** (Barrister & Solicitor/Review Counsel, Osgoode CLASP), **Jared Will** (Lawyer, Jared Will & Associates), **Swathi Sekhar** (Immigration & Refugee Lawyer), with **Simon Wallace** (Refugee Law Office) moderating



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**12:45pm – 1:30pm LUNCH BREAK**

**1:30pm – 3:00pm CARL Immigration Detention Toolkit and a Compendium of Relevant Case-Law for Immigration Detention Practitioners**

The Canadian Association of Refugee Lawyers (CARL) has developed an Immigration Detention Toolkit, which has just launched. This toolkit intends to help familiarize counsel with the main findings of the IRB's External Audit and provide tips, steps and suggestions on how counsel can ensure the fairest process possible for our clients. The Toolkit advises how to, among other things: (a) prepare for a detention review, (b) develop and present alternatives to detention, (c) present and test oral or other kinds of evidence, (d) respond to multiple detention reviews; (e) follow up post-hearing. As well, the Toolkit provides tips on how to work with detainees with mental health issues, addictions and other vulnerabilities.

The IRB's External Audit confirmed that in many of the Immigration Division's hearings and decisions, "...there were notable discrepancies between the expectations articulated by the courts and the practice of the Immigration Division." Three Asper Centre Clinic students have created a summary of the relevant case law in which the courts articulate what a legally sound and fair immigration hearing should look like. This Compendium of cases, which will serve to complement the CARL toolkit, will also be presented at this panel.

Panelists: **Jamie Chai Yun Liew** (uOttawa Law Associate Professor, co-leader of CARL working group on Immigration Detention), **Aris Daghighian** (Lawyer, Green and Spiegel, member of CARL's working group on Immigration Detention), **Devon Johnson** (JD Candidate UTLaw and Asper Centre Clinic student), **Jim Molos** (JD Candidate UTLaw and Asper Centre Clinic student), with **Enbal Singer** (Asper Centre Immigration & Refugee Law working group co-leader, 3L JD Candidate UTLaw) moderating

## NOTES

- **WIFI access**

Select the "UofT" network on your device and enter the username and password (all lowercase) when prompted. If you are asked to accept our server's certificate you should do so.

Username: aspercentre

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- **Symposium Resources**

Select materials, resources, and PowerPoint presentations from this Symposium are/will be made available shortly at <http://aspercentre.ca/event/immigration-detention-symposium/>



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