Federal Court Cour fédérale

Date: 20250919

Docket: IMM-19360-25

Citation: 2025 FC 1547

Toronto, Ontario, September 19, 2025

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

RYAN ANTHON FYFIELD

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The Applicant, Ryan Anthon Fyfield, seeks judicial review of an order of the Immigration Division [ID] of the Immigration and Refugee Board [IRB] on August 29, 2025, ordering his continued detention.

[2] Last week, on the consent of the parties, I ordered that this judicial review be scheduled on an expedited basis to facilitate a judgment in advance of Mr. Fyfield's next scheduled detention review. Given the timing, I also ordered that the decision on leave in this matter would be consolidated with the larger proceedings.

[3] For the reasons that follow, I will grant leave to hear this matter, and I have determined that this application for judicial review must be granted.

II. BACKGROUND

A. *Facts*

(1) Childhood and Early Adulthood

[4] The Applicant was born in St. Kitts and Nevis in 1994. The Applicant's father lived abroad, and his mother had a series of violent and abusive partners throughout his childhood. When the Applicant was 7 years old, he witnessed his mother's partner beat her so severely that she was hospitalized and ultimately died from her injuries.

[5] In 2005, when the Applicant was 11 years old, his father and stepmother brought him to live with them in Leamington, Ontario. He became a permanent resident of Canada in 2010, when he was 16.

[6] The Applicant experienced difficulties in school and in his home life. In 2011, he attempted suicide by hanging and was hospitalized for 10 days. At that time, he was diagnosed with a mild intellectual disability and an adjustment disorder with depressed mood.

[7] The Applicant left home at 18 and began having regular encounters with the criminal justice system. Between 2012 and 2014, he was convicted of assault on four occasions, as well as multiple counts of “failure to comply.”

[8] In or around 2014, the Applicant reports that he started using crack cocaine and has struggled with substance use ever since.

(2) Immigration and Criminal Matters

[9] Over the past many years, the Applicant has had numerous encounters with immigration authorities, and with the criminal justice system. On June 1, 2014, the Applicant was at a nightclub and struck another patron with a bottle, breaking the victim’s tooth and injuring his face. The Applicant was charged and convicted of assault causing bodily harm, which triggered a review of his immigration status.

[10] On February 5, 2016, authorities issued a section 44(1) report finding the Applicant inadmissible to Canada for serious criminality under s. 36(1)(a) of the *Immigration and Refugee Protection Act* [IRPA]. On April 27, 2017, the Canada Border Services Agency issued a deportation order against the Applicant.

[11] The Applicant appealed his deportation order to the Immigration Appeal Division [IAD] and was granted a four-year stay of removal in 2017 on several conditions, including completing an anger management program, abstaining from drugs, and keeping the peace.

[12] After the stay was granted, the Applicant experienced episodes of homelessness, and continued to struggle with substance use and his mental health. He failed to keep the Canada Border Services Agency [CBSA] up to date on his address, to attend all of his mandatory CBSA check-in meetings, and to report new criminal charges to CBSA.

[13] As a result, the CBSA requested an early reconsideration of the Applicant's stay of removal in November 2019. The Applicant failed to appear for his reconsideration hearing, and so his appeal was declared abandoned. That day, the CBSA issued a warrant for his arrest under section 55 of the IRPA.

[14] Since that time, the Applicant has had multiple encounters with the criminal justice and immigration systems, largely related to his failures to comply with orders.

[15] Most recently, and notably, are the following. In October 2023, the Applicant was issued an ankle monitor in connection with his criminal charges, which he removed with scissors.

[16] In February 2024, a CBSA Inland Enforcement Officer attended the Applicant's home to discuss his failure to report to CBSA after a recent release from criminal detention and failure to report changes of address to CBSA. CBSA imposed new conditions on his immigration release and informed him about the possibility of applying for a Pre-Removal Risk Assessment [PRRA]. However, the Applicant did not apply for a PRRA at this time.

[17] On March 7, 2024, the Applicant had an argument with a woman with whom he was staying. He had been living in her basement, and she asked him to clean it up. The Applicant

became angry, pulled down two doors, damaged ceiling tiles in the basement and, at some point in the course of the incident, was holding an axe. Whether or how the axe was used to damage the property or threaten his roommate is contested in the record, although the roommate provided a letter to Applicant's counsel explaining that the Applicant did not assault her at all, let alone with the axe. The Applicant was ultimately charged with mischief in connection with these events.

(3) Immigration Detention History

[18] From June 2024 to the present, the Applicant has cycled between periods of living in immigration detention, some periods living in the community, and periods living in community residential facilities. His stays at these facilities ended because of drug relapses, expressing suicidal ideation, associating with people with criminal histories, erratic behaviour, and altercations with other residents.

[19] Over this time period, CBSA was also attempting to proceed with the Applicant's removal. The Applicant has been provided with the opportunity to submit a PRRA on multiple occasions; at times he failed to submit required documentation, while at other times, CBSA has finalized PRRA determinations only to have them reopened following litigation in this Court. A PRRA decision remains outstanding at this time, and so the Applicant's current status in Canada remains unclear.

[20] Most recently, the Applicant was released from the Toronto Immigration Holding Centre [IHC] on March 14, 2025, and placed at Launchpad, a residential drug treatment facility in Windsor.

[21] In June 2025, the Applicant had a substance use relapse while living at Launchpad and was sent to a detox facility at Hotel Dieu Hospital. A week into his stay at Hotel Dieu, Launchpad informed the Applicant that he could not return to their program. Launchpad reported to CBSA that the Applicant was released from the program because he experienced two substance use relapses.

[22] Upon learning that he could not return to Launchpad, the Applicant made arrangements to stay at an alternative facility called Essex Manor. The Applicant informed his lawyer about the situation at Launchpad and his move to Essex Manor approximately a week and a half after the start of his time in detox, and his counsel contacted CBSA promptly to update the Applicant's address.

[23] On June 26, 2025, CBSA arrested the Applicant just after he had arrived at Essex Manor and remitted him to custody at the IHC.

(4) Current Detention

[24] The Applicant has been detained under the IRPA since June 27, 2025, on the grounds that he is unlikely to appear for his removal and that he poses a danger to the Canadian public. This finding has been upheld at each of his detention review hearings to date. In the initial 48-hour

detention review, Essex Manor was proposed as an alternative to detention, but the ID determined that more information was needed.

[25] At the second detention review, conducted on July 10, 2025, Kathy Edwards, the owner and operator of Essex Manor, testified to explain the kinds of services that could be provided to the Applicant. Once again, the Applicant's detention was continued.

(5) Mental Health Crisis

[26] On July 30, 2025, the Applicant had a dispute with an IHC guard over the possession of his work permit documents. He was told to go to a holding area and then to a detention cell, which Mr. Fyfield viewed as being a punishment for merely wanting to maintain possession of his papers.

[27] Two days later, the Applicant had a further a conflict with guards, and he was told that he would remain in a detention cell until security footage related to the incident had been reviewed and further decisions had been made about his placement at the IHC.

[28] Shortly afterwards, the Applicant ripped his shirt and used it to asphyxiate himself. Guards responded, but the Applicant briefly lost consciousness. The Applicant was forcefully handcuffed and taken to a hospital and held there under a Form 1 pursuant to the *Ontario Mental Health Act*.

(6) Transfer to Maplehurst Correctional Complex [Maplehurst]

[29] On August 2, 2025, a CBSA officer visited the Applicant at the hospital. The officer explained that the Applicant was being transferred from the IHC to Maplehurst because the Applicant had "refused to follow facility rules, would not follow directions from the guards or officers and because he was fighting back and resisting several guards and officers while attempting to restrain him."

[30] On August 8, 2025, following the Applicant's transfer to Maplehurst, the Applicant's detention was continued further to his first 30-day detention review.

[31] Near the end of August, the Applicant was assaulted twice by inmates at Maplehurst. First, on either August 21 or August 22, the Applicant was punched in the head from behind by one inmate and then attacked by two others. He suffered minor injuries and was moved to a different unit.

[32] On August 23, the Applicant was attacked by five inmates without provocation. He was taken to the hospital and treated for injuries, most notably what has been described as a fracture to his leg (either his tibia or his fibula). While the exact nature of his injuries was unclear at the subsequent detention review, Mr. Fyfield testified wearing a cast and using crutches.

[33] Prior to his return to the IHC, the Applicant reported to Maplehurst staff that he did not know why he was attacked, and he refused to provide a statement or press criminal charges. However, at his detention review hearing on August 29, he explained that the other inmates at

Maplehurst frequently asked him why so many “cops” were coming to speak with him. They were referring to the CBSA officers who conducted routine check-in visits with the Applicant on the range, in the presence of other inmates. The Applicant had tried to explain to the other inmates that these were immigration officials, but he felt that the other inmates still suspected him of being an informant.

[34] Despite being the agency responsible for the Applicant’s detention, CBSA was not aware that the Applicant had been attacked at Maplehurst until August 27, when they were notified by the Applicant’s counsel.

[35] On August 28, the Applicant was transferred from Maplehurst to IHC. He is currently in a medical isolation wing while he recovers from his injuries.

III. Decision Under Review

[36] On August 28, 2025, the Applicant requested an Early Detention Review [EDR] to take place on August 29. The IRB granted the EDR.

[37] The Applicant submitted that the conditions of his detention, particularly in light of the attacks and his vulnerability as a person suffering from mental illness, represent new evidence that weighs in favor of release. The Applicant provided a psychiatric report, a letter from one of his children’s grandmothers, and documentation related to his suicide attempt. The Applicant also presented a revised release plan. He is currently on the waitlist for a residential treatment program at Brentwood Recovery Home, and a Brentwood representative reported that a spot

should become available for the Applicant within 4-5 weeks. Essex Manor has confirmed that the Applicant can live there while he waits for a spot at Brentwood.

[38] The Respondent submitted that the Applicant was still a danger to the Canadian public and unlikely to appear for his removal; and that the proposed release plan was similar to what had been presented at prior hearings.

[39] Following testimony from the Applicant and the submissions of the parties, the ID Member determined that the Applicant should remain detained because he remains both unlikely to appear and a danger to the public. The Member arrived at this conclusion despite acknowledging the presence of certain factors supporting release, specifically the conditions of detention and the future length of detention.

A. *Unlikely to Appear*

[40] While acknowledging that the Applicant's mental health and substance use disorder may have been a contributing factor, the Member relied on past findings of the ID that the Applicant's history of non-compliance with immigration and criminal laws in Canada, and non-compliance with terms and conditions imposed by immigration and law enforcement bodies, support the conclusion that he is unlikely to appear for removal.

[41] The Member also cited the Applicant's fear of returning to his home country under this factor.

B. *Danger to the Public*

[42] The Member found that the Applicant's criminal record shows that he struggles to obey laws and has a propensity to commit violence, and that this supports a finding that he poses a danger to the public.

C. *Other Section 248 Factors*

[43] The Member briefly considered the length of detention, future length of detention, and best interests of the Applicant's minor children, and determined that they all weighed slightly in favor of release but did not outweigh the factors that favor detention.

D. *Conditions of Detention*

[44] In terms of factors weighing in favor of release, the Member focused on the conditions of detention, including the assault at Maplehurst and the disproportionate impact of detention on vulnerable persons with mental health challenges.

[45] The Member found that the Applicant was moved to Maplehurst "due to a pattern of escalating behavioral incidents at the IHC and a suicide attempt in early August." The Member found that:

> …what happened to [the Applicant] cannot be clearly attributed to any particular cause or party, and it is not fruitful to shift blame onto either the detainee or the detainer. [sic] what I see is a pattern of escalating behavior at the immigration holding centre which was likely informed or driven by a combination of mental health, behavioral, and substance addictions issues.

[46] Moreover, the Member found that "CBSA transferred [the Applicant] to the immigration holding centre right away, at least as soon as the Minister's Counsel became aware of it."

[47] The Member concluded that although being in medical isolation at the IHC may be a "difficult experience," that the IHC would be able to provide adequate conditions for the Applicant's recovery. Therefore, the Member found that the conditions of detention only weighed slightly in favor of release.

E. *Release Plan*

[48] Finally, the Member found the proposed release plan to be inadequate because there would be insufficient supervision at Essex Manor and the Applicant had not provided enough information about the Brentwood program, although the Member described it as a promising option.

IV. ISSUES

[49] The substantive issues raised by the Applicant are as follows:

1. Whether the Member erred by ignoring a material change in circumstances in assessing the grounds for detention
2. Whether the Member erred in assessing the proposed alternative to detention.
3. Whether the Member erred by limiting her analysis of the conditions of detention to a forward-looking analysis

V. STANDARD OF REVIEW

[50] The Applicant challenges the ID decision on substantive administrative law grounds. In doing so, the Applicant acknowledges that the standard of review is reasonableness.

[51] Beyond this, the Applicant notes that the consequences of detention decisions are profound. As such, the Applicant argues that in the context of immigration detention, the reasonableness standard "imposes a heightened obligation on decision-makers to provide clear, responsive, and legally coherent reasons." This is consistent with *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, in which the Supreme Court of Canada noted (at para 133) that "where the impact of a decision on an individual's rights and interests is severe, the reasons provided to that individual must reflect the stakes."

VI. ANALYSIS

A. *Preliminary Issue: Style of Cause*

[52] In his Notice of Application, the Applicant listed the Respondent as the Minister of Public Safety and Emergency Preparedness. However, in his Record, he requested that the style of cause be changed to list the Minister of Citizenship and Immigration as the respondent because he was challenging a decision of the ID, a Division of the Immigration and Refugee Board, pursuant to s.58(2) of the IRPA. The Respondent, however, suggests that the Applicant had named the proper respondent in the first place, as arrest, detention and removal are within the responsibilities of the Minister of Public Safety and Emergency Preparedness: see IRPA, s.4(2)(b).

[53] Little turns on this issue in the present case, and I would note that in the detention review jurisprudence, the government party is variably listed as the Minister of Citizenship and Immigration in some cases or the Minister of Public Safety and Emergency Preparedness in others. Ultimately, I believe that the Respondent is correct, and as such, the style of cause will not be amended.

B. *Preliminary Issue: Determination on Leave*

[54] As noted above, due to the expedited nature of this proceeding, I ordered that the decision on leave in this matter would be collapsed into the larger consideration of the issues (assuming, of course, that leave is granted). I have determined that the Applicant has raised a fairly arguable case and, as such, leave is granted to consider this application for judicial review.

C. *Issue 1: Did the Member fail to consider the Applicant's assault and injuries as a material change in circumstances?*

[55] As noted above, the Applicant has been detained on the basis that he is unlikely to appear for removal and on the basis that he is a danger to the public. Following the incident at Maplehurst, he requested an early review of his detention, which was conducted. At the detention review, he argued that his limited mobility resulting from his injuries constituted a material change in his circumstances, which was relevant to the assessment as to whether the Minister had established the grounds to continue his detention.

[56] In its decision, the ID acknowledged that the these changed circumstances gave rise to the early review, but then did not assess them in relation to the alleged grounds for the

Applicant's detention. This, the Applicant argues, was clearly unreasonable because one of his central submissions was that his immobility mitigated any finding of flight risk or danger.

[57] The Respondent counters that the ID did mention the attack at Maplehurst but determined that there was no new information that would provide a clear or compelling reason to depart from the decisions of previous ID panels.

[58] Respectfully, the ID's generic statement that there was no new information warranting a departure from previous decisions does not amount to a consideration of the events that gave rise to the early review. It follows that I agree with the Applicant that it was unreasonable for the ID to disregard the Applicant's injuries in assessing whether his ongoing detention was warranted. In arriving at this conclusion, I make no comment on whether Mr. Fyfield's injuries *do* impact the flight risk and danger assessments – this is not a determination for the Court to make. However, it was an important factor in the Applicant's testimony and submissions, and it was incumbent on the ID to consider it. In arriving at this conclusion, I also acknowledge that there was little by way of formal medical evidence before the ID. Nevertheless, it was not disputed that the Applicant was in a cast at the time of the detention review, and he required crutches to move. In the circumstances, the Applicant's medical condition was a factor that ought to have been squarely considered.

D. *Issue 2: Did the Member err in assessing the proposed alternative to detention?*

[59] The Applicant next argues that the ID Member failed to conduct a fresh and independent assessment of the alternative to detention presented by the Applicant, and failed to apply the IRB *Chairperson's Guideline 2: Detention* [Guideline], particularly as it pertains to vulnerable individuals.

[60] In essence, the Applicant's argument on the proposed alternative to detention is similar to his first argument. Put broadly, he argues that the Member erred in simply adopting the findings from previous detention reviews without considering whether his new circumstances – namely his mobility restrictions – may have impacted the appropriateness of the proposed alternative to detention.

[61] The Respondent counters that the Member did, in fact, conduct a fresh and independent assessment of the alternatives to detention. However, as previous ID panels had found, the alternatives proposed were insufficient to mitigate the concerns related to Mr. Fyfield's release.

[62] It is true that the ID Member took some time in her reasons to independently consider the details of the release plan, and specifically, the appropriateness of Essex Manor as an alternative to detention. The Member referred to the previous testimony of the owner of Essex Manor, Ms. Edwards, noting that she does not undertake to provide "structured supervision" to residents in the home, and that individuals are free to come and go as they please. The Member went on to observe that the home is "essentially an arrangement where she provides room and board to people at what I perceive to be low-market rent."

[63] I have two main concerns with the Member's findings. The first relates to the Member's characterization of Essex Manor as essentially a low-rent rooming house. This characterization, in my view, strayed unreasonably far from the actual evidence that was before the ID on Essex Manor and the proposed release plan. This information, which was largely set out in a previous detention review by Ms. Edwards, included the following details:

- She has worked with marginalized people in her community for 26 years
- Hospitals frequently refer "hard cases" to her
- The Applicant would be driven every day to a full-day addictions recovery program
- There is a staff member on site who can assist with medication
- There are doctors who are affiliated with Essex House who specialize in addictions and mental health treatment
- While there is no information sharing memorandum of understanding [MOU] with CBSA, Ms. Edwards testified that she has acted as a surety in the past and was willing to enforce any conditions required by CBSA and to report any violations of those conditions
- Ms. Edwards has known the Applicant for 7 years through her outreach work and has a positive relationship with him

[64] It may well be that the ID had valid reasons for concluding, as had previous ID panels, that the above details were insufficient to mitigate the flight risk and danger concerns. But for the ID to reasonably come to this conclusion, it was required to do so on the basis of the actual release plan, and not a scaled down, and, frankly, distorted, description of it.

[65] The second concern is that in essentially adopting the findings of the previous detention review panels, the ID did not consider this alternative to detention through the lens of the Applicant's current, and changed, circumstances, as it was required to do. Indeed, the regular

review of alternatives to detention is an essential ingredient in ensuring that the detention regime remains *Charter*-compliant: *Brown v Canada, (Citizenship and Immigration),* 2020 FCA 130 [*Brown*] at paras 130-133. It is also specifically explained in the Guideline (at s.3.1.3):

> Members must actively consider and reassess alternatives to detention (ATDs) at each review. This may include reassessing ATDs previously considered and refused at previous detention reviews if those ATDs are still available, recognizing that circumstances may change from one review to another.

[66] Had the ID considered the alternatives to detention taking into consideration the Applicant's assault and injuries while in detention, it may well have come to the same conclusion. Or that conclusion may have been different. Once again, it is not for this Court to draw conclusions from the evidence that was before the ID. It was, however, essential for the ID to consider the evidence related to changed circumstances in thinking through the alternatives to detention.

E. *Issue 3: Did the Member err in considering the conditions of detention?*

[67] As noted above, the Applicant was transferred back to the IHC following his hospitalization related to the second assault he experienced at Maplehurst. The Applicant argues that, in considering the conditions of detention, the ID focused its analysis exclusively on the Applicant's present and forward-looking detention at the IHC. This, the Applicant maintains, led to an unreasonable assessment of the proportionality of his ongoing detention to the risks that led to that detention.

[68] In engaging solely in a forward-looking analysis, the Applicant argues that the ID gave unreasonably short shrift to his transfer to Maplehurst and, more importantly, to the serious assault that he experienced there. As a corollary to this argument, the Applicant further argues that the Member failed to grapple with the Applicant's deteriorating mental health while detained and the impact of this deterioration on the proportionality of his detention. Put more directly, the Applicant suggests that the Member erred in failing to assess whether it was proportionate for him to have suffered a broken leg and a mental health crisis to facilitate his potential administrative removal from Canada.

[69] The Respondent does not dispute that assessing past conditions of detention is potentially relevant in the assessment of proportionality but maintains that the Member in this case did not ignore information related to the Applicant's transfer to Maplehurst, or his assault. The Member noted the Applicant's mental health crisis, his assault, and the injuries that flowed from it, and ultimately concluded that the conditions of detention slightly favoured release. Thus, the Respondent argues that it is simply untrue that the ID unduly restricted its assessment in the manner alleged by the Applicant.

[70] It is true that the ID Member referenced the Applicant's traumatic experiences while in detention. For example, the Member acknowledged that the Applicant's detention has "clearly been a very tough experience." It is also true that the Member considered the s.248 factors in concluding that Mr. Fyfield's ongoing detention was justified. This said, I am convinced that the ID did not adequately consider whether Mr. Fyfield's "very tough" experiences, and the ongoing fallout from them, had fundamentally altered the proportionality of his detention vis-à-vis its underlying purpose.

[71] In *Brown*, the Federal Court of Appeal noted that there may be situations in which the conditions of detention, on their own, may lead to the conclusion that ongoing detention is disproportionate. The Court stated (at para 107):

> The ability, indeed obligation, to consider sections 7, 9 and 12 is inherent in the exercise of the discretion concerning whether or not detention is warranted. As a tribunal of competent jurisdiction capable of providing *Charter* remedies, the ID can order release of a detainee on the grounds that the conditions of detention, on their own or in conjunction with other factors, are disproportionate…

[72] In the circumstances, it was incumbent on the ID to consider whether the conditions of detention, reviewed holistically, had, on their own, become disproportionate to the identified grounds of detention. Rather than engaging in this exercise, the ID appears to have focused on who was to blame for the Applicant's circumstances and, more to the point, on the conclusion that the circumstances arose predominantly from a combination of the Applicant's mental health, behavioural, and addiction issues.

VII. CONCLUSION and REMEDY

[73] This is a difficult and, in many respects, troubling case. There is no doubt that Mr. Fyfield has experienced considerable difficulty in complying with previous release orders. It is equally clear that Mr. Fyfield, a vulnerable individual, has experienced significant trauma over the course of this latest period of detention.

[74] There may well have been a reasonable basis on which the ID could have concluded that the Applicant's ongoing detention was required. That said, for all of the above reasons, I have

determined that this application for judicial review must be granted. The parties did not propose a question for certification, and I agree that none arises.

[75] This brings us to the question of remedy. The Applicant's next statutorily mandated 30-day detention review is scheduled for this coming Tuesday, September 23, 2025. In these circumstances, I believe that it makes most sense to remit this matter for redetermination, and that this redetermination be undertaken at the coming detention review, and in accordance with these reasons. I will leave it to the discretion of the parties to determine whether they would like this redetermination to be conducted on the basis of the record that was before the last detention panel, or on the basis of new information and/or testimony.

JUDGMENT in IMM-19360-25

THIS COURT'S JUDGMENT is that:

1. The Application for leave is granted.

2. The matter is remitted to a different panel of the Immigration Division of the Immigration and Refugee Board for redetermination in accordance with these reasons.

3. There is no question to certify and no order as to costs.

"Angus G. Grant"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-19360-25
STYLE OF CAUSE:	RYAN ANTHON FYFIELD v THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
PLACE OF HEARING:	HELD BY WAY OF VIDEOCONFERENCE
DATE OF HEARING:	SEPTEMBER 18, 2025
JUDGMENT AND REASONS:	GRANT J.
DATED:	SEPTEMBER 19, 2025

APPEARANCES:

Avineet Cheema Soo-Jin Lee	FOR THE APPLICANT
Jocelyn Espejo-Clarke Giancarlo Volpe	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Refuge Law Office Legal Aid Ontario Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT