



Visits

Your legal rights

People in prison have a right to reasonable contact with family, friends and others from the community. Any limits on your right to visits must be reasonable and necessary to protect the security of the prison or the safety of people.

Contents

Your right to visits	4
Visits with your lawyer	4
Visitor applications	5
Refusal or suspension of visits	6
Private family visits	7
Refusal or suspension of PFVs	9
Getting legal help	11

Your right to visits

You must be given a reasonable opportunity to meet with your visitor without a physical barrier, unless:¹

- the warden has reasonable grounds to suspect that the barrier is necessary to protect the security of the prison or the safety of a person; and
- there is no less restrictive measure available. This is called a **contact** visit.

If you are not allowed a contact visit, you should be given the opportunity to meet with your visitor behind glass. This is called a **non-contact** visit.

You will not be allowed a contact visit or a non-contact visit if your visits have been refused or suspended (see section below on “Refusal or suspension of visits”).

Visits with your lawyer

You must be given the opportunity to meet with your lawyer in a private interview room.²

1 *Corrections and Conditional Release Regulations*, SOR/92-620, s. 90(1) [CCRR].

2 CCRR, s. 90(3); Correctional Service of Canada, *Commissioner’s Directive 559: Visits* (Ottawa: CSC 2015-07-02), para. 8 [CD 559].

Visitor applications

Your visitor (other than lawyers) must apply to visit you by filling out a *Visiting Application*. The Correctional Service Canada (CSC) will review the application and do a Canadian Police Information Centre (CPIC) screening of your visitor. Based on this information, the warden will decide whether or not your visitor will be allowed to see you.

Once the application is approved, it is valid for 2 years. Even if you are transferred to another prison, your approved visitor will be able to visit you there.³

Your visitor will need to fill out a new application every 2 years.

If your visitor is a minor (18 or younger in BC), they will need to be accompanied by an adult (19 or older). Both the minor and the adult need to fill out a *Visiting Application* and be approved for visits.⁴ When the minor turns 19, they will need to submit a new application.⁵

Your visitor will be made aware of the rules and procedures about visits before they begin.

3 CD 559, para. 15.

4 CD 559, paras. 11, 18.

5 CD 559, para. 19.

Refusal or suspension of visits

Visits can be refused or suspended only if prison staff have reasons to suspect that you or your visitor would:

- jeopardize the security of the prison or someone's safety, or
- plan or commit a crime.⁶

If your contact visit is refused, prison staff must allow non-contact visits unless there are also reasons to believe that a non-contact visit would still be a risk.⁷

Prison staff must promptly give you and your visitor written reasons for refusing or suspending your visits.⁸ In this letter, you will be told that you have **5 working days** to make a submission. The letter will tell you who to make your submission to, which can be verbal or in writing.⁹

In your submission, you will want to address the reasons and concerns that were given for refusing or suspending your visit.

The final decision will be made within 5 working days of your response. You will receive the final decision within 15 working days of the decision.¹⁰

Your visitor can submit a new *Visiting Application* at any time. If there is new information that could change the decision, the Visits Review Board must consider the new application as soon

6 CCRR, s. 91(1); CD 559, para. 22.

7 CCRR, s. 90(1)(b).

8 CCRR, s. 91(2)(b); CD 559, para. 23.

9 CD 559, para. 23.

10 CD 559, para. 23.

as possible. Otherwise, the Visits Review Board must consider the application 6 months after the decision to stop their visits was made.¹¹

You can also put in a National level grievance to CSC if you are not satisfied with the decision. You should submit the grievance within **30 days** from when you get the decision to suspend or refuse your visits. For more information, see the Prisoners' Legal Services booklet: "Writing an Effective Grievance".

Private family visits

Private family visits (PFVs) give you the opportunity to use special facilities in the institution to meet privately with your family. PFVs are meant to allow you to renew or continue personal relationships. A PFV can last for up to 72 hours. You are normally allowed a PFV every 2 months.¹²

You are eligible for PFVs unless you are:

- at risk for family violence;
- already participating in unescorted temporary absences to visit your family; or
- in a Special Handling Unit, or recommended for one.¹³

11 CD 559, para. 24.

12 Correctional Service of Canada, *Commissioner's Directive 710-8: Private Family Visits* (Ottawa: CSC, 2016-10-11), para. 19 [CD 710-8].

13 CD 710-8, para. 9.

Private family visitors may include:

- spouses;
- common-law partners (living together for at least 1 year in a marriage-like relationship);
- children (yours or your spouse's or common law partner's);
- parents and foster parents (yours or your spouse's or common law partner's);
- siblings or half-siblings; and
- others who you have a close personal relationship with (see below).¹⁴

You may be considered to have a close personal relationship with someone if:

- you share a close family bond;
- one of you contributed significantly to the moral or spiritual development of the other;
- you were engaged in a long-term living arrangement or partnership;
- you shared a significant life experience that created an enduring bond of friendship or trust; or

14 CD 710-8, para. 11, Annex A.

-
- if you are Indigenous, extended family members. This includes people who you are related to by birth, as well as people you consider as grandparents, brothers, sisters, aunties, uncles or other relatives even if you are not related by blood.¹⁵

You can apply for PFVs by filling out an *Application for the Use of the Private Family Visit Unit*.

Visitors under the age of 19 (in BC) must be accompanied by an adult.

If you are a mother and are applying for a visit from your child (aged 18 or under), the process is through the Mother-Child Program.¹⁶ See Prisoners' Legal Services booklet: "Mother-Child Program in Federal Prisons".

Refusal or suspension of PFVs

PFVs can be refused or suspended if prison staff have reasons to suspect that you or your visitor(s) would:

- jeopardize the security of the prison or someone's safety; or
- plan or commit a crime.¹⁷

Your visit may also be suspended for other reasons as determined by the warden, but they should only be suspended if the restrictions

15 CD 710-8, para. 11, Annex A.

16 CD 710-8, para. 14; Correctional Service of Canada, *Commissioner's Directive 768: Institutional Mother-Child Program* (Ottawa: CSC, 2020-01-24).

17 CD 710-8, para. 23.

in place for the visit cannot adequately control the risk posed.¹⁸

Prison staff must give you and your visitor written reasons for refusing or suspending your PFVs.¹⁹

You and your visitor have **5 working days** from when you get the reasons to ask that the decision be reconsidered and present your argument or version of events.²⁰ You can do this verbally or in writing.²¹

The final decision will be made within 5 working days of your response. You will receive the final decision within 15 working days of the decision.²²

You can reapply for PFVs at any time. If there is new information that could change the decision, CSC must consider your application as soon as possible. Otherwise, they must consider your application within 6 months of the final decision to refuse or suspend your visits.²³

You can also put in a National level grievance to CSC. You normally have **30 days** from when you get the decision to refuse or suspend your PFVs to submit a grievance.

18 CD 710-8, para. 23.

19 CD 710-8, para. 24.

20 CD 710-8, para. 24.

21 CD 710-8, para. 24.

22 CD 710-8, para. 24.

23 CD 710-8, para. 25.

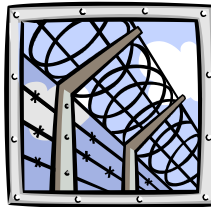
Getting legal help

If you are in prison in British Columbia, you can contact Prisoners' Legal Services for advice or assistance with issues that affect your liberty (such as solitary confinement, disciplinary charges or parole hearings), or about health care or human rights issues.

People in federal prisons can contact Prisoners' Legal Services directly at 1-866-577-5245. People in provincial prisons can contact Prisoners' Legal Services directly at 604-636-0464.

Our telephone lines are open Monday to Friday 9:00 am – 11:00 am and 1:00 pm – 3:00 pm. Our phones are closed on Wednesday afternoons.

This publication contains general information only. Each situation is unique. Law and policy can also change. If you have a legal problem, contact Prisoners' Legal Services or a lawyer.



Produced by Prisoners' Legal Services, a project of the West Coast Prison Justice Society with funding from the Law Foundation of British Columbia.

August 2023