



Conseil canadien pour les réfugiés
Canadian Council for Refugees



Canadian Association of Refugee Lawyers
Association canadienne des avocats et avocates en droit des réfugiés

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LIBERTÉS CIVILES
DE LA COLOMBIE-BRITANNIQUE

11 April 2019

The Right Honourable Prime Minister Justin Trudeau, P.C., M.P.
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario
K1A 0A2

Dear Prime Minister Trudeau,

We are human rights and refugee-serving organizations and we strongly object to the inclusion of an unexpected, substantial and deeply troubling reform affecting the human rights of refugees in the omnibus *Budget Implementation Act*, Bill C-97.

The measure itself - depriving certain refugee claimants of access to full and independent refugee hearings - is harsh and unnecessary. Furthermore, stripping crucial and hard-won human rights protections from people in a budget bill is undemocratic and means that Parliamentarians will be deprived of the ability to properly consider the effects of the change on vulnerable people, and its unforeseen consequences on the refugee determination system.

We consider that removing the protections of an independent refugee determination hearing from refugee claimants as proposed in the *Budget Implementation Act* is likely to result in legal challenges, and will create further inefficiencies, delay and confusion in the system. These cases involve incredibly high stakes for the claimants, including questions of persecution and torture, of being able to live life freely in accordance with one's identity and culture with protection for fundamental human rights, and even of questions of life and death. That is why Canada has long ensured that refugee claims are determined in a fair hearing before an independent tribunal. It is unacceptable to consider removing this protection in a budget process, in which it is impossible to give the proposed change its due consideration, whether or not this particular measure is considered separately in committee or in tandem with the rest of the budget.

The government's claims that this measure combats some form of "country shopping" by refugees are simplistic and inaccurate. In the recent words of the Honourable Lloyd Axworthy, himself a former Minister of Immigration, on CBC's *Power and Politics*, "it is offensive." We know from our collective experience that there are a wide range of legitimate reasons why refugee

claimants may seek Canada's protection after having filed a claim elsewhere. They must be given the opportunity to do so.

We urge, in the strongest possible terms, that the government withdraw this measure from the *Budget Implementation Act*. Significant changes to our refugee determination system impacting Canada's international human rights obligations have no place buried in a budget bill.

Sincerely,

Alex Neve
Secretary General
Amnesty International Canada (English Branch)

Josh Paterson
Executive Director
British Columbia Civil Liberties Association

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cc: Hon. Bill Morneau, Minister of Finance