



Bill C-2: Key Concerns

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Bill C-2, the “Strong Borders Act,” proposes sweeping legislative changes that seriously weaken refugee rights and betray Canada’s values of fair treatment of newcomers. The bill:

Denies some refugees the right to have their claim heard before being deported, in violation of Canada’s international and Charter obligations. Bill C-2 makes a refugee claim ineligible if a year has passed since the person first arrived in Canada after June 24, 2020. A claim that is ineligible is not referred to the Immigration and Refugee Board (IRB), denying the right to an oral hearing before Canada’s globally recognized independent refugee tribunal. The proposed one-year bar is worse than the US provision, where it applies to an individual’s last entry into the US, while the Canadian proposal is a lifetime bar. UN guidance is clear: there should be no time limits for seeking asylum. Furthermore, a person entering Canada from the US is also ineligible to seek refugee protection if they make their claim 14 days or more after arriving between Ports of Entry.

Provides inadequate procedural protections for refugees, undermining Canada’s world class refugee determination system and leaving thousands in limbo. People ineligible to make a claim under these new provisions may be offered a Pre-Removal Risk Assessment (PRRA) to determine if they should not be removed. The PRRA is wholly inadequate to ensure refugees are not sent back to persecution as it lacks a guaranteed oral hearing, does not offer procedural protections granted at the IRB, including the right of appeal, and decision-makers (IRCC officials) do not have the independence nor the expert resources of the IRB to assess the merits of a claim. Since PRRA is triggered when Canada is ready to remove an individual, people from countries where Canada has a moratorium on deportations would be stuck in indefinite legal limbo, with no status in Canada and no way to make a refugee claim.

Gives the government the power to cancel immigration documents en masse and terminate the processing of applications already in the system. Bill C-2 will allow the government to cancel, suspend or change immigration documents (e.g. permanent or temporary resident visas, work or study permits, etc.) or terminate applications, such as for refugee sponsorship, if deemed in the “public interest.” These powers are broad, with inadequate safeguards, and could lead to unfair treatment and discrimination against certain groups.

Gives law enforcement agencies sweeping authority to collect personal information putting refugees and migrants at risk. By giving government agencies new powers to demand service providers turn over certain information on clients, Bill C-2 will erode the trust of refugees and migrants in these organizations and create a tracking system that could be used to facilitate deportations to unsafe contexts. The bill also weakens privacy rights by authorizing disclosure of personal data of newcomers within the immigration department and with other governmental agencies and foreign entities, which can expose many to grave risks.