Canadian Council for Refugees | Conseil canadien pour les réfugiés

November 2025

Bill C-12: Strengthening Canada's Immigration System and Borders Act

Submission to the Standing Committee on Public Safety and National Security (SECU)

Overview

The Canadian Council for Refugees (CCR) is a leading voice for the rights, protection, sponsorship, settlement, and well-being of refugees and migrants in Canada and globally. The CCR is driven by over 200 member organizations working with, from, and for these communities from coast to coast to coast.

Bill C-12's measures propose a fundamental weakening of refugee protections, which will significantly undermine respect for Charter-protected rights and Canada's international legal obligations. The proposed changes lacked any meaningful consultation with refugee and human rights experts and will endanger refugees and migrants when they are most counting on a fair process and respect for their rights. The legislation's provisions will create more problems than they solve, necessitating the expansion of ineffective and duplicative structures for assessment of claims at IRCC while increasing backlogs at the Immigration and Refugee Board (IRB) and Federal Court.

Key concerns with Bill C-12:

1. Bill C-12 introduces **two new ineligibility provisions** that prevent individuals from accessing an oral hearing—a right guaranteed under the Canadian Charter—before the IRB, a globally recognized and independent quasi-judicial tribunal. Under Bill C-12, individuals are ineligible if they make a refugee claim more than a year after arriving in Canada, or 14 days or more after entering at the land border between Ports of Entry. These provisions contradict the principle of non-refoulement, as Canada may return people to countries where they face danger and persecution. Bill C-12 fails to acknowledge that an individual's circumstances can change, resulting in a need for protection past an arbitrary one-year deadline for making a claim. The provisions will particularly endanger survivors of gender-based violence, LGBTQIA+ individuals, unaccompanied minors, individuals with mental health issues, and people whose countries are facing political unrest.

2. Individuals who are no longer able to make a refugee claim under these two new ineligibility provisions may instead be offered a Pre-Removal Risk Assessment (PRRA) to ensure that they are not sent back to danger. However, **this PRRA process is wholly inadequate**. It does not

guarantee access to an oral hearing as required by the 1985 Supreme Court Singh decision and does not offer the procedural protections granted at the IRB, including the right of appeal. PRRA decision-makers (IRCC officials) do not have the independence, nor the expertise to assess the merits of a claim. Consequently, the Federal Court will likely face additional backlogs as there will be increased litigation to contest PRRA refusals.

3. Many of these people would be stuck in a **legal limbo** because they come from **moratorium countries**—countries to which Canada has suspended removals given generalized insecurity, such as Haiti, Afghanistan and Venezuela. Since PRRA is only triggered when Canada is ready to remove an individual, they will have no way to have their refugee claim heard and will remain without status in Canada. This will put thousands of people in a long-term precarious position, separated from family and with limited rights or ability to contribute to Canadian society.

4. Bill C-12 gives the government sweeping new powers to **cancel, suspend or change a whole range of immigration documents**, as well as **suspend the right to make new applications** in a specific category and **suspend and terminate processing of applications already submitted** if deemed in the "public interest." These documents and applications include permanent or temporary resident visas, work or study permits, travel authorizations, etc. These provisions are very broad and do not contain any safeguards, which could lead to unfair treatment and discrimination against certain groups. It will also lead to more people living without status or in extremely precarious conditions, negatively impacting their right to access employment, education and social services with damaging effects on their well-being and safety.

5. Bill C-12 enables the **disclosure of personal information** within and outside the immigration department, such as with other federal and provincial departments, agencies, and crown corporations, as well as foreign entities. This bill weakens protections of newcomers' data by sharing personal information relating to their identity, status or immigration documents. This could negatively impact the safety of migrants and refugees in Canada or their country of origin if they are forced to return.

6. Bill C-12 introduces new provisions that will result in claims being declared **abandoned** before they have even been referred to the IRB. Under the proposed amendments, if a claimant does not provide required information and documents in a timely manner, or fails to appear for an interview, the claim "must" according to Bill C-12 be sent to the IRB to decide whether to declare it abandoned. This fails to consider that people face frequent communications and technological barriers, lack support in complying with requirements, may need a few more days to provide documents, or face exceptional circumstances such as missing an interview due to illness. The automatic nature of the provision will generate a new backlog of abandonment hearings for the IRB. The provisions particularly impact vulnerable clients such as those with mental or physical health issues and unaccompanied minors. There is a real risk that people will be returned to face persecution, violating Canada's non-refoulement obligations, because once a claim has been declared abandoned, the person cannot make another refugee claim and is barred from the PRRA for 12 months, during which time they will likely be removed.

Recommendation: This bill should be withdrawn in its current form.

CCR's detailed analysis and recommendations

1. New Ineligibility Provisions (Part 8)

Bill C-12 introduces two new provisions that would make some individuals ineligible to make a claim. These individuals would no longer have their claims referred to the Immigration and Refugee Board of Canada and would thus be denied the right to an oral hearing on the reasons they seek protection before Canada's globally recognized independent refugee tribunal. Instead, the individual may be offered a Pre-Removal Risk Assessment, without a guarantee of an oral hearing. Vulnerable and marginalized populations are particularly harmed by this measure.

A. One year bar

Bill C-12 introduces a new one-year bar for refugee claims. If a person does not make a claim within one year of arriving in Canada, the claim is ineligible. This provision applies to individuals who arrived in Canada on or after June 24, 2020. If approved, it will also apply retroactively to claims made after June 3, 2025, the date on which Bill C-2, the Strong Borders Act—the first iteration of Bill C-12—was introduced in Parliament.

B. Restrictions on Arrivals from the U.S. Between Ports of Entry

Bill C-12 would add provisions that would make a person entering Canada from the United States between Ports of Entry ineligible to seek refugee protection if they make their claim 14 days or more after arriving. This further constrains the right to asylum since the Safe Third Country Agreement (STCA) provisions already prevent claims within 14 days from people entering from the United States, turning them back unless they meet an exception in the STCA. The right to asylum should not be constrained by the manner of arrival, especially in a global context where restrictive immigration policies force people to resort to irregular migration.

Major concerns

- 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 Immigration and Refugee Board, including the right of appeal, and PRRA decision-makers (IRCC officials) do not have the independence nor the expertise of the IRB to assess the merits of a claim. IRB adjudicators receive significant training and have access to extensive research and data through the IRB's Research Directorate, not available to PRRA officers. A recent study demonstrates that sending claims to the PRRA process is inefficient because these cases are more likely to later face judicial review at the already overloaded Federal Court than cases that received full IRB

review.[1] The government should focus on better resourcing the IRB to assess claims instead of introducing harsh legislation to fundamentally weaken the rights of those seeking protection in Canada.

- The right to an oral hearing was recognized by the Supreme Court 40 years ago in the Singh decision, which led to the establishment of the IRB as an independent quasi-judicial tribunal. Bill C-12 violates this right and undermines Canada's world-renowned refugee determination system. At 33%, the PRRA acceptance rate is significantly lower than the average acceptance rate at the IRB over the past five years, which is 63%. This underlines concerns regarding procedural fairness for refugee claimants seeking protection in Canada. Furthermore, when a PRRA application is rejected, no statutory stay of removal is provided during proceedings in the Federal Court.

- Since PRRA is only triggered when Canada is ready to remove an individual, people from countries where Canada has a moratorium on deportations, such as Haiti, Afghanistan or Venezuela, would not even have this option under the bill. This will leave thousands stuck in a legal limbo with no way to make a claim or have status in Canada, resulting in separation from their family and having limited rights or ability to contribute to society.

- The one-year bar is a feature of the U.S. refugee determination system—a provision which has been extensively critiqued—where the one-year timeline starts at the most recent entry into the United States. The Canadian proposal is worse as it applies to an individual's first entry into Canada. Crucially, Bill C-12 violates Canada's obligations under international law as the 1951 Refugee Convention places no time limits on when someone can make a refugee claim. This new provision will not only cause more harm for refugees, but it is also unlikely to achieve the goal of timely processing of refugee claims.

- The one-year bar fails to acknowledge that situations change. A person might not have fears of persecution when they first arrive in Canada but may later face significant risk if they were to return to their country of origin due to a change in government or significant political unrest in their home country. For example, a baby visiting Canada with her parents in 2020 would be ineligible to seek protection when she returns twenty years later due to persecution in her country due to her activism as a human rights defender.

- The one-year bar in Bill C-12 would negatively impact marginalized groups such as LGBTQIA+ individuals and survivors of gender-based violence. LGBTQIA+ individuals may not disclose their identity for many years due to stigma and fear of reprisal. Survivors of gender-based violence are forced to process their trauma while navigating complex legal processes. These groups may not be able to gather all the information or be ready to make a refugee claim within a year and may not be aware they can even make a claim based on gender or LGBTQIA+ grounds.

[1] Wallace, Simon, Getting it Right the First Time: Exploring the False Economy of Bill C-12's Refugee Process Shortcuts (October 17, 2025). Available at SSRN: https://ssrn.com/abstract=5620250

2. Changes to the In-Canada Asylum System (Part 6)

A. Making the refugee claim

Bill C-12 will amend the Immigration and Refugee Protection Act (IRPA) to create a new stage in the process between a refugee claim being determined eligible and the claim being referred to the Immigration and Refugee Board (IRB). After the claim is determined to be eligible, "the Minister must consider it further within the prescribed time limit" (section 43 (1)). Claimants must provide information and documents (section 43 (5)). Before it is referred, the person must provide all the information required, and the Minister must have had the opportunity to consider the documents and information submitted (section 44).

Major concerns:

- Unless the 'prescribed time limit' is very short, we can expect to see a new backlog emerging and long delays for some claimants while they wait for their claim to be referred.

  Currently the IRB has a large backlog of claims, with the result that it has little capacity to process claims immediately on referral. However, Parliament should not approve a refugee determination system that only makes sense when there are backlogs. There have been times in the past when the IRB did not have a backlog and where the government's failure to refer claims in a timely manner reduced the IRB's ability to determine claims.

- The new provisions also confuse the roles of different agencies and risks creating delays by giving the Minister the power to demand documents that are currently only required after referral to the IRB. This undermines the role of the IRB as the tribunal responsible for deciding what evidence is necessary to determine the claim.

- While waiting in this new stage for a referral, the person will not be able to serve as an anchor relative for family members seeking to enter Canada from the United States under the terms of the Safe Third Country Agreement, slowing down family reunification efforts that are crucial for protection and refugee well-being and integration.[2]

Note: referral to the IRB does not prevent the government from pursuing investigations into individual cases, in parallel with the IRB's efforts to determine the claim. Where the government needs more time to conclude its investigations, the government can request a postponement of a claimant's IRB hearing – such requests are routinely granted.

[2] To be an anchor relative as a claimant, a person must have a claim for refugee protection that has been referred to the IRB for determination – Immigration and Refugee Protection Regulations, paragraph 159.5(c)).

B. New abandonment provision pre-referral

Bill C-12 introduces a provision allowing a claim to be declared abandoned before it has even been referred to the IRB. Under this provision, if a claimant does not provide the required information and documents, or fails to appear for an interview, the claim must be sent to the IRB to decide whether to declare it abandoned (section 45). Currently, a claim can only be declared abandoned after it has been referred to the IRB. The government has not shown that there is currently a problem that needs fixing: the IRB has an effective and functioning system through which claims that have been abandoned can be dealt with.

Major concerns:

- The new abandonment provisions are likely to lead to claims being declared abandoned because unsupported people did not receive or understand communications or could not navigate the portal, due to linguistic or technical barriers. These challenges are compounded by inadequate access to housing, legal representation, and other supports. Those most at risk of unfairly having their claims abandoned are likely to be those who are the most vulnerable. This includes those with mental or physical health issues (in some cases as a result of torture and other persecution), unaccompanied minors, claimants who must take care of their children as well as manage their claim, and those who are living in an unsafe situation within Canada.

  A person whose claim has been declared abandoned has no right to ever make a refugee claim again in Canada. The stakes are thus extremely high – both for the individual and for Canada's compliance with its legal obligations to protect refugees and not send them back to face persecution.

- The consequences of having a refugee claim declared abandoned include a 12-month bar on a Pre-Removal Risk Assessment, meaning that people may be deported without any assessment of whether they face danger in their home country. In addition, eligibility for the Interim Federal Health Program (IFHP) is ended when a claim is declared abandoned. People from moratorium countries will remain indefinitely in Canada but without health coverage, which is harmful for all and often results in more costly emergency interventions that could have been avoided with access to care.

- The proposed amendment states that the claim must be referred to the RPD for abandonment proceedings if the person does not submit all the information or fails to show for an interview. It may indicate plans for automatic referral of cases where the deadline for completing the portal is missed. This gives no flexibility to IRCC and the CBSA to take individual circumstances into account such as people having to move from one crisis housing situation to another, being sick, or missing a bus or an email, thereby missing their eligibility interview. CBSA recently started conducting eligibility interviews without providing an interpreter, leaving claimants who do not speak English or French unclear on the process and their obligations.

  Many people initiate their inland claim before they have a lawyer because they need access to services, which are only available to them once the claim is made. There is a shortage of

available refugee lawyers making it challenging to find one within deadlines. Currently, claimants are not prevented from continuing proceedings when they have found a lawyer. If Bill C-12 is adopted, the claim would be referred for abandonment, and if the claim is declared abandoned, the person will be barred for life from making a claim.

- Referring all claims for abandonment proceedings where a person has not met a deadline or appeared for an interview is neither fair nor efficient. It will lead to the IRB being forced to hold numerous abandonment hearings with claimants who are attempting to comply with the system but struggling due to lack of supports noted above. In addition, we can expect an increase in re-opening requests that the IRB will need to review. Due process would be better served by leaving the authority to initiate an abandonment hearing to the IRB rather than legislating automatic abandonment hearings pre-referral.

C. Designated representatives

Bill C-12 proposes a new provision requiring "the Minister" to designate a representative for a person under 18 years or a person who cannot understand the nature of the proceedings. Regulations will specify where and when a representative must be designated, where they can make decisions for the person, responsibilities and requirements, and remuneration (section 31). A major concern is the conflict of interest that is created in enabling CBSA to designate a representative. Currently, only the IRB can designate representatives, and only for proceedings before one of its divisions (IRPA sub-section 167 (2)).

Major concerns:

- There is an urgent need for better protections – currently unaccompanied minors and adults who cannot understand the proceedings only have access to a designated representative for proceedings before the IRB. That leaves them unrepresented at crucial processes such as examinations at Ports of Entry and removal interviews with the CBSA, or in the Pre-Removal Risk Assessment, for which IRCC is responsible. Refugee claimants are also left without representation for completing the portal, a crucial step in the refugee determination process, where information omitted or poorly presented can have serious negative repercussions.

  However, representatives designated by the Minister, as proposed in Bill C-12, will not achieve the goal of ensuring better protection where the Minister is the Minister of Public Safety, meaning in practice an official of the CBSA. There is a fundamental conflict for the CBSA (an enforcement agency) to name and fund a representative to act in the interests of children and vulnerable persons against whom they want to enforce removal.

- There is a risk that the CBSA would have inferior standards for the designated representatives, compared to those appointed by the IRB. To be effective, a representative needs an adequate knowledge of immigration and refugee claim processes. The IRB has a developed program for designated representatives. With the proposed change, there would be two parallel systems.

Important rights are at stake, including the right to be protected from refoulement. An interview with CBSA can lead to a person losing the right to make a refugee claim (when a removal order is issued) or waiving the right to a Pre-Removal Risk Assessment. Ensuring vulnerable adults and unaccompanied minors are effectively represented and supported is thus crucial to avoid sending someone back to persecution.

- The issues for unaccompanied minors and adults who cannot understand the proceedings are significantly different. CCR believes the two categories should be considered separately to ensure that their distinct needs are taken into account. Determining who is a minor is usually straightforward, based on age, whereas determining whether an adult understands the proceedings is much more complex.

- CBSA officers may confuse a person's mental health issues with a lack of credibility. For example, where a person's health issues are undiagnosed and they are facing removal, their confusion and inability to fully respond may be interpreted as the person not cooperating in removal proceedings. Asking CBSA officers to determine whether a person needs a designated representative puts them in a situation of conflict of interest, since it may facilitate them advancing their enforcement goals if they conclude that the person is able to understand the proceedings and does not need a representative.

- Designated representatives need to be appointed by an independent entity. Wherever possible, the same designated representative should follow the person through all immigration and refugee proceedings, whether before the CBSA, the IRB or IRCC.

3. Provisions on Immigration Documents & Applications (Part 7)

Bill C-12 gives the government sweeping new powers to cancel, suspend or change a whole range of immigration documents (e.g. permanent or temporary resident visas, work or study permits, travel authorizations, etc.) if deemed in the "public interest." The bill also allows the government to suspend the right to make new applications in a specific category and suspend and terminate processing of applications already submitted.

A. Mass cancellation of immigration documents

- Bill C-12 gives the government, if it is in the "public interest to do so," the ability to cancel or modify documents, including permanent resident visas, permanent resident cards, temporary resident visas, electronic travel authorizations, temporary resident permits, work permits, or study permits. The government could also suspend the documents, impose or modify conditions on these documents, and impose or vary conditions on temporary residents.

B. Suspension and cancellation of applications

- Bill C-12 gives the government the ability to stop accepting applications and to suspend or terminate the processing of existing applications, including permanent resident visas, temporary resident visas and work or study permits, during a certain period if it is in the "public interest."

- Under section 72 of Bill C-12, the government could "restrict the application of the order to certain foreign nationals or to applications within a class of applications."

Major concerns:

- Bill C-12 poses major concerns regarding new authorities for the suspension or termination of processing of immigration applications and for the cancellation of documents. These provisions are very broad and do not contain any safeguards, which could lead to discrimination against certain groups. The provision to restrict applications from certain foreign nationals or allow the targeting of certain classes of immigration applications is concerning as this could be used in a discretionary manner by government to meet political objectives in a time of widespread scapegoating, racism and xenophobia. For example, these provisions could be used to target international students, especially from specific countries and regions, as there is currently negative political and media rhetoric against this group of individuals.

- The notion of "public interest" is especially vague and could give overreaching powers for the current government and any future government to treat groups of refugees and migrants unfairly. This could lead to significant impact for people in precarious situations or those in need of protection, for example, the termination of applications for privately sponsored refugees if the backlog is deemed too large for the "public interest."

- The sudden cancellation, suspension or modification of immigration documents could lead to more people living without status and/or in extremely precarious conditions, putting them at risk of violence and denying access to social services. These powers, which do not provide for any consideration of the individual's circumstances, could also lead to negative effects on the wellbeing and safety of migrants and refugees, such as the disruption of an individual's life plans, uncertainty about their future, and financial uncertainty for themselves and their families.

4. Information-Sharing Provisions (Part 5)

A. Disclosure of personal information within and outside the department

Bill C-12 gives the government the ability to disclose any personal information of an individual within the immigration department to meet their duties and functions.

Bill C-12 also weakens protections of newcomers' personal data by authorizing disclosure of this data outside the immigration department, such as to other federal and provincial departments, agencies and

crown corporations. This information includes the identity of an individual and any changes to their identity; their status in Canada and any changes to their status; and the status of any document issued to an individual. The amendments also foresee that data might be subsequently shared by provincial governments with foreign entities, offering inadequate measures to limit the possible negative consequences.

Major concerns

- Bill C-12 introduces broad provisions that enable the government to share sensitive personal information of migrants and refugees, which could lead to serious risks for their safety. The more broadly personal data is shared, the greater the risks for an individual.

- Some applicants, including refugees, survivors of gender-based violence, and LGBTQIA+ individuals, have well-founded concerns about their personal information being disclosed to the wrong people. For example, sharing information on an individual's change of gender identity within Canada could put trans migrants at risk by exposing them to harassment or violence and jeopardizing their access to housing, healthcare or employment due to discrimination.

- These broad powers could also lead to negative implications on their social safety nets. A change in status disclosed to a provincial agency may lead to the loss of social security benefits putting them at further risk of poverty. There is often an interval of several months between a removal order becoming enforceable and the Canada Border Services Agency proceeding with the removal. These expanded information-sharing provisions could result in families having their social assistance cut off more quickly, resulting in them having no other means of support.

- The ability to share personal information with foreign entities is extremely concerning. For example, authorizing the disclosure of personal information of individuals about an individual's sexual orientation or gender identity to foreign entities could expose them to persecution if they were forced to return to their country of origin. Bill C-12 provides safeguards on information-sharing, such as having written consent of the Minister and ensuring the information-sharing complies with Canada's international obligations. However, these safeguards are inadequate because once a federal or provincial entity has control of this information, there is no way to track how this information may be further shared with foreign entities.