



Bill C-291 – Giving refugees their right to appeal

The Canadian Council for Refugees is asking for **your vote in favour of Bill C-291**, which compels implementation of sections of the 2001 *Immigration and Refugee Protection Act* (IRPA) that give refugee claimants a right to an appeal on the merits.

Bill C-291 is the same as Bill C-280 from the last Parliament, as amended by the Senate. Both the House of Commons (in 2007) and the Senate (in 2008) approved Bill C-280. However, it did not become law because the House did not have time to approve the Senate amendments before the elections were called.

Why is the refugee appeal necessary?

- *Refugee lives are in the hands of a single person* – In 2002, the government went ahead with sections of the IRPA that reduce the number of board members hearing a claim from two to one member. This means that a single person decides the fate of a refugee claimant, even though a wrong decision may mean that a claimant is sent back to face persecution, torture and even death.
- *Decision-making is inconsistent* – Refugee determination is inherently difficult and complex. Different decision-makers do not always come up with the same decision when faced with similar cases, leading to serious inconsistencies. An appeal level helps a system to be more consistent because precedents established at the appeal level must be followed at the lower level when the facts are the same.
- *Any decision-making process will make mistakes* – As human beings, we are all bound to make mistakes from time to time, however hard we try. An effective system, which includes a refugee appeal, recognizes this and provides a mechanism to correct errors.
- *Refugee claimants* are often poorly represented, leading to inconsistencies and errors resulting from inadequate legal representation. An appeal would allow the re-examination of errors and provide the opportunity for their correction.

Is the question of an appeal best reviewed in the context of a reform of the refugee determination system?

Since 2002, when the implementation of the appeal was postponed, successive Ministers of Citizenship and Immigration have said they are studying alternatives. The government is of course free to consider possible reforms, but in the meantime the law already passed by Parliament needs to be respected.

Aren't the Senate amendments of concern?

Bill C-291 incorporates the amendments made to the previous Bill C-280. These include delaying the implementation of the refugee appeal for a further year. This amendment is most unwelcome. However, since the Senate approved the bill in this form, passing this version is likely the fastest route for Parliament to force implementation of the right of appeal for refugees.

For more information:

Refugee Appeal Division Backgrounder – www.ccrweb.ca/RADbackgrounder.pdf

For other questions, please contact the CCR at info@ccrweb.ca, 514-277-7223.