



28 July 2004

Hon. Judy Sgro, PC, MP
Minister of Citizenship and Immigration
Ottawa, Ontario, K1A 1L1

Dear Ms Sgro,

I am writing to respond to your comments on sanctuary and the refugee determination system as quoted in recent Canadian Press articles. We welcome your acknowledgement that recourse to sanctuary points to a problem, but we cannot agree with either your analysis of the problem or your proposed solution.

No one will dispute that refugees should not be taking sanctuary in churches. The problem, however, lies not with the churches that offer sanctuary, but with the flawed refugee determination system that fails to protect some refugees. Because the government is not living up to its obligations towards refugees, churches feel morally compelled to fill in the gaps by protecting refugees through sanctuary.

The refugee system fails because it is unable to correct errors. Parliament recognized the need for and provided an appeal in the *Immigration and Refugee Protection Act* (IRPA), which came into force in June 2002. The failure of the Government to implement the appeal is a betrayal of refugees and of Parliament, which voted for a refugee system that included the appeal. The Government has also broken the promise made in May 2002 by your predecessor, Minister Denis Coderre, to implement the appeal within one year.

The decision not to implement the refugee appeal was justified by reference to the large number of refugee claimants in Canada. In our view, this was always an unacceptable argument: justice cannot be denied simply because there are many people whose lives are at risk. Whatever its validity then, this argument now has none. Since 2001, the numbers of claims made has declined each year, and at the current rate, the numbers of claims in 2004 will be the lowest in ten years. The number of claims awaiting a determination before the Immigration and Refugee Board has also gone down dramatically. As of June 30, 2004, there were 30,468 claims pending (compared to 52,761 claims pending at the end of 2002). At the rate at which claims were finalized January to March 2004, it would take less than 8 months to finalize the claims pending at the end of June.

We note and welcome your openness to meeting with church leaders. Constructive dialogue is an essential step towards identifying mutually acceptable solutions. However, the problems revealed by the sanctuary cases are systemic problems that require a systemic solution. Case by case interventions will not be adequate. This is particularly true since there are many refugee claimants who have been rejected in error who are not in sanctuary: they also need a solution.

You make reference to systemic changes, including the implementation of the Refugee Appeal Division. However, you suggest that it would have to be in the context of “trade-offs” involving the collapsing of the “between six and 20 avenues of appeal.” This suggestion surprises us, firstly, because to our knowledge refugees do not have even one effective appeal, let alone twenty. We would be interested to learn what you consider to be an “avenue of appeal.” Secondly, the inclusion of the Refugee Appeal Division in the *Immigration and Refugee Protection Act* was already at the cost of a trade-off, namely the reduction of decision-makers at the first level from two to one. This was the trade-off approved by Parliament, which chose to give refugees an appeal. The principles of democracy and justice require that the Refugee Appeal Division be implemented.

I would also like to express my disappointment at your suggestion that the offer of sanctuary might in some way represent a security risk. Refugees seeking sanctuary in churches in no way threaten Canada or Canadians. The only security issue at stake is that of refugees, who are at risk if they are deported from Canada. We are very disturbed to see you reinforcing the popular prejudice that unfairly links refugees with threats to national security. We believe that we have a right to expect that the Canadian government will refrain from contributing to dangerous misconceptions about refugees.

In closing, I ask you to think with compassion of the refugees who have been rejected in error, and those who will be wrongly rejected in the coming days. They need and deserve an appeal without delay. They cannot afford to wait for some future remodeling of the system. Once the Refugee Appeal Division has been implemented, we would be happy to sit down and discuss with you how the system might be improved.

Yours sincerely,

Nick Summers
President