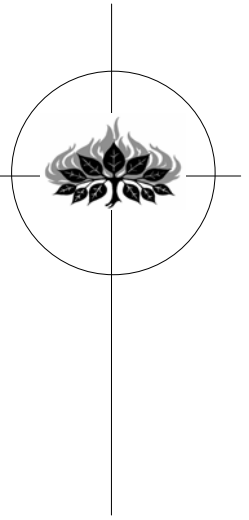


The Presbyterian Church in Canada L'Église presbytérienne au Canada



MODERATOR OF THE 132ND GENERAL ASSEMBLY
M. Wilma Welsh

Tuesday, July 18, 2006

The Hon. Monte Solberg, M.P. P.C.
Minister of Citizenship and Immigration,
House of Commons,
Ottawa, ON K1A 0A6
Fax: (613) 992-6181
Fax: (403) 528-4365

Dear Minister Solberg,

I bring you greetings on behalf of the 132nd General Assembly of The Presbyterian Church in Canada, which met in St. Catharines, Ontario from June 4th to June 9th, 2006.

Our General Assembly wishes to express its concern that the appeal process has not been implemented as provided for in the Immigration and Refugee Protection Act (2002). Failure to implement the Refugee Appeal Division risks putting lives in danger.

In June 2004, my predecessor, The Rev. Dr. Richard Fee, Moderator of the 130th General Assembly, wrote to then Minister of Citizenship & Immigration, The Hon. Judy Sgro, urging the government to implement the Refugee Appeal Division.

Refugees come to Canada from around the globe, fleeing for their lives. They arrive at Canada's borders weary and worn, but hopeful that at last, they will receive fair and compassionate treatment. We are blessed by the contributions refugees make to Canadian society.

The Presbyterian Church in Canada acknowledges the leadership that the Government of Canada continues to provide in welcoming those who have experienced persecution. There is much to commend in our refugee policies and in our refugee determination system. In many ways, Canada provides recognized international leadership in the welcome it gives to asylum seekers from all over the world.

What we find difficult to understand however, is why the right to appeal the merits of a decision, a fundamental legal right enjoyed by Canadians, is denied to asylum seekers. There are other recourses available to refugees, but these, in our view, cannot replace the basic right to appeal the merits of a decision.

Clerks of Assembly: The Rev. Stephen Kendall, The Rev. Donald Muir, The Rev. Dr. Tony Plomp

Your government has placed high priority on public accountability. It seems reasonable to expect a government to implement laws passed by elected officials. Parliament voted for the Refugee Appeal Division when it passed the Immigration and Refugee Protection Act in 2001.

In 2004-2005, over 24,000 Canadians, including many Presbyterians, signed a KAIROS/Canadian Ecumenical Justice Initiatives' petition urging the immediate implementation of the Refugee Appeal Division. We were disappointed that the government of the day did not implement the right to appeal. The Presbyterian Church in Canada is interested in knowing your government's intentions on this issue.

Canada has international obligations to refugees. As a signatory to the 1951 Convention Relating to the Status of Refugees and the Convention Against Torture, Canada has an obligation not to return refugees to a country where they will be at risk of persecution or torture. Failure to implement the Refugee Appeal Division weakens our ability to live up to these obligations. Both the Inter-American Commission for Human Rights (IACHR) and the United Nations High Commissioner for Refugees (UNHCR) have criticized Canada for not having a merit based appeal. The inclusion of the Refugee Appeal Division in the Immigration and Refugee Protection Act was intended to respond to the recommendations of the IACHR and the UNHCR.

The Presbyterian Church in Canada adds its voice to those of Amnesty International, the Canadian Council for Refugees, KAIROS: Canadian Ecumenical Justice Initiatives and many other organizations involved in protecting and sponsoring refugees. Canadians have a history of compassion for our sisters and brothers fleeing persecution. As citizens and as concerned Christians, we urgently and respectfully call upon the government to account for practices that fail our international commitments to refugees. On behalf of more than 130,000 Canadian Presbyterians I call upon the Canadian government to implement the Refugee Appeal Division, as included in the Immigration & Refugee Protection Act.

I look forward to hearing from you. Rest assured of our continuing prayers.

Yours sincerely,



M. Wilma Welsh,
Moderator,
132nd General Assembly,
The Presbyterian Church in Canada

Cc: Mr. Norman Doyle, chair, Standing Committee on Citizenship & Immigration
Mme. Meili Faile, vice-chair, Standing Committee on Citizenship & Immigration
Mr. Andrew Telegdi, vice-chair, Standing Committee on Citizenship & Immigration
Mr. Bill Siksay, NDP critic on Citizenship & Immigration
Ms. Olivia Chow, NDP critic on Citizenship & Immigration (Toronto)