

“Mission is service, a call to help people in need and to permeate all of life with the compassion of God.” Living Faith 9.1.3

Urgent Action Request Update: May 31, 2010

Thank you to everyone who has written to members of the Parliamentary Standing Committee on Citizenship and Immigration re: Bill C-11. The Standing Committee completed its hearings on May 25. The Presbyterian Church in Canada submitted a brief. Contact Stephen Allen or Katharine Masterton if you would like a copy. Rev. Glynis Williams, director of Action Refugees appeared before the Standing Committee.

During the week of May 31, the Standing Committee will be reviewing Bill C-11 clause by clause. It will then go back to the House of Commons for the third and final reading, likely sometime the week of June 7. If the Bill receives third reading, it then goes to the Senate.

Justice Ministries will provide an update when the Bill goes to the Senate.

Federal Government Introduces Changes to Refugee System

Every person present in or coming to Canada seeking asylum is allowed to make a refugee claim. Should some claims be treated differently because of the claimant's nationality?

Bill C-11 would change how Canada deals with asylum seekers making a claim from within Canada (which is a different process than filing a claim from outside of the country). The Government has proposed these changes to reduce the backlog of unprocessed applications, which is to be commended.

However there are some concerns. A “country of origin” list would be introduced. The Minister of Citizenship, Immigration and Multiculturalism, The Hon. Jason Kenney, has referred to this list as a “safe” country list, without defining what is meant by “safe.” Claimants from a country on that list will be unable to appeal an unfavorable decision.

The bill proposes to speed up the determination process. This could lead to hearings that proceed before a claimant is prepared. Being prepared means that a claimant is adequately represented and that he or she is ready and able to talk about the experiences that led them to seek asylum.

The Government of Canada commendably pledges to increase the number of refugees resettled annually in Canada through overseas sponsorship programs, such as PWS&D's refugee sponsorship program. This pledge is not a part of Bill C-11, but is contingent on passing the bill,

TAKING ACTION

Please write to these members of the Parliamentary Standing Committee on Citizenship and Immigration, and request that Bill C-11 be given careful consideration and that there be extensive public consultation:

- **Mr. David Tilson**
(Conservative Party)
- **Mr. Maurizio Bevilacqua**
(Liberal Party)
- **Mr. Thierry St-Cyr**
(Bloc Québécois)
- **Ms. Olivia Chow** (NDP)

The address is: House of Commons, Ottawa, ON K1A 0A6.



which seems unnecessary. More time and public consultation is needed before Bill C-11 is passed. Detailed information is found on page 2.

THE DETAILS

Federal Government Introduces Changes to Refugee System

For the past thirty years, The Presbyterian Church in Canada and Presbyterian World Service & Development have been actively engaged in supporting refugees in Canada and overseas. Presbyterians have sponsored hundreds of refugees from diverse regions of our world, and assisted them to recover from the trauma of exile and successfully settle in Canada. Asylum seekers who claim refugee status when they have arrived in Canada have been referred to lawyers to receive legal information, and have received emotional support as they relive the experiences that caused them to seek safety in Canada.

The Church's Study for 2010-2012, "[Staying Rooted in an Uprooted World](#)", invites us to reflect on our faith through the experiences of people who have been forced to flee their homes and country and calls congregations to action.

The Minister of Citizenship, Immigration and Multiculturalism, The Hon. Jason Kenney, made two recent announcements that will have a significant impact on Canadian refugee policy.

Increasing the number of overseas refugees for resettlement in Canada:

On March 29, 2010, Minister Kenney made a commitment to resettle 2,500 more refugees living in refugee camps and urban slums. See [Expanding Canada's Refugee Resettlement Programs](#). The government has made this commitment dependent on the approval of Bill C-11, called the *Balanced Refugee Reform Act* which was introduced March 30, 2010. Bill C-11 is intended to "[improve Canada's asylum system, deliver quicker decisions on asylum claims and provide faster protection to those in need.](#)" While applauding these objectives, we join other national churches and refugee advocates in expressing concern about some of the proposed changes in the *Balanced Refugee Reform Act* (Bill C-11).

The proposal to increase the annual number of overseas refugee sponsorships (by 2,500; 2,000 through private sponsorship and 500 through government sponsorship) who are resettled in Canada is strongly welcomed. But this positive initiative, while not part of Bill C-11, is linked to the reform of the in-land processing of asylum seekers (**Bill C-11**). This is unnecessary.

There is a lengthy backlog of refugees overseas for whom a private sponsorship has been signed by a group in Canada. Many are in very precarious situations. [Sponsorship Agreement Holders](#), including The Presbyterian Church in Canada, have long called on the Government of Canada to increase the numbers processed each year. Processing these overseas claims will require additional funds to reduce the current backlog. Private sponsoring groups, including Presbyterian congregations, have funds in place to cover the settlement costs (the in-Canada costs) for the refugees they have made a commitment to sponsor.

Balanced Refugee Reform Act (Bill C-11):

The Presbyterian Church in Canada welcomes the Balanced Refugee Reform Act (Bill C-11) if it strengthens measures to protect asylum seekers who arrive in our country to claim refugee status.

Bill C-11 includes the provision to implement the Refugee Appeal Division (RAD). This is a welcome initiative and is long overdue as it was included in the Immigration and Refugee Protection Act (2002), but never enacted. Asylum seekers whose claims for refugee status are not accepted will be able to appeal the merits of the decision, except those claimants from countries that are on the proposed “country of origin list”.

The [Canadian Council for Refugees \(CCR\)](#), (PWS&D is a member) has identified potential problem areas that require greater public input and discussion. Organizations such as Amnesty International, the Canadian Bar Association and the Refugee Lawyers Association have also expressed concerns about aspects of the Bill.

Some of the concerns about Bill C-11 include the provision for the Minister to designate a country according to unspecified criteria. In his comments, the Minister has said that countries would be designated according to how ‘safe’ they are, but the word ‘safe’ does not appear in Bill C-11. Refugees on this list of countries would have their claim for asylum heard. If their claim is rejected, they would not be able to appeal the decision.

How will this “country of origin list” be drawn up? What measures will be taken to ensure that Canadian foreign or commercial interests do not influence the selection of countries on the “country of origin list”. Is the proposal for a “country of origin list” consistent with Article 3 – (Non-discrimination) of the Convention relating to the Status of Refugees (Geneva Convention) which states that: *The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin?* Finally, is this proposed “country of origin list” necessary?

Bill C-11 is intended to reduce the length of time required for a decision to be made about a refugee’s claim. In principle, this could be very positive as there is an extensive backlog of claims. But, there are procedures in Bill C-11 that require careful consideration.

For example, under Bill C-11, a refugee claimant would have an information interview with a civil servant at the Immigration and Refugee Board within eight days of making his/her claim. Will the refugee claimant have all of the necessary documentation? If the claimant is suffering from trauma, as a result of torture, will this person feel comfortable sharing this sensitive information within eight days of making their claim? Will the refugee claimant be able to obtain a lawyer to represent him/her in such a short period of time?

The proposed legislation affecting refugees merits extensive public consultation as they are among the most vulnerable people in Canada. While Bill C-11 is designed to reduce the length of time required for a decision and to discourage unfounded claims, values such as compassion and fairness need to be reflected in the legislation.

The true test of Bill C-11 is not **just** whether it results in faster decisions about the claims by people seeking protection, but whether it strengthens protection for those who desperately need protection.

The Presbyterian Church in Canada joins with the Canadian Council for Refugees and organizations such as the [Christian Reformed World Relief Committee](#) and the [Mennonite Central Committee of Canada](#) in urging the government to embark upon a thorough process of consultation on Bill C-11.

Bill C-11 has now received second reading and has been sent to the Parliamentary Standing Committee on Citizenship and Immigration. It is hoped that the Standing Committee will carefully study this Bill and ensure substantial public input before it receives third (and final) reading by Parliament.

Steps You Can Take:

You are invited to write to the following members of the Parliamentary Standing Committee on Citizenship and Immigration (CIMM) as soon as possible. Postage is free to the House of Commons. The address is: **House of Commons, Ottawa, ON K1A 0A6**

1. Mr. David Tilson, Chair (Conservative Party)
2. Mr. Maurizio Bevilacqua, Vice-Chair (Liberal Party)
3. Mr. Thierry St. Cyr, Vice-Chair (Bloc Quebecois)
4. Ms. Olivia Chow (NDP)

Please request that Bill C-11 be given careful examination and that there be extensive public consultation.

A letter from the Life and Mission Agency has been sent to Minister Kenney and to the critics in the opposition parties.

For further information on Bill C-11, contact: sallen@presbyterian.ca Associate Secretary, Justice Ministries and pwsd@presbyterian.ca

Please inform Justice Ministries if you write to a member (s) of the Standing Committee.

Thank you.

PRAYER FOR REFUGEES

Almighty and merciful God,
whose Son became a refugee
and had not place to call his own;
look with mercy on those who today
are fleeing from danger, homeless and hungry.
Bless those who work to bring them relief;
inspire generosity and compassion in all our hearts;
and guide the nations of the world toward that day
when all will rejoice on your Kingdom of justice and of peace.

We pray,
In the name of our God who shares divinity with us,
In the name of our God who shares humanity with us,
In the name of our God who unsettles and inspires us,
We give our praise and thanks. Amen.

(From "[Making Connections: Staying Rooted in an Uprooted World](#),"
The Presbyterian Church in Canada's Study 2010-2012.)