

Mennonite Coalition for Refugee Support

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Dear Stephen Woodworth,

I am writing this letter in regards to the proposed Bill-C4 Preventing Human Smugglers from Abusing Canada's Immigration System Act. I encourage you to uphold human rights and make significant amendments to this legislation to prevent it from targeting refugees instead of human smugglers.

Situations of human smuggling are complex, and those people who allow themselves to be smuggled are invariably feeling desperate or they would not put their lives at such risk. It is important to remember that historically refugees have used human smugglers to escape situations of persecution to reach safety in other lands. At the same time, human smugglers often take advantage of vulnerable people and place them in dangerous situations. It is with this understanding that I propose the following changes to Bill C-4.

I support prosecution of human smugglers who endanger the lives of the people they are smuggling. I also support the measures in the Bill aimed at impounding vessels used for human smuggling that are unsafe for human travel.

I also propose a number of changes or amendments to measures in Bill C-4 which target refugees. It is important to remember that anyone accepted by the Immigration and Refugee Board (IRB) as a Convention Refugee or Person in Need of Protection, has been determined to be at risk in their country of origin, meaning that they had every legitimate reason to leave their country of nationality by whatever means necessary. At very least, once a designated individual is determined to be a Convention Refugee or Person in Need of Protection, no penalties should be imposed on this person or their family. Accepted refugees should not be prevented from applying for permanent residence for 5 years, should not be prevented from sponsoring family members (especially where family members are hiding in dangerous situations), and should not be prevented from traveling (especially from traveling to safe third countries).

Detention for a period of a minimum of one year without review, unless let out specifically by the Minister, or unless they have a decision in their refugee claim, is expensive and excessive. If the goal of incarceration is simply to check identity concerns, then once the identity has been established in a reasonable period of time (a suggestion of a maximum of one month) there should be a detention review. A recent Public Safety Canada Corrections and Conditional Release Statistical Overview notes that in 2008-2009 it cost an average of over \$90 000 to keep a male inmate incarcerated for a year, and significantly more (over \$200 000) for women, compared to the cost of social assistance per year in Ontario which is less than \$12 000 per year. Also, I recommend including in the legislation that children shall not be detained.

Preventing accepted refugees from sponsoring family members who were not able to come with them keeps families in life-threatening situations. Children would not be able to be sponsored by parents in Canada, which will be heartbreaking for the children and parents, and will unnecessarily increase depression and mental health issues among refugees unable to reunite with their family members

I also have concerns with the denial of appeal for refugee claimants who are subject to Bill C-4. It is unreasonable to assume that the Board member making the decision cannot possibly make a poor decision. It is human nature to make mistakes; and the ability to appeal an incorrect decision is fundamental to the Canadian justice framework

Finally, I am concerned with the lack of accountability required by the Minister in this Bill. Including Ministerial guidelines such as requiring the Minister to only make a designation upon the arrival of a group larger than 20 who arrive together would be an example of limiting the broad Ministerial discretion. Also, I propose removing section 10(2)b. where it states that the designation can be made retroactively.

I encourage you as a Member of Parliament to think about the financial, humanitarian, and safety implication of Bill C-4 on refugee claimants, both those who are accepted and those who are not. Remember that accepted refugees have fled their home countries seeking a safe haven in Canada, and that our goal as a nation should not be to punish refugees but to provide safety for marginalized groups.

I agree that human smuggling is a serious issue that requires immediate attention however specifically targeting refugees who often have no other means of entry into the country is not the solution.

I would like to thank you for your time and attention and urge you to uphold the human rights and dignity of all persons in Canada.

Sincerely,

Mennonite Coalition for Refugee Support