
Myths and Misconceptions about the Refugee Process

Refugee claimants are “cheating” the immigration system and “jumping the queue”

False - Unlike the immigration process, there is no “queue” for refugees. Refugees are facing life threatening emergency situations that force them to flee their countries. War, discrimination, persecution, and human rights violations do not allow refugees the time or resources to complete Canada’s lengthy immigration process.

Canada has an “Open Door Policy” to immigrants that is causing us to be “overrun” with refugee claimants.

False - In the past decade, Canada has introduced strict legislation that has given the Immigration Minister immense powers, including the ability to arbitrarily reject visas or permanent residence applications without a Court review and to impose strict restrictions and quotas on immigrants.

The number of refugee claimants is also decreasing, with 10,000 fewer claims in 2010 than in 2009.

After the MV Sun Sea, some media outlets were speaking of a refugee “epidemic”. Despite these claims, Canada has yet to receive the prophesized “flood” of refugees. In fact, the UNHCR has found that it is the poor countries that host 80% of the world’s refugees.

Take Action on Bill C-4!

Bill C-4 is not yet law and can be stopped. To help us do so, please consider the following options:

1. Call / email your MP and explain that Bill C-4 violates Canada’s Charter of Rights and Freedoms and international law, and as such, you do not support the bill.
2. Discuss Bill C-4 with friends, family, and colleagues to raise awareness of refugee issues and prevent misconceptions.
3. Write a letter to the editor discussing your views on Bill C-4.
4. Connect with MCRS to organize a community event to support refugees and raise awareness in your area.



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BILL C-4:

“The Human Smuggling Bill”

(Formerly Bill C-49)

What is Bill C-4?

Bill C-4, formerly Bill C-49, is a proposal to create strict laws regarding refugees. Framed as an anti-smuggling bill, it was created as a response to the highly publicized arrival of the MV Sun Sea, a ship that carried 492 Sri Lankan Tamils to Canada's west coast. Despite representing only 2% of refugee claims for 2010, the MV Sun Sea caused controversy and ignited heated debate over Canada's refugee policies.

The original bill, Bill C-49, faced widespread resistance by Canadians and was rejected by all opposition parties. Despite this, it has been re-introduced.

The Bills are modeled after the highly criticized laws imposed on refugees in Australia, which have been suspended due to a widespread consensus that the measures failed to deter smugglers and instead punished refugees.



Bill C-4: The Details

Bill C-4 introduces the following measures to any "irregular arrival" designated by the Minister:

- Mandatory detention without review for one year (or until a decision is made on their refugee claim),
- Denial of access to relief based on Humanitarian and Compassionate grounds,
- Denial of the right to apply for permanent residence status for five years even after obtaining refugee status,
- Denial of the right to appeal a denied refugee claim,
- Denial of access to temporary resident permits and refugee travel documents for five years, and
- Denial of ability to sponsor family members for five years.

These harsh measures are imposed on any group of two or more people, which can be designated as an "irregular arrival" by the Minister of Immigration or Public Safety. They also apply to children (meaning a child of any age who is suspected of arriving in Canada through smuggling will be detained for up to a year without a review).

Under the new measures, anyone who enters Canada as an "irregular arrival," after being detained without review for a year, will be prevented from visiting family, prevented from sponsoring family, or applying for permanent residence status for 5 years after their refugee claim is accepted.

Will Bill C-4 Stop Human Smugglers?

No. Bill C-4 punishes refugees, not smugglers. Anyone convicted of smuggling in Canada faces a maximum sentence of life in prison and a \$1 million fine.

It is important to remember that refugees who use human smugglers do so because no other options exist. Refugees are rarely aware of their destination country, let alone that country's refugee laws. Australia's refugee laws, which Bill C-4 has been modeled after, have been suspended as they have failed to limit human smuggling.

Is Bill C-4 Legal?

No. Bill C-4 is contrary to many sections of the Canadian Charter of Rights and Freedoms.

Bill C-4 is also contrary to many international Conventions that Canada has ratified. Article 31 of the Refugee Convention states that no penalties shall be imposed on refugees based on illegal entry or presence in a country of refuge. The Convention on the Rights of the Child prohibits arbitrary detention of children and states that children should be detained for the shortest time possible. It also states that family reunification is to be facilitated for all children. C-4 also violates the International Covenant on Civil and Political Rights, which states that court hearings must be granted to all detainees without delay. Article 28 of the Refugee Convention also states that countries must provide refugees with travel documents.