

## Call to Stand Against Bill C-49

To: Peter Braid  
Member of Parliament, Kitchener-Waterloo

From: Marlene Epp,  
Conrad Grebel University College, University of Waterloo (faculty member in History and Peace & Conflict Studies, instructor in Canadian Immigration History)  
Board Member, Mennonite Coalition for Refugee Support

Dear Mr. Braid,

We had the opportunity to meet in the summer when the Mennonite Coalition for Refugee Support, of which I am a board member, had a booth at the Multicultural Festival in Victoria Park.

I am writing to offer my concerns regarding the proposed Bill C-49, which would implement the Preventing Human Smugglers from Abusing Canada's Immigration System Act. I think the concern about trafficking of human beings is a real one, particularly when women and children are brought to Canada to work in the sex trade and other forms of illegal labour. And I support efforts to stop that abuse of individual human rights.

However, the proposed Act will also target refugee claimants in potentially devastating ways. Many refugees arriving in Canada are in desperate situations in their countries of origin and have no other means to flee persecution, human rights violations, and fear for their lives, other than through the use of smugglers. If we had the legal channels through which individuals in every country of the world could apply for refugee status in Canada - and be protected while undergoing that process - then that would be another situation. But we do not have those structures in place across the globe.

I'm sure you are well familiar with Canadian immigration history, which has seen numerous cases of 'smuggling' that has brought people in real need to a place of safety and who have become positive contributors to the nation:

fugitive slaves using the Underground Railway in the 19th century or the 'boat people' from southeast Asia in the late 1970s. Canada has, of course, a history of rejecting 'smuggled' people seeking asylum, some of whom were then returned to their country of origin to face imprisonment or death: Sikh refugees on board the Komagata Maru in 1914; Jewish refugees aboard the ill-fated St. Louis in 1939. Treating refugees unfairly is not the solution to the problem of smugglers.

There is much that is wrong with Bill C-49 as it pertains to the rights of refugees:

Bill C-49 creates two classes of refugees, with one class (those "designated" based on mode of arrival) treated worse than the other. This is discriminatory. Bill C-49 violates several provisions of the Refugee Convention, by denying some claimants their appeal rights and denying some recognized refugees the right to travel outside Canada. The Refugee Convention also prohibits punishing refugees for their mode of arrival. This is exactly what Bill C-49 would do. Under the terms of the proposed Act, the potential harm to refugee children is enormous.

I ask that you consider closely the ramifications of this Bill and stand with integrity against Bill C-49 in the House of Commons.

Sincerely,  
Marlene Epp