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Helping Refugees While Protecting Canadian Sovereignty

**Public Policy Options for
Processing Refugee Claims**

By John Carpay, B.A., LL.B.



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Note to reader: Some words in this document may appear in blue and are underlined. Clicking on these words will direct the reader to relevant sites or documents using your associated web-browser.

Executive summary

Canadians want to assist genuine refugees and ensure that no person will ever be returned to a country where he or she will be tortured or murdered. At the same time, Canadians do not want to see their immigration laws disregarded and abused by those whose tales of persecution are untrue or by those who do not otherwise meet the criteria set out by the Refugee Convention to which Canada adheres.

Roughly 800,000 refugee claimants have entered Canada in the past 25 years, with 70,000 new claims registered in the past two years alone. There is a backlog of over 50,000 claims waiting to be heard by the Immigration and Refugee Board (IRB). The majority of refugee claims are eventually found to be invalid, but it takes years to process each claim and arrive at a conclusion as to its merit or lack thereof.

When economic migrants and other potential immigrants succeed in obtaining permanent residency in Canada by abusing the refugee-claims system, it undermines respect for the rule of law, encourages human smuggling and trafficking, and reduces public support for assisting real refugees. The abuse of Canada's generosity by refugee claimants is also grossly unfair to the millions of Canadians who immigrated here while respecting and complying with the law.

Canada's laws and policies governing the processing of refugee claims have been heavily influenced by groups such as the Canadian Council for Refugees, the Canadian Council of Churches and Amnesty International. These and other refugee lobby groups have successfully advocated that Canada take a lenient approach to all refugee claimants, the majority of whom are not bona fide refugees. But the well-intentioned advocacy efforts of these

organizations, before Parliament and before the courts, have resulted in public policies that hurt authentic refugees.

Both in the 1980s and in recent years, when policy reforms were contemplated or proposed to address abuses in the refugee-processing system, numerous refugee lobby groups were quick to denounce changes to the status quo as violating the Refugee Convention, the *Canadian Charter of Rights and Freedoms* or both.

The refugee lobby's fear-mongering is misleading. Canada can, in fact, implement sensible changes to its refugee-claims processing policies without violating the Refugee Convention or the *Canadian Charter of Rights and Freedoms*. Under the Refugee Convention, Canada's obligations are limited to not returning a refugee to the place where she or he faces persecution. Neither the *Charter* nor the Refugee Convention requires Canada to provide a lengthy and exhaustive appeals process to every person who claims refugee status, nor is Canada legally obligated to house, clothe, feed and care for tens of thousands of refugee claimants who continue to reside in Canada while applying for refugee status and exhausting all of their appeals. Neither the *Charter* nor the Refugee Convention prevents Canada from quickly deporting non-citizens whose refugee claims clearly lack merit. Under the *Charter* and the Refugee Convention, Canada may choose to grant temporary protection status to refugees, returning them to their country of origin when circumstances there have changed. Under the Refugee Convention, Contracting States like Canada have full discretion to set up their own systems and procedures for determining which refugee claims are valid and which are not. The Refugee Convention provides rights only to those who have

been found to be refugees; it does not provide rights to refugee claimants.

It is difficult—but not impossible—for Canada to develop public policies that address the goals of helping real refugees while also deterring those who make fraudulent claims.

University of Ottawa law professor Ed Ratushny argued unsuccessfully in the 1980s that Canada should establish a refugee-claims processing system that quickly, effectively and fairly separates bona fide refugees from economic migrants seeking to bypass immigration laws. Arguing from a humanitarian perspective, Ratushny pointed out that an efficient system would also be more humanitarian, as it would provide bona fide claimants with a rapid determination. Therefore, argued Ratushny, “it is crucial that our process have an effective ‘threshold’ mechanism for rejecting claims which have no hope of success.” There needs to be an “effective procedure for disposing quickly of hopeless claims” in order to help people who are truly facing persecution in their country of origin.

Neither the *Charter* nor the Refugee Convention prevents Canada from adopting policies now in force in European Union (EU) nations:

- **Safe Country of Origin:** Refugee claims from a citizen of a country considered safe are “manifestly unfounded” and will only be considered if there are unusual circumstances.
- **Safe Third Country:** A refugee claimant arriving from another European Union country or from a signatory country of the Refugee Convention is not entitled to claim asylum because he or she is coming from a safe third country.

“*...an efficient system would also be more humanitarian, as it would provide bona fide claimants with a rapid determination.*”

- **Frivolous Claims:** Claims are rejected as “manifestly unfounded” when the claimants have provided no obvious or credible reasons for fearing persecution, and their story contains inconsistencies and contradictions.
- **Abusive Claims:** These are claims submitted by persons who arrive without documents, use false documents or do not co-operate with officials. Their claims are also considered “manifestly unfounded” and are dealt with by accelerated procedures.
- **Removal under Appeal:** Most EU countries do not allow a refugee claimant’s appeal of an unfavourable ruling to lift or suspend an order for that refugee claimant’s removal.
- **Readmission Agreements:** These are formal bilateral agreements signed with countries that agree to take back rejected asylum-seekers, making it easy to remove them. In some cases, the agreement has been negotiated on the understanding that development aid is conditional upon the agreement being signed and adhered to.
- **Restricted Social Welfare and Benefits:** Most EU countries restrict the movement of asylum-seekers and provide lower rates of welfare and other social benefits.

- **Agents of Persecution:** Germany, France and Sweden interpret the Refugee Convention as applying only to persecution by state authorities, not to persecution in a general sense.
- **Temporary Protection Status:** A number of EU countries grant temporary protection status to refugee claimants until circumstances in their country of origin have changed.

Canada can implement each and every one of these reforms without violating the *Canadian Charter of Rights and Freedoms* or the Refugee Convention. As just one example, courts have upheld the validity of Canada's safe third country legislation in *Canadian Council for Refugees v. Canada*, [2008] F.C.J. No. 1002. Implementing these measures would discourage human smuggling, increase public support for helping bona fide refugees, save taxpayers money and facilitate the allocation of limited resources for the benefit of real refugees rather than economic migrants.

Further, nothing in the Refugee Convention prohibits Canada or other Contracting States from evaluating refugee claims offshore rather than allowing claimants to enter and reside in Canada during the extensive time of the appeals process. Currently, the decision as to whether the claimant meets the Refugee Convention definition of "refugee" is only taken after the claimant enters Canada. But once in Canada, the chances of removing those who are not bona fide refugees are negligible, and time is on the side of the refugee claimant. This is one of the main reasons human smuggling and trafficking have continued without any signs of decreasing.

The Refugee Convention confers numerous rights on refugees lawfully staying in the territory of a Contracting State, but it confers no rights on refugee claimants while their claims are processed.

Unfortunately the refugee lobby frequently fails to distinguish between refugees and refugee claimants and speaks as though every refugee claimant immediately enjoys Refugee Convention rights (on par with most of the rights enjoyed by Canadian citizens) from the moment of arrival at Canada's borders. In fact, the only right granted to refugee claimants by the Refugee Convention is an implied right to have one's refugee claim heard and considered.

If the Refugee Convention did not intend to distinguish between refugee claimants and refugees, it is doubtful that many countries would have signed an agreement to reduce their national sovereignty, weaken their borders, dilute the value of citizenship, tax their social safety networks and undermine their immigration policies. In short, the refugee lobby's interpretation of the Refugee Convention, which lumps refugee claimants and refugees into the same category and enjoying the same legal rights, is absurd.

The Supreme Court of Canada (SCC) has repeatedly ruled that only Canadians have a right to enter, move within and remain in Canada: *Singh v. Canada (Minister of Employment and Immigration)*, [1985] 1 SCR 177, and other cases. Refugee claimants arriving in Canada do not have a right to enter Canada or to move freely within Canada or to remain in Canada unless and until such time as the validity of their claim is established and authorities have determined that the Refugee Convention applies to them. The well-established legal principle that non-citizens do not have a right to enter or remain in Canada necessarily empowers the federal government to detain non-citizens at the border or elsewhere and to process refugee claims off-shore in order to protect Canada's sovereignty and borders. If the federal government does not have the right to detain foreigners seeking entry into

Canada, then no effect can be given to the established legal principle that non-citizens have no right to enter the country.

In *Singh*, the Supreme Court of Canada held that the refugee-determination process established by the *Immigration Act, 1976* violated “the right to life, liberty and security of the person” set out in Section 7 of the *Canadian Charter of Rights and Freedoms*. The refugee lobby has interpreted *Singh* as requiring that every refugee claimant in Canada be provided with a full oral hearing of his or her claim, resulting in a chronic and large backlog of tens of thousands of refugee claims since the mid-1980s. But in fact, the *Singh* decision does not require this. Instead, *Singh* requires only an adequate opportunity for a refugee claimant to state his or her case and to know the case that has to be met. Oral hearings are required only where a serious issue of credibility is involved. The federal government can therefore streamline the processing of refugee claims and dispense with a full oral hearing where no “serious issue of credibility” is involved. For example, when refugees arrive at Canada’s borders from a safe third country or from a safe country of origin, these claims can be reviewed immediately without the need for a formal oral hearing. In similar fashion, claims that are “manifestly unfounded” due to falsified documents or the complete absence of an obvious and credible reason for fearing persecution can be dealt with quickly. Neither *Singh* nor other SCC decisions stand in the way of Canada implementing sensible reforms in respect to refugees as other countries have done.

Introduction

Whenever people arrive in Canada and claim to be refugees, a heated—and frequently partisan—political debate is reignited.

Most—if not all—Canadians want to extend a warm welcome to people who are genuinely fleeing political persecution in their home countries. For this reason, Canada adheres to the United Nations Convention Relating to the Status of Refugees (hereafter Refugee Convention) and has done so since 1969.

The Refugee Convention defines “refugee” as a person who “... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”

While wanting to assist genuine refugees and not wanting to send someone back to a country where he or she might be tortured or murdered, Canadians also do not want to see their immigration laws disregarded and abused by those whose tales of persecution are untrue or by those who would abuse Canadian generosity. Economic migrants may have a legitimate desire to move to Canada but they need to apply through legal immigration channels, along with hundreds of thousands of other people, and wait their turn in the process. When economic migrants succeed in obtaining permanent residency in Canada by abusing the refugee-claims system, it undermines respect for the rule of law, reduces public support for assisting real refugees and is grossly unfair to the millions of Canadians who immigrated here while respecting and complying with the law.

Groups such as the Canadian Council for Refugees, the Canadian Council of Churches, and Amnesty International have successfully advocated for a lenient approach to all refugee claimants...

Under the Refugee Convention, Canada's obligations are limited to not returning a refugee to the place where she or he faces persecution. The Refugee Convention does not require Canada to provide a lengthy and exhaustive appeals process to every person claiming refugee status nor does the Refugee Convention require Canada to house, clothe, feed and care for tens of thousands of refugee claimants who continue to reside in Canada while applying for refugee status and exhausting all of their appeals. The Refugee Convention does not prevent Canada from quickly deporting non-citizens whose refugee claims clearly lack merit. The Refugee Convention does not prevent Canada from granting temporary protection status to refugees and returning them to their country of origin when circumstances there have changed. The Refugee Convention provides rights to those who are found to be refugees, and it does not provide rights to refugee claimants. Under the Refugee Convention, Contracting States like Canada have full discretion to set up their own systems and procedures for determining which refugee claims are valid and which are not.

It is difficult—but not impossible—to develop public policies that address the goals of helping real refugees while also deterring those who would make fraudulent claims.

Groups such as the Canadian Council for Refugees, the Canadian Council of Churches, and Amnesty International have successfully advocated for a lenient approach to all refugee claimants, the majority of whom are not bona fide refugees. The concerted and organized advocacy efforts of these organizations, before Parliament and the courts, have resulted in public policies that hurt authentic refugees.

The refugee lobby¹ frequently claims that its demands for a permissive approach to refugee claimants must be met in order for Canada to comply with legal obligations imposed by the *Canadian Charter of Rights and Freedoms* and by international agreements like the Refugee Convention. For example, when the federal government introduced reforms to the refugee-claim processing system with Bill C-49 (*Preventing Human Smugglers from Abusing Canada's Immigration System Act*) in the fall of 2010, the president of the Canadian Council for Refugees stated in a news release: "Measures keeping some refugees longer in detention, denying them family reunification and restricting their freedom of movement are likely in violation of the *Canadian Charter* and of international human rights obligations."

This paper will discuss the Refugee Convention and Supreme Court of Canada jurisprudence pertaining to the rights of refugees and show that the federal government can, in fact, implement sensible reforms to Canada's immigration and refugee policies while also complying with the *Charter* and with the Refugee Convention.

The tragic results of Canada's unbalanced approach

Since the 1980s, Canada's approach to dealing with refugee claimants has been based on the refugee lobby's almost exclusive emphasis on helping all refugee claimants to the exclusion of dealing effectively with the real problem of fraudulent or otherwise unfounded claims.

As James Bissett outlined in his Frontier Centre policy paper, *Abusing Canada's Generosity and Ignoring Genuine Refugees*, Canada's policies of dealing with refugee claimants have failed to serve the needs of genuine refugees. The current system of processing refugee claims fails to distinguish quickly and effectively between valid and illegitimate claims, is extremely expensive, fails to maintain the safety and security of Canadians and encourages human smuggling.

On a per capita basis, Canada is the largest receiver of refugee claimants in the Western world, with one claim for every 1,000 Canadians compared with the United States with one claim per 11,000 Americans. No other country receives as many claimants, which is remarkable in light of the fact that Canada does not border on any Third World or refugee-producing countries. Roughly 800,000 refugee claimants have entered Canada in the past 25 years, with 70,000 new claims registered in the past two years alone. There is a backlog of over 50,000 claims waiting to be heard by the Immigration and Refugee Board (IRB). The majority of refugee claims are eventually found to be invalid, but it takes years to process each claim and arrive at a conclusion as to its merit or lack thereof.

In recent decades, Canada has permitted anyone from any country to claim asylum upon arrival here and apply for refugee

“On a per capita basis, Canada is the largest receiver of refugee claimants in the Western world, with one claim for every 1,000 Canadians...”

status—even when claimants came from democracies such as Germany, France, Belgium and the United States. For example, in 2008 Canada received refugee claimants from 22 of the 27 EU countries and from other countries that share our democratic traditions and are signatories to the Refugee Convention, which obligates them to protect refugees.

The fundamental weakness of our current system is its inability to quickly distinguish between those who genuinely need protection from persecution and those who abuse our system by avoiding normal immigration rules. As a result, there is a backlog of tens of thousands of aliens residing in Canada, the majority of whom do not have a valid refugee claim.

Canada's Department of Citizenship and Immigration estimates that the cost of each failed refugee claimant is \$50,000 in provincial social services, healthcare and legal costs. In 2008, Canada received 37,000 asylum-seekers. Since approximately 60 per cent of these claimants will eventually be refused because they lack valid claims and since each claim costs approximately \$50,000, these 37,000 refugee claimants who arrived in 2008 will cost Canadian taxpayers over \$1-billion.

Canada and other countries are spending more money on refugee claimants than on helping actual refugees in need. In 2009, the annual budget of the United Nations High Commissioner for Refugees (UNHCR) to care for 43.3 million people was \$2.1-billion (US). This \$2.1-billion budget pales in comparison to the \$10-billion (US) spent by the Western industrial countries on the 400,000 asylum-seekers who enter their borders each year.

Bissett also argues that in addition to taxpayers' concerns about costs, it is irresponsible to permit tens of thousands of people to enter Canada freely each year without ensuring that all of them have first been fully screened for medical concerns, criminality and security issues.

Professor Ratushny identified the core issue in 1984

The problems James Bissett identified and discussed are not new. More than 26 years ago, University of Ottawa law professor Ed Ratushny argued that any quasi-judicial system that offers potential benefits to refugee claimants would inevitably be overwhelmed by an excessive number of claims. Accordingly, it is necessary for Canada to establish a refugee-claims processing system that quickly, effectively and fairly separates bona fide refugees from economic migrants seeking to bypass immigration laws.

In May of 1984, Ratushny presented the Minister of Employment and Immigration, John Roberts, with the paper *A New Refugee Determination Process for Canada*. In this paper, Ratushny stated: "The problem of abuse of the refugee determination process by those wishing to circumvent normal immigration procedures or by those merely wishing to remain in Canada for an extended period of time is well known."

Ratushny argued that unfounded refugee claims create greater delay and corresponding anxiety for legitimate claimants:

Any argument in favour of a broad and open policy of access to Canada by all ... must face the reality that not only those in need of protection from persecution will be attracted. With ten million refugees in transitional situations throughout the world, any system that confers rights must be insulated from flows of refugees seeking only to better their conditions of asylum. Limited resources dictate a commitment to the basic goal of ensuring protection rather than responding to the preferences of refugees as to where they wish to seek asylum. Moreover, there is a serious problem of non-meritorious claimants of refugee status. Canada's basic objective [should be] to limit direct access to Canada as a place of refuge in order to ensure that asylum is made available to the greatest possible number of those most in need of protection.

Arguing from a humanitarian perspective, Ratushny pointed out that an efficient system will also be more humanitarian, as it will provide bona fide claimants with a rapid determination. Therefore, "it is crucial that our process have an effective 'threshold' mechanism for rejecting claims which have no hope of success." There needs to be an "effective procedure for disposing quickly of hopeless claims" in order to help people who are truly facing persecution in their country of origin. Further, a more efficient system will also discourage abusive claims.

The problem of unfounded claims is manifold:

[Frivolous claims] assist those who would abuse our immigration system, and create greater delay and corresponding anxiety for legitimate claimants.

Moreover, community support systems and direct financial aid from government are taxed by unworthy recipients and by a prolonged period before final settlement of legitimate claimants can occur. ... A form of 'compassion fatigue' can be generated amongst volunteers in such support systems when they are unnecessarily over-burdened. General public tolerance will also diminish when a process demonstrates itself to be susceptible to abuse.

A truly humanitarian system will be able to rid itself quickly of frivolous claims. As Ratushny put it:

The challenge, then, is to devise a system which will meet our international obligations and achieve acceptable standards of fairness without imposing undue cost burdens upon the taxpayer or other undue burdens upon the enforcement and other components of our immigration system.

[The objective should be] to limit access to Canada as a place of refuge in order to ensure that asylum is made available to the greatest possible number of those most in need of protection.

Ratushny described claims as "clearly unfounded," "hopeless," "frivolous," "manifestly unfounded," or "clearly abusive," when there is no evidence presented on any one of the essential criteria within the definition of "refugee" under the Refugee Convention or where such evidence is so manifestly unreliable that no reasonable person would believe it.

Ratushny points out that the United Nations High Commissioner for Refugees has indicated that "measures for dealing with manifestly unfounded and abusive applications should indeed be effectively pursued" while also maintaining safeguards to ensure that genuine applications will not be erroneously rejected.

The federal government shelved Ratushny's report shortly before the 1984 election; after which, the new Mulroney government effectively rejected its recommendations.

In a similar vein, Dr. James Gallagher argues in *Canada's Dysfunctional Refugee Determination System* (2003) that it would not be difficult to develop an expedited process of review for cases that are "clearly unfounded." According to Gallagher:

This would involve the use of a reception centre that has refugee determination decision-makers close at hand to facilitate an expedited review of questionable claims. If a claim had any credibility, it would be treated in the existing fashion through the regular refugee-determination process. If the claim were clearly frivolous or a transparent attempt to use Canada's generosity to facilitate migration, the claim could be quickly decided with a 'non-suspensive' appeal procedure such that the individual could be removed in short order.

Gallagher also argued that "a failure to undertake reform ensures that existing over-burdened and expensive refugee determination and reception programs will continue to be over-burdened, expensive, and relatively ineffectual as mechanisms of migration control."

In summary, Bissett, Ratushny and Gallagher make the point that helping genuine refugees requires being able to distinguish quickly and effectively between genuine refugees and economic migrants. Failing to distinguish between these two groups results in a dysfunctional and expensive system that consumes limited resources, and therefore fewer resources are available for bona fide refugees who most need help.

Nevertheless, the status quo has its supporters. The refugee lobby seems unconcerned about the money spent

by taxpayers to support a permanent backlog of tens of thousands of refugee claimants living in Canada, most of whom are not Convention refugees. True compassion requires developing and implementing policies that direct limited

resources to those most in need of help. Other countries have led the way with compassionate policies that Canada should emulate or, at the very least, study and consider.

Learning from the EU's refugee policies

Canadian policy is out of step with the policies of other countries that seek to help genuine refugees while also attempting to stop the illegal flow of economic migrants. EU countries have addressed this problem with a pre-screening process that sorts out frivolous claims and with accelerated procedures that deal with claimants originating from safe third countries. Many countries have reduced social, health and welfare benefits to refugee claimants, and other countries do not permit them to work. These methods have been implemented to ensure that refugee-claims processing systems are not overwhelmed by fraudulent or otherwise unfounded claims brought by those who are economic migrants seeking to bypass the lawful immigration process.

As Bissett outlined, the EU has substantially reformed its immigration and refugee policies through the Schengen Agreement of 1985, which removed border controls between EU member states. The Treaty of Amsterdam (1997) incorporated Schengen into EU law, forcing the members to harmonize their rules and restrictions regarding refugee claimants. These restrictions are as follows:

- **Safe Country of Origin:** Refugee claims from a citizen of a country considered safe are “manifestly unfounded” and will be considered only if there are unusual circumstances. For example, Germany

will not extend asylum to anyone coming from Bulgaria, Ghana, Gambia, Hungary, the Slovak Republic, Romania or Senegal.

- **Safe Third Country:** A refugee claimant arriving from another EU country or from a signatory country of the Refugee Convention is not entitled to claim asylum because she or he is arriving from a safe third country. The “safe third country” refers to the first safe country at which a refugee claimant arrives upon fleeing his or her homeland because of a well-founded fear of persecution. It is this third country that is obligated to process the refugee claim. For example, a person fleeing political persecution in China and arriving in France cannot apply for asylum in Germany or Spain; he or she may apply for refugee status in France only. If he or she attempts to claim asylum in Germany or Spain, these countries will automatically deny the claim because the claimant came from the safe third country of France. This safe third country policy prevents asylum shopping by claimants who attempt to make multiple claims. This policy also conserves limited resources by ensuring that each refugee claim is handled only once by only one EU member country. Bissett maintains that had Canada enacted safe third country legislative provisions in 1989, it would have saved billions of dollars, put an end

to human trafficking, strengthened the security infrastructure and maintained its good-neighbour relationship with the United States.

- **Fivolous Claims:** These are claims that have no substance because the claimants have provided no obvious or credible reasons for fearing persecution, and their story contains inconsistencies and contradictions. These claims are also considered “manifestly unfounded” and the claimant is subject to accelerated procedures and summary removal.
- **Abusive Claims:** These are claims submitted by persons who arrive without documents, use false documents or do not co-operate with officials. Their claims are also considered “manifestly unfounded” and are dealt with by accelerated procedures.
- **Removal under Appeal:** Most EU countries do not allow a refugee’s appeal of an unfavourable ruling to lift or suspend an order for that refugee’s removal. France, Sweden, Switzerland and Germany deny a right of appeal to claimants coming from safe third countries.
- **Readmission Agreements:** These are formal bilateral agreements signed with countries that agree to take back rejected asylum-seekers, thus making it easy to remove them. In some cases, the agreement was negotiated on the understanding that development aid is conditional upon the agreement being signed and adhered to.
- **Restricted Social Welfare and Benefits:** Most EU countries restrict the movements of asylum-seekers and keep track of their movements by requiring them to check in and out of their accommodation. They do not permit claimants to accept employment pending their asylum decision. Moreover, welfare and other social benefits granted to them are lower than those received by citizens and

“On a per capita basis, Canada is the largest receiver of refugee claimants in the Western world, with one claim for every 1,000 Canadians...”

legal residents. In this connection, it is interesting to note that asylum-seekers to the United States are not permitted to work during the first six months of their stay.

- **Agents of Persecution:** Germany, France and Sweden apply a strict interpretation to the Refugee Convention and only accept claims from people persecuted by state authorities.
- **Temporary Protection Status:** A number of EU countries grant temporary protection status to refugee claimants rather than attempt to process their claim as refugees with a view toward permanent settlement. Germany, during the Bosnian War of the early 1990s, gave temporary status to people fleeing the violence there. This practice avoids the lengthy and often litigious process of refugee determination and enables sending people with temporary status back home when conditions improve.

Canada can implement each and every one of these reforms without violating the *Canadian Charter of Rights and Freedoms* and without violating the Refugee Convention.

A nation's right to establish its own procedures for refugee claims

It is up to Canada and each Contracting State adhering to the Refugee Convention to establish its own policies and procedures for determining which asylum-seekers are bona fide refugees and which asylum-seekers are economic migrants seeking to bypass immigration laws. As the Supreme Court noted recently in *Nemeth v. Canada (Justice)*, [2010] SCJ No. 56, the Refugee Convention does not bind the Contracting States to any particular process for either granting or withdrawing refugee status.

Reasonable people will disagree as to the validity of particular claims and as to whether procedures were followed fairly and properly. For example, in *Chan v. Canada (Minister of Employment and Immigration)*, [1995] 3 SCR 593, the Court narrowly rejected the refugee claim of Kwong Hung Chan, who alleged a fear of persecution by being forced to undergo sterilization in his native China.

Mr. Chan had violated China's one-child policy and engaged in pro-democracy activities. He testified that since he left, his family had suffered harassment from the Public Security Bureau, and if he returned, he might face arrest, imprisonment, long-term unemployment or even murder. The Immigration and Refugee Board (IRB) ruled that he was not a Convention refugee and that forced sterilization did not constitute a form of persecution.

The Board's decision was eventually upheld by Supreme Court Justices Sopinka, Cory, Iacobucci, and Major, who ruled that Mr. Chan's testimony, even with respect to his own fear of forced sterilization, was equivocal and inconsistent at times. Mr. Chan had failed to present the Board with evidence about the enforcement procedures used

within his particular region at the relevant time or with evidence that the forced sterilization is inflicted upon men in his area rather than on women only. Absent any evidence to establish that his alleged fear of forced sterilization was objectively well-founded, the Board was unable to determine that the appellant had a well-founded fear of persecution in the form of a forced sterilization. The issue of whether or not the forced sterilization was related to the appellant's alleged involvement with the pro-democracy movement was apparently not raised before the Board or on appeal.

Justices La Forest, L'Heureux-Dubé and Gonthier dissented, noting that Mr. Chan's account of events closely mirrored the known facts concerning the implementation of China's population policy that, given the absence of any negative finding as to the credibility of the appellant or of his evidence, his quite plausible account was entitled to the benefit of any doubt that may exist. The dissenting Justices also held that the implementation of China's one-child policy, through sterilization by local officials, could constitute a well-founded fear of persecution.

The fact that reasonable people will disagree with the outcome in *Chan*—and with the outcomes in thousands of decisions made each year in respect to refugee claims—does not change the fact that Canada has the right to establish its own mechanisms for evaluating the merits of refugee claims. Nevertheless, this basic fact appears to be ignored by the refugee lobby, which is quick to denounce any departure from the status quo as being a violation of the *Charter*, the Refugee Convention or both.

Offshore determination of refugee claims

Nothing in the Refugee Convention prohibits Contracting States from evaluating refugee claims offshore. Currently, the decision as to whether the claimant meets the Refugee Convention definition of “refugee” is only taken *after* the claimant enters Canada. But by then it is often too late because most refugee claimants seek access to a Western country, not protection from persecution. Once in Canada, the chances of removal are negligible, and time is on the side of the refugee claimant. This is one of the main reasons human smuggling and trafficking continue without any signs of decreasing. Bissett points out that the establishment of asylum centres outside the territory of the receiving state is not in violation of the Refugee Convention, which only obligates states to refrain from returning refugees to the country where they might face persecution. Offshore determination of refugee claims may prove to be the answer to this long-lasting and seemingly insoluble problem.

The Refugee Convention applies to refugees, not refugee claimants

The Refugee Convention confers on refugees lawfully staying in the territory of a Contracting State many of the same rights possessed by its citizens or foreign nationals lawfully residing in the Contracting State.

For example, those found to meet the Refugee Convention definition of “refugee” enjoy various property rights (Articles 13 and 14), freedom of association (Article 15), access to courts (Article 16), the right to seek employment, earn a living, carry on a trade and practice a profession (Articles 17, 18 and 19).

“...most refugee claimants seek access to a Western country, not protection from persecution.”

Those whose refugee claims are found to be valid also have rights to public education (Article 22), public relief (Article 23) and the protection of labour legislation and social security (Article 24). Once a refugee claimant is recognized as a refugee, she or he enjoys freedom of movement within the Contracting State (Article 26) and the right to be issued travel documents (Article 28). Article 31 prohibits Contracting States from penalizing refugees who enter the country illegally providing the refugee came directly from the territory where his or her life was threatened and not from a safe third country. Of great significance, Article 33 prohibits the expulsion or return of a refugee “to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion” unless the refugee presents a security threat or has been convicted of a particularly serious crime.

While providing the rights listed above to actual refugees, the Refugee Convention does not provide any rights to refugee *claimants* arriving in Contracting States other than an implied right to have the refugee claim heard and considered.

Protecting Canadian sovereignty by protecting Canada's borders

The Supreme Court of Canada has repeatedly ruled that only Canadians have a right to enter and remain in Canada: *Singh v. Canada (Minister of Employment and Immigration)*, [1985] 1 SCR 177; *Dehghani v. Canada (Minister of Employment and Immigration)*, [1993] 1 SCR 1053; *Chieu v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 SCR 84; and other cases.

Refugee claimants arriving in Canada do not have a right to enter Canada, to move freely within Canada or to remain in Canada unless and until such time as the validity of their claim is established and authorities have determined that the Refugee Convention applies to them. A sovereign nation has the right to control its borders and deny entry to non-citizens and can therefore detain refugee claimants upon their arrival while their claims are assessed for validity. This form of detention is necessary for a nation to uphold its sovereignty and is not intended to be punitive, as would be the case with imprisoning a citizen convicted of a serious crime. Only *after* it has been determined that a refugee claimant is, in fact, a refugee would it be a violation of Articles 26 and 31 of the Refugee Convention to continue to detain that person.

If the Refugee Convention did not distinguish between refugee claimants and refugees, it would mean that no Contracting State could meaningfully protect its borders or its sovereignty. If any and all refugee claimants immediately acquired Refugee

Convention rights (on par with most of the rights enjoyed by citizens) upon entry into a Contracting State, it would mean that foreigners would instantly enjoy full rights to live, work and travel anywhere in that country as well as full access to that country's education, housing, health care and other government programs. In short, any non-citizen entering a Contracting State and claiming to be a refugee would immediately gain most of the rights of citizenship. This absurd interpretation of the Refugee Convention would have the practical effect of rendering a country's immigration laws largely irrelevant and weakening its borders. This interpretation of the Refugee Convention would make it difficult or impossible for a Contracting State to keep track of non-citizens after they enter the country, which in turn would make it very difficult to evaluate refugee claims and to deport non-citizens whose refugee claims are invalid.

If the Refugee Convention did not intend to distinguish between refugee claimants and refugees, it is doubtful that many countries would have signed an agreement to reduce their national sovereignty, weaken their borders, dilute the value of citizenship, tax their social safety networks and undermine their immigration policies. In short, the refugee lobby's interpretation of the Refugee Convention, which lumps refugee claimants and refugees into the same category enjoying the same legal rights, is absurd.

The refugee lobby's erroneous assumption

Those who wish to see all refugee claimants immediately acquire Refugee Convention rights the moment they set foot in Canada are no doubt sincerely motivated by compassion. But this advocacy, which has been substantially implemented as Canada's public policy for decades, has made Canada a magnet for human smuggling and trafficking, for fraudulent or otherwise unfounded refugee claims by those seeking to bypass immigration laws. In 2010, only 38 per cent of refugee claimants were found to possess valid claims. This makes it clear that most refugee claimants are, in fact, economic migrants who should seek entry into Canada through the immigration system.

In its public commentary, the refugee lobby frequently fails to distinguish between refugees and refugee claimants. Amnesty International, the Canadian Council for Refugees, the Canadian Conference of Catholic Bishops and other refugee lobby groups seem to assume that any foreigner arriving in Canada immediately begins to enjoy all of the rights set out in the Refugee Convention. It appears that these organizations cannot fathom the possibility of foreigners who are not refugees wanting to take advantage of "free" benefits while waiting for their refugee claims to be adjudicated. For example, when the federal government introduced reforms to the refugee-claims processing system in the fall of 2010 with Bill C-49 (*Preventing Human Smugglers from Abusing Canada's Immigration System Act*), Wanda Yamamoto, the president of the Canadian Council for Refugees stated, "Measures keeping some refugees longer in detention, denying them family reunification and restricting their freedom of movement are likely in violation of the *Canadian Charter* and of international human rights obligations."

In a similar vein, Alex Neve, the Secretary General of the English Branch of Amnesty International Canada, stated in regards to Bill C-49, "using detention to penalize refugees for irregular entry into a country very clearly contravenes Canada's obligations under Article 31(2) of the Refugee Convention."

Geraldine MacDonald, president of the Refugee Lawyers' Association of Ontario, also ignored the difference between refugees and refugee claimants when she stated:

This bill is a grave assault on the human rights of refugees. While human smuggling is a serious problem that needs to be addressed, it is perverse to tackle the problem by targeting the desperate refugees who get smuggled. It is also in direct contravention of both international law and Canada's own *Charter of Rights and Freedoms*."

These comments suggest that Yamamoto, Neve and MacDonald view all refugee claimants as possessing Refugee Convention rights the moment they arrive in Canada. The assertion that refugee claimants enjoy all the protection and benefits of the Refugee Convention has also been made by numerous lawyers, law professors and leaders of other refugee lobby groups.

If the Refugee Convention immediately applied to every refugee claimant from the moment she or he set foot in Canada, this would allow human smugglers to tell their potential victims that they will surely gain entry into Canada, that they will have access to "free" food, clothing, shelter, medical care, legal representation and other taxpayer-funded benefits while making their refugee claims, and that

they can stay in Canada for years while exhausting all avenues of appeal. The certainty of the smugglers' claims can be verified on an ongoing basis by virtue of the fact that tens of thousands of refugee claimants are indeed receiving "free" benefits from Canadian taxpayers and enjoying a long list of rights and benefits provided by the Refugee Convention while their claims are processed.

Conversely, if refugee claimants were detained upon their arrival in Canada until the authorities decided on the merits of the claim, and if those without a valid refugee claim were swiftly deported, this would remove the smugglers' ability to entice victims with true and verified promises of guaranteed entry into Canada and "free" benefits during a lengthy stay.

Who has the right to remain in Canada permanently?

In *Németh v. Canada (Justice)*, [2010 SCC 56](#), the Court held that Convention refugees can be extradited to their country of origin even when their refugee status under Canadian law has not formally ceased or been revoked, as long as the government establishes that conditions in the country of origin have changed. The legal status of Convention refugee is temporal, existing while the risk exists but ending when the risk ends. Thus, like other obligations under the Convention, the duty of *non-refoulement* (not return) is entirely a function of the existence of a risk of persecution and does not compel a state to allow a refugee to remain in its territory when that risk has ended. There is no obligation on Canada to extend citizenship or permanent resident status to any refugee. The *Németh* decision makes it clear that Canada, like the European Union, can extend temporary protection status to refugees until circumstances in their countries of origin change. Imposing a five-year waiting period on refugees before permitting them to apply for citizenship, as is proposed in Bill C-49, is one way of providing temporary protection status.

The Supreme Court of Canada has ruled repeatedly that only Canadians have a

right to enter and remain in Canada. In *Singh v. Canada (Minister of Employment and Immigration)*, [\[1985\] 1 SCR 177](#), (hereafter *Singh*), Madame Justice Bertha Wilson noted that non-citizens do not enjoy a constitutional right to enter and remain in Canada and that no such right exists at common law or by statute (paragraph 13) and that immigration is a privilege, not a right (paragraph 49). The principle that non-citizens do not have an automatic right to enter or remain in Canada has been reaffirmed in recent years by the SCC in *Dehghani v. Canada (Minister of Employment and Immigration)*, [\[1993\] 1 SCR 1053](#); *Chieu v. Canada (Minister of Citizenship and Immigration)*, [\[2002\] 1 SCR 84](#); and other cases.

In *Kindler v. Canada (Minister of Justice)*, [\[1991\] 2 SCR 779](#), Justice Gérard La Forest stated the principle as follows:

The Government has the right and duty to keep out and to expel aliens from this country if it considers it advisable to do so. ... If an alien known to have a serious criminal record attempted to enter into Canada, he could be refused admission. And by the same token, he could be deported once he entered Canada.

This basic state power was described by Lord Atkinson in *Attorney-General for Canada v. Cain*, [1906] A.C. 542, at p. 546:

One of the rights possessed by the supreme power in every State is the right to refuse to permit an alien to enter that State [...] and to expel or deport from the State, at pleasure, even a friendly alien

If it were otherwise, Canada could become a haven for criminals and others whom we legitimately do not wish to have among us.

In *Chiarelli v. Canada (Minister of Employment and Immigration)*, [1992] 1 SCR 711, Justice John Sopinka for the court held:

The most fundamental principle of immigration law is that non-citizens do not have an unqualified right to enter or remain in the country. At common law an alien has no right to enter or remain in the country: *R. v. Governor of Pentonville Prison*, [1973] 2 All E.R. 741.

The distinction between citizens and non-citizens is recognized in the *Charter*. While permanent residents are given the right to move to, take up residence in, and pursue the gaining of a livelihood in any province in s. 6(2), only citizens are accorded the right 'to enter, remain in and leave Canada' in s. 6(1).

These SCC decisions make it clear that refugee claimants arriving in Canada do not enjoy any legal right to move or travel within Canada or even be allowed entry into Canada. Canada's right to control and defend its borders loses all meaning and relevance if Canada must allow every non-citizen upon arrival the right to enter the country and to travel freely within it. These SCC decisions are in harmony with the interpretation of the Refugee Convention as distinguishing between refugee claimants and refugees. In fact, these SCC decisions *require* such an interpretation of the Refugee Convention in order for Canada's sovereignty to have any real meaning.

Detaining non-citizens at the border to protect Canadian sovereignty

The well-established legal principle that non-citizens do not have a right to enter or remain in Canada necessarily empowers the federal government to detain non-citizens at the border or elsewhere and to process refugee claims offshore in order to protect Canada's sovereignty and borders. If the federal government cannot lawfully detain foreigners seeking entry into Canada, then the principle that non-citizens have no right to enter the country cannot be given effect.

The refugee lobby frequently refers to the Supreme Court decision in *Charkaoui v. Canada (Citizenship and Immigration)*, [2007] 1 SCR 350 as an authority against proposed policies to detain refugee claimants at the border while their claims are processed. But the *Charkaoui* case concerned terrorism suspects (one permanent resident and two refugees) who were already living in Canada. The detention considered in *Charkaoui* concerned the imprisonment of those who were previously

able to move about freely, which is different from the detention of refugee claimants arriving at the border of a sovereign state that has every right to secure its borders. Denying refugee claimants entry into Canada while their claims are processed is a valid exercise of sovereignty that is based on the well-recognized legal principle that only Canadian citizens have a legal right to enter, move within and remain in Canada.

Deportation to torture is sometimes permissible

One of the most common objections to the deportation of refugee claimants is the allegation that they might be or that they will be persecuted and tortured in their country of origin. In *Suresh v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 SCR 3, the SCC held that the Immigration Minister should generally decline to deport refugees when there is a substantial risk of torture. However, the Minister may do so if the refugee poses a sufficiently serious danger to the security of Canada and has been engaged in violence. The SCC held that Canada's interest in combating terrorism must be balanced against the refugee's interest in not being deported to torture. Section 7 of the *Charter* does not require the Minister to conduct a full oral hearing or judicial process. However, a refugee facing deportation to torture must be informed of the case to be met. The reviewing court should adopt a deferential approach to the Minister's decision on whether a refugee's presence constitutes a danger to Canada's security, and on whether the refugee faces a substantial risk of torture upon deportation.

Canada's safe third country policy upheld by the Courts

One of the sensible reforms that Canada can implement without running afoul of the *Charter* or the Refugee Convention is the safe third country policy described above and implemented by EU member states. The validity of Canada's safe third country legislation was affirmed by the Federal Court of Appeal in *Canadian Council for Refugees v. Canada*, [2008] F.C.J. No. 1002.

A safe third country clause first appeared in Canadian law with the 1988 amendments to the *Immigration Act, 1976*. This provision allowed for the designation of another country as a safe third country so that refugee claimants seeking to enter Canada via a safe third country would not be permitted to apply for refugee status in Canada.

When the *Immigration and Refugee Protection Act* came into force in 2002, Parliament granted Cabinet the authority to designate a country as safe if, based on its laws, practices and human rights record, it complies with Article 33 of the Refugee Convention and Article 3 of the Convention Against Torture. Article 33 of the Refugee Convention stipulates that signatory states will not expel or return a refugee to a country where his or her life or freedom would be threatened because of race, religion, nationality, membership in a particular social group or his or her political opinion. The only exception is when there are reasonable grounds to believe that the refugee claimant is a security threat or has been convicted of a serious crime. Article 3 of the Convention Against Torture

states that signatory nations will not expel, return or extradite a person to another state where there are substantial grounds for believing that the person would be in danger of being subjected to torture.

In October of 2004, the Paul Martin Cabinet formally designated the United States as a safe third country, further to the Safe Third Country Agreement that Canada and the United States signed in 2002.

Under the Safe Third Country Agreement, refugee claimants who request protection at the Canada-U.S. land border are generally denied access to the refugee-determination process in Canada. There are exceptions for family member of Canadian citizens, permanent residents, unaccompanied minors, holders of Canadian travel documents, persons who do not need visas to enter Canada but need visas to enter the United States, persons who were refused entry to the United States without having their claim adjudicated, permanent residents of Canada being removed from the United States and persons who are subject to the death penalty.

In 2005, the Canadian Council for Refugees, the Canadian Council of Churches and Amnesty International challenged the Safe Third Country Agreement and the regulations used by Cabinet on the behalf of an anonymous Colombian citizen referred to as "John Doe." Doe was initially denied refugee status in the United States after arriving from Colombia with his wife on a tourist visa in 2000. In 2001, the United States commenced removal proceedings against him and his wife, and he then applied for asylum. His application was denied because he failed to apply for refugee status within one year of arriving in the United States as required by U.S. law, and he also failed to establish "a clear probability of persecution" as required by U.S. law. At no time did John Doe approach the Canadian border or seek to apply for asylum in Canada.

In 2007, the three refugee lobby groups won at trial. In 2008, the Federal Court of Appeal reversed the trial decision and upheld the legislation and its regulations, noting that Cabinet had acted in good faith and had properly considered the relevant factors when it designated the United States as a country that complies with the two Conventions and was respectful of human rights. The Court noted that in 2006 a representative of the United Nations High Commission for Refugees had again appeared before the House of Commons Standing Committee on Citizenship and Immigration regarding the UNHCR's one-year review of the Safe Third Country Agreement and expressed the view that both Canada and the United States continue to qualify as safe third countries.

The Federal Court of Appeal declared that "Canadian law respecting refugee protection is only engaged when claimants seek protection from Canadian officials in Canada, including a port of entry" (paragraph 114). Neither the *Canadian Charter of Rights and Freedoms* nor the Refugee Convention or the Convention Against Torture requires Canada to abstain from enacting regulations that may deter nationals of third countries in the United States from coming to the Canadian border to claim refugee protection or protection from torture. Article 33 of the Refugee Convention and Article 3 of the Convention Against Torture impose a negative obligation to refrain from returning a claimant to where he or she is threatened, not a positive obligation to receive potential claimants.

As the Safe Third Country Agreement does not violate the *Canadian Charter of Rights and Freedoms*, Canada can enter into more of these agreements with other democracies that respect human rights, such as EU countries, Australia and New Zealand.

What Singh says... and does not say

In *Singh*, the Supreme Court of Canada held that the refugee-determination process established by the *Immigration Act, 1976*, violated “the right to life, liberty and security of the person” set out in Section 7 of the *Canadian Charter of Rights and Freedoms*.

The refugee lobby interprets *Singh* as requiring that every refugee claimant present in Canada be provided with a full oral hearing of his or her claim. This interpretation of the *Singh* decision, along with a failure to recognize the legal distinction between refugee claimants and refugees, has resulted in a chronic and large backlog of tens of thousands of refugee claims since the mid-1980s. Moreover, it continues to be used as an obstacle to meaningful reforms to the asylum processes.

The *Singh* decision is more nuanced than some would like to believe. *Singh* and other SCC decisions do not stand in the way of Canada implementing sensible immigration and refugee reforms as EU countries have done.

Section 7 provides only a *procedural* right to an adequate opportunity to state one’s case and to know the case one has to meet. In *Singh*, Justice Wilson acknowledged that procedural fairness “may demand different things in different contexts” (paragraph 58) and that oral hearings are required only “where a serious issue of credibility is involved” (paragraph 59). At paragraph 58, Wilson states, “it is possible that an oral hearing before the decision-maker is not required in every case in which s. 7 of the *Charter* is called into play; written submissions may be an adequate substitute for an oral hearing in appropriate circumstances.”

In similar fashion, two years later, Justice Gérard La Forest in *R. v. Lyons*, [1987] 2 SCR 309, stated: “It is also clear that the requirements of fundamental justice are not immutable; rather, they vary according to the context in which they are invoked. Thus, certain procedural protections might be constitutionally mandated in one context but not in another (page 361).”

With a firm view of the practicalities at play, La Forest went on to say that Section 7 of the *Charter* entitles the accused to a fair hearing, but Section 7 does not entitle him to the most favourable procedures that could possibly be imagined (page 363). This same point was reaffirmed by the SCC in *R. v. Beare*, [1988] 2 SCR 387, at p. 412.

Rather than requiring an oral hearing in all cases, the *Singh* decision holds that every person should have an adequate opportunity to state his or her case and to know the case he or she has to meet. This principle was reaffirmed in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, a case in which a non-citizen was denied an oral hearing. The SCC held:

... an oral hearing is not a general requirement for humanitarian and compassionate decisions. An interview is not essential for the information relevant to a humanitarian and compassionate application to be put before an immigration officer, so that the humanitarian and compassionate considerations presented may be considered in their entirety and in a fair manner. In this case, the appellant had the opportunity to put forward, in written form through her lawyer, information about her situation, her children and their emotional dependence

on her, and documentation in support of her application from a social worker at the Children's Aid Society and from her psychiatrist. These documents were before the decision-makers, and they contained the information relevant to making this decision. Taking all the factors relevant to determining the content of the duty of fairness into account, the lack of an oral hearing or notice of such a hearing did not, in my opinion, constitute a violation of the requirements of procedural fairness to which Ms. Baker was entitled in the circumstances

The *Singh* decision leaves it open to the federal government to streamline the processing of refugee claims and to dispense with the call for a full oral hearing where no "serious issue of credibility" is involved. For example, when refugees arrive at Canada's borders from a safe third country, or from a safe country of origin, these claims can be reviewed immediately without the need for a formal oral hearing. In similar fashion, claims that are "manifestly unfounded" due to falsified documents or the complete absence of an obvious and credible reason for fearing persecution can be dealt with quickly in cases where the claimant's credibility is not in issue.

The *Singh* decision does not prohibit removing refugee claimants who are appealing the denial of their claims; there is no general obligation on Canada to allow people to stay here while waiting for a hearing or a court decision. Nor does the *Singh* decision prevent Canada from adopting a policy of providing "temporary protection status" to some refugee claimants, whereby people with this status return to their home country when conditions there improve. The *Singh* decision does not require Canada to provide non-citizens with access to taxpayer-funded health and welfare programs.

...the *Singh* decision holds that every person should have an adequate opportunity to state his or her case and to know the case he or she has to meet.

In addition, the *Singh* decision says nothing about the physical location of refugee claimants while their claims are determined, whether in the country where asylum is sought or offshore.

Neither *Singh* nor other SCC decisions stand in the way of Canada implementing sensible reforms in respect to refugees just as other countries have done.

Conclusion

The Supreme Court of Canada has made it clear that only Canadians have a right to enter, move within and remain in Canada; this right is not enjoyed by refugee claimants or other non-citizens. A sovereign nation has the right to control its borders and thereby it necessarily has the right to prevent foreigners from entering or remaining. The Refugee Convention confers rights only on refugees, not on refugee claimants, and allows Contracting States like Canada to establish methods and measures for dealing with refugee claimants. Without violating the *Charter* or the Refugee Convention, Canada can implement sensible reforms to its system

of processing refugee claims, with policies including safe country of origin, safe third country, the immediate rejection of claims that are clearly unfounded or abusive, giving refugees temporary protection status until conditions in their country of origin improve, detaining refugee claimants until their claims are evaluated, processing refugee claims offshore and restricting benefits to refugee claimants. These measures would discourage human smuggling and trafficking, increase public support for helping bona fide refugees, save taxpayers money and facilitate the allocation of limited resources for the benefit of real refugees rather than economic migrants.

Endnote

1. The refugee lobby includes groups such as Action Réfugiés Montréal; AGIR - Action LGBTQ for Immigrants and Refugees; Amnesty International Canada; AMSSA - the Affiliation of Multicultural Societies and Service Agencies of BC; Anti-Human Trafficking Action Group (Windsor); Assaulted Women's and Children's Counsellor/Advocate (AWCCA) Program, George Brown College; Barbra Schlifer Commemorative Clinic; British Columbia Civil Liberties Association; Canadian Centre for Victims of Torture; Canadian Civil Liberties Association; Canadian Council on American Islamic Relations (CAIR-CAN); Canadian Council for Refugees (CCR); Canadian Muslim Civil Liberties Association; Canadian Tamil Congress; Canadian Union of Postal Workers (CUPW); Canadian Unitarians For Social Justice; Carrefour d'aide aux nouveaux arrivants (Montréal); Catholic Network for Women's Equality (CNWE); Centre Afrika (Montréal); Centre d'action socio-communautaire de Montréal; Centre de développement salvadorien (CEDESAL) (Montréal); Centre des femmes d'ici et d'ailleurs (Montréal); Centre d'orientation paralegale et sociale pour immigrants COPSI (Montréal); Centre for Race and Culture; Centre for Refugee Studies; Centre justice et foi; Chinese Canadian National Council; Christian Reformed World Relief Committee; Committee to Aid Refugees (Montreal); Community Legal Services Ottawa; Centre Génération Emploi (Montréal); Comité d'action contre la traite humaine interne et internationale (CATHII); FCJ Refugee Centre (Toronto); Fédération des femmes du Québec; Frontline Partners with Youth Network (FPYN) (Toronto); Global Alliance Against Traffic in Women - Canada (GAATW - Canada); Health for All; Health Providers Against Poverty (HPAP) (Toronto); International Civil Liberties Monitoring Group (ICLMG); Inter Pares; Jesuit Refugee Service - Canada; Journey Home Community Association (Burnaby, B.C.); La Passerelle - Intégration et Développement Économiques (Toronto); Latin American Women's Support Organization (LAZO); Lawyers' Rights Watch Canada; Legal Assistance of Windsor; LEGIT: Canadian Immigration for Same-Sex Partners; Le Mouvement contre le viol et l'inceste; Ligue des droits et libertés; Manitoba Interfaith Immigration Council Inc.; Mennonite Central Committee Canada; Mennonite Coalition for Refugee Support; Mission communautaire de Montréal; National Anti-Racism Council of Canada; Ontario Council of Agencies Serving Immigrants (OCASI); Ontario Sanctuary Coalition; Ottawa Community Immigrant Services Organization (OCISO); Project Genesis; Projet Refuge (Montréal); Quaker Committee for Refugees; Rainbow Refugee Committee; Refugee Lawyers' Association of Ontario (RLA); Refugee Unit of B.C. Conference, The United Church of Canada; Réseau d'intervention auprès des personnes ayant subi la violence organisée (RIVO) (Montréal); Roma Community Centre; Romero House (Toronto); Salsbury Community Society (Vancouver); Sanctuary Coalition of Kitchener-Waterloo; Social Justice Collective of the Public Health Students at the Dalla Lana School of Public Health, University of Toronto; Sojourn House (Toronto); SOS: Settlement Orientation Services (Vancouver); South Asian Women's Community Centre (Montreal); South Ottawa Community Legal Services; Student Christian Movement of Canada (SCM); Table de concertation des organismes au service des personnes réfugiées et immigrantes (TCRI); La Table des groupes de femmes de Montréal; Taproot Faith Community (Toronto); The Council of Canadians; The Salvation Army ARIS (Atlantic Refugee & Immigrant Services) Project, Spryfield, Nova Scotia; The United Church of Canada; Transition House Association of Nova Scotia; Vancouver Airport Chaplaincy; Vancouver Interfaith Refugee Council; Welcome Home Refugee Housing Community (Kitchener). According to the Web site of the Canadian Council for Refugees, the groups listed here are opposed to Bill C-49.

FURTHER READING

October 2010

Abusing Canada's Generosity and Ignoring Genuine Refugees

An Analysis of Current and Still-needed Reforms to Canada's Refugee and Immigration System

<http://www.fcpp.org/publication.php/3466>

July 2010

Culturally-Driven Violence Against Women: A growing problem in Canada's immigrant communities

<http://www.fcpp.org/publication.php/3351>

For more see
www.fcpp.org

