

# Churches join court challenge saying agreement with U.S. leaves refugees vulnerable

Canadian churches, including the Catholic Church, have joined refugee advocates in federal court to demand an end to an agreement with the United States because they say puts asylum seekers in Canada at risk.

The group wants the court to allow refugees seeking asylum in Canada to be able to declare their intentions at all regular border crossings between Canada and the U.S., which for the most part has not been allowed since 2004 when the Canada-U.S. Safe Third Country Agreement was enacted.

The case, which was originally filed in 2017, started on Nov. 4 in federal court in Toronto and is scheduled to continue until Nov. 8.

Since Donald Trump was elected U.S. president in 2016, the American government has made it increasingly difficult for refugees to seek asylum in the U.S., which has led to thousands of people claiming to be refugees crossing into Canada at non-official entry points since 2017.

The Canadian Council of Churches, Amnesty International and the Canadian Council for Refugees argue in court that asylum seekers should not be turned away at official entry points along the border as required under the safe third country agreement because that goes against the Charter of Rights and Freedoms and Canada's obligations under international law.

"The Canadian Council of Churches has long advocated that every human being who is physically present in Canada has a legal right to life, liberty and security of person under the Charter of Rights and Freedoms," said Peter Noteboom, general secretary of the Canadian Council of Churches.

"The U.S.-Canada Safe Third Country Agreement stands in the way of guaranteeing those legal rights," he said.

The applicants are challenging the lawfulness of Canada's continuing reliance on the U.S. as a partner in refugee protection under the Canada-U.S. Safe Third Country Agreement, according to an Oct. 29 press release from the organizations involved in the court case.

The evidence now before the Court establishes that the refugee claimants that Canada turns away at our borders are exposed to grave risks of detention and mistreatment in the U.S.

Withdrawing from the agreement would not only ensure that Canada meets its

legal obligations, but would also allow people to present themselves in an orderly way at ports of entry, ending irregular crossings.

The president of the Canadian Council for Refugees said the current situation is having an adverse impact on marginalized people.

“The impacts are particularly severe for women, because of U.S. policies that close the door on women fleeing gender-based violence. The conclusion is clear to us – the U.S. cannot be considered a safe country for refugees.” said Claire Roque of the court challenge.

In legal documents filed by the federal government in the case, the Canadian government argues the case should be dismissed because Canada considers the U.S. to be a safe country for refugees.

But refugee advocates claim they have no choice but to turn to the courts.

“In the absence of action on the part of Canada’s elected representatives to acknowledge the serious shortcomings of the U.S. refugee protection system, we now turn to the courts to ensure that Canada’s domestic and international legal obligations are upheld,” said Justin Mohammed, of Amnesty International Canada.

The Ottawa-based Christian organization Citizens for Public Justice (CPJ), which is associated with the CCC, is monitoring the case closely.

“We strongly support this court challenge,” said Brad Wassink, CPJ communications coordinator. “We have been very vocal about this issue for awhile.”