Refugee advocates pan proposed crackdown on asylum seekers

The Liberal government is cracking down on asylum seekers by making changes to refugee protection inside its omnibus budget bill C-97, a move has refugee advocates crying foul.

“I think immigration is a hot topic,” said Deacon Rudy Ovcjak, director of the office for refugees of the Archdiocese of Toronto. “My sense is they intentionally buried it in the omnibus bill so they wouldn’t have a fractious debate.”

“This is why we elect governments to make some of these tough decisions,” said Ovcjak. “That being said, there is room for debate and they should have been open to hearing from multiple stakeholders before they made that decision.”

“I think a true democratic practice would call for larger and important pieces of legislation to stand on their own, to receive scrutiny in committee and receive all the attention necessary”, said Joe Gunn, executive director of the Oblate Centre at Saint Paul University.

Because the changes affect human rights, Gunn said he expects the law will be challenged in court, because it denies some asylum seekers a right to a hearing, something guaranteed by the Singh decision of the Supreme Court in 1985.
On April 11, Amnesty International Canada, the Canadian Council for Refugees, the Canadian Civil Liberties Association, the British Columbia Civil Liberties Association and the Canadian Association for Refugee lawyers wrote a letter to Prime Minister Justin Trudeau objecting to the proposed changes.

The advocates called the measure to deprive some refugee claimants of access to full refugee hearings as “harsh and unnecessary” as well as “undemocratic” without considering the effects on “vulnerable people” and the changes “unforeseen consequences on the refugee determination system.”

They warned of legal challenges because of the “incredibly high stakes for the claimants, including questions of persecution and torture, of being able to live life freely in accordance with one’s identity and culture with protection for fundamental human rights, and even of questions of life and death.”

Conservative MPs have argued people escaping from New York State into Canada are not facing danger, and are making it harder for genuine refugees fleeing war and life-threatening persecution to come to Canada.

The Trudeau government put the changes to the Immigration and Refugee Act in the bill introduced April 8 in order to stem the tide of asylum seekers who have used a loophole in the Safe Third Country agreement by crossing Canada’s border outside a legal port of entry before making their claim.

More than 41,000 people have come to Canada “irregularly” since 2017 since the Trump administration made changes to immigration policy, telling many temporary migrants their stay would expire.

Trudeau responded to the Trump changes on Twitter in January 2017 saying: “To those fleeing persecution, terror & war, Canadians welcome you, regardless of your faith. Diversity is our strength. #Welcome to Canada.”

As Canada heads into a federal election this fall, Canada’s welcome mat is not so unconditional.

Minister of Immigration Ahmed Hussen said those fleeing persecution should make their asylum claim in the first safe country they come to, and the changes in the Immigration and Refugee Protection Act in the budget bill are meant to end “asylum shopping.”

Gunn said the move may be a way of “taking talking points away from the Opposition” in the upcoming election but it will not affect the numbers of people who are seeking asylum in Canada, nor will it help those trying to come to Canada from the United States. The bigger problem, Gunn said is the Safe Third Country Agreement. “It must be ended.”

Canada’s Catholic bishops, the Canadian Council of Churches, the Canadian Council for Refugees have all called for ending the Safe Third Country Agreement.
“Is the United States a safe third country?” Gunn asked. He noted the American bishops have spoken about the separation of parents from their children, of not allowing people to apply easily in the United States, the rejections from Muslim countries.

“There are a whole range of reasons to assert under the current Trump administration, it’s not exactly safe or easy.”

Gunn pointed out Canadian refugee criteria are different, such as a greater Canadian willingness to look at gender violence.

For Ovcjak, hard choices need to be prioritized. He pointed out the average wait time for refugees abroad to get into Canada is more than two years.

“Fix that part of the system first,” he said, noting the government has a plan to reduce the backlog to less than 12 months, which will be a start.

While identified refugees wait overseas, asylum claimants, most of whom are identified as economic migrants whose claims are eventually rejected, have access to a lengthy appeal process that can last years, Ovcjak said.

Meanwhile, they have access to Canada’s social services, often marry, have children and, after exhausting the asylum process can make a final appeal on humanitarian grounds.

“Here you have two populations, one that is fleeing from life and death situations, intense persecution, violence and war, who cannot return to country of origin for fear of death,” Ovcjak said.

“Then you have another population that is made up of economic migrants looking to escape from poverty. As terrible as poverty is, they are looking for a better life.”

“Canadians have to make the hard choice,” Ovcjak said. “Where should our values lie? Who deserves greater protection?”

Ovcjak said the “terrible situation going on in Central America,” involving violence, corruption, drug cartels and poverty is “better served by assisting those countries in repairing their institutions and their economies.”

Gunn agrees Canadians need to look at international assistance and ask if it is growing. “Are we waiting those countries, those poorer countries that are receiving refugees? Most are staying in the global south in neighboring countries.”

Gunn notes how Pope Francis talks about the right to migrate as part of Catholic social thought. “We have a world in which 31 people a minute are on the move somewhere in the word—displaced people and refugees.”

“There are so many people in our unjust world that are suffering,” Gunn said.
“The bigger issue, is how are Canadians, how are people of faith responding to the global migration crisis? How open are we being asked to be? The crisis is going to be with us for a long time.”