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Chair

Mr. Robert Oliphant

Standing Committee on Citizenship and Immigration

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● (1610)

[*English*]

The Acting Chair (Mr. Nick Whalen (St. John's East, Lib.)): Hello, everyone, and thank you for coming to the 159th meeting of the House of Commons Standing Committee on Citizenship and Immigration. We have one less than a full quorum of people, but based on our rule for reduced quorum, we do have enough people to proceed. Our third motion at our first meeting says:

> That the Chair shall be authorized to hold meetings to receive evidence and to have that evidence published when a quorum is not present, provided that at least three (3) members are present, including one member of the opposition and one member of the government.

Without further ado, and to assist our witness from Washington whose access to the teleconferencing commitment might expire, I will ask Susan Fratzke of the Migration Policy Institute to present her opening remarks for no longer than seven minutes.

Thank you.

Ms. Susan Fratzke (Policy Analyst, Migration Policy Institute): I'd like to begin by thanking the committee for the opportunity to speak with you today. My organization, the Migration Policy Institute, is an independent, non-partisan research institute dedicated to the better understanding and management of human migration in all of its forms.

Over the last five years, a substantial portion of our work has been focused on better understanding the challenges facing national asylum systems, including those in Europe and the United States, and assessing how these challenges can be effectively addressed. My presentation will draw on the comparative insights that we have gleaned through this work. I should mention that I intend to focus my comments primarily around the operational effects of the amendments that are being considered by the committee and will leave questions of rights and international law to some of the other panellists, who are well suited to address those questions.

Broadly, the aim of the amendments to the Immigration and Refugee Protection Act before the committee speak to the heart of the challenges confronting national asylum systems globally: namely, how to maintain a fair and efficient asylum procedure that upholds the standards of international protection in the face of migration flows that are increasingly mixed.

These two goals—fairness and efficiency—are equally important and in some ways interlinked. Backlogs that delay asylum procedures for years are harmful to refugees and leave them in a painful state of limbo, but delays and backlogs can also undermine confidence in the fairness of the system by inviting applications that are not well founded and by making it more difficult to return those who are not in need of protection.

Yet asylum systems in many countries have struggled to maintain efficiency, particularly when application numbers rise. Canada, of course, has not been immune from these difficulties. For this reason, improving the functioning and efficiency of national asylum systems has become a priority globally.

One of the tools that governments have turned to is procedures that limit the admissibility of asylum applications from individuals who previously had the opportunity to receive protection in another country. This is the approach taken by the first amendment under consideration by this committee and where I'll focus.

For asylum agencies, the appeal of rules that restrict the admissibility of applications from individuals who transit certain countries lies in two assumptions: first, that handling cases in this way will be faster than conducting a full asylum procedure and thus will reduce the pressure on asylum systems overall, and, second, that reducing access to asylum procedures for applicants who have transited through safe countries would deter additional applicants entering from these countries in the future.

While these are valid operational goals, international experience suggests that implementing these sorts of arrangements can in fact be difficult in practice and can at times introduce unintended consequences and complexities into the asylum system. Here, it may be helpful to draw on the experiences of the European Union, which has experimented extensively with policies that limit access to asylum for applicants who have transited through other third countries or have made asylum applications there.

Our analysis has highlighted three questions from Europe regarding the effectiveness of these sorts of rules that may be relevant for Canada to consider.

First, can rules such as those proposed by the first amendment under consideration here be enforced? In order to deter new applications, the amendment before the committee would need to be credibly enforced. This means that potential applicants in countries who may be considering coming to Canada would need to know about the rule. Those who are deemed inadmissible under this rule would need to be processed quickly and actually be subject to removal.

Europe's experiences suggest that this may in fact be very difficult to do. There are two examples that are relevant here. One is the agreement that was reached between the EU and Turkey back in 2016 to return applicants who had come from Turkey to Greece and were thus deemed inadmissible. In fact, very few asylum applicants have actually been removed to Turkey from Greece under this agreement, in part because many of the admissibility decisions under the agreement have ultimately been caught up in appeals.

The second example that's relevant is Europe's Dublin regulation, which determines that asylum applicants who have previously applied in another EU country would not be eligible to then apply in a different EU country later on. Similar to the EU-Turkey agreement, very few applicants have actually been transferred between EU countries under the Dublin agreement, often due to administrative difficulties or poor co-operation between EU states.

● (1615)

In both cases, asylum seekers have continued to go to their preferred country of asylum, encouraged by low enforcement rates.

Second, it's worth asking whether applications processed under these rules will actually be faster and more efficient. Again, Europe's experience suggests that they may not be. Instead, opting to channel asylum applications through admissibility procedures has tended to shift backlogs from one part of the process to another. Under the EU-Turkey agreement, for example, the fact that applicants' cases were never heard on their merits left these admissibility decisions particularly vulnerable to appeal. Thousands of cases have actually been taken forward to the Greek courts, challenging the admissibility decisions. As a result, the appeals system has become backlogged, the resources of the courts have been tied up and the issuing of final decisions on these cases has been delayed.

Third and finally, the committee may wish to ask what incentives these sorts of rules may create for asylum applicants and what the effects of those incentives might be. The application of this amendment would be based on biographical and biometric data collected by Canada's international partners. Similarly in Europe, the Dublin system also relies heavily on data-sharing on asylum applicants between EU countries.

How this data is collected and used has led to some perverse and unintended outcomes. First, applicants have had a strong incentive to avoid applying for asylum and generally to avoid detection in the first country in which they arrived, which has created a market for smuggling networks to extend their services into Europe itself. Second, the Dublin rules have encouraged applicants who fear they will be ineligible for asylum to lose or destroy their documentation, or even to attempt to damage their fingerprints, when they arrive in their country of destination. This makes conducting identity and security checks more difficult, with broader implications for the integrity of the asylum system as a whole.

To conclude, while of course it's not possible to always fully transfer policy lessons across national borders, Europe's experience suggests that measures such as those proposed under the amendment may have limited value in terms of increasing the efficiency of the asylum system itself, and ultimately may simply shift the problem to another set of procedures and create new delays and backlogs.

My thanks to the committee. I'll be happy to take questions.

The Acting Chair (Mr. Nick Whalen): Thank you very much, Ms. Fratzke.

We'll now move on to the Canadian Council for Refugees. Will Ms. Roque or Ms. Dench be presenting?

Ms. Janet Dench (Executive Director, Canadian Council for Refugees): We'll share the presentation. I'll start.

The Acting Chair (Mr. Nick Whalen): You have seven minutes.

Ms. Janet Dench: Thank you.

The Canadian Council for Refugees calls on the committee to reject the proposed amendments in their entirety. Changes to the refugee system do not belong in a budget bill. The proposed changes would place many people at increased risk of being sent back to face persecution in violation of the Canadian Charter of Rights and Freedoms and of Canada's international human rights obligations. The inclusion of such changes in the budget bill is undemocratic and profoundly disrespectful to the lives of affected non-citizens. If the government believes that the proposed changes merit consideration, they should be reintroduced, instead, in a separate bill. To date, more than 2,300 letters have been sent to this committee in support of the position of our own organization and Amnesty International, urging you to reject these changes.

Denying access to Canada's refugee determination system may lead to a return to torture, persecution and death. Under the proposed changes, a person would be ineligible to make a refugee claim in Canada and thus to be heard by the IRB if they have previously made a claim in another country with which Canada has an information-sharing agreement. They will have access only to a pre-removal risk assessment, a process that provides much less fairness than a hearing at the IRB.

To illustrate the impacts, consider two sisters, both fleeing gender-based persecution targeted at them in their home country in Central America. One sister makes her journey across North America—inevitably with much suffering, but avoiding arrest by the U.S. authorities. She makes her claim in Canada and is referred to the Immigration and Refugee Board. There she has a hearing where she is able to tell her story directly to a member of this expert, independent, quasi-judicial tribunal. The IRB member has received extensive training, including on the chairperson's guideline on gender-based persecution, and has access to the IRB's well-reputed country documentation. If nevertheless her claim is refused, she can appeal to the refugee appeal division. These are all features that have earned for Canada's IRB a reputation around the world as a model for refugee determination. Many other countries turn to Canada's IRB to improve their own refugee determination systems.

● (1620)

Ms. Claire Roque (President, Canadian Council for Refugees): Good afternoon, Mr. Chair.

Allow me to continue to illustrate to you the story of the other sister, who was travelling later. She has the misfortune of being arrested by U.S. immigration officials as part of the intensified immigration enforcement measures under President Trump. She has no choice but to make a refugee claim in the U.S. in order to avoid deportation to her country of origin. She still wants to reunite with her sister in Canada. After everything they have been through, they really need to be together to support each other.

Also, lawyers in the U.S. tell her that she has little chance of being accepted as a refugee in light of the decision by former attorney general Jeff Sessions, which takes a much more sensitive, restrictive approach to claims based on gender persecution.

She enters Canada at a port of entry, but she is ineligible to make a refugee claim because she made a claim in the U.S. She is able to apply for a pre-removal risk assessment, but she must make her application in writing. She does not speak English or French, and she has no way of hiring a lawyer to represent her.

She may struggle to get social assistance and must pay a fee for a work permit. If she manages to get her application in despite this, it will be reviewed by a PRRA officer, who is a more junior civil servant than those at the IRB. They don't have the same access to training and are not subject to the chairperson's guidelines. There is no right to a hearing. If the application is refused—surprisingly, given all the challenges—she cannot appeal at the refugee appeal division. Her only recourse is to apply for a judicial review at the Federal Court. In any case, she can be deported from Canada before the court makes a decision. There's a real risk that the sister will end up being deported to her home country, where she may be assaulted or killed by the people she fled.

It is important to recognize that there are many reasons a person may have previously made a claim in the U.S. or another country and still need Canada's protection. A person may come to Canada to join a family member who is already here. A person may have been advised that their claim had little chance of success in the U.S. A person's claim may have been rejected even though they have well-founded fear of persecution. The person may have made a claim in another country as part of a family group—as a spouse or as a child—without having had the chance to speak for themselves.

This matter hits very close to home for me. I doubt very much that I would be appearing to you in my capacity as Canadian Council for Refugees' president if the proposed change had been in effect when I made a refugee claim in Canada.

Refugee determination is not only a matter of life and death, it is also extremely difficult and often involves vulnerable people. In recognition of this, the Immigration and Refugee Protection Act has detailed provisions to protect claimants. None of this exists for the PRRA process. Some of the most vulnerable claimants are unaccompanied minors. The law provides for a designated representative to be appointed to protect their interests, but this only applies to claimants referred to the IRB. There can be no designated representative for children who are ineligible and sent through the PRRA process.

While some people will be at risk of deportation to face persecution because of the inadequacy of the PRRA, other people will be condemned to long-term limbo in Canada. This is the situation for claimants from countries to which Canada has suspended removal. Due to a situation of generalized risk, a PRRA is not available to a person who is facing deportation from Canada.

Until the tabling of Bill C-97, Canadians could be proud that their government had generally responded in a principled and rights-based way to recent increases in the number of refugee claimants arriving in Canada. With this proposal, Canada will be shamefully joining too many other countries that respond to increased numbers of refugees not by matching capacity to needs, but by closing doors on people fleeing rights abuses.

Once again, the Canadian Council for Refugees calls on the committee to reject the proposed amendments in their entirety.

Thank you.

● (1625)

The Acting Chair (Mr. Nick Whalen): Thank you for your comments.

We will now proceed to Mr. Brian Crowley, Managing Director of the Macdonald-Laurier Institute.

[*Translation*]

Mr. Brian Lee Crowley (Managing Director, Macdonald-Laurier Institute): Thank you, Chair, for inviting me here today.

[*English*]

Let me begin by saying how delighted I am that the government has begun to take seriously the problem of the integrity of the border, particularly with respect to illegal or, if you prefer, irregular border crossers. Unfortunately, while the government is making noises that it wants to repair the damage at the border, there is little evidence that the measures that have been proposed will be effective, and the government has not yet committed itself to changes that would make a real difference. Basically, I think the principle that should guide us here is that the rule should not reward people trying to game the system at the expense of those who are law-abiding.

Let's begin with why it is correct to say that there is a problem at the border. Canada's highly successful post-war immigration policy, supported by an all-party consensus and public opinion, has never been laissez-faire about who gets into Canada. On the contrary, that admirable policy has always been premised on the idea that Canada decides who gets into the country and that the selection process will be carried out in a disciplined and orderly way, in a very Canadian way, I might say.

In the last several years, however, that supportive public consensus has been severely undermined. First was the discovery that would-be immigrants could exploit a flaw in the law regarding people wishing to claim refugee status in Canada. The law is premised on the sensible notion that refugees should make their claim for status in the first safe country they arrive in. Canada, like the rest of the civilized world, sees the priority with refugees as their safety, or to use the official word, their protection, not their ability to shop around for the country they would most like to live in.

Since the bulk of refugee claimants arriving in Canada did so via the United States, we negotiated a safe third country agreement, a STCA, with Washington, which assured that refugee claimants attempting to enter Canada from the U.S. would be turned back on the grounds that the U.S., a country with a sound process for assessing refugee claims, is where their claims should be made and adjudicated.

Some clever person worked out that, since this rule could be avoided simply by crossing the border illegally between official crossings, there exists no mechanisms under the STCA for returning refugee claimants who enter elsewhere than official border crossings. Once this unintended loophole became public, the predictable result was that tens of thousands of people crossed the border illegally and presented themselves as refugees when, in fact, a great many of them were simply queue-jumping economic migrants.

Indeed, fewer than half of the refugee claims that have been made have been accepted. The government's first response to criticism questioning the wisdom and propriety of this policy was to accuse its critics of racism and wanting Canada to abandon its commitment to the fair treatment of refugees. This position is untenable on several counts.

First, many of the critics of what was emerging as the situation I've just described were themselves new Canadians understandably upset at the weakening of the integrity of an immigration system that many of them patiently navigated in order to come to Canada. They waited their turn. They felt law-abiding people were being penalized and that queue-jumpers were given an unfair advantage.

Second, the criticism logically implied that the current government policy of turning refugee claimants back at official border crossings was also racist; it is a necessary conclusion, if you think this through. The current border-crossing policy at official border crossing is racist, if you accept the premise I've just outlined, and the official policy at border crossings failed to uphold Canada's refugee commitments. This is clearly nonsense.

Alarmed at the erosion in public confidence in the immigration system, the government is now trying to project an image of stern defender of the border, but so far, I think this is largely image over substance. Look for example at clause 306 of Bill C-97, which makes ineligible for refugee status claimants who have previously made a claim for refugee protection in a third country such as the U. S., the U.K., Australia and New Zealand. Clause 306 is intended to stop what Minister Blair has called asylum shopping. Such behaviour can cause stress on our overloaded asylum system, which we should recall has a backlog of tens of thousands of people, as documented by the Auditor General, who says we are not equipped to deal with such surges of claimants.

Minister Blair, however, has just in the last couple of days confirmed that these changes simply move these claimants into a different bureaucratic process but with the same rights of in-person presentation, right to counsel, judicial appeal and granting a protected person status instead of refugee status, which means no removal.

● (1630)

This measure seems to me to be largely window-dressing, not least because I've been informed that the minister himself has indicated that the changes will perhaps affect at most about 10% of irregular migrants. Indeed since the typical illegal border crosser at, say, Roxham Road in Quebec is a Nigerian who has made no claim elsewhere, this measure is largely irrelevant to the problem at hand.

By contrast, a very positive step is clause 304 of Bill, C-97, which provides real consequences for countries that obstruct our efforts to return their citizens whom we are attempting to deport. Specifically, we may deny or suspend applications for temporary resident visas, work permits or study permits from people from the country in question. That is a reasonable and pragmatic action to enforce reciprocity with otherwise unco-operative countries and ultimately to expedite the removal of deportees.

Notably, it is a measure that has been recommended by my institute in previous publications, and while it hasn't received much attention, it is a change that would have significant impact and lead to increased immigration enforcement results.

Leading an international effort by like-minded countries to generalize this approach would allow Canada to exercise genuine international leadership in the field, which is something I think all of us would like to see.

I would strongly recommend, however, that we take this further and enlarge the scope of sanctions that we can employ against non-co-operating countries including all visas, development aid, the operation of any trade agreement and any other means of bringing pressure to bear.

We are spending ever more resources on deporting ever fewer people, because other countries don't want these people back. We cannot allow these countries to exploit our generosity, which will only lessen the welcome we can extend to genuine refugees.

The heated objections from the refugee industry and the immigration lawyers club to these useful and sometimes less useful changes are hugely overdone, although they certainly deserve full scrutiny—

The Acting Chair (Mr. Nick Whalen): I'll ask you to conclude quickly, Mr. Crowley.

Mr. Brian Lee Crowley: —because in our process-driven immigration refugee system, getting these details right is essential. I would remind the committee that the head of the UN refugee agency in Canada says the changes that are proposed are "no cause for alarm".

The other step—and this is my final point—that Ottawa has announced is talks with Washington aimed at changing the STCA so that the U.S. might take back refugee claimants, no matter where they enter Canada. Amending the STCA to close the loophole would be a real step in the direction of restoring the integrity of our immigration system. Unfortunately, Washington's motivation to help out has been low, although this may change as the number of people entering the U.S. illegally from Canada has been increasing.

The Acting Chair (Mr. Nick Whalen): Thank you very much, Mr. Crowley.

Moving on with our testimony, we have Karen Musalo, Professor, Hastings Law, from the University of California.

Ms. Musalo.

Ms. Karen Musalo (Professor, Hastings College of Law, University of California, As an Individual): Honourable committee members, thank you for the opportunity to appear before you today.

In light of the proposed amendments to Canada's Immigration and Refugee Protection Act, I would like to address serious failures in the U.S. refugee protection system. I have worked as a lawyer and scholar on refugee issues for more than three decades, and I'm recognized internationally as an expert.

It is my opinion that the U.S. fails to protect individuals entitled to protection under international standards. In my opening statement, I will attempt to provide an overview of key aspects of U.S. law that result in a failure of protection of bona fide refugees.

I will begin with the denial of protection to women fleeing gender-based violence and individuals fleeing violent gangs. The United States' overly restrictive interpretation of the refugee definition categorically denies relief for survivors of domestic violence and other gendered harms. UNHCR has long counselled state parties to the refugee convention and protocol to interpret the refugee definition to include claims of women fleeing gender-based violence. Canada was a leader, being the first country to issue guidelines in 1993.

● (1635)

The U.S. resisted, and it was only in 2014, after 15 years of protracted litigation, that our highest immigration tribunal, in a case by the name of "Matter of A-R-C-G-", accepted that women victims of domestic violence could qualify for refugee protection. The principles in A-R-C-G- not only were positive for women fleeing domestic violence but were more broadly applicable to gender claims, and the decision was a decisive step forward.

After coming into office, the Trump administration wiped out that precedent with former attorney general Sessions deciding a case, "Matter of A-B-", that vacated A-R-C-G-. In his decision, Sessions made the broad sweeping pronouncement that, quote, "Generally, claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum."

Administrative adjudicators have interpreted A-B- as Sessions intended—to foreclose claims involving women—and have also invoked A-B- to deny claims involving fear of gangs. I want to make it very clear that these are not cases where there's any doubt about the credibility of the applicant or the extreme gravity of the harm she has suffered. These denials are made on the basis of the attorney general's decision alone.

I also want to turn to the issue of detention and family separation. These policies have posed serious barriers to individuals seeking protection.

The Acting Chair (Mr. Nick Whalen): Excuse me for one moment, Ms. Musalo. The lights are flashing, which implies that votes are going to be happening in about 30 minutes.

With the unanimous consent of the committee, we can at least permit Ms. Musalo and Mr. Bhatti to provide their testimony under the abbreviated rules, and then, after the votes, we'll return for our in camera business meeting.

Do I have unanimous consent?

Ms. Jenny Kwan (Vancouver East, NDP): I'm sorry, just on a point of clarification, I wonder if, when we return, we could allow for each party to have a seven-minute round before we get into the in camera session, Mr. Chair.

The Acting Chair (Mr. Nick Whalen): My understanding is that at least one of our witnesses is unable to remain past 5 p.m., and if we do not have our business meeting at 5 p.m. we won't be able to table the report on the work that we've already done on settlement services.

With your consent, we can continue for the next 14 minutes, but on return it will be an in camera session, which is necessary to do the work of approving motions related to this study as well as instructions to the analysts so they can do their work. Do I have unanimous consent?

Some hon. members: Agreed.

The Chair: Thank you.

Thank you, Ms. Musalo. We'll continue with your presentation.

Ms. Karen Musalo: Although U.S. law provides for the release of asylum seekers who are neither a flight risk nor a security risk, and although studies show a high rate of appearance of asylum seekers who are released, the Trump administration has resorted to draconian detention policies. The harm inflicted on traumatized asylum seekers by detention was greatly exacerbated by the policy of family separation under which at least 2,800 children were separated from their parents. Although a court declared the policy unlawful and ordered that families be reunited, many families remain separated, and there have been news reports that the administration is considering separating families once again. It is understandable that asylum seekers with very strong claims might abandon them when facing indefinite detention as well as family separation.

The third issue I would like to turn to is the lack of the right to counsel in the United States. The U.S. does not provide representation to asylum seekers, not even unaccompanied children who must appear in court alone. This drastically reduces the likelihood of presenting a successful claim, especially in light of the restrictive substantive law interpretations that I mentioned.

Unable to afford private attorneys, many asylum seekers must rely upon non-profit organizations with limited capacity, and many go without legal representation. The increased detention of asylum seekers in remote facilities has exacerbated the difficulty of obtaining counsel. Study after study has shown that the likelihood of prevailing when represented is significantly higher than it is for those who are not represented. It is as high as five and a half times. Without counsel, individuals with compelling claims for protection are thus more likely to be denied and sent back to persecution or even death.

As my fourth point, I want to wrap up a number of restrictive measures that have been implemented or are currently being implemented in U.S. law. On April 29 of this year, President Trump issued a memo calling for regulations within 90 days that would pose other serious barriers to asylum seekers. Among them is the barring of work authorization for those who entered “unlawfully”, notwithstanding the fact that U.S. law contemplates that asylum seekers might enter without legal permission. The regulations would also impose a potentially hefty fee on asylum applications. Given that asylum seekers often arrive with little or no resources and that the U.S. provides no social services whatsoever, the charging of a fee greatly undermines access to protection.

In another restrictive move, earlier this week the administration issued revised lesson plans for asylum officers that will make it more difficult for individuals to pass an initial eligibility screening that will permit them to apply for asylum. The revised plans deleted guidance instructing officers to consider trauma and cultural background when assessing credibility and, instead, added language warning of potential fraud. These new lesson plans also deleted a paragraph that instructed officers to consider that asylum seekers might not have all the evidence necessary to prove their claims immediately upon crossing the border.

I'm just going to wrap up very briefly with some other relevant developments. There are many other executive statements and policy initiatives that underscore the current U.S. administration's hostility towards asylum seekers and its clear intent to shut down access to the U.S. protection system. The U.S. has threatened Mexico and the northern triangle countries of El Salvador, Honduras and Guatemala for allowing the free movement of asylum seekers, something clearly protected under international norms. It threatened to close down the U.S.-Mexico border in order to prevent asylum seekers from entering. Most recently, it put in place a policy that forces those who apply for asylum to wait in Mexico until the date of their hearings the United States.

These policies are accompanied by untrue and hateful rhetoric that characterizes desperate refugees as criminal invaders. This hostility toward asylum seekers has the great potential to bias decision-making, especially in the U.S. system where administrative adjudicators have very little judicial independence. The failure to protect bona fide refugees has been, and continues to be, the tragic result of these restrictive policies implemented in a climate of growing xenophobia.

I thank you for your time and welcome your questions.

● (1640)

The Acting Chair (Mr. Nick Whalen): Thank you very much.

Unfortunately, there won't be any questions today, I believe we've learned.

Mr. Bhatti.

Mr. Peter Bhatti (Chairman, International Christian Voice): Thank you, Mr. Chair.

Before I start to give my speech, I would like to thank the Canadian government for accepting Asia Bibi, the woman who was imprisoned for nine years in Pakistan and was released and came to Canada. It is a great day for us as a Pakistani community that she was released from prison and is in our country where she can live a new life.

I want to thank the committee for the opportunity to be part of this process to share our perspective and experience and to better understand the Immigration and Refugee Protection Act.

Canada is a welcoming country where people from everywhere come to realize their dream to live in peace and in security.

International Christian Voice is a human rights organization and sponsorship agreement holder directly in touch with asylum seekers.

My brother, Shahbaz Bhatti, the only Christian federal minister in Pakistan, was martyred under a hail of bullets by religious extremists for defending the rights of all persecuted religious minorities. Continuing his legacy, International Christian Voice has successfully sponsored several vulnerable families to Canada since 2015.

With regard to the topic of discussion today, it is our opinion that refugee claimants from other countries that have the same compassionate approach to refugees as we have in Canada need not apply for refugee status to Canada, because they are already eligible for all the rights, freedoms and benefits in their country of residence. In this way, we can save our resources for where they can be more effectively applied.

It is our opinion that making a refugee claimant, whose application for refugee status in Canada has been denied, wait for 12 months to elapse before they can appeal their rejection is counterproductive for both the refugee and for Canada. During this time, the refugee is left hanging in a vacuum and the Canadian government must support them during this period of unnecessary inaction.

International Christian Voice has been very closely in touch with asylum seekers. From 2015 to the present, my team and I have made three fact-finding trips to Thailand and Malaysia. We have personally visited over 100 families seeking asylum, most of whom were languishing in detention centres or were in hiding, fearing arrest and deportation back to the country from which they fled due to religious persecution, violence, threats to their lives, kidnapping and forced marriages.

In March of this year, ICV was able to visit the Immigration Detention Center in Bangkok and personally talk to several families detained within. They were living in intolerable and inhumane conditions. Many asylum seekers are suffering with stress-related sicknesses, and several have died without medical assistance while in the detention centre.

In our opinion, Canada's resources would be better spent on claimants who are suffering while residing in the countries that are not signatories of the 1951 refugee convention, like Thailand, where claimants are suffering from malnutrition, no medical facilities and separation of families. They are stateless and helpless. These redirected financial resources would help to alleviate the backlog of asylum seekers in countries such as Sri Lanka, Thailand and Malaysia.

● (1645)

We agree with the proposed provisions to authorize the Governor in Council to expedite the processing of the applications when the Governor in Council feels that the government or competent authorities are unreasonably refusing to issue or unreasonably delaying the issue of travel documents to citizens or nationals of that state or territory who are in Canada.

Thank you.

The Acting Chair (Mr. Nick Whalen): Thank you very much to everyone for your presentations.

I believe our vote is in 19 minutes. If there is unanimous consent, we can proceed with one question from each side for no more than two minutes, I believe, in order to get upstairs.

Okay, we'll proceed with one question each.

Mr. Sarai.

Mr. Randeep Sarai (Surrey Centre, Lib.): This is going to be tough in two minutes, but I will attempt to do it.

Ms. Musalo, you had stated that, in your eyes, the U.S. is now maybe not a fair place for refugees in terms of President Trump's current executive orders. I'm not saying that the system is perfect and I think nobody's system is perfect, but the courts have overturned some of those and there are several layers of government in the U.S., including the executive branch, the judiciary and Congress. Would you not say that, in general, the principles around refugees are still protected in the United States and people do have the opportunity to fight those challenges that the President may have presented that are not permitted under the law in the U.S.?

● (1650)

Ms. Karen Musalo: I would respectfully disagree with you that the U.S. is a safe place for refugees. The matter of A-B-, which was a decision that really precluded protection in gender-based claims, has not been overturned. Its application has simply been limited at the credible fear stage. A number of measures that the Trump administration is taking now eviscerate the credible fear proceeding, such as having border patrol officers rather than trained asylum officers carry out credible fear determinations—which is something really unheard of—and also changing the standards and the training for those border patrol to make it much easer for them to deny.

The main precedent, which really has precluded claims of women and people fleeing gangs, remains in force. It has not been overturned by any court as it applies to merits proceedings.

The Acting Chair (Mr. Nick Whalen): Thank you, Ms. Musalo.

Ms. Rempel.

Hon. Michelle Rempel (Calgary Nose Hill, CPC): Mr. Bhatti, I just congratulate you and your organization for the work that you have done on behalf of the Asia Bibi case. I know that your family has a deep connection to this case, having stood up for the principles of freedom of religion and protecting people who are truly persecuted for their belief. This is such an extreme case. I just really want to congratulate you and thank you for your commitment to this.

That's really all I have to say.

Mr. Peter Bhatti: Thank you.

The Acting Chair (Mr. Nick Whalen): Thank you very much, Ms. Rempel.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair. Thank you to all the witnesses and apologies for the truncated time.

Yesterday, Minister Blair and the representative from the UNHCR tried to convince the committee that the provisions under Bill C-97 are fine and that refugees—asylum seekers—would not be put at risk because there is going to be an enhanced pre-removal risk assessment process. The question was asked of CARL and of Amnesty whether or not that is the case. They responded clearly and definitively to say that people would be at risk. They, in fact, called on the government to withdraw this bill.

I would like to get comments from representatives from CCR about whether or not the justification that the minister and UNHCR tried to advance is one that should be accepted?

Ms. Claire Roque: I would like to say that CCR would share the responses from CARL and Amnesty International. For our own experience, CCR works with people right on the ground. I've walked with many refugee claimants who have failed and have gone to the PRRA process. This may be an enhanced PRRA, but I really do not have a clear indication of what that enhancement means.

What happens on paper, and that they say that everybody will get a hearing, is not at all what's happening in real life. It is very hard for me to imagine that a PRRA process will be near comparable to the Immigration and Refugee Board. The Immigration and Refugee Board have really gone through a major overhaul. The government has—

The Acting Chair (Mr. Nick Whalen): Thank you, Ms. Roque.

With the last two minutes, I'm not sure if the members on the Liberal side have a different question or would allow Ms. Roque to continue her answer.

Mrs. Zahid, you have the final two minutes.

Mrs. Salma Zahid (Scarborough Centre, Lib.): She can continue.

Ms. Claire Roque: Thank you.

The Immigration and Refugee Board has gone through a major overhaul. For us to put in another process and let that process be now studied and experimented with at the expense of the life of another refugee claimant, I find that very hard to imagine.

To face a refugee claimant or a PRRA applicant and say, “You might get a hearing” or “You might get an interview”.... Refugee claimants deserve to be heard. They deserve the day when they will be asked questions and they can tell their story. Something in paper would be so much inferior. That human element is very important. It is not about being efficient. That's taking away rights from a refugee claimant.

Ms. Kwan, my answer to you is this. We could probably challenge what Minister Blair and our colleague from UNHCR have said, by asking what the comparison is. We see it every day. Whatever they have on paper, we probably have many different cases that could prove otherwise.

● (1655)

The Acting Chair (Mr. Nick Whalen): Thank you very much.

There are 45 seconds left of Liberal time, so I'll use the chair's prerogative to ask a question. If an amendment to section 306 were to clarify that an oral hearing is guaranteed, would that allay at least some of your concerns?

Ms. Dench, you appear to want to answer that.

Ms. Janet Dench: Yes.

The oral hearing is only one part of what is in the Immigration and Refugee Protection Act to give the framework for hearings before the IRB. We mentioned designated representatives. There's a whole series of articles in the law that deal with refugee hearings before the IRB. If you are going to replicate everything that is there to protect the basic rights, you would need to replicate all of that in the act.

The Acting Chair (Mr. Nick Whalen): And that draws this abbreviated meeting to a conclusion.

If any of the witnesses have additional responses they wish to make to us in writing, they may do so.

Thank you.

The meeting is adjourned.