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April 12, 2010

Honourable Jason Kenney
Minister of Citizenship, Immigration and Multiculturalism
325 East Block
House of Commons
Ottawa, ON K1A 0A6

Dear Minister,

RE: BILL C-11 (REFUGEE DETERMINATION PROCESS)

I am writing about the proposed reforms to the refugee determination process (Bill C-11) we see these proposed changes as a starting point but we believe full public hearings are needed in every province and territory across the country.

The introduction of a Refugee Appeal Division in itself is a positive development but is part of a package that could be a serious setback for refugees if passed in its present form.

Under the proposed system, all eligible refugee claimants will be referred directly to the newly created Refugee Protection Division of the Immigration and Refugee Board (IRB). Claims will be evaluated by public servants within a mere 60 days. Rushed, poor decisions made at the first level within 60 days will no doubt increase appeals.

Some claimants will have the right to a full appeal of the first decision to the Refugee Appeal Division unless they are from a country on the list of "safe countries of origin". Claimants from countries on this "safe countries of origin" list will not be permitted to make an appeal to the Refugee Appeal Division. This is a two tier system that denies some claimants access to the appeal based on nationality rather than merits of the claim.

The consequences of error could be very serious, including persecution, torture or death. A high rate of accuracy is absolutely necessary in making all decisions.

Should we be judging individuals based on countries of origin?

If Mali for example, finds itself on the "safe countries of origin" list, victims of gender based violence (genital mutilation) would have no appeal to the Appeal Division.

Columbia is a country where more than 2,000 trade unionists have been killed and 138 have been victims of enforced disappearance over the last two decades. Could Columbia be declared a safe country because of the Government's desire to have a free trade agreement with that country?

Let's not forget the lessons learned the hard way from the "none is too many" policy applied to Jewish refugees in the 1930s. We have a refugee system in place because we did learn some lessons from history. We learned what the consequences are of turning our backs on people who need our protection.

The CAW is calling for public hearings in every province and territory be held on the Bill in order to hear from communities across Canada, interested parties, refugees and others who have extensive experience with the refugee determination system. Minister Kenney we ask you to give serious consideration to thoughtful and worthwhile amendments before proceeding with changes that would be a serious setback to efforts to build a fair and effective refugee determination system. Without further amendments, the value of implementing a long overdue Appeals Division will be lost.

Yours truly,



Ken Lewenza
National President

cc: Maurizio Bevilacqua, Critic for Citizenship and Immigration, Liberal Party
Olivia Chow, Critic for Citizenship and Immigration, New Democratic Party
Thierry St-Cyr, Critic for the Minister of Citizenship and Immigration, Bloc Quebecois
Janet Dench, Executive Director of Canadian Council for Refugees

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