



David Tilson, M.P.  
Chair, Standing Committee on Citizenship and Immigration  
House of Commons  
Ottawa Ontario  
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Mr. Tilson:

As a Sponsorship Agreement Holder, the Christian Reformed World Relief Committee has been following Parliamentary deliberations on Bill C-11 with interest and concern. Given the speedy hearing schedule and our minimal capacity for advocacy, we regret our inability to meet with your committee in the course of the study of C-11. However, we would like to share some thoughts on the bill as you and your colleagues continue these important deliberations.

First, we believe that Bill C-11 is an important step forward for justice and due process for Refugees. The implementation of the Refugee Appeal Division and the promise of new resources for the good functioning of the system are welcome. We also welcome the related announcement of increased commitments to overseas refugee resettlement. We commend the government in taking these steps and hope that Parliamentarians will work together to bring about these essential reforms.

Our experience as Sponsorship Agreement Holders makes us well aware of the need to enhance processing efficiencies in the refugee system. Addressing processing times and backlogs in ways that are just to claimants and cost effective for Canada is necessary. Efficiency in the system must be consistent with compassion and sensitivity to the unique needs of individual claimants. For this reason we have concerns about C-11 proposals around initial and formal hearing timing (8 and 60 days respectively), as well as the safe country list:

- Committee members will be well aware that the experience of trauma is all too common among refugee claimants. Furthermore, refugee transitions to Canada include new experiences of gender roles and perspectives on authority. In this context then it is predictable that reluctance and wariness will be displayed in an intake interview after only 8 days. We understand that the proposed intake interview is not a formal hearing with legal finality, but are concerned that reported 'first impressions' may colour subsequent stages of the claim process.
- The proposed safe country list, as related to access to the appeal division, is clearly designed with streamlining and efficiency in mind. While these goals are laudable it is important to recognize that refugee situations can emerge in nations with sterling human rights records – violence against women is a prominent example. Based on the time-honoured and rights-based principle of assessing the merits of each individual claim the collective pre-assessment tool of a safe-country list is problematic.

Regardless of the reservations mentioned above we believe that Bill C-11 is a helpful incremental change to Canada's refugee system. We would value passage of the bill with amendments. In general our recommendations are shaped by concerns about the minimal pre-drafting consultation with stakeholders and the speed of the legislative process. We perceive a need for regular and constructive interaction between stakeholders, the department and Parliamentarians. In that spirit we believe that some of the problematic



elements of Bill C-11 can be, at least partially, addressed by inserting consultation and review clauses:

- Finding the right balance between compassion, due process and efficient processing times will be a delicate enterprise. As mentioned we expect that the 8 and 60 day windows (alluded to in S-11 subsection 2) are problematic. Stretching these time frames based on evidence provided by stakeholders and departmental analysis would be a good result. In this light we recommend that the department undertake a stakeholder consultation process on these timing questions and submit proposed regulatory changes for the consideration of Parliament by the end of 2010.
- Our preference is to remove the designation of safe countries from the legislation. However, if legislators see fit to keep this element in place in some form, we believe amendments are in order. As currently drafted (S-12), designation of safe countries is left to the discretion of the Minister. This exposes the Minister to potentials of diplomatic complexities and domestic political sensitivities with expatriate communities. In this light we expect that an ongoing broad consultation and review process on safe country is necessary. Departmental consultations with stakeholders regarding the countries listed, and the necessary exceptions for vulnerable people and communities within them, can inform recommendations to Parliament on a regular schedule (every 2 years seems reasonable). This innovation would insert some needed flexibility into the safe country element of the legislation, provide broad and consistent dialogue on safe list development, and minimize the Minister's exposure to diplomatic and political vulnerabilities.

Consultative approaches to the development of regulations, as discussed above, are an excellent way to build new collaboration between stakeholders, the department, and Parliamentarians – for the benefit of refugees. We are well aware that the suggestions we raise need technical and procedural finessing, but urge Committee members to consider them in the spirit we intend: that measures for compassion, flexibility and cooperative dialogue can enhance C-11's contribution to justice and due process for refugees. Mr. Tilson, we wish you and all Committee members the blessings of wisdom and discernment for the tasks ahead of you.

Sincerely,

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cc.: Members of the Standing Committee on Citizenship and Immigration  
Andrew Bartholomew Chaplin, Clerk