

**From:** Ritika Goel [mailto:ritika.goel@medportal.ca]  
**Sent:** May 30, 2010 9:24 PM  
**To:** Ritika.Goel  
**Subject:** Re: Refugee Reforms

Dear Member of Parliament,

This message is to inform you of concerns with Bill C-11 addressing the refugee system in Canada and potential change in policy that raises serious concern.

- Bill C-11 contains some good elements (such as an appeal on the merits, and a commitment to more timely hearings for refugees), but also some disturbing elements that would put some refugees, particularly the most vulnerable, at risk of being deported to persecution.
- Refugees' lives are at stake. It is therefore important that Members of Parliament thoroughly study the bill and the potential problems for refugees before approving it.
- The following are some of the **key problems** in the bill:
  - **Safe country of origin** – a two-tier system, which denies some claimants access to the appeal based on nationality, will be unfair. Claimants that will be particularly hurt include women making gender-based claims, and persons claiming on the basis of sexual orientation or sexual identity. In many countries that otherwise seem fairly peaceful and “safe”, there can be serious problems of persecution on these grounds. An effective refugee system requires determination of individual claims, based on all the facts and the law, by an expert, independent body. Having a list of “safe countries of origin” politicizes the refugee system: there will be new diplomatic pressures from countries unhappy about not being considered “safe”. It is a mistake to politicize the refugee system.
  - **Hearings too expedited** – Refugees need to get faster hearings than at present, but the proposal in the bill to have hearings within two months is not realistic or fair for many refugees. It will be particularly problematic for refugees who have experienced serious trauma such as torture, refugees who cannot have the relevant documentation sent to Canada that quickly and refugees who need to build trust in order to be able to testify freely (such as women and LGBT persons who have experienced sexual assault).
  - **Civil servants as first-instance decision makers** – Assigning refugee determination to civil servants is fundamentally problematic because they

lack the necessary independence. Canada has become a model for countries around the world with its current system of initial refugee decisions made by a fully independent board member – this important asset would be lost under the government's proposal. Systems using civil servants in other countries have proven unsuccessful, with a large number of cases overturned on appeal.

- **Bar on claimants receiving humanitarian and compassionate (H&C) consideration.** This is an important recourse to cover humanitarian considerations not addressed in the refugee system, such as the best interests of a child. Contrary to the Minister's statement, the filing of an H & C application does not suspend a person's removal from Canada. Closing off applications will lead to more cases without any recourse, even though most Canadians might consider them compelling.
- **Also of concern is the government's language in discussing refugee issues** – Use of language such as "bogus claims" is extremely damaging. We need reasoned, fact-based discussion, not name-calling and oversimplifications. Not everyone who makes a claim needs protection but that doesn't make them "abusers". They may have compelling reasons for leaving their country, even though they may not meet the narrow refugee definition.

I hope that in an effort to maintain Canada's image as a peacekeeper and safe haven, we can all work together to improve our refugee system in a manner that supports those escaping prosecution, instead of creating further barriers for them to receive appropriate treatment in our refugee system.

Thank you,  
Ritika Goel