

Canada's Liberal government attacks refugee rights

By Laurent Lafrance
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In a major assault on democratic and human rights, the Trudeau government surreptitiously concealed reactionary amendments to the Immigration and Refugee Protection Act in its 392-page omnibus budget bill, the Budgetary Implementation Act. The amendments will make it significantly more difficult for migrants fleeing war and persecution to find asylum in Canada, and are accompanied by a Liberal pledge to spend an additional \$1 billion on border security over the next five years.

Under the amendments, asylum seekers who have already made a refugee claim in a country with which Canada has an “information-sharing agreement” will automatically be refused asylum. They will be denied the right to a full-case hearing and, in most cases, will be quickly sent back to their home countries. The “information-sharing” countries in question—Australia, New Zealand, the United Kingdom and the US—comprise, along with Canada, the US-led “Five Eyes” spying network that conducts mass surveillance of the world’s population.

Given that the US is the only one of these four partners with which Canada shares a border, the practical effect of the legislation is to empower authorities to summarily deport refugee claimants crossing the US-Canada border to escape Trump’s anti-immigrant witch hunt.

This reactionary legislative change comes amid statements from Minister of Border Security Bill Blair and Canada’s US ambassador David McNaughton revealing that the Liberal government has been engaged in behind-the-scenes discussions with Washington on closing the so-called “loophole” in the Safe Third Country Agreement (STCA). This 2002 US-Canada agreement allows Canada to return to the US anyone seeking refugee status who crossed into Canada via the US, on the grounds that they should have made their refugee claim there.

Even though the Trump administration has attacked and vilified immigrants, especially from predominantly-Muslim countries and Latin America, the Trudeau government has steadfastly refused calls from refugee and human rights organizations to scrap the agreement, insisting that the US continues to be a “safe haven” for refugees.

The STCA applies when migrants cross into Canada at official border checkpoints. This is why in the past two

years—according to data from the Immigration and Refugee Board of Canada—some 40,000 asylum seekers have attempted to bypass official checkpoints by crossing the Canadian border on foot, sometimes in very hazardous conditions.

The Trudeau government has boasted that most of these “irregular” entrants to Canada are being denied refugee status and systematically deported. However, initially it resisted the demands of the Conservatives and the most right-wing sections of the corporate media and ruling class that it deny them their rights under Canadian and international law to make a claim to refugee status and be accorded the rules and protections of Canada’s refugee-determination process.

Now, putting the lie to the Liberals’ pretenses to be “pro-refugee,” the Trudeau government is effectively implementing the Conservatives’ demand that the Canada-US border be declared an “official checkpoint,” so all those crossing “irregularly” can be subject to the terms of the reactionary Safe Third Country Agreement and summarily expelled.

In a clear violation of Canadian law, the Liberals’ refugee law “reform” would mean that asylum seekers who previously made a refugee claim in the US, Britain, Australia or New Zealand, whatever the current status of their claim, will no longer be eligible for a full, oral hearing. Moreover, they will not be able to appeal to an independent tribunal with procedural protections, as is currently the case (under the Immigration and Refugee Board). Instead, they will automatically be brought before an immigration officer for fast-track deportation.

Their only recourse will be the “right” to submit a written “pre-removal risk assessment,” in which they could outline how deportation threatens them with state persecution and violence. According to human rights lawyer Kevin Wiener, those who use this process to halt their imminent deportation are successful in just 3 percent of cases.

The Budget Implementation Act also places limitations on when claimants can ask for humanitarian and compassionate consideration of their cases.

Many refugee lawyers and advocates—including some who supported Trudeau at the last federal election—have voiced their outrage at the Liberals’ measures and are already planning to launch legal challenges. Janet Dench, executive director of the

Canadian Council for Refugees (CCR), an umbrella organization representing more than 100 refugee aid groups, said the proposed changes to asylum laws are “a devastating attack on refugee rights in Canada.”

A CCR statement warned, “Numerous refugee claimants, who may need Canada’s protection because they are refugees, will be denied access to Canada’s refugee determination system. This applies even if the person never had a hearing on their claim in the other country, and came to Canada for compelling reasons (for example, to reunite with family members).”

The Canadian Association of Refugee Lawyers harshly criticized what it termed a “deeply troubling” reform that will strip “crucial and hard-won human rights protections from people.”

Trudeau’s push to effectively close the US-Canada border to asylum seekers has been long planned and is being closely coordinated with the Trump administration. Canada’s Border Security Minister Bill Blair said that he received a mandate from the prime minister last September to start talks with Department of Homeland Security Secretary Kirstjen Nielsen on changing the Safe Third Country Agreement. He recently told CBC, “I can tell you we’ve been working very hard over the past several months to significantly reduce the number of people who are crossing our borders irregularly.”

While Canada and the United States have apparently not yet entered into formal negotiations over the STCA, a spokesman for Blair said that since his appointment as minister last summer he “has met with numerous stakeholders including U.S. members of Congress, Customs and Border Protection and Department of Homeland Security officials to discuss modernizing the STCA as soon as possible.”

The Conservatives’ and the media’s enthusiastic endorsement of the proposed changes to the Immigration and Refugee Protection Act underscores their reactionary character. “After spending the last three years demonizing and personally attacking Conservatives over this issue, Justin Trudeau has effectively admitted that he has failed to defend the integrity of our asylum system,” gloated Conservative MP Michelle Rempel. For years the Conservatives have whipped up xenophobia and criticized Trudeau’s purported refugee-welcoming policies for having created a “mess” at the border and an influx of “illegal aliens” into Canada.

In fact, the Liberal government has pursued ever more pronounced anti-refugee policies, while closely collaborating with Washington in its crackdown on immigrants and in tightening border surveillance and control.

? While Trudeau used Syrian refugees as an election prop in 2015, his government has slashed the number it is allowing to settle in Canada and is providing virtually no support to those already here. Many must rely on charities and food banks just to feed and house themselves.

? Last year, in the name of “securing” Canada’s borders, the

Liberal government ordered the Canada Border Services Agency (CBSA) to adopt a new annual target of 10,000 deportations, an increase of 35 percent.

? Hundreds of those awaiting deportation, including children, are being held under prison-type conditions similar to those facing refugee claimants and migrants who have been thrown into Trump’s detention centers by fascistic Immigration and Customs Enforcement (ICE) agents.

The number of refugees accepted in Canada is a drop in the bucket considering the millions that have been displaced worldwide by wars, economic instability, and state repression. Canadian imperialism has played a leading role in many of the most devastating conflicts, supporting US-led and -fomented wars that have destroyed entire societies, including in the Balkans, Afghanistan, Libya, Syria and Iraq.

The Liberal government’s collaboration with Trump and its own anti-immigrant crackdown have strengthened the most right-wing forces within ruling circles. Since coming to power last June, Ontario’s right-wing populist premier, Doug Ford, has repeatedly whipped up anti-immigrant chauvinism, blaming refugees for the terrible social conditions produced by decades of austerity imposed by Progressive Conservative, Liberal and NDP governments alike.

In Quebec, the right-wing Coalition Avenir Quebec, which campaigned in last year’s elections on a xenophobic platform, has introduced legislation to slash the number of immigrants accepted into the province, and is using the “notwithstanding clause” to ban teachers and other public employees in “persons of authority” from wearing religious signs. The principal targets and victims of this discriminatory ban will be Muslim women.

The author also recommends:

Quebec introduces a chauvinist bill with Muslim women as its principal target

[4 April 2019]

<https://www.wsws.org/en/articles/2019/04/04/caqs-a04.html>

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[22 August 2018]

<https://www.wsws.org/en/articles/2018/08/22/refu-a22.html>

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