

# An Open Letter: Stop Bill C-31 - Protect Canada's Refugees

In 1939, the Canadian government refused to allow the SS St. Louis ship to land in Canada. The SS St. Louis was carrying 937 desperate German refugees most of whom were Jewish. Many eventually perished in the Holocaust. Much has changed in Canada since 1939. However, there is now a Bill before Parliament that would create an historic backward shift in the way Canada responds to the needs of people seeking protection.

For 60 years, Canada has upheld the principles and respected the legal obligations of the 1951 Geneva Refugee Convention, in particular by not returning refugees to countries where they face serious threats to their lives or freedom.

For 60 years, Canada has also opened its doors in response to major international crises. In 1956-57, 38,000 Hungarian refugees came to Canada. In 1972, Canada welcomed 6,000 East Asian refugees from Uganda. In 1979, the Progressive Conservative government encouraged Canadians to privately sponsor Indochinese boat people. Over 60,000 refugees were resettled in Canada in 1979 and 1980. 34,000 were privately sponsored.

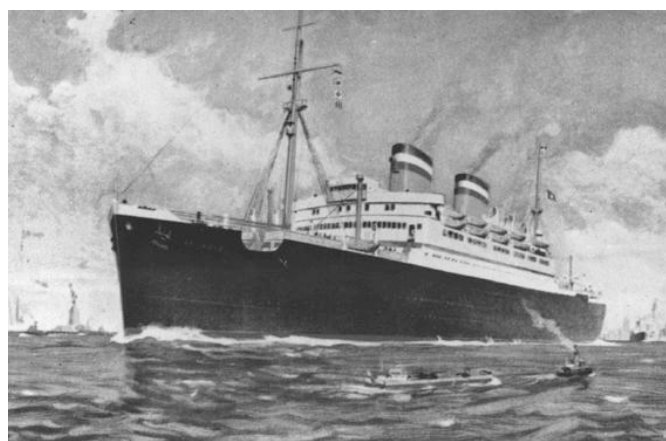
In 1986, the Canadian people collectively received the Nansen Award, in recognition of outstanding service to refugees. The award committee cited "the major and sustained contribution of the People of Canada to the cause of refugees" through individuals, families, voluntary agencies, community and religious organizations, as well as the three levels of government.



Passengers aboard the SS St. Louis, courtesy of Dr. Liane Reif Lehrer. United States Holocaust Memorial Museum (<http://www.ushmm.org>)

Bill C-31, would destroy this proud heritage. The arrivals of the Ocean Lady and the Sun Sea respectively carrying 76 and 492 Sri Lankan refugee claimants prompted the Canadian government to proclaim a "crisis" and to table a Bill that would destroy Canada's proud humanitarian tradition.

Bill C-31, provides one Minister with arbitrary powers to jail some refugee claimants, including minors.



A postcard of the SS St. Louis, May 1939. United States Holocaust Memorial Museum (<http://www.ushmm.org>)

Innocent men, women, and youth - young and old, healthy and disabled - against whom there is no suspicion of any wrongdoing or risk, could languish in jail for months. This provision violates the Canadian Charter of Rights and Freedoms and international

human rights law. Even if their claims are accepted, these refugees will be barred from applying for permanent residence for five years after the acceptance of their claims. This will prevent them from reuniting with children or spouses for many more years. Bill C-31 allows the Minister to curtail appeal rights for refugee claimants whom the minister deems "bogus" because they come from a list of designated countries, creating a discriminatory two-tiered system. Bill C-31 allows the government to jail any permanent resident entering Canada without charges, based on mere suspicion of criminality.

Bill C-31 imposes overly short timelines before refugee determination hearings, which will seriously disadvantage refugees who have experienced trauma such as torture or spousal violence, those who lack important documents, and those who need time to build trust to freely tell their story.

Our current law already contains many provisions for detaining people - if there is a risk or danger. Targeting people who are not suspected of wrongdoing and posing no risk will not stop human smuggling, nor is it a rational means of enhancing security. Tough measures, including life in prison for smugglers, already exist in our current law. Depriving people of a fair and adequate process and appeal will not help Canada determine who is or is not a "bogus" refugee. It will needlessly punish recognized refugees and their families, and it risks sending genuine refugees back to danger.

## We, the undersigned, call on the government of Canada to uphold Canada's humanitarian traditions and withdraw Bill C-31.

Rabbi Ron Aigen, Cong. Dorshei Emet • Sharryn Aiken, Prof, Queens • Irene Angelico, Ind filmmaker • Rivka Auginfeld, Refugee rts adv • Aviva Bassmen, Exec, CARL • Morton Beiser CM, MD, FRCP, Dist. Prof, Ryerson • David Berger, Former Cdn Ambassador to Israel • Philip B. Berger, MD, Prof, U of T • Rabbi Arthur Bielfeld, Rabbi Emeritus, Temple Emanu-El\* • A. Alan Borovoy, CCLA • Raoul Boulakia, Lawyer • Raymond Breton OC, FRSC, Prof Emeritus, U of T • Neil Caplan, Teacher, ret. VC\* • Maurice Chalom, Écrivain • Harold & Mary Chapman, Past Pres, Cdn Council of Liberal Congregations • Carole Dahan, Lawyer • Nathalie Des Rosiers, CCLA • Arthur Drache • Rabbi Edward Elkin, First Narayever Cong.\* • Hélène Engel, Musician • Daniel Fine, Lawyer • Gerri Gershon, Trustee, TDSB • Mitch Goldberg, VP, CARL • Donald Goldberg, RIA • Sheila Goldbloom • Richard Goldman, Director, CAR • Rabbi Tina Grimberg, Cong. Darchei Noam • Frank Guttman • Alice Herscovitch • Peter I. Hidas, Historian and 1956 Hungarian Refugee • Barb Jackman • Joy Kogawa, Poet & Writer • Hélène Klodawsky, Ind filmmaker • Shelley Laskin, Trustee, TDSB • Alan Lavine • R. Leigh Lerner • Rabbi Aaron Levy, Makom\* • Audrey Macklin, Prof, U of T • David Matas, Former Exec, Cdn Bar Assn • Noa Mendelsohn Aviv, CCLA • Dan Mendelsohn Aviv, Jewish educator • Dr. Karen Mock, Exec, B'nai Brith Canada • Ryan Peck, E.D., HALCO\* • Jim Pfaus, Prof, Concordia • Peter Pickersgill, Cartoonist and Columnist • Lisa Rae Pickersgill, Former Cdn Imm. officer • Anna Porter, OC, O. Ont., Writer • Arlene Pearly Rae • Robin Seligman, Former Exec, Cdn Bar Assn • Ruth Selwyn, Hum rts adv • Peter Showler, Former Chair, IRB • Myer Siemiatycki, Pres, Cong. Darchei Noam • Maureen Silcoff, Lawyer • Imre Szeman, Canada Research Chair • Harold Troper, Author and Prof, U of T • Lorne Waldman, President, CARL • Mort Weinfeld, Prof, McGill\* • Daniel Weinstock, Canada Research Chair • The Very Rev. the Hon. Lois M Wilson, CC, Former Pres, World Council of Churches\* • Lise Winer, Prof, McGill\* • Judy Young-Drache • Dr. Joseph Yu-Kai Wong, C.M., M.D., D.Sc. • Pia Zambelli, Former Exec, IRB • Fred H Zemans, Prof Emeritus, Osgoode • Joyce Zemans, CM

\*Institutional affiliation listed for identification purposes only

## WHAT YOU CAN DO:

If this Bill slips under the radar and is allowed to pass, it will change the way Canada responds to people in crisis. Please help to share this information, and ask your friends, co-workers, and family to do the same. For more information on the Bill, links to other sources, MP contact information, and ways to take action, see [ccla.org/protectrefugees](http://ccla.org/protectrefugees) or [refugeelawyersgroup.ca/billc-31](http://refugeelawyersgroup.ca/billc-31).

If enough people express their concerns, the government will have to listen.

Please join us by calling or writing to your MP. Let them know that Bill C-31 does not belong in Canada.