

Take Action: Challenging Bill C-4

By: Jon Ryan and Peter Tryphonopoulos

Identify a concern.

The concern that we identified was the introduction of Bill C-4, the Preventing Human Smugglers from Abusing Canada's Immigration System Act. This bill explicitly targets refugees who arrive "illegally" in Canada; ostensibly in an effort to prevent costly refugee claims from countries in the European Union and the United States. We agree that there are problems with the refugee determination system but Bill C-4, which imposes a mandatory minimum 12 month detention for "irregular arrivals" to Canada, is not the answer. In addition, the bill proposes that refugees be denied permanent resident status and immediate family reunification for five years after release from detention. We believe that this policy would be harmful to potential refugees and have decided to oppose the bill in an effort to join the many people who are already working towards this end. We do not have the illusion that we can defeat this bill on our own but feel that we can make a difference by adding our voices to the pre-existing protest against the bill and raise some awareness.

Research your concern and who supports us

There are various sources of information that pertain to Bill C-4 based on illegal human smuggling into Canada. In our take action initiative we started with Internet sources such as the CBC.ca and Huffingtonpost.ca to familiarize ourselves with the proposed Bill C-4 in order to gain a better understanding of what the Bill meant and who it would effect if it were passed. The conservatives'

proposition of the anti-human smuggling Bill C-4 has been a hotly debated topic in recent months and there has been a hive of activity in online public forums such as on the CBC.ca where Canadians have voiced their opinions of being in favor of the proposed Bill or against. From personal observation it appears many Canadians see these refugees as 'queue-jumpers' who are at times paying large sums of money to human-smugglers in order to be transported to Canada to Claim refugee status. They are seen as skipping ahead of legitimate immigrants who go through the proper channels of immigration to move to Canada. Whereas some Canadians take this viewpoint many are opposed to the proposition of Bill C-4 and see it as a crime if it were to be made into legislation. Considering Canada is a part of the United Nations Refugee Agency, many Canadians would see the passing of Bill C-4 as a blatant neglect of our responsibilities to refugees across the world. One major aspect to the opposition of Bill C-4 is that not just adults but children could be subjected to long periods of detention while the government is processing their claims. Simply this proposed Bill is more about punishing the victims than it is about punishing the actual criminals in these scenarios. The opinions on Bill C-4 vary throughout Canada but it would appear that there is a significant push to have the Bill thrown off the table.

Part of our Take Action Project was about creating awareness on Bill C-4. There are numerous sources online that give in depth information and opinions about the proposed Bill and as well steps that can be taken in order to take action against it passing into Canadian law. An initial great source of information on this matter is on the Canadian Council for Refugees website (<http://ccrweb.ca>). It provides you with links to different articles and websites that deal with Bill C-4. The Canadian Council for Refugees has also dedicated a portion of their webpage to taking action and donations in supporting their cause. As well they provide an extensive amount of their resources into educating people about the bill, which to us is one of the most important factors in trying to create awareness of Bill C-4 and something we tried to do in our own take action plan. The following is a list of groups and organizations that are opposed to the Conservatives' Bill on Human Smuggling.

A list of organizations opposed to Bill C-4:

Action Réfugiés Montréal

Affiliation of Multicultural Societies and Service Agencies of BC (AMSSA) (Vancouver)

AGIR - Action LGBTQ for Immigrants and Refugees (Montreal)

Amnesty International Canada

Barbra Schlifer Commemorative Clinic (Toronto)

Battered Women's Support Services (BWSS) (Vancouver)

British Columbia Civil Liberties Association (BCCLA)

Canadian Alliance of Sexual Assault Centres (CASAC)

Canadian Centre for Victims of Torture

Canadian Council on American-Islamic Relations (CAIR-CAN)

Canadian Friends Service Committee (Quakers)

Canadian Labour Congress

Canadian Muslim Civil Liberties Association

Canadian Tamil Congress

Canadian Union of Postal Workers (CUPW)

Carrefour d'Aide aux Nouveaux Arrivants (CANA) (Montreal)

Catholic Network for Women's Equality (CNWE)

Centre Afrika (Montreal)

Centre d'Action socio-communautaire de Montréal (CASCAM)

Centre de femmes l'É.R.I.G.E (La Sarre)

Centre d'orientation paralegale et sociale pour immigrants (COPSI) (Montreal)

Centre des femmes de Verdun (Montreal)

Centre des femmes d'ici et d'ailleurs (Montreal)

Centre for Race and Culture (Edmonton)

Centre for Refugee Studies

Centre Génération Emploi (Montreal)

Centre justice et foi (Montreal)

Centr'ELLES, Comité d'action des femmes d'Avignon

Centre-Femmes de la Mitis

Christian Reformed World Relief Committee (CRWRC) (Burlington)

Christie Refugee Welcome Centre (Toronto)

Clef pour l'intégration au travail des immigrants (Montreal)

Comité d'action contre la traite humaine interne et internationale (CATHII) (Montreal)

Committee to Aid Refugees (Montreal)

Community Legal Services of Niagara South

Community Legal Services Ottawa Centre (CLSOC)

FCJ Refugee Centre (Toronto)

Fédération des femmes du Québec

Femmes du monde à Côte-des-Neiges (Montreal)

Femmes en mouvement (Bonaventure, QC)

Frontline Partners with Youth Network (FPYN) (Toronto)

Global Alliance against Traffic in Women - Canada (GAATW-Canada)

Grandview Calvary Baptist Church (Vancouver)

Health Providers Against Poverty (HPAP) (Toronto)

Ignatius Jesuit Centre (Guelph)

Inland Refugee Society of British Columbia

International Civil Liberties Monitoring Group (ICLMG)

Jesuit Refugee and Migrant Service - Canada

Journey Homme Community Association (Burnaby)

Kaplan Immigration Law Office (Ottawa)

La Passerelle - Intégration et Développement Économiques (Toronto)

La Table des groupes de femmes de Montréal (TGFM)

Latin American Women's Support Organization (LAZO)

Le Mouvement contre le viol et l'inceste (Montreal)

Legal Assistance of Windsor

Ligue des droits et libertés (Montreal)

London Cross Cultural Learner Centre

Manitoba Interfaith Immigration Council Inc. (Winnipeg)

Mennonite Central Committee Canada

Mennonite Coalition for Refugee Support

Montreal City Mission

Mouvement contre le viol et l'inceste (Montreal)

National Anti-Racism Council of Canada (NARCC)

Ontario Council of Agencies Serving Immigrants (OCASI)

Ottawa Community Immigrant Services Organization (OCISO)

Project Genesis (Montreal)

Projet Refuge - Maison Haidar (Montreal)

Quaker Committee for Refugees

Rainbow Refugee Committee (Vancouver)

Refugee and Immigrant Advisory Council (St. John's)

Refugee Lawyers Association of Ontario

Réseau d'intervention auprès des personnes ayant subi la violence organisée (RIVO) (Montreal)

Romero House (Toronto)

Salsbury Advocacy Society (Vancouver)

Sanctuary Coalition of Kitchener-Waterloo

Seeds of Hope Foundation (Toronto)

Settlement Orientation Services (SOS) (Vancouver)

Social Justice Collective of the Public Health Students at the Dalla Lana School of Public Health,
University of Toronto

Sojourn House (Toronto)

South Asian Women's Community Centre (Montreal)

South Okanagan Immigrant & Community Services (Penticton)

South Ottawa Community Legal Services

Southern Ontario Sanctuary Coalition

Student Christian Movement of Canada (SCM)

Syndicat des professeures et des professeurs du collège Edouard-Montpetit (Longueuil)

Table de concertation des organismes au service des personnes réfugiées et immigrantes (TCRI)

Taproot Faith Community (Toronto)

Toronto Roma Community Centre

The Council of Canadians

The United Church of Canada

Transition House Association of Nova Scotia

Welcome Home Refugee Housing Community (Kitchener)

Windsor Essex Fighting the International Growth of Human Trafficking (WEFIGHT)

Create a Plan

Our plan to oppose Bill C-4, the Preventing Human Smugglers from Abusing Canada's

Immigration System Act, took on both a public awareness component and a political

component. To this end we divided the responsibilities and Peter took on the awareness facet

while Jon wrote letters to MP's and editorials that were to be sent into newspapers. The steps we created in our plan to raise awareness and opposition to Bill C-4 are as follows:

- Research Bill C-4, the reasons behind it, and the organizations opposing to ensure that the information we provide people with is viable and accurate.
- Create a Facebook group to promote online awareness / encourage people to sign online petition against the bill.
- Create a petition against the bill with the goal of sending it to a local MP in order to demonstrate the opposition of locals to the bill.
- Write two to three editorials that could be sent into local newspapers or the university paper.
- Write letters to local MPs (and MPs in Halifax/Dartmouth, where Jon resides) encouraging them to vote against Bill C-4.
- Respond to any opportunities or new avenues of opposition as they arise.

This broad outline of our plan was designed to be flexible and changed slightly as we moved forward.

Take Action

This project was the first time either of us had engaging in political activism and it was a significant learning experience for us both. We underestimated the amount of time and energy would be spent in the research process. We both felt that it would be hypocritical to criticize or oppose an issue that we did not fully understand ourselves so the largest chunk of our time was spent researching the issue of illegal immigration in Canada, the problems with the refugee determination system that drove the conservative government to propose the bill, and the reasons it has been so strongly opposed by human rights groups around the world. The Facebook group that we had planned was created and provided public access to a wide variety of web-based resources on the topic. We wrote three editorials (attached) which were sent to both the UNB paper and the Daily Gleaner with no results: both papers, to our knowledge,

declined to publish our material. A letter (attached) was written and sent to MP's urging them to vote against the bill with no replies received to date. We decided to not undertake the petition for a variety of reasons such as workload and time restraints.

Evaluate the Plan

The biggest lesson we learned from our Take Action project was the amount of time that is required in political activism. The issue turned out to be far more complex than either of us had envisioned and as both of us are inexperienced with little knowledge of the political world, we had a difficult time getting started. Our evaluation of our plan is essentially this: we wish we had given ourselves more time to complete the project. We feel that we could have made a bigger impact if we had started in January rather than late February. If we had more time we would have been able to complete the petition as a support for the letters that we sent and also would have been able to send more letters than we did. We feel like we could have made more of an impact if we had been organized earlier and began sending letters earlier.

We both learned so much about how the average citizen can challenge policies being debated in Parliament. Prior to this assignment neither of us would have felt comfortable engaging in political activism in a classroom but now we feel that we could broach the topic and direct students through the proper channels. On the whole it was an extremely beneficial exercise for us although we feel like our impact on the outcome of the bill was probably minimal.

4. Apply Your Learning

Ultimately, the campaigning of hundreds of people across Canada against C-4 was partially successful. As a result of intense opposition, on March 12, it was withdrawn from parliament

and replaced with Bill C-31, a new, reworked version of the policy: a step in the right direction. However, the new proposal still contains many elements of the first bill, including the detention of all “irregular arrivals” over the age of sixteen. We feel that C-31 should be opposed for many of the same reasons as we opposed Bill C-4 and now that we understand the issue much better, we plan on watching as the proposal develops over the course of the next few weeks and months. We could easily build on the action we have already taken to write more letters and editorials to raise awareness of the problems with the new legislation.

The knowledge and experiences we gained from our Take Action project could be applied to the classroom and in our individual lives. We learned about the potential of grassroots opposition to affect policy and we have the experience to organize more effectively in the future, learning from our mistakes during the Take Action project. As a class, we could write letters to MP’s, create editorials, or raise local awareness of political issues.

Appendix 1: Letter to Member of Parliament

Dear(MP)

We are writing to voice our concern over Bill C-4, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act* and its possible effects on refugees entering Canada. This proposal has been suggested as a solution for an overcrowded immigration system that is open to abuse by false refugee applicants, often arriving from European Union countries. We posit that although the current system may need streamlining and reforms, Bill C-4 is not the answer as it would be harmful to legitimate refugees and ineffective in accomplishing its goals.

Three primary reasons we feel that the Bill should be withdrawn or defeated are as follows:

1. In the 1990's, Australia implemented the long term, large scale detention of refugee claimants (as proposed by Bill C-4) in an attempt to stem the tide of refugees arriving from South-East Asia. The strategy did not work. In October 2011, Andrew Metcalfe, head of the Australian Immigration Department, testified: "detaining people for years has not deterred anyone from coming." In fact, the denial of refugee's permanent residence and family reunification backfired: boatfuls of wives and children who were unable to enter the country to join their relatives through legal channels arrived on Australia's coast. Metcalfe states "We did see irregular arrivals move largely from comprising single adult men to comprising family groups...there were no lawful means for people to come and therefore they chose irregular means." In addition, an April 2011 UN High Commissioner for Refugees study found no empirical evidence that detention deters the arrival of asylum seekers. Australia's experience with policies nearly identical to Bill C-4 clearly demonstrates the ineffectiveness of large scale detention of "illegal" refugees. Canada should learn from the mistakes of the past and explore more effective options for accomplishing the goals of the bill.
2. The detention of refugees in Australia has proven to cause long term psychological damage to individual asylum applicants. Suicide in Australian medium security detention compounds is rampant. Close to half of accepted applicants continuing to reside in Australia suffer from depression and Post Traumatic Stress Disorder is also common for those released from the centers. The effects of detention have proven to be especially pronounced on children, which is a strong argument against the suggested detention of refugee children. Studies conducted by the UN and the UK empirically support the assertion that the detention of asylum seekers is damaging to the refugees themselves.

3. Finally, we feel that Bill C-4 is being presented in a way that has the potential to undermine public support for all refugees. Labelling refugee claimants as queue jumpers is both damaging and inaccurate. International law guarantees to people the right to flee from persecution and seek asylum-which is why we have a refugee determination system. The rules are different for refugees and immigrants because lives are at stake and it is important for the public to have accurate information to ensure that we do not inadvertently make the hard lives of legitimate refugees more difficult than they already are.

Based on these arguments, we feel that C-4 should be abandoned or defeated and we sincerely request that you consider voting against this legislation.

Sincerely,

Jon Ryan & Peter Tryphonopoulos

Appendix 2: Editorial Article

Bill C-4: Learn from the lessons of history

In May 1939, the *MS St. Louis* carrying 937 Jewish refugees from Germany was turned away from Halifax as a result of the anti-Semitic “none is too many” immigration policy and forced to return to Continental Europe. By the end of the Second World War, 254 of the rejected refugees had been murdered in concentration camps. In a speech on January 20 at the unveiling of a monument to the passengers of the *St. Louis* in Halifax, Immigration Minister Jason Kenney stated that we “must all, of course, learn not just the lessons of history but apply them to the future ...Canada will never close its doors to legitimate refugees who need our protection and who are fleeing persecution.” This statement seems laughably hypocritical in light of Bill C-4, the *Preventing Human Smugglers from Abusing Canada’s Immigration System Act*, which, in spite of its noble (and lengthy) title, explicitly targets refugees rather than smugglers. The proposed bill, currently up for debate in Parliament, essentially grants discretionary powers to the public safety minister to label a group of two or more asylum seekers *suspected* of using a smuggler as an “irregular arrival.” Once designated, the refugees, including children, are placed in a medium security detention facility for a minimum of one year without review and are denied the right to apply for permanent residency for five years after their release. During this five year period, the bill denies the right of refugees to sponsor immediate family members (spouses and children) in direct violation of international laws which guarantee family reunification. Bill C -4 is intentionally designed to discourage “illegal” immigrants from coming to Canada but international law guarantees the right to flee to another country and seek asylum - which is why we have a refugee determination system. But does it really matter how a refugee arrives? If your life or family is in danger would you not be willing to pay in a desperate effort to reach safety? That is exactly what 937 Jews did in 1939 and Canada turned them away. How can the government mourn our treatment of smuggled refugees seventy years ago and simultaneously seek to discourage similar refugee claims? I agree with Kenney’s statement that we must “learn not just the lessons of history but apply them to the future.” Bill C-4 must be withdrawn or defeated.

Jon Ryan

Appendix 3: Editorial Article

In recent weeks there has been intense opposition to Bill C-4 which has been labelled as “anti-refugee” by many critics. The measures proposed by the bill include a mandatory 12 month detention for asylum seekers who arrive “illegally,” restrictions on their application for permanent residency for five years after their release, and the denial of family reunification over the course of a five year legal limbo. In making this decision, Canada should learn from the Australians who implemented similar measures in the 1990’s in an attempt to deter the vast numbers of ship borne immigrants arriving from South East Asia. The Australian government imposed large scale, long term detention of refugee claimants but found the policies failed to accomplish their goals and proved harmful to potential immigrants. The negative impacts are well documented. In 2010-2011, for example, there were 1110 incidents of self-harm and six suicides for a population of 6000 people living in Australian detention centres. Researchers following refugees released from Australian detention centres found that over half suffered from acute depression and Post Traumatic Stress Disorder. In addition to causing unnecessary harm to individuals, the tough Australian policies completely failed to succeed in their goal of preventing the arrival of “illegal” refugees. In October 2011, Andrew Metcalfe, head of the Australian Immigration Department, testified: “detaining people for years has not deterred anyone from coming.” In addition, an April 2011 UN High Commissioner for Refugees study found no empirical evidence that detention deters the arrival of asylum seekers. In fact, the denial of refugee’s permanent residence and family reunification backfired: boatfuls of wives and children who were unable to enter the country through legal channels arrived on Australia’s coast to join their incarcerated relatives. Clearly, harsh “anti-refugee” measures did not succeed in stemming the tide of immigrants in Australia, so why would they be expected to work here? What would Canada gain from the abusive, expensive detainment of hundreds of newly arrived immigrants? In this case, Canada has nothing to gain while refugees have everything to lose.

Jon Ryan

Appendix 4: Editorial Article

The controversial introduction of Bill C-51 and the ensuing debate has arguably overshadowed the equally controversial *Preventing Human Smugglers from Abusing Canada's Immigration System Act* or Bill C-4. Instead of imposing tougher penalties on human smugglers, Bill C-4 directly targets refugees in a blatant effort to discourage them from entering the country, an approach which is fundamentally flawed. Under C-4 some refugees, including children, will be mandatorily detained for a minimum of one year without the possibility of review and denied permanent resident status for five years after their release. The reunification of immediate families will also be denied for a minimum of five years following discharge from the detention centre. This hard-line approach to “illegal” immigrants would be harmful—studies have shown long lasting psychological effects from prolonged detainment of refugees. It would be expensive—estimates range from \$43,800 to \$86,900 per detainee per year. It would also be ineffective in accomplishing its goals— Australia implemented nearly identical policies in the 1990's and recorded an *increase* in refugees arriving in the country. Bill C-4 is a flawed proposal with questionable goals and harmful strategies. It should be withdrawn or defeated.

Jon Ryan