Submission to the Standing Committee on National Finance on
Bill C-97-The Budget Implementation Act

Eliminate Changes that Threaten Refugee Children

The Child Welfare League of Canada calls for changes to the Immigration and Refugee Protection Act to be removed from Bill C-97, as they will negatively affect all asylum seekers and put refugee children at risk.

The Child Welfare League of Canada (CWLC) aspires for all children to thrive, to know that they are loved, and to have a sense of belonging. Established in 1994, we are a national, membership-based charitable organization dedicated to promoting the safety and well-being of young people and their families, especially those who are vulnerable and marginalized. Our members hail from all provinces and territories and include service agencies, Indigenous organizations, community groups, provincial/territorial governments, associations, universities, and child advocates.

We are concerned that changes proposed in Bill C-97(Division 16 Part 4 of the Immigration and Refugee Protection Act) will be harmful to children and families who are seeking asylum in Canada, making them ineligible to claim refugee status if they have made a claim or have passed through another country with which Canada has an information-sharing agreement. The changes have life and death consequences for refugee children who, if returned to their home country, may face persecution, torture or death.

According to Statistics Canada, **26 per cent of asylum seekers in 2017 were under the age of 14** (Stats Can, 2019). It is this group that Bill C-97 could hurt most. Under proposed revisions to the Immigration and Refugee Protection Act, children and families, and any asylum seeker, traveling through a ‘safe third country’, including the United States, would be ineligible for the Independent Review Process (IRP) and instead be given to a second tier Pre-Removal Risk Assessment (PRAA).

The PRAA is an entirely unacceptable replacement for the IRB in determining refugee claims and it is wholly inadequate for children. A PRRA is a written submission to the department and not a rigorous independent process with expert staff. IRB provides safeguards to children that are simply not existent in pre-removal risk assessments. Children are not capable of navigating the system and under the IRB, they are given a designated representative to protect their interests and their rights and ensure their case is heard properly.

Children who arrive in Canada on their own or with their families deserve access to Canada’s robust refugee claim system. **Losing access to the Independent Review Process will threaten children’s safety.** A recent article in the New Yorker (Annie Hylton, May 1, 2019) profiled the story of a Syrian family who escaped violence, landed in the United States, and made their way to Canada only to be returned to the US, where they were detained for two weeks with their two toddlers. Detaining children is a clear violation of their rights. Canada must do better to ensure the protection of very vulnerable children.
Additional Considerations

The changes proposed in Bill C-97 have no merit in international law or human rights. In refugee claims, Canada’s obligation is to protect the child from persecution, torture or death. A refugee’s claim in another country has no bearing on Canada’s obligation.

In making these changes to the Immigration and Refugee Protection Act, Canada would be violating the United Nations Convention on the Rights of the Child which requires that all decisions be made in the best interest of the child. Further, section 22 of the UNCRC states

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status ...shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention...

As a signatory to the UNCRC, Canada must ensure children are given appropriate protection and humanitarian assistance. Our country cannot leave vulnerable children to navigate the system on their own.

The United States recently revoked domestic abuse as a grounds for immigration, leaving many with Canada as their only avenue for safety. Changes proposed under C-97 will disproportionately affect children whose mothers are fleeing domestic abuse through the United States. Canada should not close the door on these families.

LGBTQ2S+ children and youth would also be disproportionately affected as they have faced increasing hostility in the United States and many may turn to Canada for a safe haven.

In Conclusion

Families and children who are seeking asylum in Canada have often traveled many miles to escape from war, persecution, intimate partner or gender-based violence — they should not experience further trauma through Canada’s immigration system. They most certainly should not be turned away without a proper and thorough assessment that respects their rights and their dignity.

Refugee children are children first and they have rights that that must be protected. Any changes to the Immigration and Refugee Protection Act that could impact children and families should be carefully studied and discussed. Such changes have no place in Bill C-97 and should be removed. All children have a right to live in safety, dignity and respect — Canada’s laws should honour and secure those rights.

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