

The Right Honourable Justin Trudeau. P.C., M.P.
Prime Minister of Canada, Ottawa

May 8, 2019

Dear Prime Minister:

Re: Women refugees at risk from changes to refugee rights in Budget Bill

We are writing to speak out against the clawback of the human rights of refugees buried in the recent federal budget bill (Bill C-97). The government has introduced these significant changes without consideration of their impact on women refugees.

These changes will deny refugee claimants a hearing of their asylum claim before an independent adjudicator if they have previously filed a claim in the United States and certain other countries. This change will harm women and children seeking refugee protection from domestic violence in their home countries.

The proposed changes to the *Immigration and Refugee Protection Act* take no account of the significant gaps in US refugee protections, nor the specific needs of women refugee claimants. In 2018, the Trump administration issued a binding legal precedent that severely and systematically restricts access to asylum for women fleeing domestic violence – even if they come from a country that offers no protection to women fleeing this harm. Canada, by contrast, has prided itself on its long-standing recognition of domestic violence as a form of gender-based persecution

It is shocking that the government would make this change, knowing it will directly and immediately harm women and children. The United States has draconian immigration detention policies that include separating child refugee claimants from their parents, resulting in incalculable trauma and abuse. The Trump administration has closed the door on asylum for women and children fleeing domestic violence in countries that will not protect them; this bill means that Canada is by extension supporting this US policy and violating the human rights of women and girls seeking asylum.

Every woman who had ever made an asylum claim in the US but who turned to Canada to seek protection from violence will now be denied a full and independent hearing. Instead, her case will be considered by a government bureaucrat in a primarily written process without any opportunity to call witnesses and meaningfully challenge government evidence. Women and children could be returned to their home countries, where they faced violence and persecution, without a proper hearing before an independent adjudicator. It is a violation of the *Charter* and of basic human dignity to deny women in these situations their rights to due process.

Canada was the first country to adopt Gender Guidelines to be used by adjudicators at the Immigration and Refugee Board to assess refugee claims of women who have experienced violence. Special procedural accommodations are often used by the independent adjudicators at the Immigration and Refugee Board to ensure that women claimants are able to tell their stories of persecution, which can include recounting traumatic sexual and physical violence. These world-leading safeguards for the rights of women refugees will be taken away from women who are caught by the new restrictions in the federal budget bill.

Through the Gender-Based Violence Prevention Strategy and the Feminist International Assistance Policy, the Government of Canada has professed a strong commitment to preventing and addressing violence against women. This bill significantly undermines this commitment.

The government should be ashamed that this drastic clawback of rights is buried deep within a large, omnibus budget bill. The effect of this is to eliminate the opportunity for full consideration, by the public and our elected officials, of the serious harms that this new restriction will have on women. In proposing this restriction on rights, the government has ignored the specific and immediate harms to women – it is the responsibility of our Parliament to pay attention and respect the human rights of those most vulnerable among us.

We are calling on the government to withdraw these deeply harmful restrictions on the rights of refugees, and if they fail to do so, we call on Parliamentarians in the House of Commons and the Senate to reject them.

Signatories:

Atira Women's Resource Society
Avalon Sexual Assault Centre
Barbra Schlifer Commemorative Clinic
Battered Women's Support Services
BC Society of Transition Homes
Black Legal Action Centre
Canadian Association of Elizabeth Fry Societies
Canadian Feminist Alliance for International Action
Canadian Feminist Coalition
Canadian Research Institute for the Advancement of Women
Canadian Women's Foundation
Chinese and Southeast Asian Legal Clinic
Concertation des luttes contre l'exploitation sexuelle
Downtown Eastside Women's Centre
Ending Violence Association of BC
EVE
Fédération des maisons d'hébergement pour femmes
Harmony House
Inter Pares

Signatories (cont'd):

International Women's Rights Project
LEAF (Women's Legal Education and Action Fund)
London Abused Women's Centre
Manitoba Association of Women's Shelters
Migrant Workers Centre
Mouvement Contre le Viol et L'inceste
National Association of Women and the Law
Nelson and District Women's Centre
Nobel Women's Initiative
Ontario Association of Interval and Transition Houses
Ontario Council of Agencies Serving Immigrants
Peace Track Initiative
PEI Rape and Sexual Assault Centre
Rise Women's Legal Centre
Sexual Assault Support Centre Ottawa
Sisters Trust Canada
South Asian Legal Clinic of Ontario
South Asian Women's Community Centre
Surrey Women's Centre
SWAN Vancouver Society
Transition House Association of Nova Scotia
Vancouver Rape Relief and Women's Shelter
WAVAW Rape Crisis Centre
West Coast LEAF
Women Transforming Cities
Women's Shelters Canada
YWCA Canada