



December 18, 2008

The Hon. Peter Van Loan, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, ON K1A 0A6

Dear Minister:

On behalf of the Canadian Bar Association, please accept our congratulations on your appointment as Minister of Public Safety.

The CBA is a national association representing approximately 37,000 jurists, including lawyers, notaries, law teachers and students across Canada. Among the primary objectives of the Association are to uphold the Rule of Law and to improve the law and the administration of justice. CBA members have been working with officials in Public Safety Canada and its many agencies on an ongoing basis. We hope to continue and strengthen these fruitful relationships.

Cross Border Law Enforcement

In September, the CBA commented on proposals for a framework for cross border law enforcement between Canada and the US. In all but the most exceptional cases, we believe that Canadian authorities should enforce the law in Canada. However, a principled framework to govern transnational enforcement initiatives could have advantages over the current *ad hoc* approach. It could ensure that fundamental principles are respected, including adherence to the *Canadian Charter of Rights and Freedoms* and customary and conventional international law, accountability, transparency, oversight, solicitor-client privilege and Canadian autonomy. Where clearly necessary and demonstrably justified, these initiatives must be regarded as exceptional and compelling evidence should always be required before having recourse to them. We would welcome an opportunity to discuss how best to meet these objectives as the framework is developed.

Cross Border Information Sharing

In 2006, Justice O'Connor made many recommendations to improve accountability and oversight when Canada shares information with foreign governments, flowing from his extensive examination of the case of Maher Arar. Earlier this year, Justice Iacobucci reported on similar

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cases, and again pointed to information sharing with foreign governments as a likely factor in the torture and detention of Canadians. The CBA agrees with the need for independent oversight of law enforcement agencies operating both domestically and internationally, particularly in light of extraordinary powers granted in the name of national security since 2001. We believe that accountability and oversight can contribute to the security of Canadians and we would be pleased to work with the government to bring these measures to fruition.

Immigration Enforcement Matters

The CBA's Citizenship and Immigration Section has greatly appreciated its bi-annual meetings with key officials in your Department and Agencies to discuss the challenges for front line officers in balancing the safety of Canadian society with maintaining a welcoming environment for foreign nationals entering Canada from all over the world. The CBA Section would appreciate meeting with you to discuss issues of mutual concern.

We extend an invitation for you to attend the CBA National Citizenship and Immigration Law Conference in Whistler, BC on April 16-18, 2009. This annual event, co-chaired by the CBA and Justice Canada, attracts over 300 participants, including immigration lawyers from across Canada, senior staff from CBSA and Federal Court judges. We have been pleased to host your predecessors in past years and believe that it provides an excellent platform to address an audience of key partners in the delivery of the Public Safety Canada's services in an immigration context.

Like you, the CBA is committed to ensuring that the laws your Department administers promote justice for all Canadians and for those entering Canada. Again, we congratulate you on your appointment and look forward to working with you.

Yours truly,

(Original signed by J. Guy Joubert)

J. Guy Joubert