



THE CANADIAN
BAR ASSOCIATION
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April 16, 2010

The Honourable Jason Kenney, P.C., M.P.
Minister of Citizenship, Immigration and Multiculturalism
House of Commons
Ottawa, ON K1A 0A6

The Honourable Maurizio Bevilacqua, P.C., M.P.
Liberal Opposition Critic, Citizenship and Immigration
House of Commons
Ottawa, ON K1A 0A6

Mr. Thierry St-Cyr, M.P.
Bloc Québécois Opposition Critic, Citizenship and Immigration
House of Commons
Ottawa, ON K1A 0A6

Ms. Olivia Chow, M.P.
New Democratic Party Opposition Critic, Citizenship and Immigration
House of Commons
Ottawa, ON K1A 0A6

Dear Minister and Honourable Members:

Re: Bill C-11, the *Balanced Refugee Reform Act*

On behalf of the National Citizenship and Immigration Law Section of the Canadian Bar Association (CBA Section), I am writing to ask for your support in referring Bill C-11, the *Balanced Refugee Reform Act*, to the Standing Committee on Citizenship and Immigration prior to second reading.

The Canadian Bar Association (CBA) is a national, voluntary association of over 37,000 lawyers, law students, law professors and Quebec notaries. Among the objectives of the Association are improvement of the law and the administration of justice.

Bill C-11 proposes reforms to the entire refugee determination process that would have a substantial effect on tens of thousands of refugee claimants every year. In fact, this is the most significant reform of the refugee determination process in many years, and is the subject of intense interest amongst stakeholder groups, including the CBA Section. Refugee determination is a matter of life or death for those with a legitimate fear of persecution in their home country. It deserves to be subject to the

greatest amount of review possible by Parliament, and to be addressed by a full range of Committee witnesses representing the diversity of perspectives that exist on refugee reform.

Stakeholders' first opportunity to review and consult their membership about these major changes was when Bill C-11 was introduced in the House. We believe the package would benefit from a comprehensive study of the full implications before giving the Bill approval in principle. Refugee claimants deserve no less.

The CBA Section is carefully examining Bill C-11 with a view to providing a submission to the Standing Committee. The CBA Section has identified problems with the practical operation of the Bill and will be recommending significant amendments to sections pertaining to the designated list of countries that prevents access to the Refugee Appeal Division, denial of access and limitation to applications based on humanitarian and compassionate considerations, temporary resident permits and Pre-removal Risk Assessments, among others.

These are important concerns. Although we recognize that the Bill contains positive features that could have an important impact in creating a faster refugee determination process, the fairness of the proposed system and its ability to properly determine applications by persons in need of protection or requiring humanitarian consideration is very much in issue. In order for the Committee, and ultimately Parliament, to consider fully such improvements, an early referral is necessary.

We share a common interest in having a Canadian refugee system that is fast, fair and balanced. To ensure that the Bill furthers this pursuit to the greatest extent, we ask you to support a referral of Bill C-11 to Committee before second reading.

Yours truly,

(original signed by Kerri Froc for Stephen Green)

Stephen Green
Chair, National Citizenship and Immigration Law Section