



CANADIAN  
COUNCIL FOR  
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**NEWS RELEASE**  
**For Immediate Release**  
November 30, 2007



amnesty international



The Canadian Council  
of Churches

## **Safe Third Country Decision Welcomed by Rights Organizations and John Doe**

The Canadian Council for Refugees, the Canadian Council of Churches, Amnesty International and John Doe welcome the November 29 Federal Court ruling concluding that the December 2004 Safe Third Country Agreement between Canada and the USA violates refugee rights.

The Safe Third Country Agreement effectively closed the border to the majority of refugee claimants who came through the United States on their way to making refugee claims in Canada. Turned away by Canada, these individuals were instead forced to turn to the US asylum system for protection. In launching this court challenge, the applicants had argued that this approach would be acceptable if the US asylum system met recognized international standards for the protection of human rights, including refugee rights, but it did not.

The Court judgment finds that it was unreasonable to conclude that the USA complies with the United Nations Convention against Torture and the UN Refugee Convention and points to serious shortcomings in the US asylum system including:

- deportations of individuals from the United States to countries where they are at risk of torture,
- concerns that women who are fearful of gender-based violations such as domestic violence are often denied protection,
- broad categories that exclude individuals from refugee status, and
- a harsh one year time bar that makes it impossible for many individuals to make refugee claims if they have already been in the United States for more than one year.

“In Canada, in the United States and around the world, refugees and refugee claimants are among the most vulnerable members of any society and regularly experience harsh treatment and systematic disregard for their most basic human rights,” said Alex Neve, Secretary General of Amnesty International Canada. “This decision is an eloquent reaffirmation of how important it is that governments scrupulously ensure the safety of refugees and uphold the full range of their human rights. This is a message that will and must be heard around the world.”

“We are pleased that the Court condemned the failure of the federal Cabinet to review the status of the US as a safe third country,” said Janet Dench, Executive Director of the Canadian Council for Refugees. “When human lives are at stake, as they are in the safe third country agreement, Cabinet has a serious obligation to monitor changes, an obligation that they have neglected for the last three years.”

“We will also urge the Canadian government to respond to this judgment in a principled manner, not by moving immediately to appeal it, but instead recognizing that this provides a valuable opportunity for Canada to reassert its traditional role of being a staunch defender of the safety and well-being of refugees,” said  
The three organizations that initiated this application now call on the government to immediately suspend the operation of the safe third country agreement. The Agreement has led to three years of violations of the rights of countless numbers of refugees and refugee claimants. That must come to an end.

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