



CANADIAN COUNCIL FOR REFUGEES
CONSEIL CANADIEN POUR LES RÉFUGIÉS



amnesty international



The Canadian Council
of Churches

Media Release

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Supreme Court asked to review Canada's closing of the door on refugees

The Supreme Court of Canada is being asked to determine whether the Canada-U.S. Safe Third Country Agreement is unconstitutional and violates refugees' rights, the Canadian Council for Refugees, Amnesty International and the Canadian Council of Churches announced today.

On Friday 26 September, the three organizations, along with John Doe, filed an application with the Supreme Court seeking leave to appeal the Federal Court of Appeal's ruling on the Safe Third Country Agreement. The appeal court overturned an earlier Federal Court decision which struck down the Agreement, on the grounds that the United States does not comply with international human rights obligations.

The submissions highlight that refugees' lives are at risk, as illustrated by the case of a Honduran man. Turned away from the Canadian border in 2006 due to Safe Third, he was quickly deported by the US to Honduras, where he was soon afterwards killed by the people he had been fleeing. But for the Safe Third Country Agreement, he would likely be alive and living in Canada today, with his wife and his son who was born after his death.

The organizations argue that the Federal Court of Appeal:

- Based its decision on technicalities, thus failing to address the key Charter and human rights issues.
- Incorrectly interpreted the law to allow Cabinet to designate a country as safe even when it clearly is not, thus violating international legal obligations towards refugees.
- Misunderstood what actually happens at the border when a refugee claimant is rejected under the agreement, and thereby wrongly concluded that an individual claimant could mount a legal challenge.

The organizations and John Doe launched the legal challenge of the Safe Third Country Agreement in December 2005. Under the Agreement, most refugee claimants arriving in Canada at the US border are ineligible to make a claim in Canada. The organizations argued that some of those denied entry to Canada are not able to receive protection in the US, because the US does not comply with its international obligations towards refugees. The Federal Court upheld those arguments. The Federal Court of Appeal did not dispute that finding: instead it ruled that the lower court's conclusion "that the US does not 'actually' comply is irrelevant."

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See also the Canadian Council for Refugees' page on [Safe Third Country](#).