

NEWS RELEASE
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Stay of Safe Third Country Decision puts refugees' lives at risk

The Canadian Council for Refugees, the Canadian Council of Churches and Amnesty International Canada today expressed deep dismay at the decision of the Federal Court of Appeal to stay the Federal Court ruling that strikes down the Safe Third Country Agreement.

“This decision gives higher priority to the government’s administrative convenience than to the risk of persecution, torture and even death faced by refugees,” said Gloria Nafziger, Refugee Coordinator for Amnesty International.

On 17 January, following a detailed examination of the effects of the Safe Third Country Agreement, Justice Phelan of the Federal Court ruled that it violates the Charter and Canada’s international human rights obligations, by putting refugees at risk of refoulement to persecution or torture. The federal government has appealed this ruling and applied for a stay while the appeal is being heard. The Federal Court of Appeal granted the stay on 31 January.

“Every day that the Agreement remains in effect, refugees are at risk of being sent back to face persecution,” said Elizabeth McWeeny, President of the Canadian Council for Refugees. “It is shocking to find that the court accepted the government’s claim that the ‘public interest’ is better served by preventing refugees from claiming Canada’s protection, than by preventing refugees from being forced back to persecution.”

The risk to refugees’ lives is not hypothetical: in addition to expert evidence from the leading authorities on US and international refugee law, the public interest organizations provided the court with evidence showing that a refugee claimant who was turned back from the Canadian border because of the safe third country rule, was detained in the US and deported back to Honduras, where he was killed by the group he had fled.

The legal challenge was brought by the Canadian Council for Refugees, Amnesty International, the Canadian Council of Churches and John Doe, a Colombian asylum seeker in the US.

The organizations are considering whether to appeal the decision to grant the stay.

For further information, please contact:

Beth Berton-Hunter, Amnesty International Canada, 416-363-9933 ext. 32, (416) 904-7158 cell
Colleen French, CCR Communications Coordinator, 514-277-7223 (ext. 1)