

Public Safety Minister Vic Toews and Minister of Censorship and Deportation Jason Kenney have announced that they are re-introducing Human Smuggling Bill C4 (previously Bill C49). This is despite previous Bill C49 being rejected by all opposition parties and hundreds of community, legal, health, human rights, and migrant justice groups.

This is a bill modeled after Australia's internationally condemned policies of mandatory detention and human rights abuses against asylum-seekers. This bill proposes mandatory detention without review by the Immigration and Refugee board for 12 months; denial of the right to apply for permanent resident status until five years have passed since favourable determination of the protection claim; denial of access to relief based on humanitarian and compassionate grounds, temporary resident permits or refugee travel documents for five years or longer; and denial of the right to appeal an unfavourable determination of protection claim to the Refugee Appeal Division of the board.

Under the banner of combating human smuggling and deterring the arrival of boats such as the MV Sun Sea, this is a bill that blatantly criminalizes refugees and targets them for imprisonment and/or deportation. By today's standards, Harriet Tubman's Underground Railroad would have been considered a human smuggling operation!

BACKGROUND ON BILL C4

> *Kenney and the Tories are justifying Bill C4 with the false rhetoric of "illegals".*

THE REALITY: Migrants who arrive irregularly – whether by boat or with the assistance of smugglers are not illegal. There is no "queue" for refugee claimants. Refugees are forced from their homes in emergency situations due to human rights abuses committed during wars, military occupations, or persecution. We must understand that they undertake long and dangerous journeys to protect their lives and the lives of their families. According to the 1951 UN Convention on Refugees, to which Canada is a party, there are no penalties on refugees who arrive without pre-authorization and irregularly.

> *Bill C4 is being framed as a means to combat "human smuggling".*

THE REALITY: Many refugees have no choice but to use irregular means, including resorting to smugglers, to flee persecution. A report by the International Labour Organization discusses how many smuggling operations are "difficult to distinguish from legitimate work of travel agencies or labour recruitment agencies." It is not criminal organizations but anti-immigration policies that are the biggest facilitators of human smuggling. Given increasingly restrictive border policies, how are most people able to migrate if not with the assistance of smuggling operations? As written by Professor James C. Hathaway, "Human smugglers play a critical role in assisting refugees to reach

safety. Canada and other developed countries created the market on which smugglers depend by erecting (literal and virtual) migration walls around their territories." The rhetoric against human smuggling is not intended to 'protect' victims of smuggling (who are routinely detained and deported), but to reinforce securitization of the border. Any attempt to further criminalize human smuggling will ensure that migrants forced to move irregularly across borders will do so in more dangerous conditions, at higher cost and face further exploitation. This is simply unacceptable.

> *Kenney and the Tories say that Bill C4 would not harm refugees.*

THE REALITY: Bill C-4 would give the Minister the power to single out for special punishment refugees who are suspected of having fled by means of smugglers. Asylum seekers, including children, suspected of using a smuggler will be subject to mandatory detention for at least the first year after arrival, with no chance of a detention review. They will not have the right to appeal a negative refugee decision and will be denied access to health coverage. They will be prohibited from obtaining permanent residency and from sponsoring their family members for a period of five years even after obtaining refugee status, during which time their status could be revoked and they could face deportation. Though not well publicized, the Bill also gives vast new powers to detain and arrest non-citizens, including permanent residents, based on mere suspicion of criminality. This is a shameful and inhumane piece of legislation.

> *Kenney and the Tories say that Bill C4 is part of Canada's positive record on immigration.*

THE REALITY: Bill C-4 is the latest in a series of drastic changes including Bill C-50 and Bill C-11. Bill C-50 has given the Immigration Minister immense powers to arbitrarily reject visas (permanent resident, visitor etc) without any Court review and to issue quotas and restrictions. Bill C-11, passed with minimal opposition, has created two tiers of refugees, establishing a racist hierarchy based on nationality. As avenues for refugees and permanent residency are being slashed and deportations are increasing, exploitative temporary worker programs have proliferated. Last year, major changes resulted in limiting most migrant workers to a term of four years, after which a six-year ban will be imposed before workers can return to Canada.

Canada's immigration and refugee system is not generous. It is the result of a perfected system of social control, containment, and commodification. Instead, No One is Illegal-Vancouver asserts the basic human right to safety, mobility, and protection. The only crime that migrants have committed is transgressing this imposed settler-colonial border. We encourage you to join us in rejecting and standing up against repressive, racist, and exclusionary ideologies and policies, and instead encourage compassion, solidarity, respect for life, and justice for all refugees.

<http://vancouver.nooneisillegal.org>