



**Mennonite New Life Centre of Toronto**  
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March 26, 2008

Hon. Stockwell Day, PC, MP, Minister of Public Safety  
Hon. Diane Finley, PC, MP, Minister of Citizenship and Immigration  
Hon. Rob Nicholson, PC, MP, Attorney General of Canada  
House of Commons  
Ottawa, ON, K1A 0A6

Dear Ministers,

The Mennonite New Life Centre urges you to take action in order to prevent prosecution of humanitarian workers under charges of people smuggling. The broad scope of Section 117 of the *Immigration and Refugee Protection Act* covers activities that are a regular and necessary part of the work of organizations like ours that work for the protection of refugees. As a result of the charges brought against humanitarian worker Janet Hinshaw-Thomas, we have realized that no refugee advocate can be free from fear of prosecution until legislative changes are implemented.

Mennonites feel a special kinship with refugees. Mennonite history is marked by a long series of migrations – refugee movements driven by religious persecution, as well as the desire to maintain a distinct way of life based on values of peace and non-violence. Inspired by our Mennonite roots, the New Life Centre believes that we are called to assist brothers and sisters fleeing persecution. To “aid and abet” someone to make a refugee claim in Canada is a not only response to this call, but also consistent with the fundamental objectives, as we understand them, of the *Immigration and Refugee Protection Act*.

Allowing the humanitarian act of assisting refugees to be treated as a criminal activity with a maximum punishment of life imprisonment is a serious flaw in the *Immigration and Refugee Protection Act*. Despite assurances from the government that this provision would not be used against individuals acting on humanitarian motives, the recent charges against Ms Hinshaw-Thomas, though later dropped, demonstrate the opposite.

We therefore urge you to:

- Publicly commit to ensure that no person acting on humanitarian motives will ever again be charged under Section 117.
- Introduce legislative amendments to this effect (see attached proposal).
- Review the cases currently pending under Section 117, with respect to possible humanitarian motives.

Thank you for your careful attention to this matter. We look forward to hearing from you in response to our requests.

Sincerely,

Tanya Chute Molina  
Executive Director

## Canadian Council for Refugees proposal for legislative amendment

### *Immigration and Refugee Protection Act*

117. (1) No person shall knowingly **and for material benefit** organize, induce, aid or abet the coming into Canada of one or more persons who are not in possession of a visa, passport or other document required by this Act.

(4) (a) No proceedings for an offence under this section may be instituted except by or with the **written** consent of the Attorney General of Canada.

**(b) The Attorney General of Canada may not delegate the power conferred by this subsection.**