



**Mennonite New Life Centre of Toronto**  
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August 16, 2007

Kevin G. Lynch  
Clerk of the Privy Council and Secretary to the Cabinet  
Privy Council Office  
Langevin Block 80 Wellington Street  
Ottawa, Ontario, K1A 0A3

Dear Mr. Lynch,

The Mennonite New Life Centre, a member of the Canadian Council for Refugees, opposes the Safe Third Country Agreement between Canada and the U.S.

**We are writing to urge the Cabinet to review the designation of the United States as a safe third country, as per section 102 of the *Immigration and Refugee Protection Act*.** Since the U.S. was designated a safe third country in 2004, there have been significant negative developments in U.S. immigration policy and practice. Despite these developments, and despite the fact that the Act requires Cabinet to ensure “continuing review” of the status of any designated country, there has been no such review.

The Act defines a safe third country as one that complies with Article 33 of the Refugee Convention and Article 3 of the Convention Against Torture. Factors to be considered in designating a country include its policies and practices with respect to refugee claims, its compliance with obligations under the Convention Against Torture and its human rights record.

There is extensive evidence that the U.S. does not comply with its obligations under Article 3 of the Convention Against Torture. Maher Arar is only one of many individuals known to have been removed to face torture. If the U.S. is not safe for a Canadian citizen, how can we expect it to be safe for refugee claimants who have no government protecting them?

There is significant new evidence of serious problems in U.S. policies and practices with respect to refugees. The REAL ID Act, passed in 2005, expanded the categories of people denied refugee protection on the basis of “material support” for terrorism, even if their only “involvement” was involuntary and coerced. For example, a Colombian farmer, from whom armed rebels had extorted money, was denied asylum in the U.S. on this basis. He was deported to Colombia after spending a year in detention.

The Mennonite New Life Centre of Toronto has served refugee claimants whose asylum claims were rejected in the U.S. prior to the Safe Third Country Agreement, but who were subsequently accepted in Canada. In 2005, the acceptance rate for Colombians, who are fleeing one of the most violent and war-torn countries in the world, was 81% in Canada, vs. just 45% in the U.S. Colombians who previously would have had access to the Canadian asylum system are instead exposed to unnecessary danger and uncertainty in the United States.

Other problems include the excessive use of detention, discrimination (particularly targeting

Muslims and Arabs), inconsistency with regards to the acceptance of gender-based claims, and other improperly restrictive ways of interpreting the refugee definition. All these things mean that some refugees, who under international law should be given asylum, are refused in the U.S. and face removal to a country where they will be persecuted. By turning them away without a hearing, Canada shares responsibility for violating their rights.

For all these reasons, to protect refugees and to comply with the provisions for a review in the *Immigrant and Refugee Protection Act*, we ask that the Cabinet ensure a review is conducted into the status of the U.S. as a safe third country without further delay.

Yours sincerely,

Tanya Chute Molina  
Executive Director

cc. Maria Minna, MP