



**Mennonite New Life Centre of Toronto**  
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August 2, 2007

Senator Anne C. Cools  
The Senate of Canada  
Ottawa, ON  
K1A 0A4

*Re: Bill C-280, An Act to amend the Immigration and Refugee Protection Act calling for the implementation of the Refugee Appeal Division*

Dear Ms. Senator Cools,

The Mennonite New Life Centre, as a member of the Canadian Council for Refugees, has been persistently calling for implementation of the Refugee Appeal Division (RAD). The Refugee Appeal Division was provided for in the Immigration and Refugee Protection Act (IRPA) of 2001. Six years later, however, the appeal has still not been implemented.

Bill C-280, which calls for the implementation of the Refugee Appeal Division, has now passed third reading in the House of Commons. Senators will be debating and voting on the Bill. **We are writing to urge you, the Senate of Canada, to vote in favour of Bill C-280 and support refugees' right to an appeal on the merits.**

Current review mechanisms are inadequate to protect refugees. While failing to implement the appeal, Citizenship and Immigration Canada went ahead with sections of IRPA which reduced the number of board members hearing a claim from two to one member. This means that a single adjudicator decides on the fate of a refugee claimant, even though a wrong decision may have grave consequences: it can result in refugees being sent back to face persecution, torture, or even death in their home country.

Refugee determination involves a complex process of applying a legal definition to chaotic situations in far away countries, using evidence that is often provided through an interpreter. Different decision-makers do not necessarily come up with the same decision. Sometimes, they make mistakes. An effective system recognizes this and provides a mechanism to correct errors.

Canada is one of the very few countries in the world that fails to give refugee claimants an appeal on the merits, resulting in criticism by several international human rights bodies. The Inter-American Commission on Human Rights, commenting on Canada's refugee determination system, has said: "Given that even the best decision-makers may err in passing judgment, and given the potential risk to life which may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection."

Similarly, the United Nations High Commissioner for Refugees (UNHCR) wrote to the Canadian government to express its concern about the non-implementation of the RAD, saying "UNHCR considers an appeal procedure to be a fundamental, necessary part of any refugee status determination process."

Around the world, Canada is regarded as a country responsive to humanitarian concerns and respectful of human rights. The Mennonite New Life Centre is expressing our concern in this letter because we are proud of this reputation and wish for it to be fully reflected in Canada's immigration policy and practice.

Parliament supported the Refugee Appeal Division when it voted for the Immigration and Refugee Protection Act. We urge you to do the same and vote in favour of Bill C-280.

Thank you,

Tanya Chute Molina  
Executive Director