

# THE CARL QUARTERLY



**Canadian Association of Refugee Lawyers**  
Association canadienne des avocats et avocates en droit des réfugiés

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## *From Counsel's Perspective:*

*Peter Edelmann Discusses the BC Supreme Court's ruling in Appulonappa*

The British Columbia Supreme Court's ruling in *Appulonappa* deemed the anti-smuggling provisions outlined in s. 117 of the *Immigration and Refugee Protection Act (IRPA)* to be unconstitutional on the ground of over breadth. In this issue, Peter Edelmann, counsel for *Appulonappa*, discusses this ruling and its implications for similar cases. See page 5 for the whole story.

## FEATURE:

### *The Ongoing Challenge to IFHP Cuts*

Check in on the CARL/CDRC constitutional challenge and read coverage from the June 17 National Day of Action, including Peter Showler's Parliament Hill speech.

See pages 7-9 for details.



## Fifth Annual Conference and CARL AGM

CARL's 5th national Conference and 3rd AGM will take place on October 3, 2013, joining together CARL members across the country. We are excited to have coast-to-coast participation this year. See page 2 for information about our agenda, locations, and how to register. We hope to see you on October 3rd!

# CARL's 5th Conference and 3rd Annual AGM

*Join us on October 3rd in cities across Canada*

*Exclusion and inadmissibility pose major barriers to refugee protection. In the recent decision of Ezokola, the Supreme Court of Canada brought Canada's approach to exclusion in line with international principles on the exclusion of refugees. At the same time, legal strategies for overcoming inadmissibility remain front of mind for counsel navigating Canada's refugee system. We invite you to join us to discuss the correct interpretation of Article 1FA of the Refugee Convention, strategies to refute allegations of inadmissibility, updates on Administrative Law, and to take a look at the new Refugee Appeal Division 10 months into its existence.*

## AGENDA

### Times in Eastern Time

- |                     |  |
|---------------------|--|
| <b>10:45 -11:15</b> | Registration & Local Announcements   |
| <b>11:15 -11:30</b> | Welcome & Introduction by Mitchell Goldberg  |
| <b>11:30 -12:15</b> | Overcoming Inadmissibility: Strategies for ensuring access to refugee protection by Lorne Waldman and Laura Brittain         |
| <b>12:15 -13:15</b> | <i>Ezokola</i> : Bringing Canada in-line with international standards on exclusion by Annick Legault and Catherine Dauvergne |
| <b>13:15 -13:50</b> | Lunch (a light lunch will be provided)   |
| <b>13:50 -14:00</b> | Updates from CARL's Student Chapters by Michelle Carlesimo   |
| <b>14:00 -14:15</b> | CARL in the Courts: An update from Aviva Basman and Andrew Brouwer   |
| <b>14:15 -14:45</b> | Admin Law 2013: An Overview by Audrey Macklin  |
| <b>14:45 -14:55</b> | CARL Virtual Library: A repository of on-line materials by Pia Zambelli ( <i>see p. 10 for details</i> )                     |
| <b>14:55 -15:10</b> | Break  |
| <b>15:10 -15:55</b> | Refugee Appeal Division 10 months in by Lobat Sadrehashemi and Peter Edelmann  |
| <b>16:00 -16:45</b> | AGM: Tribute to outgoing members; Financial Report; Committee Reports; and Elections to the CARL Executive                   |
| <b>16:45 -17:00</b> | Presentation of the CARLAs (CARL awards for inspiring advocacy) and Closing Remarks  |

### Date

Thursday, October 3, 2013

### Times

7:45AM-2:00PM Pacific Time  
10:45AM-5:00PM Eastern Time  
11:45-6:00PM Atlantic Time

### Locations

The conference will be held simultaneously by video in locations across the country, including: Halifax, Montreal, Ottawa, Toronto, and Vancouver. Speakers and participants in these locations will be able to interact. For those who cannot access one of our in-person locations, a live web-cast of the conference may also be made available.

### Fees And Payment

Payment can be made by credit card or by cheque (registration online still required). Fees:

**Lawyers:** CARL Members \$80

**Articling Students:** CARL Members: \$45; Non-members \$60

**Associate Members:** \$80

**NGOs:** \$40

**Students:** CARL Members \$25, Non-members \$35

**Non-members** (lawyers and other members of the public): \$120

Visit [www.carl-acaadr.ca/conferences](http://www.carl-acaadr.ca/conferences) to register today!

# Student Corner: Updates from CARL's Student Chapters

*Michelle Carlesimo*

*CARL National Student Committee*

We are looking forward to our second active year on campuses across Canada! In the fall of 2012, the CARL executive established a National Student Committee consisting of two University of Ottawa common law students. This year the Committee has expanded to include three student representatives: Meghan Forhan at the University of Victoria, and Anna du Vent and Michelle Carlesimo from the University of Ottawa. The goal of this committee is to support, encourage, and promote CARL student chapters across the country.

CARL's first year on campus was a great success across Canada. Law students at Dalhousie, McGill, Toronto, Osgoode Hall, Ottawa, and Victoria played a large role in raising awareness of refugee issues and human rights of migrants. Student groups volunteered with local refugee clinics and organizations, set up for-credit legal placements within their schools, made

presentations on refugees and human rights topics, invited and hosted expert panels in their law schools and communities, promoted CARL through social media, and fundraised, researched, advocated and protested on a variety of issues throughout the year! CARL students have taken a great deal of initiative to co-operate and co-ordinate with other on campus groups focused on refugee issues, constitutional law, and human rights work to expand their reach and increase their success. The energy and enthusiasm of the student groups is truly amazing.

So far this year we are pleased to welcome the new CARL Student Chapter at the University of Windsor! On the agenda for the upcoming year, students have planned fundraisers, speaker series, documentary screenings, Refugee Night, research, and advocacy projects. We are very excited, to see what they can accomplish and to help them reach their goals.

*Can't find a CARL Student Chapter at your University?*

We are looking for eager students to initiate CARL chapters on the following campuses:

- University of New Brunswick,
- Université de Moncton,
- l'Université de Montréal,
- Université de Sherbrooke,
- Université Laval,
- Queen's University,
- University of Western Ontario,
- Thompson Rivers University,
- University of Manitoba,
- University of Saskatchewan,
- University of Alberta,
- University of Calgary, and
- University of British Columbia.

Contact us!

[carl.nationalstudent@gmail.com](mailto:carl.nationalstudent@gmail.com)



(Left to right): Philip Holdsworth, Reem Zaia, Kassie Seaby, Amy Kishek and Joanna Berry recruit for the CARL uOttawa Chapter at the student clubs fair, September 2013.

# CARL in the Courts

## *CARL's Litigation Update: Challenging injustice on all fronts*

CARL's litigation efforts have continued to intensify in recent months. Here, the Litigation Committee brings us the latest news from their active working groups.

### *Challenging the Designated Countries of Origin List*

CARL's constitutional challenge to the DCO list criteria, which unfairly prevent access to the RAD for many claimants, is currently before the Federal Court. Accompanying an individual litigant, we are taking the government to court over the DCO regime as a whole. We are currently awaiting a decision on leave. CARL is also looking to add other DCO individual litigants, particularly those who face domestic violence or who are Roma.

### *Challenging the Bar to Pre-Removal Risk Assessments*

While one of the leave applications filed by CARL and an individual litigant challenging the bar to PRRA was dismissed (presumably on the grounds of mootness), CARL is considering applying for public interest standing in two cases that are proceeding jointly to Judicial Review in early December. CARL is encouraging its members to continue to bring PRRA bar cases to our attention. If there are new facts that would justify by PRRA but for the bar, please let us know.

### *Other Challenges*

CARL has also begun laying the groundwork for a possible court challenge involving claimants who have entered Canada

via an exception to the US-Canada Safe Third Country Agreement. These claimants have no access to RAD or statutory stays of removal pending judicial review at the Federal Court. CARL members are encouraged to contact the Litigation Committee if they have a client in this situation. CARL is also preparing to litigate around the DFN regime should the need arise.

### *Supreme Court Interventions*

CARL successfully intervened in *Ezokola*, contributing to the formulation of a new test for complicity under Article 1F(a) of the Refugee Convention. CARL is also pursuing intervention before the Supreme Court in three other cases, *Kazemi*, *Harkat* and *Febles*, involving torture, security certificates and Article 1F(b) exclusion.



*John Norris, Lorne Waldman, and Andrew Brouwer at Supreme Court proceedings in *Agraira v. Canada*.*

## *Ezokola ruling: "When does mere association become culpable complicity?"*

*The Refugee Law Research Team  
University of Ottawa*

On July 19, 2013, the Supreme Court of Canada (SCC) released its judgment in *Ezokola v. Canada*. This landmark decision resulted in a more balanced approach to the issue of claimants being excluded from refugee protection on the grounds that they committed an international crime, particularly with

regard to the level of complicity required for these claimants to be excluded.

*Ezokola* involved a senior diplomat from the Democratic Republic of the Congo (DRC) who was excluded from refugee protection on the grounds that the military and intelligence wings of the DRC government committed crimes against humanity while the claimant was a representative of that government at the UN, thereby making the claimant complicit in these crimes.

A team from CARL intervened under the leadership of Jennifer Bond and with strong support from the University of Ottawa's Refugee Law Research Team (RLRT). CARL argued

# CARL in the Courts

that claimants should only be excluded where they are individually responsible for an international crime, contended that the Canadian exclusion regime should be better grounded in the purposes of the Refugee Convention, and proposed an alternative approach to complicity.

In its decision, the SCC characterized the main issue in the case as follows: “when does mere association become culpable complicity?” The Court answered this question by explicitly replacing the former “complicity by association” concept as well as the “personal and knowing participation” test with a new “significant contribution” test: to be excluded from protection due to commission of international crimes, there must be “serious reasons for considering that an individual has voluntarily made a significant and knowing contribution to a group’s crime or criminal purpose.” This new test effectively raises the threshold of a claimant’s connection to a crime in order for complicity – and therefore exclusion from refugee protection – to be established.

In addition to introducing a new test for complicity, the Court also provided guidance on a number of other areas of

law related to exclusion and complicity, including the purpose of the Refugee Convention as it relates to exclusion; the nature of proceedings at the Immigration and Refugee Board (IRB); the hierarchy of applicable sources of international criminal law; an affirmation that claimants will not be excluded for “crimes of omission” unless the individual was under a duty to act; a call for greater attention to viable defences; further comment on the standard of proof of “serious reasons for considering”; and refinements to a list of “factors” that may provide indications as to whether a claimant meets the threshold for exclusion.

The SCC’s new test and guidance in other areas of exclusion are a substantial, concrete, and positive step in the development of Canadian

refugee law on exclusion, bringing Canada more closely in line with the *Refugee Convention*, international criminal law, fundamental criminal law principles, and approaches to complicity taken by other state parties to the Refugee Convention (particularly the United Kingdom).

*“To exclude a claimant from the definition of “refugee” by virtue of art. 1F(a), there must be serious reasons for considering that the claimant has voluntarily made a significant and knowing contribution to the organization’s crime or criminal purpose.”*

- SCC judgement in *Ezokola*  
Read the full decision [here](#).

## From Counsel’s Perspective:

*The BC Supreme Court ruling in Appulonappa is a step towards defining the scope of Canada’s human smuggling laws*

*An interview with Peter Edelmann, counsel on Appulonappa and CARL Member. Questions from Will Tao and Kristian Arciaga, CARL UOttawa.*

*Q. Can you give us a quick summary of the ruling?*

*A. At the time of the offence, s.117 of the Immigration and Refugee Protection Act (the Act, or IRPA) read as follows:*

*117. (1) No person shall knowingly 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.*

Refugee claimants, by definition, do not have the documents required by the Act. Therefore, anyone who organizes, induces, aids or abets a refugee to arrive in Canada is liable to prosecution under the section. Individual refugees are

protected from prosecution if they arrive without the proper documents under s. 133 of the Act (the enactment of Article 31 of the *Refugee Convention*), but are not protected from prosecution under s.117.

The absurdity of the situation can be illustrated with the example of an Afghan woman with an infant child arriving to make a claim. If she comes alone, although she does not have the proper documents, she is protected from prosecution. If she brings her infant

child, she is liable to prosecution because she is aiding and abetting the coming into Canada of the child who does not have proper documents. Others, such as humanitarian workers or family members in Canada who assist refugees to arrive, are also affected by the over breadth of the section. The Crown was unable to provide a valid objective for prosecuting such individuals, and therefore the section was found to be over broad and struck down.

*Q. How was the Crown's approach in the Court of Appeal case different from its approach at the BC Supreme Court?*

A. The Crown took a substantially different position before the Court of Appeal, in particular with respect to the purpose of the legislation. Before Silverman J., the Crown took the position that the purpose of the legislation was to combat human smuggling. Before the Court of Appeal, the Crown not only has taken a much broader position that the purpose is some variation on "protecting the integrity of Canada's borders and the security of Canadians", but is taking the position that it was an error of law for Silverman J. to have accepted the Crown position before him that the purpose was to combat human smuggling.

*Q. What are the social implications of the judgment?*

A. The greatest practical impact will be in having some clarity about the limits of the offence. In the future, advising refugees about their criminal jeopardy if they come to Canada with their family members will be much easier. On a social level, the decision is a strong statement by

a Court that does not normally deal with such issues about the importance of protecting refugees, and a recognition of the important role played by humanitarian workers in that context.

*Q. What steps would you like to see the Government take to rectify the law as currently stated? How can the Government balance its goals to reduce human smuggling while ensuring refugee rights?*

A. The government should be clear about the aspects of smuggling that are problematic. Several aspects of smuggling operations might be seen as legitimately problematic, such as profiting from or exploiting vulnerable people, assisting criminal or terrorist organizations or assisting in clandestine movement across the border. Since each of those things is already criminalized by other offences, there should be some clarity about why they are aggravated in the context of human smuggling.

*Q. How much deference should Parliament be given with respect to refugee and immigrant issues? Does this case shed any light on this issue?*

A. Parliament should have clear, coherent objectives when deploying the exceptional sanctions of the criminal law. It is difficult to understand how the objective of criminalizing refugees or those who legitimately seek to assist refugees is justified.

*Q. IRPA s.117(4), which discusses consent of the Attorney-General, is discussed a lot in the lower court. Do you think that provision should be re-worked as well?*

A. Given that the Attorney-General has delegated the power to grant consent, it is difficult to see how much difference the consent makes. In practice, no prosecution under any act would proceed without the consent of a representative of either the federal or the provincial Attorney General in the form of Crown counsel, so the difference is not particularly significant. The fact that the delegation appears, to date, to have only been made to regional directors may provide some direct oversight in the use of the section to ensure it is not used indiscriminately. Limiting the power of delegation would ensure such oversight.

*Q. As an immigration lawyer, how do you know if cases are "model" ones for constitutional challenges, especially where the legal argument may be strong but the facts may hinder your case?*

A. It is something to be assessed on a case by case basis. Fortunately, in the circumstances of a challenge like this one, the facts of the case before the Court should not be relevant to the over breadth analysis. If the law is over broad, then a remedy will be provided regardless of the facts of the case in which it is raised. The Court did not allow itself to be influenced by the negative media campaign that had been waged by the government since the arrival of the Ocean Lady and made a decision based on the law. In other cases, the facts are crucial to getting the result that is sought.

Read the full decision from the Supreme Court of British Columbia [here](#).

# FEATURE: The IFHP Challenge

*Litigation Update: CARL and Canadian Doctors for Refugee Care are joined by Justice for Children and Youth in the Federal Court challenge to refugee health cuts*

*Pia Zambelli*

*Co-Chair, Legal Research Committee*

The challenge to the constitutionality of the IFHP cuts was filed in February 2013. Over 1000 pages of affidavit evidence was filed at the end of May. The government's affidavits were filed at the end of August and cross examinations are currently in progress until October 15<sup>th</sup>. Meanwhile, CARL volunteers have been hard at work all summer doing research for the factum. Another exciting development is that Justice for Children and Youth (JFCY) has joined CARL and Canadian Doctors for Refugee Care (CDRC) as a public interest litigant in the case. This means

that the impact of the cuts on refugee children will become a major part of the case.

The matter is scheduled to be heard in the Federal Court in mid-December. However, CARL is still looking for IFHP litigants, specifically:

- A child at any stage of the refugee process
- A DCO claimant
- A non-DCO claimant awaiting final determination of his or her claim

CARL members are encouraged to contact Pia Zambelli, Co-Chair of the Legal Research Committee at [research@carl-acaadr.ca](mailto:research@carl-acaadr.ca) with information.

## *Overview: National Day of Action to Stop Cuts to Refugee Health Care*



*Joanna Berry and Dolly Lin protest at Parliament Hill on the National Day of Action. Photo by Dolly Lin.*

*Joanna Berry*

*CARL UOttawa*

On June 17<sup>th</sup>, 2013, CARL members demonstrated their opposition to IFHP cuts by participating in the second annual National Day of Action coordinated by Canadian Doctors for Refugee Care (CDRC) in 19 Canadian cities. The CDRC and CARL were joined by over 20 health care organizations and hundreds of other concerned citizens in a call for the federal government to reverse its callous and costly cuts to refugee health care. This national demonstration occurred amid various actions aimed to pressure the government and to raise public awareness of the issue, including an [international photo campaign](#), a [petition](#) signed by over 50 prominent Canadian writers and artists, numerous press conferences and public events, and the launch of the Refugee Health Outcome Monitoring and Evaluation System (HOMES) for the purpose of monitoring the effects, and specifically the adverse health care outcomes of the IFHP cuts.

In the week preceding the Canada-wide demonstrations, Minister Kenney claimed during question period that the government had not cut health care funding for refugees. Rather, he [stated](#), it had simply ended the "gold-plated benefits" for failed claimants with no legal entitlement. Dr. Meb Rashid, medical director of the Crossroads Clinic at Women's College Hospital, countered this claim at the Toronto Day of Action, when he declared, "no cuts to refugee health insurance, Minister Kenney? Well tell that to the sick seven year old boy who was asked to go to the hospital to rule out malaria. He was seen, and the family was given a bill for six hundred dollars."

In addition to underscoring the damages of these cuts, event contributors emphasized the financial costs and confusion generated by the IFHP changes. Cutting preventative and primary health care has allowed [treatable conditions to progress, which in turn has translated to an increase of otherwise avoidable emergency room](#)

# FEATURE: The IFHP Challenge

[visits](#). Furthermore, the new rules have sown confusion within the Canadian health care system by requiring medical practitioners to verify a refugee's legal status and country of birth before administering certain medical treatments.

CARL members contributed in several ways to the coordination of the CDRC's National Day of Action. Some sat on planning committees based in different cities, including Ottawa and Halifax. Others supported promotional activities by engaging local news media, by developing public education materials, or by distributing event information through their social and professional networks. CARL National member Peter Showler served as one of the event speakers at the Ottawa Day of Action (see Peter Showler's full speech below).

We look forward to continuing our work with those in the health care community in order to reach our shared goal of reinstating health care for refugees.



CARL Members show their support for the National Day of Action on IFHP Cuts at Parliament Hill.

## Laying out the arguments: Peter Showler makes the case for re-instating refugee health care

*The following is the text from Peter Showler's remarks at the June 17th, 2013 National Day of Action on Refugee Health Cuts rally on Parliament Hill.*

Good morning, Thank you all for being here and we all know why we are here.

On behalf of the Canadian Association of Refugee Lawyers -- our friends call us CARL, Jason Kenney calls us self-interested militant leftists -- I am here, actually, we are here, because there are many CARL members, lawyers and law students, who are here today to support

Canadian Doctors for Refugee Care and all health care workers who have shown up here on Parliament Hill and in cities across Canada to tell the government that cuts to refugee health care are wrong.

Although we are a very different profession, refugee lawyers have at least one thing in common with doctors and other health professionals; we both understand the vulnerability of refugees. We both understand that in first seeking refugee protection, refugees are unavoidably reliant upon professionals, both medical and legal,

until they are able to prove their claims, gain employment, and slowly establish themselves in Canadian society.

For 55 years, the Interim Federal Health Program paid for basic health care for refugee claimants and refused claimants until they were removed from the country or became eligible for provincial health care. Suddenly, with no consultation, the government abolished the program in June 2012, and replaced it with a program that denies basic medical care to thousands of refugee claimants who have lawfully sought Canada's protection. And I



# FEATURE: The IFHP Challenge

emphasize that word, lawfully. Despite the disinformation of the government, refugee claimants are legally here in Canada seeking protection from persecution.

After the cuts were announced, the government ignored all the rational arguments from doctors, lawyers, policy makers and provincial governments for why the cuts were wrong in every sense: medically, economically, morally, and finally, legally.

After all of the rational, carefully constructed arguments were rebuffed by the government, in February of this year, Canadian Doctors for Refugee Care and CARL, along with three refugee patients who were denied medical care, filed an application in Federal court for a declaration that the IFHP cuts are unconstitutional and inconsistent with our international legal obligations.

We have put forward four legal arguments.

**1) The cuts threaten the rights to life and security of the person in section 7 of the Charter.** The government has given no coherent reason for the cuts. They have made vague noises about discouraging fraudulent claims with no evidence that the cuts would have that effect while cutting benefits to people who are subsequently recognized as refugees. In legal language, the cuts are arbitrary and unjustified.

**2) The cuts amount to cruel and unusual treatment, contrary to section 12 of the Charter.** The Supreme Court of Canada has already said that discriminatory denial of health care can amount to cruel and unusual

treatment. In short, refugee claimants will be caused unnecessary pain and suffering.

**3) Contrary to section 15 of the Charter, the cuts discriminate against refugees from certain countries.** The

Minister of Immigration has the power to designate certain countries, quite arbitrarily, as "safe" although they are

*"Although we are a very different profession, refugee lawyers have at least one thing in common with doctors and other health professionals; we both understand the vulnerability of refugees."*

not safe for many who are subsequently recognized as refugees. As you have heard, claimants from those countries receive no health care at all, unless their medical condition is a danger to Canadians.

**4) The cuts are inconsistent with Canada's international legal obligations under the Convention on the Rights of the Child and the Convention.** Relating the Status of Refugees, Canada is obliged to provide basic health care for refugees and children. A denial of basic health care is a violation of those obligations.

I can tell you the court action is proceeding. After three months of hard work, 21 affidavits have been filed in court, over a thousand pages of testimony documenting the medical histories of nearly 50 refugees and refugee claimants.

It is the work of over 60 volunteers -- from Vancouver to Brussels -- health care providers, academics, lawyers,

social workers and refugee claimants. It has been a tremendous effort and despite what Jason Kenney says about self-interested lawyers, all of the legal work has been done for free.

There is much more legal work to do: cross-examining government witnesses and cross-examination on our own evidence to say nothing of preparing legal arguments. We might be in court by late fall or possibly early in the new year.

When we will be in court is uncertain, but what I can assure you is that, unless the government reverses its policy, we will get to court and the evidence will be placed before a judge. Then all of the half-truths, all the quarter truths, all the sly innuendo, all the sneaky omissions, all the out-and-out lies, will be exposed for what they are.

Only a few days ago, Minister Kenney's spokesperson was once again prattling on about "gold plated health care" for "fraudulent refugee claimants." It is nonsense, and worse, it is mean-minded nonsense that seeks to justify harsh, inhumane policies directed against some of the most vulnerable people in Canada.

As lawyers and law students, we are very proud to be standing beside Canadian Doctors for Refugee Care and all health care providers, in court, here today on Parliament Hill, and right across Canada.

As for Minister Kenney and the federal government, if they do not reverse these outrageous health cuts to refugees, I have only four words: "See you in Court."

# CARL in the Media

*Yan Zawisza*  
CARL UOttawa

As part of CARL's advocacy mandate, we remain actively engaged in the public discourse and the media. CARL has issued several press releases on news items as they unfold, and many members have written op-eds or been interviewed in the press. Below is a sampling of these pieces.

## Interim Federal Health Program Cuts

Refugee lawyers: Cuts to Interim Federal Health Program are 'wrong and illegal' [[Peter Showler, Rabble, June 18, 2013](#)]

Canadian doctors stage 'day of action' to protest refugee health care cuts [[CTV News, June 17, 2013](#)]

"Protesters gather for second day of action against refugee health cuts" [[Global News, June 17, 2013](#)]

June 17: a day of action to protest Canada's harsher, hurry up and leave refugee laws [[PSAC, June 14, 2013](#)]

Cuts to interim federal health program for refugees unfair and unjust [[Edward Corrigan, The Canadian Charger, July 24, 2013](#)]

Refugees without health care caught between death and debts [[Toronto Star, August 29, 2013](#)]

## SCC Decision in Ezokola

CARL Press Release: CARL welcomes SCC Carl Welcomes Supreme Court Of Canada Decision Bringing Refugee Exclusion Law In Line With International Standards [[July 19, 2013 \(version française\)](#)]

Supreme Court clarifies rules on refugees and war crimes [[CBC News, July 19, 2013](#)]

Supreme Court rules guilt by association not enough to deny refugee status [[Yahoo! News, July 19, 2013](#)]

Ruling sets new war crimes standard for refugee applicants [[Vancouver Sun, July 20, 2013](#)]

For refugee applicants, a new test for war crimes [[Windsor Star, July 20, 2013](#)]

Top court rejects guilt by association in refugee case; raises bar for rejecting asylum [[iPolitics, July 19, 2013](#)]

## Bill C-43: the Faster Removal of Foreign Criminals Act

Faster deportations come at the cost of compassion and fairness [[Lorne Waldman, The Globe and Mail \(Commentary\), May 14, 2013](#)]

## Bill C-425: the Honouring the Canadian Armed Forces Act

CARL Press Release: CARL testifies before the Citizenship and Immigration Committee [[April 16, 2013](#)]

## Other Aspects of Refugee Reform

Canada's immigration system lacks heart, critics say [[Toronto Star, June 28, 2013](#)]

Conservative Refugee Reforms Put Party At Odds With Jewish Group [[Huffington Post, July 5, 2013](#)]

## Help CARL Build a Virtual Library!

We are currently looking for precedents from experienced counsel in both French and English in a wide variety of matters, including:

- Applications and Motions in the Federal Court, including motions for stays, confidentiality and reconsideration;
- Applications for adjournments or extensions of time in the RPD or RAD; and
- Submissions on legal issues at the RPD or RAD.

Ideally these precedents should be from cases in which you were successful. Access to these precedents will be

restricted to CARL members only, via a sign-in website section currently in the early stages of development. Client information and counsel's name will be blacked out.

We are also looking for helpful recent or unreported Federal Court or Immigration and Refugee Board decisions that can be shared with other CARL members.

Finally, if you have any *succinct* refugee, Charter or international law research questions that you would like to be the subject of a memo by a team of volunteer students please submit them.

Materials in Word format and questions may be sent to: [research@carl-acadr.ca](mailto:research@carl-acadr.ca).

# Announcements

## *Recognizing outgoing CARL Executive Members*

This fall, four members of the CARL National Executive will be completing their terms and leaving their posts on the Exec. We would like to extend our sincere thanks to Jennifer Bond, Donald Galloway, Caitlin Maxwell, and Peter Showler for the vital roles that they each played as founding members of CARL. We look forward to bidding them a proper farewell at the upcoming conference, and to working with them in various capacities in years to come.

## *Get involved with CARL*

Committees are the driving force of CARL, and we need your help to make their work as good as it can be! If you're interested in being a part of CARL's work, please consider joining a committee or volunteering on a project. As a young organization, we are especially interested in people who can help us grow and establish our presence. Get in touch with us to let us know how you'd like to contribute! This year, we are especially interested in the following contributions:

- ❖ National committee members, especially for the Advocacy Committee and the Sustainability Committee
- ❖ Translation from English to French

If you want to get involved and contribute to CARL's work, please email [membership@carl-acaaadr.ca](mailto:membership@carl-acaaadr.ca) with an expression of interest.

## *Thank you to our donors!*

CARL is extremely grateful to the many generous donors who have helped to support our organization and specifically our Federal Court challenge to the Interim Federal Health Program cuts. We would like to thank all CARL Members who have contributed funds. We would also like to thank our corporate donors who have made generous donations to our litigation reserve fund, set up to guard against the negative impacts of a potential costs award against CARL.

The IFHP challenge is still in process, and donations are always welcome. If you'd like to support CARL by making a donation, please visit [www.carl-acaaadr.ca/donate](http://www.carl-acaaadr.ca/donate).

## *Thank you, CARL volunteers!*

All of CARL's activities are achieved by volunteers who donate their time and expertise to our young organization. Our litigation efforts, bi-annual conferences, advocacy efforts, and a range of student activities would not be possible without these valuable contributions. As we enter into our third year of operations, CARL would like to extend our sincere thanks to the wonderful team of volunteers who have driven our growth. We look forward to continuing our work together!

### *Don't miss a beat!*

Keep up with CARL's activities by following us online! You can find us via our twitter handle, [@carladvocates](https://twitter.com/carladvocates), or visit and 'like' [our Facebook page](#).



## *Is your Membership up to date?*

CARL is now using GiffTool software to manage our membership database. If you haven't already done so, please remember to renew your CARL membership! As a CARL member, you enjoy reduced rates for our conferences, first notice of CARL activities, and many opportunities to get involved with CARL's varied and exciting work. Please visit [www.carl-acaaadr.ca/membership](http://www.carl-acaaadr.ca/membership) to register as a CARL Member.

If you're not sure whether your membership is up to date, contact [membership@carl-acaaadr.ca](mailto:membership@carl-acaaadr.ca) to inquire.