

**Refugee lawyers: Canada's decision to go to court to prolong *Safe Third Country Agreement* legitimizes U.S.' inhumane treatment of asylum-seekers**

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Canada has asked the Federal Court of Appeal to stay the decision of the Federal Court which struck down the *Safe Third Country Agreement* (STCA), the result of which could mean the continued imprisonment and possible return to persecution for refugee claimants turned back by Canada into the U.S. Arguments will be heard on Friday, October 23, 2020 beginning at 9:30am EDT.

In July 2020, refugee lawyers welcomed the Federal Court's decision to strike down the STCA as a violation of the *Canadian Charter of Rights and Freedoms*. The Court found that many of the refugee claimants turned back to the U.S. because of the STCA faced immediate imprisonment and inhumane conditions, including solitary confinement, freezing cold temperatures, and inappropriate or inadequate food. It gave the Canadian Government six months to make adjustments to its operations before the judgment came into force.

"The Government cannot turn a blind eye to the human suffering caused when people seeking protection are turned back at the Canada-U.S. border and jailed. A defence of the agreement legitimizes inhumane U.S. detention policies for asylum-seekers," said Maureen Silcoff, President of the Canadian Association of Refugee Lawyers (CARL). "The Government is well aware of the conditions in U.S. jails for asylum-seekers. How can it justify this stay motion?"

The Federal Court found that the "cruel and unusual" conditions in the U.S. faced by STCA returnees violated their fundamental rights, highlighting examples that would "shock the conscience." Notably, the Court rejected the Government's argument that there will be a surge in refugee claimants if the STCA ends, finding that this idea was based on outdated models and that at any rate, the refugee system was well-equipped to do its job.

"The situation is getting worse, not better. There are now numerous reports that detail the horrific abuses in the U.S., including new evidence of forced hysterectomies being performed on detained women in the U.S." said Amanda Aziz, member of CARL's executive. "That the Canadian Government is defending an agreement that continues to send refugee claimants back to the U.S. knowing these conditions is shocking."

CARL will be hosting an **online live tweeting event** on its Twitter handle (@CARLadvocates) during the hearing on Friday, October 23, 2020 from 9:30am to 12:30pm EDT. CARL executive members will offer live commentary and analysis as the hearing proceeds. The media can seek immediate feedback on Twitter and direct message CARL.

Media and the general public who wish to view the hearing via Zoom can request to do so by emailing the Federal Court of Appeal at [information@fca-caf.gc.ca](mailto:information@fca-caf.gc.ca) (reference the October 23, 2020 hearing date and case name: *MCI v CCR, et al*, A-204-20).

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