



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

For Immediate Release – November 21, 2021

Media Release – The Canadian Government Lifts Unlawful Pandemic Restrictions on Refugee Entry

The Canadian Association of Refugee Lawyers (CARL) is relieved to see that the Federal Government has removed the COVID-19 related Canada-U.S. border restrictions that have shut out vulnerable and marginalized refugee claimants from Canada since the start of the pandemic. The restrictions are unlawful under Canada’s international and domestic legal obligations and result in refugee claimants facing severe harm in the U.S. when detained there.

“This policy should never have been put in place”, says Aviva Basman, President of CARL. “There were, and continue to be, reasonable alternatives to protect refugees and protect public health.”

Canada must act in accordance with its international commitment to refugee protection. “The UNHCR’s caution throughout the pandemic on the danger of blanket border closures is a strong indicator that Canada has failed to live up to its obligation to protect refugees”, says Maureen Silcoff, CARL’s past President.

Canada imposed travel restrictions for refugee claimants in March 2020. Days before these restrictions were announced, then Minister of Public Safety and Emergency Preparedness Bill Blair indicated that Canada would not turn away refugee claimants, and instead they would be subject to a health screening and 14-day quarantine after crossing the border. Despite this, Canada put in place measures to return to the U.S. refugee claimants who arrive at the Canadian border.

Although the direct backs were meant to be temporary, the reality proved very different. “We have tracked cases where refugee claimants were immediately jailed when handed over to U.S. border officers, and then faced deportation to their country of origin without having had a chance to make their refugee claim in Canada” says Kate Webster, CARL’s Advocacy co-chair. “CARL is relieved that this harmful policy is now rescinded.”

CARL remains deeply concerned however, that people who were already directed back to the U.S. and put in jail remain at risk of never coming back. CARL urges the Canadian Government to work with their U.S. counterparts to ensure timely return to the border.

In May 2021, CARL launched a legal challenge in the Federal Court, highlighting the Government’s failure to take into account Canada’s international obligations to refugees, and its failure to protect those who are turned back to U.S. jails. Last month, CARL successfully

defended a Government motion to remove CARL as a voice for refugees in the case. The litigation itself was pending at the time of the change in policy.

Founded in 2011, CARL is a non-profit organization that serves as an informed national voice on refugee law and the human rights of refugees and forced migrants. CARL's membership includes over 350 lawyers, academics and law students from across Canada.

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