

**For Immediate Release – February 22, 2021**

**Media Release – Canadian government defends the Safe Third Country Agreement despite human rights violations of refugees**

On February 23 and 24, 2021, the Federal Court of Appeal will hear arguments from Canada in support of the *Safe Third Country Agreement* (STCA), after the Federal Court ruled the agreement unconstitutional. The Canadian Association of Refugee Lawyers (CARL) is deeply disturbed by the government's commitment to uphold the agreement, despite the extensive evidence of human rights violations of asylum seekers in the U.S.

The STCA bars refugee claimants arriving from the U.S. from entering Canada to seek protection. Unless a person meets very limited exceptions, a border officer must turn someone back to the U.S., where they will likely be detained. Since the STCA was implemented in 2004, the situation for refugees in the U.S. has deteriorated. In July 2020, the Federal Court found that the STCA violated Canada's *Charter of Rights and Freedoms* after hearing widespread evidence of inhumane conditions facing refugee claimants turned back at the U.S. border. Despite the recent change in the U.S. administration, Canada cannot continue to justify maintaining the STCA with the hope that a new U.S. president will ensure safety for refugees.

Evidence of harm and detaining refugee claimants pre-dates the Trump administration and escalated during his administration. "Even under a Biden presidency, Canada should not be in court defending the U.S. record when it comes to the treatment of asylum claimants," said Maureen Silcoff, President of CARL. "There is significant damage that remains to be undone. The practice of jailing refugees is still intact. Women who faced domestic violence are still practically barred from refugee protection."

Given the evidence in this case, Canada should not be partnering with the U.S. on refugee determination. "The testimonials shine light on the horrific experiences refugees face when Canada rejects them at the border, which lead them into jail in the U.S. We cannot continue to return refugee claimants at the U.S. border when we know that they could face imprisonment in the U.S. under extremely harsh conditions," said Amanda Aziz member of CARL's executive. "The practice of jailing refugee claimants is contrary to our international human rights commitments and cannot be justified by a bilateral agreement between Canada and the U.S."

CARL will be hosting an **online live tweeting event** on its Twitter handle (@CARLadvocates) during the hearing on Tuesday, February 23 and Wednesday, February 24, 2021 from 9:30am to 4:30pm 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.

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