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Human smuggling bill worries Canadian bishops

by Deborah Gyapong by Catholic News Service

OTTAWA, Ontario -- Canada's Catholic bishops joined an array of organizations and advocacy groups critical of legislation aimed at preventing human smuggling.

The bishops argued that the Preventing Human Smugglers From Abusing Canada's Immigration System Act could hurt bona fide refugees.

"Although nations have a legitimate right to counter human smugglers because of grave abuses, notably human trafficking, they also have a duty to take measures that respect the rights of refugees," Archbishop Brendan O'Brien of Kingston, Ontario, chairman of the Canadian Conference of Catholic Bishops' Commission for Justice and Peace, wrote in a Nov. 25 letter to Jason Kenney, minister of citizenship, immigration and multiculturalism.

The letter raised concerns that several provisions in the bill "may contravene international law and Canadian law and penalize the refugees more than the smugglers."

Archbishop O'Brien reiterated the stand taken by the bishops in a 2006 pastoral letter on immigration and refugees, which said, "It is a fundamental inversion of values, according to Catholic teaching, when laws and policies place national interests and security before human dignity."

Kenney and Minister of Public Safety Vic Toews announced the bill Oct. 21 in Vancouver, British Columbia, in front of the *Ocean Lady*, a ship that brought 79 Tamil asylum seekers to Canada in 2009. In August, the *MV Sun Sea* brought 492 smuggled Tamils to Canada after three months at sea.

The legislation would make it easier to prosecute human smugglers, impose mandatory minimum prison sentences and hold ship owners accountable for any criminal action related to smuggling. The bill also would allow the mandatory detention of illegal migrants for up to one year until an investigation into their

identities and any possible illegal activity was completed.

While the bill is designed to deter people from paying human smugglers to gain entry into Canada, the legislation would allow undocumented migrants who successfully obtain refugee status to be reassessed in five years.

"This legislation risks creating serious obstacles to sponsorship and family reunification," the archbishop's letter said. "Furthermore, it authorizes the detention of refugees for long periods and restricts the right of appeal."

Vancouver Archbishop J. Michael Miller raised similar concerns in a letter posted on the archdiocesan website.

While supporting provisions that would punish smugglers of human beings, he said the legislation "appears to be losing sight of who the criminals are and who the victims are."

"Unfortunately, most of the proposed bill actually pertains to the individuals who arrive without authorization," Archbishop Miller said. "The bill is blatantly punitive toward refugee claimants, both before and after immigration officials have had the opportunity to identify them and establish their backgrounds."

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The bishops' concerns echo those raised by the Canadian Civil Liberties Association, the Canadian Council for Refugees, Ontario Council of Agencies Serving Immigrants, Canadian Centre for Victims of Torture and Amnesty International. Many of these groups have charged that the legislation creates two classes of refugees.

One new immigration think tank, however, has criticized the bill for not going far enough. The recently formed Center for Immigration Policy Reform said shortly after the bill was introduced that it was an improvement over current law but may "prove ineffective in dealing with the majority of problematic asylum seekers, including those arriving by air."

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