



FAMILY SERVICE TORONTO

For People. For Change.

The Honourable Jason Kenney, P.C., M.P.
Citizenship and Immigration Canada
Ottawa, Ontario
K1A 1L1

May 12, 2010

Dear Minister Kenney,

I am writing to express concern about Bill C-11 which proposes amendments to the Immigration and Refugee Act.

Family Service Toronto is a multi-service Toronto organization that has been operating across the city for almost 100 years, assisting families and individuals with counselling, community development, and public education programs. One of our programs, David Kelley Services, provides professional counselling to people who identify as lesbian, gay, bisexual, transgender or queer (LGBTQ) and to persons infected or affected by HIV/AIDS. Another program deals with women who have been victims of domestic violence. Based on our experience in these areas, we are concerned that the proposed amendments in Bill C-11 will hurt refugee claimants, including women who are making gender-based claims and persons claiming on the basis of sexual orientation.

We are concerned that the two-tiered refugee claims process proposed by your amendments will mean that there are no safeguards to protect lesbian, gay, bisexual, transgender or queer refugee applicants who face persecution in their countries of origin but are deemed to come from a “safe country”. We share the concerns of the Canadian Council for Refugees and believe that the introduction of a list of “safe countries of origin” is a mistake. Your government’s amendments indicate that refugees from “safe countries” will not have the right to appeal a decision of the Immigration Refugee Board.

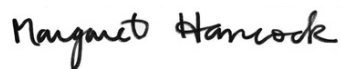
Similarly, women who are making gender-based claims for refugee status will be denied the right to appeal a decision if they come from “safe countries”.

The United Nations High Commissioner for Refugees has stated that even in democracies, there are still grounds for persecution based on gender or sexual orientation. For example, Ghana is a democracy and seen as a safe country, but it is illegal to be identified as gay or lesbian in Ghana. A person who is gay or lesbian in Ghana will be punished and thrown into jail.

The introduction of “safe country of origin” means that the minister has the power to create two classes of refugees: those who have the right to appeal and those who do not have that right. This is unfair: every person who faces persecution should be treated equally no matter their country of origin.

We share Egale Canada’s request to know what protections will be written into these proposed amendments to protect the unique circumstances faced by LGBTQ applicants who are fleeing oppressive environments. Similarly, we also request to know what protections would be given to women making gender-based claims for refugee status. If this cannot be done, we urge you to remove the “safe countries” designation and ensure that there is no two-tiered refugee claims process.

Yours sincerely,



Margaret Hancock
Executive Director, Family Service Toronto

cc. Olivia Chow, MP, NDP Immigration Critic
Maurizio Bevilacqua, Liberal Immigration Critic
Paul Calandra, MP
Denis Coderre, MP
Rick Dykstra, MP
Nina Grewal, MP
Jim Karygiannis, MP
Eve-Mary Thai Thi Lac, MP
Alice Wong, MP
Terence Young, MP
Canadian Council for Refugees
Egale Canada