



Introduction

The Refugee Centre (TRC) is a non-profit organization based in Montréal dedicated to supporting newcomers and refugee claimants. Through wrap-around services, including legal aid, we were able to serve 12,000 individuals in 2024 by helping them navigate Canada's immigration and refugee systems. TRC has had the privilege of appearing as a witness before parliamentary committees in 2022 and 2023 on immigration and asylum-related issues. Our advocacy department works to ensure that policies are effective, equitable and aligned with Canada's humanitarian commitments.

We are submitting this brief to the committee concerning foreseen impacts of this bill on the communities we serve and the refugee determination system as a whole. As an organization working on the frontlines, we have firsthand insight of how legislative changes impact individuals and the systems intended to protect them. We believe our insights will help ensure that Bill C-12 strengthens Canada's immigration framework without compromising safety or efficiency.

Recommendations

1. [73 of C-12, which adds section 101\(1\)\(b.1\)](#):

That the time period referred to in this section be taken into account when assessing the basis of a claim, rather than serving as a strict ineligibility criteria. Include the following exemptions from the application of section 101(1)(b.1):

- Members of the LGBTQ+ community who would be persecuted in their country of origin;
- Victims of domestic violence;
- Victims of gender-based violence (GBV);
- Persons fleeing violence from criminal groups and gangs;
- Unaccompanied minors;
- Applicants whose country of origin has undergone changes that make their return dangerous.

Justification: This provision should be used as part of the Immigration, Refugee and Citizenship Canada (IRCC)'s back-end checks and balances as opposed to a front-end eligibility criteria. This provision should act as a case-by-case consideration to ensure that Canada does not commit refoulement or violate its international commitments.

2. [Ineligibility – Minister's determination – 43\(4\) of C-12 amending 100\(3\)](#)

Ensure that the Minister gives reasons for the decision of ineligibility. Prescribe a period during which the Minister may make a decision different from that of the officer, after which a positive decision of eligibility cannot be changed on the basis of the decision made under subsection (1).

Justification: This will ensure a prescribed timeline within which the Minister can determine a case to be ineligible. If not, the backlog will continue to grow and the integration process of countless claimants will be halted.

3. Documents and information to be provided – 43(5) of C-12 replaces subsection 100(4)

Specify that the Minister will request to see generic application forms, schedule 12, annex A forms, and proof of identity. Ensure that it is clear that the documents provided exclude the submission of evidence and clearly outline the “manner” in which the Minister would receive the documents for the sake of clarity and predictability in the law.

Justification: As the system stands, documents are submitted to the Immigration and Refugee Board (IRB) and the document type is clearly listed. This step comes at an early stage of the process and typically is focused on proving identity as opposed to the basis of the individual's claim.

4. Regulations – 51(4) of C-12 repealing paragraph 111.1(1)(e)

Combine paragraph 111.1(1)(e) with (d) above.

Justification: It is crucial that the regulations include time limits for the Refugee Appeal Division (RAD) to make decisions to ensure the efficiency of the system.

5. Pending claims for refugee protection – 62 of C-12

Have new provisions under subsections 100 (1) to (5) and 100.1 only apply to cases made on and after the day on which C-12 goes into effect.

Justification: Those cases which have been submitted prior to the day on which the bill goes into effect should be treated with the same regulations as were in place the day on which they were submitted to ensure predictability of the law.

6. Orders Made in the Public Interest – 72 of C-12 addition of subsection 87.301(1)(a) to (c), and 87.302(1)(a) to (d)

Include requirements that the government table any uses of Orders in Council to committee within 30 sitting days, this committee should then study the intent and impact of invoking this provision and submit a report to the House of Commons. It is further recommended that this provision be subject to a statutory review every three years.

Justification: The mass suspension and cancellation of applications and documents should not be able to be enforced without going through a procedural analysis of the intended use of the provision. Including a statutory review will ensure that the use and impact of this provision remains relevant and respects the foundations of due process.

Issues

Feasibility

According to the 2020 Auditor General report, one in five removal cases were inactive and unassigned to CBSA [agents](#) due to the lack of personnel. This bill introduces multiple areas

for expanding CBSA's responsibilities. However, the Agency does not have the capacity to meet those needs, even with an additional 1000 agents. This will likely result in a growing number of people with removal orders remaining in Canada. The additional grounds for ineligibility will increase the number of Pre-Removal Risk Assessment (PRRA) applications, as PRRAs will be given to those with ineligible claims. Due to the lack of CBSA personnel, the delay to receive the PRRA will increase significantly.

Reliance on PRRAs will have negative consequences for Canada's federal courts system. Administrative decisions, like PRRA refusals, can only be contested in the federal court, meaning these new provisions will result in an increase in applications for judicial review, a responsibility of the federal court. While this provision may have intended to ease the caseload on the IRB, this will only [further bog down](#) the federal court system.

There are currently an estimated 500,000 undocumented people living in Canada, a number that will grow substantially under this bill. Without legal status, many will be forced into unsafe, under-the-table work, raising serious concerns for their treatment and for Canada's economic stability. As these individuals are unable to pay taxes, the loss of national revenue would further strain overburdened public sectors.

We have seen a significant decrease in irregular asylum seeking. In 2024, only 1,302 people were intercepted, a staggering drop in comparison to the 14,663 intercepted in [2023](#). The economic cost outweighs the need.

Increased ministerial power

Sections 5-8 of this bill place increased responsibility on IRCC, when IRCC is cutting 3,300 positions at all levels and has been ordered to return to pre-pandemic spending [levels](#). As of June 30, 2025 the backlog reached 842,800; a 5% increase from May [2025](#). This bill's provisions will worsen the backlog. The section on "Consideration of Claims Prior to Referral" requires the Minister to conduct complementary examinations for each refugee claim. This is unrealistic and would demand more staff within IRCC. Given IRCC's limited capacity, this measure will likely increase delays.

Furthermore, this bill will allow for the mass cancellation of immigration documents and applications with very little oversight. The only justification needed is for it to be deemed in the "public interest." This term is extremely vague and leaves room for interpretation as opposed to being rooted in procedure. This sweeping power almost guarantees that cancellations and suspensions may be tied closely with political motivations.

This provision would face Charter challenges, particularly under section 15, which prohibits direct and indirect discrimination based on enumerated and analogous grounds, such as [non-citizenship](#) and nationality. These measures create distinctions based on non-citizenship, but since they could be applied to specific groups of foreign nationals, it could also result in discrimination based on nationality.

Ineligibility

The bill also expands grounds for ineligibility, most notably through a one-year bar on claiming. Parliament has raised concerns surrounding the credibility of claims filed after one

year, but Refugee Protection Division (RPD) decision-makers consider the reasons for delayed claims, as delays can be legitimate. A strict cutoff will leave many people with well-founded fear in precarious status. A delay in claiming is currently addressed through existing IRB safeguards. The IRB guidelines state that delayed disclosure should not negatively impact credibility when considering cases involving gender based violence ([GBV](#)) or [sexual orientation and gender identity](#), for example. This provision could therefore face charter challenges, notably around section 15, as it would create adverse impact discrimination for victims of GBV, and LGBTQIA+ persons, among others.

PRRA-based process

The new ineligibility grounds seem to favour a model based on PRRA. This raises concerns regarding procedural fairness, as it is focused on speed rather than [thoroughness](#). Acceptance rates are very low and oral hearings are rarely given, making it an almost exclusively paper-based process.

It therefore cannot be used as a substitute for an oral hearing with the IRB. As the individual's claim would not have been previously heard, the PRRA will effectively replace the IRB's role for many. Agents would find themselves conducting IRB-style oral hearings, without the procedural safeguards, oversight, and guidelines that are integral to the IRB process. Applicants also face several challenges with PRRA applications including finding a lawyer, submitting within 15 days, lack of knowledge of the system, language, and literacy barriers.

Conclusion

Without amendment, Bill C-12 will harm Canada's economy and reputation without improving efficiency. It shifts bottlenecks, disempowers the IRB, and denies refugee claimants the right to be heard. Transferring responsibilities to already underfunded institutions will only erode integrity and public trust. We urge CIMM and SECU members to consider our recommendations to build a stronger, more just Canada.