

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 9,650 individuals in 2025 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, 2023 and most recently earlier this month, 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\(1\) 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. Mandate that people made ineligible to have their claim referred to the Immigration and Refugee Board (IRB) under this bill are eligible for an "enhanced" PRRA, which guarantees the right to a hearing. 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;
- People who are children or who were children when the one year claim period would have commenced;
- 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 provides an explanation 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), and must be sent for referral to the IRB.

Justification: This will ensure proper guardrails are in place by prescribing a timeline within which the Minister can determine a case to be ineligible. Without such a change 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 the portal summary, 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 (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 and fairness to applicants.

6. [Orders Made in the Public Interest – 72 of C-12 addition of subsection 87.301 and 87.302](#)

It is 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.

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Issues

Increased ministerial power

Sections 5-8 of this bill place increased responsibility on IRCC, despite the fact that it is undergoing severe cuts to staff at all levels and has been ordered to return to pre-pandemic spending [levels](#). Due to these financial and personnel-related barriers, backlogs have continued to grow, as of January 2026, the application backlog reached 2,182,200 applications across permanent and temporary residence, and citizenship categories¹. The provisions within this bill will worsen the backlog and increase pressure on the institution. The section on “*Consideration of Claims Prior to Referral*” requires the Minister to conduct complementary examinations for each refugee claim. In our current system, IRCC agents assess applications for ineligibility and refer them to the IRB for further adjudication when applicable. This provision would require the Immigration Minister to conduct an additional examination after the agent’s assessment. This is unrealistic and would require greatly expanding the working capacity of existing IRCC personnel as well as hiring new agents. Given IRCC’s new budget constraints this measure will increase delays in processing time, and extend the already lengthy wait time for crucial documents such as work permits. The impact this provision alone would have on refugee claimants is far from theoretical. Those who have come to Canada to seek safety from persecution will be forced to live in precarious status or documentation for an undefined time, hereby manufacturing life in limbo for claimants. During this time period refugee claimants will not be able to work, rent apartments, or even benefit from social assistance. This will inevitably create a greater strain on the very last rung of Canada’s social safety net, that being our shelter and food bank systems.

Additionally, The section “*Orders Made in the Public Interest*” allows 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. “*Public interest*” has been further defined through amendments, highlighting matters relating to administrative errors, fraud, public health, public safety and national security. Administrative errors are caused by human error within government institutions rather than applicants. Mass cancellations could therefore occur without any fault or error on behalf of the applicant. Public health and safety are also existing factors used by agents in the assessment process, and national security remains to be an extremely vague term that may enable bad actors to cancel, stop processing, or vary documents or applications of large groups of individuals for politically motivated reasons. This sweeping power almost guarantees that cancellations and suspensions may be tied closely with political motivations.

¹Immigration, Refugee and Citizenship Canada,
<https://immigcanada.com/ircc-immigration-backlog-update-reveals/>

This provision would most certainly 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 provisions, as currently written, create a distinction based on non-citizenship, as the orders can be restricted to certain applications, like work permits, study permits, permanent residence, and temporary residence, among others. Furthermore, the fact that these orders could also be restricted to certain foreign nationals could potentially lead to discrimination on the grounds of nationality, an enumerated ground under section 15 of the *Charter*. It has always been clear that to discriminately exclude certain categories of people from accessing certain benefits and advantages, in this case having a status, violates section 15 of the *Charter*.

Ineligibility

Many provisions in this bill expand grounds for ineligibility, most notably through a one-year bar on claiming. This ban excludes those who have entered Canada, for any reason, on or after June 24, 2020 from claiming asylum after one year of their *first* entry to Canada. This is notably more extreme than the one year ban in the United States which prevents claims a year from the *most recent* arrival. While it has been argued that this provision is designed to address issues of credibility, it fails to recognize that there are existing safeguards in place in Canada's refugee determination system that deal precisely with this issue. The Refugee Protection Division (RPD) of the IRB is a non-partisan body at arms length from the government. This institution ensures that decisions in matters of refugee status are not driven by political motivations. There are multiple reasons for a delay in claiming that do not inherently question the credibility or validity of a claim; this is recognized by the IRB's guidelines and 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. The guidelines also recognize that delays in claiming refugee status should be assessed on a case-by-case basis, with the starting point of that delay being when the risk of persecution arose for the claimant - for many, the risk of persecution arises well after a claimant's first entry to Canada. The IRB's Guidelines and Canadian jurisprudence is clear on this point that a delay in claiming isn't always a reason to doubt a claimant's credibility; this one year bar assumes that it is. A strict cutoff will leave many people with well-founded fear in precarious status. This provision could therefore face charter challenges, notably around section 15, which grants every individual "the right to equal protection and equal benefit of the law, without discrimination."² Section 15 prohibits in particular discrimination based on race, national or ethnic origin, sex, religion, among others. It has since also evolved to include analogous grounds, such as sexual orientation.³ Although the proposed

² Canadian Charter of Rights and Freedoms, s 15, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

³ *Canada (Attorney General) v. Ward*, [1993] S.C.R. 689.

amendment is seemingly neutral, in reality it almost certainly would perpetuate existing disadvantages and create adverse impact discrimination for survivors of GBV as well LGBTQIA+ persons, among others.

PRRA-based process

The new ineligibility grounds favour a model based on Pre Removal Risk Assessments (PRRAs). This raises concerns regarding procedural fairness, as it is focused on speed rather than thoroughness and integrity. In our current system, the PRRA process is offered by Canada Border Services Agency (CBSA) agents to individuals with unsuccessful claims and those who are ineligible to make claims but are admissible to Canada. This is a fully paper-based process with an acceptance rate of [7%](#) without a mandatory oral hearing. PRRA applicants also face several challenges including finding a lawyer, submitting within 15 days, a lack of knowledge of the system, language and literacy barriers. The 1985 Singh Decision established that the fundamental rights of all those physically present in Canada, including refugees, are protected by our *Charter of Rights and Freedoms*⁴ - it also underscored the fact that an oral hearing is critical for a refugee protection claim to ensure that a claimant's section 7 rights are safeguarded. The PRRA is currently meant as an assessment of the risks a claimant might face should they be removed to their country of origin, the claimant is meant to introduce new evidence that may shed light the previous evidence did not. 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. Without oral hearings, the potential for fraud grows exponentially. As mentioned in a report on the IRB's claims assessments by the C.D. Howe Institute, documents cannot replace oral hearings; "*there is no substitute for this process.*"⁵

In effect, we have seen PRRA claims be rejected, when they would have most certainly been accepted, or at least treated very differently, were they at the RPD. This is especially true in cases of GBV. From January 2018 to March 2024, GBV was a factor in nearly 40 000 cases, making it one of the most common reasons why women apply for asylum in Canada. In order to treat these sensitive claims fairly, the IRB has adopted gender guidelines for decision-makers to follow. We have seen time and time again where PRRA officers do not follow these guidelines, most notably by applying harmful stereotypes to these claims. For example, arguments such as that lack of evidence or delay in reporting the abuse contradicts the claim that the person is in danger, when in fact the IRB expressly states that these are negative stereotypes that should not be applied. The federal court has in the past stated that the IRB decision-makers have to

⁴ Canadian council for refugee,

<https://ccrweb.ca/en/refugee-rights-day#:~:text=The%20day%20commemorates%20the%20Supreme%20Court's%201985,principles%20of%20fundamental%20justice%20and%20international%20law>

⁵ The Globe and mail,

<https://www.theglobeandmail.com/politics/article-asylum-rulings-immigration-hearing-security-fraud-cd-howe-institute/>

abide by these guidelines. The same however does not hold true for PRRA officers. The new ineligibility grounds therefore further disadvantage survivors of GBV, as these claims are treated very differently in the PRRA process.⁶ This would put them at a clear disadvantage compared to other groups, therefore violating section 15 of the *Charter*.

Furthermore, as previously stated, the PRRA process raises serious procedural fairness concerns, particularly in the case of PRRAs given to ineligible claimants, as it is an almost completely paper based process. Only in rare cases are hearings actually given. However, the right to be heard is, as stated by the federal court, a cardinal principle of natural justice. The process also does not include as many procedural safeguards as the IRB. Indeed, there is no mechanism for appeal, meaning a negative PRRA decision can only be contested at the federal court, and this judicial review process does not protect the claimant from deportation, contrary to when a claimant appeals at the RAD.

Feasibility

This bill introduces multiple areas for expanding CBSA's responsibilities. However, the Agency does not have the capacity to meet those needs. 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 will result in a growing number of undocumented people/people with removal orders remaining in Canada. The additional grounds for ineligibility will increase the number of PRRA applications. Due to the lack of CBSA personnel, the delay to receive the PRRA will increase significantly, leaving even more people in limbo. 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, mimicking the reality in the U.S, and raising serious concerns for the treatment of asylum seekers 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, impacting shelters, and emergency rooms the most as the shadow economy continues to grow to the detriment of Canada's long-term fiscal viability.

Additionally, a system shift towards 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. 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 IRCC and IRB, this will only [further bog down](#) the federal court system.

There has been 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](#). With 34%⁷ fewer asylum claims, the economic cost outweighs the

⁶ <https://www.cbc.ca/news/canada/domestic-violence-asylum-claims-canada-1.7425240>

⁷ Immigration, Refugee and Citizenship Canada, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/statistics-open-data/immigration-stats/asylum-claims.html>

need. Closing legal and accessible pathways to protection not only impedes on the international obligations Canada is a signatory to, it will further plummet Canada into crisis; emergency rooms overflowing, more people sleeping on the streets after being turned away from overcrowded shelters, and growing labour shortages in critical fields like healthcare and agriculture. Everything that makes Canada unique will stagnate, all the while denying our country the additional talent, cultural wealth, grit and determination that asylum seekers and immigrants bring.

Conclusion

Without meaningful amendments, Bill C-12 will harm Canada's economy and international reputation without improving efficiency. The provisions in this Bill will closely align Canada with the U.S. at a crucial time where it seeks to diverge from a U.S. based world order. 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. The provisions in C-12 weaken non-partisan decision making institutions, and empower the Minister to invoke powers that bypass due process. Bill C-12 is not a remedy to the backlogs and bureaucratic delays that Canada's immigration system experiences today; it is a harmful piece of legislation that will further overwhelm crucial institutions and further damage public sentiment towards newcomers of all kinds. Canadians' growing anti immigration sentiment is the result of misplaced fear and pain. Without proper transparency from the government, without the political scapegoating of migrants, and with a well rounded understanding of the realities behind Canada's growing affordability crisis, Canadians continue to support newcomers, especially refugee claimants.