

**Courage My Friends Podcast Series IX – Episode 4**  
**Bills C-2 and C-12: How Canada's Border Security Acts Endanger Refugee Rights**

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**ANNOUNCER:** You're listening to *Needs No Introduction*.

*Needs No Introduction* is a rabble podcast network show that serves up a series of speeches, interviews and lectures from the finest minds of our time

**RESH:** What exactly is Bill C-2 and how has it changed with the introduction of Bill C-12? Why does Canada need new border security acts? Is this a response to the Trump tariffs or an opportunity to push through legislation aimed at fraying the rights and protections of those seeking asylum in a crises-gripped world? In prioritizing so-called "security" over sanctuary and fear over compassion, how are the Carney Liberals sacrificing Canada's obligations to refugee rights on the global stage and here at home?

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In the words of the great Tommy Douglas...

**TOMMY (Actor):** Courage my friends, 'tis not too late to build a better world

**COURAGE MY FRIENDS ANNOUNCER:** This is the Courage My Friends Podcast.

**RESH:** Welcome to Episode 4, Bills C-2 and C-12: How Canada's Border Security Acts Endanger Refugee Rights.

I'm your host, Resh Budhu.

In this episode, we welcome Co-Executive Director of the Migrant Workers Alliance for Change. Karen Cocq, Advocacy and Media Relations Coordinator at the Refugee Center in Montreal, Alina Murad and President of the Canadian Association of Refugee Lawyers, Aisling Bondy.

**RESH:** We discuss the Carney Government's new border security acts, Bill C-2, and its questionable makeover with the recently tabled Bill C-12. How they effectively rewrite Canada's approach to refugee rights and protections. Whether this new security regime is a response to the Trump tariff demands, or an opportunity to continue Canada's years-long tightening of the borders. And if passed, what these acts could mean for those seeking asylum and for Canada as a whole.

Karen, Aisling and Alina, welcome. thanks for joining us. Let's begin with some introduction. Karen, tell us about yourself and the Migrant Workers' Alliance.

**KAREN:** Hi, thanks. my name is Karen Cocq and I'm Co-Executive Director of the Migrant Workers' Alliance for Change. We are a membership-based organization of migrants working in farm and fisheries and food processing, care work, current or international students, and undocumented migrants who are working in a number of sectors, but primarily in food service and in healthcare. And we also are the Secretariat of the cross-country Migrant Rights Network.

**RESH:** Thank you so much. And Aisling, you are joining us from the CARL where you are President. So tell us more about that.

**AISLING:** Yes, I'm president at the Canadian Association of Refugee Lawyers or CARL. We were founded in 2011 and we're an association of lawyers across Canada and law students practicing in the field of Refugee Law.

Our organization is very active in litigation, in advocacy, on issues reflecting refugees and other vulnerable migrants. And also we provide education and other resources and supports to our members.

On a personal level, myself, I've been practicing in the field of immigration and refugee law since 2007.

**RESH:** Lovely. Thank you so much. And Alina, tell us about yourself and The Refugee Centre.

**ALINA:** Thank you. Hi. Yeah, my name is Alina Murad. I am the Advocacy Coordinator at Le Centre de Réfugiés or the Refugee Centre. We're based in Montreal and we provide wraparound holistic support for primarily asylum seekers, but people of all newcomer backgrounds.

And we do have a full-service legal aid clinic, as well as a number of other great departments that help our clients along the way with their resettlement journey.

**RESH:** Thank you And again, welcome to all of you.

So this past June, the Government of Canada, under Prime Minister Mark Carney, introduced Bill C-2, The Strong Borders Act, which has just undergone a bit of a transformation, which we will get to.

But Karen, give us an overview of the content of the original Bill C-2.

**KAREN:** The original Bill C-2 was this sort of monstrous Frankenstein omnibus Bill that contained changes to a number of different pieces of legislation and everything from the Oceans Act to the Immigration and Refugee Protection Act and a number of

other pieces of legislation, including the Drug Registry Act and a few others. And basically what C-2 did, it was called the Stronger Borders Act, but what it was intended to do was to supposedly strengthen the border in order to crack down on the flow of illicit drugs and on migrants and fraudulent or the financing of drugs and money laundering. And to supposedly tighten up or fix the immigration system. So it included everything from giving Canada Post the ability to open people's mail, new warrantless data access powers for government agencies, the ability to be able to force for example, cell phone providers or internet providers to change their backend systems so that government agencies could more easily access people's search history and data. Information-sharing between government agencies and foreign entities.

And obviously the concern that we have all here today, but a number of significant changes to IRPA, the Immigration and Refugee Protection Act.

The three kind of top level ones that were a major concern was putting an arbitrary one-year time limit on the ability to be able to apply, to put a refugee claim in. So once a person had been in Canada for over a year, they could no longer apply for refugee status.

A closing of the 14-day window because of the Safe Third Country Agreement, migrants cannot come and claim asylum from the United States unless they cross between official ports of entry and can stay undetected for 14 days. And so that was what was happening at Roxham Road and across the border, the land border in Manitoba, for example of people crossing and trying to remain undetected to be able to then claim asylum coming from the US, the closing of that 14-day window.

**KAREN:** And what was a particular concern for us in terms of the volumes of people that would be affected was granting the Minister the ability to cancel or suspend immigration permits or applications. So that could be everything from visitors' visas to study permit applications to PR applications. To be able to cancel them or suspend them on mass and without access to due process. Same with the asylum questions.

So it was really an omnibus bill that was framed as trying to tighten up the border and trying to tighten up the immigration system as a response to Donald Trump's tariffs.

**RESH:** **CARL** issued a statement warning about changes to the refugee claims process, as Karen just described. That to quote, you, Aisling "will have a disproportionate impact on vulnerable groups, including women who have experienced gender-based violence and members of the LGBTQ+ community".

So, could you tell us more about these concerns and how it would disrupt the claims process from the perspective of CARL?

**AISLING:** Yes, we feel that these groups are disproportionately impacted because there are a lot of circumstances in which someone might enter Canada and not make their claim within a year from those communities.

For example members of the LGBTQ community, let's say someone is coming to Canada as an international student when they're 18 years old, from a country where being LGBTQ is very much repressed. They might not yet be aware of their sexual identity. You know, they come to Canada, they study for two or three years and then come out, right? They realize they're LGBTQ and that they will be at risk if they return to their country. And they go to make a claim at that time, they cannot do so. They're banned and for life at that point. It's not a question of they can leave and return. It's not one year from your last entry. It's one year from the first time you entered Canada ever.

So from that point forward, that person can never, for the rest of their life, make a refugee claim in Canada.

**RESH:** So that's completely new.

**AISLING:** Very much so. Yes, that is completely new. There's nothing like that before in refugee law. I mean, certainly if there's a delay in claiming that can be considered as a factor at your hearing. That's something right now, you would make your claim, you go to an oral hearing and the member would ask about it and the person would have the opportunity to explain. You know, I came to Canada when I was 18, I hadn't really thought much about romantic partners and I'm from a place where people don't speak openly about being LGBTQ. It's only, when I was in Canada, I was 20 and I started realizing this, for example. They could explain all that at their hearing. If this bill passes, no, they're just barred. They're banned from making an asylum claim. And leaving Canada and returning is not a cure. It's not from your last entry, it's one year ever. And so very much that community could be impacted.

Similarly, women fearing gender-based violence. It could be, you know, woman who comes to Canada, who was abused back home. Because of the trauma, it could take more than a year for her to come forward with her claim. But also a scenario that I see is a woman might come to Canada as a worker, as an international student, they're here with temporary status. While in Canada, they enter a romantic relationship with someone from their country of nationality, or maybe they even travel to Canada with the abusive partner. Person becomes abusive in Canada, they're charged in Canada, the abusive partner for the abuse, and end up being deported because of the charges. And the partner will say, I blame you. They'll say to the woman here, I blame you. I am being deported and it's your fault. And the moment you get back home, I will exact my revenge on you and the police back home will not do anything. Maybe in Canada I was arrested, but when you get home, I will not, and I will retaliate against you there.

And so the woman will make a refugee claim saying, if I am deported home, if I return home, I am in danger. And she is banned right now because if she entered

Canada for the first time more than a year ago, she cannot make that claim. She is banned from doing so and doesn't even have that opportunity to explain what happened and the reasons that she didn't make the refugee claim within a year of her first entry to Canada.

And again, it's a lifelong ban.

**RESH:** So from the advocacy and services side, Alina, what were, what are the fears around Bill C-2?

**ALINA:** That's a great question. I mean, there are many, many fears. A first one would be, as my colleagues already mentioned briefly, the lack of due process that this bill is working towards, right. So throughout the immigration sections of this bill, we see that there's a shift towards a Pre-Removal Risk Assessment-based procedure. This Pre-Removal Risk Assessment is only given to people who are found ineligible, people who have a removal notice. And it's very, very important to note here that it is very, very different from an oral hearing. It's a paper-based process. And so what this bill is essentially forcing people to do is give up their right to an oral hearing. And as Aisling was just saying, you will not have these opportunities to clarify questions about whether it's your sexuality or whatever else it is.

When you are submitting a Pre-Removal Risk Assessment application, they look for very, very different things than what they do in an oral hearing. They're looking for a basis of which you would be in danger if you were to be removed. And that is very different from what you would disclose in an oral hearing. That would be, you know, what is the basis for your claim? Why are you claiming refugee status, right?

**ALINA:** So this really does hinder a huge portion of the demographic that we serve. I mean, PRAs would be given to people who are deemed ineligible under the Safe Third Country Agreement. Under this bill it would be under the one-year ban, the 14-day closure. And those who are found ineligible without the right to appeal. So it's a huge, huge portion of people who would be forced purely just through a paper-based process in this system.

And this is of course, a huge concern for service providers. How can we best equip our clients to be ready for this process? Especially considering that there's a timeline of 15 days to submit that application.

There's a lot of barriers that come with this. For example, knowledge of the system, language ability, your digital literacy, your ability to find a lawyer, especially one with a legal aid mandate. I mean, the concerns go on. But this is definitely a huge root of the concerns for service providers.

**RESH:** Absolutely. And we saw the expression of these concerns because upon its introduction, the Strong Borders Act immediately met with overwhelming dissent from civil rights groups right across the country.

And by the time it got to its second reading a press conference on behalf of a broad coalition of over 300 of these groups was held on Parliament Hill demanding the withdrawal of C-2. Karen, you were one of the main speakers at this press conference, so could you speak to the mobilization that came out of it?

**KAREN:** Yeah. What happened when the bill was first tabled? I mean, it kind of took us all by surprise because we have to remember it was first tabled at the beginning of June. You know, Mark Carney's government was not even two months old at that time.

So this was the first significant piece of legislation that the government tabled, which was not anything that the government campaigned on. That he campaigned on or the Liberals campaigned on. So it really surprised folks in this area of work, who work with migrants. And the outrage, like you said, was very swift.

So as the Migrant Rights Network, we started drafting the statement. We connected with the Canadian Council for Refugees and the International Civil Liberties Monitoring Group, to address both the civil liberties, the data privacy, and the surveillance concerns, as well as the immigration concerns.

And while we were in the process of drafting a very short statement and getting endorsements, statements were popping up from all corners. So by the time we actually got around to doing our press conference on June 18th, over 300 organizations represented about three different statements that had come out.

So from the settlement sector, a statement that was led by OCASI, and our statement as well as the statement coming out from the civil liberties data privacy folks. And by the time we made it to the press conference, there was another statement from feminist organizations and groups that work on gender-based violence.

There was another statement from the health sector and people who support folks who have precarious status and are dealing with health issues. And that was led by the HIV Legal Network.

So it was really just an outpouring of criticism and concern to this bill because of the sweeping powers that the bill would give on many fronts to the government. But also the ways that it would shrink due process across all fronts. The way that none of it was evidence-informed. For example, some of the measures meant, in C-2 to "stem the flow of illicit fentanyl across the border to the US". Well, that illicit flow of fentanyl across the border to the US doesn't actually exist. It's not real in the facts and in reality,

**RESH:** Even the US Customs and Border Patrol said it's something like 0.7 or 0.4, some really negligible amount, right?

**KAREN:** Yeah. It's totally negligible. It's not a thing. C-2 was so clearly a response to Donald Trump and to the tariffs, and that justification was used as an opportunity to kind of ram in a bunch of things that I think from across a number of different departments people were wanting.

So the Canadian Association of Police Chiefs, for example, has come out in favor of all versions of C-2. There was a push from CBSA for more money for border enforcement. There was a push from CSIS to get more access to data and stuff.

So it was really. using this political moment to try and push through a bunch of things that served other agendas, that I think really raised the ire of a number of different organizations.

And what was interesting about the mobilization is that, and I think Alina and Aisling can speak to this, you know, folks who do like the migrant rights sort of stuff, we don't usually work with people who do internet data privacy or even civil liberties that affect specifically Canadians in terms of data privacy or access to cache or, you know. So because it was so sweeping this bill, it brought together folks from all walks of Canadian, civil society or what have you.

And so now it kind of generated this coalition, this broad network of organizations that CARL is in, that The Refugee Center is in. Over 70 organizations that are meeting on a biweekly basis, strategizing about how to defeat this bill. Strategizing about how to put pressure on the government and reaching a very broad audience, very broad and diverse audience of Canadians and also of migrants, to raise concern about this and speaking across the issues. Having people from Open Media, talking about data privacy, but raising concerns about the immigration changes is very powerful.

**RESH:** And, not only did the Strong Borders Act, as you said spark incredible dissent from civil society groups, but Opposition Parties, the Conservatives, the Bloq, the NDP, the Greens said they would not support it for various reasons, right? Which is not a good position for a new minority government to be in.

So in response, the Liberals said they would bring in a new bill, and on October 8th, two days before we're recording this interview, they've tabled Bill C-12, the Strengthening Canada's Immigration System and Borders Act. So Aisling take it from here, what's happening now and what's changed?

**AISLING:** Yes. So this is quite new. What it looks like, C-12 is essentially the same bill, but some of the privacy sections that the Conservatives said they would not support have been removed. The immigration and refugee side is essentially unchanged.

I was at a meeting yesterday with several lawyers and we were going through the C-2 and C-12 wordings and looking for any changes and we couldn't find anything material. I don't know if someone's popped up a change of a word or two here and there, but so far we haven't seen anything. So it really seems like it is the same bill.

**AISLING:** The purpose of C-12, my understanding is so that they can pass all of the parts of it, that the Conservatives support, because they need the support of at least one more party. So they think that they can at least get that through quickly.

Initially, when this was announced that there was gonna be a new bill, our understanding was, okay, so they're gonna withdraw C-2 and pass C-12, but now we find out they're gonna keep C-2 moving along so that they can still try to pass those privacy aspects that the Conservatives won't support somehow get them through.

But the differences between C-2 and C 12 are not immigration refugee focused because they have the support from the Conservatives it seems to pass that. It's really on the privacy side. So my understanding it's being able to check people's mail without a warrant and some other data surveillance aspects. But refugee is the same.

And unfortunately, when we first heard, oh, there's a new bill, we heard the Conservatives won't support C-2. This is great, maybe it won't pass. And we heard there's gonna be a new version. Okay, maybe they're gonna, you know, make some of the refugee aspects less bad. And then we find out no, everything's the same and this is really just a way to get it through faster.

And so this actually entirely is a rather unfortunate development.

**RESH:** So C-12 could act as a clearing path for C-2?

**AISLING:** Yeah, basically C-12 is all the aspects of C-2 that the Conservatives will vote for. At least that's our understanding, right?

Because what Pierre Poilievre publicly said, I don't support these things, I won't vote for C-2. Quickly there's a new version of the bill. So our understanding is they know the Conservatives will vote for what's in C-12, so it can move through more quickly. And probably what they'll do then is amend C-2 to delete all the sections that were in C-12 and just try to find a way to get those other ones passed.

But ultimately, it doesn't directly impact refugees other than the fact the provisions relating to privacy can impact them in the same way it would impact anyone else in Canada. But the refugee sections are the same. It's just a new bill so that the Conservatives will vote for it. And then they'll have the support they need to get it through the House.

**RESH:** Interesting. Okay. So let's get into the wider context. And we've already started to talk about it, but let's really get into it. So when introducing the Strong Borders Act, the original. Minister of Public Safety, Gary Anandasangaree said that it was, "to ensure Canada's law enforcement is equipped with the tools they need to stay ahead of organized crime groups and crack down on illicit activities", and that it was "essential to maintaining the safety and security of our country".



And that statement hasn't really changed either. When you're looking at C-12 now. Alina, your thoughts on this rationale and whose safety are we talking about?

**ALINA:** Well, that is a great question. Whose safety are we talking about? And in this case, I can say with a hundred percent certainty, it's not the safety of refugees and asylum seekers that we're talking about. And it is of course very, very disappointing.

Honestly, in my opinion, I think that this justification is a misunderstanding on politicians' aspects on their sides. There's a lot of rhetoric going around within Parliament, within people who are decision-makers that people abuse the refugee system in order to extend their stay.

This is not factual really. Our numbers don't agree with this statement.

Oftentimes when politicians are speaking in the House about this bill, particularly about migrants coming with "falsified documents", they're not understanding exactly what they're speaking about.

They use this talking point to talk about refugees coming. And when they use an example of this "abuse of the system", the examples that they're giving are international students who have unfortunately been swindled. It is not on their side that this is something that they have decided to do.

There were unfortunately bad actors in Canada and in various countries of origin that were, unfortunately falsifying certain kinds of documents for international students.

I would like to just, again, reiterate that this is not the fault of the students themselves. This is the fault of bad actors within institutions.

And so if that is actually the concern for this Minister, you know, go after the, Canadian bad actors that are enabling this to happen. Do not go after individuals. So I think that this justification largely comes from, in terms of immigration, it comes from a deep, deep place of misunderstanding of our system. Misunderstanding of how people are using our system and operating within the system. And also focuses primarily on the other aspects of the bill that I cannot speak to, unfortunately.

**RESH:** And I do wanna get into the rhetoric around international students because this is a big thing right now as well. But he went on to say that "it is also a priority that we share with our neighbors".

And Karen, you've already started speaking about this act, or now acts, to placate the Trump administration. So could you speak a bit more about this in terms of what is the role of the US in all of this?

**KAREN:** I think that, yes, in some ways in terms of the timing, what's been happening with the tariffs and trade issues over this year? Yes, it has somewhat to

do with the role of the US but I wouldn't want us to put all of the blame there. Because actually what's been happening, if you take a longer view, is that even under the previous Liberal government, under the Trudeau government, the cuts that were made to the immigration system, through the Levels announcement in 2024 and some of the changes that were made throughout 2023, even. The cuts that have been made to the immigration system so far in the last two years have been absolutely historic and devastating.

The reason for those cuts, you know, this is before tariffs, before Trump even got reelected, there's been this real increase in the scapegoating of migrants in general, for a number of crises that are actually policy problems and economic problems.

, The scapegoating of asylum seekers for being overly burdensome on social services right? Puts the blame on asylum seekers as opposed to the chronic underfunding from both provincial and federal governments over what is now decades of things like healthcare, affordable housing, the shelter system, basic social assistance.

And then after COVID, the level of inflation that we were seeing over the last few years, people were seeing record high prices at the grocery store. People were seeing record high prices of rent. People were seeing record high prices of interest rates.

This is a trend that we've seen around the world in the last five years. In times of economic crisis, and of intense austerity in order to justify some of those policies... In times of economic crisis, migrants and immigration historically over decades, over even centuries, around the world are a very convenient kind of classic scapegoat for problems that are actually political and economic in nature.

So in Canada, we started seeing in about 2022, a real clear and false linking of international students with the housing crisis, with lack of access to affordable housing and high rents.

**RESH:** And the food crisis.

**KAREN:** And then the food crisis as well. So we started seeing it in 2022 and that was a response to the measures that governments, for example, were not taking around affordable housing and building affordable housing and regulating the housing market, which is highly speculative now. Like the rental market is almost completely controlled by real estate investors and equity firms. A for-profit housing market that the government hasn't done anything to regulate in basically 20 years is the actual cause of the housing crisis and of skyrocketing rents and lack of availability.

We don't have an availability problem of units, we have an affordability problem of units.

I don't remember the numbers, but like in the tens of thousands of vacant units, for example, in Ontario. So it's not a build problem, it's a regulating for-profit housing problem. Like removing rent controls in provinces across the country, for example.

So this is a real trend that we've seen around the world and something that's been happening for a while now in Canada. And as the fortunes of the last Liberal government started to wane and the Conservatives were on the attack, we saw the Trudeau government kind of turn on migrants to shift the blame for some of the economic problems that the Conservatives were complaining about.

And I don't wanna diminish it. The housing affordability crisis and the cost of food, transit. Like these are real problems that are making it difficult for folks across the country to pay the bills and put food on the table and take care of their kids. These are very real problems.

But what the government was doing was trying to shift the blame for those in an attempt to try and salvage their public support. And after Trudeau resigned and then going into the last election, that wave of migrant scapegoating had really been cemented by the government's own cuts to immigration.

So we see this problem where migrants are being scapegoated for economic problems, and then policies targeting migrants get put in place, which only cements that scapegoating. And so now we have this situation where even before Carney was elected, we were seeing over 1 million permits were expiring in 2024 of people who came with the hope of being able to apply for a work permit, being able to get enough work experience to be able to apply for permanent residency. People who were hoping to make asylum claims. Like over 1 million people whose plans for being able to stay in the country and build a life, build a family, were ripped out from underneath them from one day to the next. And so C-2 is really riding that wave. Trump's tariffs were a kind of a convenient hook to hang it on, but this has been a longer-term problem

**RESH:** Yeah. And right now, we also have Conservative leader, Pierre Poilievre talking about getting rid of the Temporary Foreign Worker Program because it takes job from Canadians and we are feeling the impacts yeah of the cancellation of those study and work permits. And again there's always been every kind of racism in this country, but right now one of the main targets are South Asians.

Alina, you have been writing about this. C-2 and C-12 are extreme pieces of legislation, but even before all of this, you put out an article back in May, *How Canada Could Modernize and Streamline its Asylum Claims System*. And you too pointed out that Canada has been tightening the borders for a while now. So do you wanna say a bit more about that and what is the cost of all of this? When we're getting rid of all of these people or not letting them come into the country, what is the cost to us as a country?

**ALINA:** Right. Well, I'll start with that last question.

What is the cost to us as a country? I think, on one hand, this is our basic humanitarian and international obligations, right? Like this is something that Canada has signed multiple agreements to carry out and follow through the right to seeking asylum in Canada.

I do think it's very important to highlight the ways in which migrants of all kinds benefit the Canadian society.

I do wanna be careful about this point though, because refugees and migrants should be able to access Canada, access safety without being a benefit to us, right? Like it doesn't need to be a transactional, agreement or system. This is something that goes against essentially international obligations that we do sign.

With that being said, refugees, specifically asylum seekers have shown that within the first two years of arrival, they economically outperform almost every other category of refugee. And in some provinces, they actually battle the earnings of economic migrants. And this is in addition to experiencing all of the barriers that asylum seekers face when they come to Canada.

This happens after people experience the wait times, the extremely long wait times of receiving their work permit, sometimes of receiving their brown paper, which is their identity document. You cannot do much without having a valid form of ID, right? So they have proven time and time again over years, which they shouldn't have had to do, but they have proven that they are an enormous benefit to Canada, economically, socially, culturally in many, many different ways, in a plethora of different ways.

To go back to your first question about the tightening of borders, I would wanna point back to, I think it was 2023, when the Safe Third Country Agreement was extended. Prior to this, the Safe Third Country Agreement allowed for irregular crossing points such as Roxham Road, as Karen mentioned at the beginning of the episode.

What I would like to point out is the way that politicians and media were talking about irregular crossing points, specifically Roxham Road, which was a very, very popular one because of its geographic location on the border of New York and Quebec. They were describing irregular crossing as illegal crossing.

At that time, it was not. They were referring to this as a loophole, when it was not a loophole. This was put in place purposefully to respect our obligations, to respect the right to seeking asylum.

The reason I bring this up is because if we can zoom out and look at how policies get made, how public perception, as we mentioned, which is creating more and more anti-immigrant rhetoric within our society, how these inform each other; I would argue that it's a cycle. They inform each other. Like politicians, when they create

these anti-immigrant policies, it signals to society that this kind of rhetoric is all right. And vice versa. When society creates this sort of rhetoric, politicians respond. And so when the media was unfortunately falsely reporting that this was illegal migration, I've heard politicians, myself say those words again when it is factually incorrect, right?

And so because of this, in part, that is why the Safe Third Country Agreement was expanded in 2023, closing Roxham Road, closing all of the other irregular entry points. That's not to say that people cannot cross irregularly, as Karen was mentioning, it's just that it's way more dangerous. It is way more dangerous for people to do this.

It is an arduous process. The risks of getting caught, the risks of having a health crisis, you know, there's a lot of risks that come with this. So the tightening of the borders comes with increased violence, I would say, against asylum seekers.

**RESH:** And the whole philosophy of the Safe Third Country Agreement, given what's happening in the US now. I mean, that would probably take an entirely new episode to talk about, that.

But going back to Canada's international obligations. Aisling, what kind of impact is all of this having, or can all of this have on Canada's global standing, specifically our moral obligations and commitments under international law, the UN, the High Commission on the Rights of Refugees, the Refugee Convention. We've signed on to a lot of things.

**AISLING:** Yes. And also I'll add our obligations under the Charter of Rights and Freedoms part of the Canadian Constitution. Very much so.

We have a lot of concerns about it. Banning people from accessing the refugee process on what is really an arbitrary ground. Those people or some of them, I should say, might have access to, as Alina mentioned before, a Pre-Removal Risk Assessment, which is an entirely written process and usually does not involve any kind of oral interview or hearing and some other concerns. But not everyone has access to that. Because that process, that written process is only for people who are facing deportation.

Canada does not deport to some countries such as Haiti. Venezuela, Iraq, Syria, Democratic Republic of Congo. If you're from one of those countries, since you can't be deported... So if you arrive in Canada, you're attempting to make a refugee claim, you're banned from doing so, but you can't be deported, you get nothing. You just stay here in limbo. There is no process for you. And some people might say, okay, well, they get to stay here in limbo. The real impact is what if you left your spouse and children back home?

Since there's no process for you to acquire status, you're just kind of here without status, but undeportable; there isn't a process in which you can include those family members to join you in Canada. And we see this right now, 'cause other people who

are banned from making a refugee claim in Canada are those who've already at some point filed an asylum claim in the US. And we see this routinely.

Someone comes to Canada, one of the family members makes a claim, they're not allowed to do so, they can't be deported. So they don't get a PRA. They're left in limbo and they have a spouse and children overseas and there's no way for them. Usually if your refugee claim is granted you would apply for permanent residence and bring them.

Another major concern, if you do get a PRA and it's refused, if you appeal, you can be deported while that appeal is ongoing. With a refugee claim, you cannot. In most cases, while you're appealing, if your refugee claim is refused and you're appealing that decision, you can't be deported until the appeal is decided.

With the PRA, your only appeal is a judicial review to federal court. Very complex process. It's a very lawyer-designed process. The judicial review requires citing case law and concepts like Standard of Review. Whereas the regular refugee appeal that exists right now, it is more accessible. Judicial Review very much not so, and there's nothing stopping the government from deporting you while that's ongoing other than filing a motion to the federal court, very complex as well.

So the situation for people, I think it's discriminatory, the sort of arbitrary ban on being able to make a refugee claim. And the impacts that it will have on certain groups.

We discuss, for example, women, LGBTQ, there are others, but also then this inferior process that some people will get instead, I don't believe meets our obligations. This is me purposely speaking under international law, under the Charter.

And even, I mean, I like the wording you're using as Canada's moral obligations. We're a country that has certainly our shortcomings, but we tended to pride ourselves on being, you know, relatively open to refugee claimants, refugees, migrants.

I think this really is a moral failing. It's just a total arbitrary ban that I don't think achieves any of the government's stated goals.

**RESH:** And it totally sort of overwrites or rewrites the refugee protection system as you're saying. I mean, I didn't come as a refugee, but so many of us came to this country because of Canada's reputation, because of the Charter of Rights and Freedoms that kept us here.

This is all very frightening. And we're sort of witnessing what could be the end point of this, or maybe the middle point of this by what we're seeing in the United States. This widespread draconian crackdown on immigrants, people documented or not, in

some cases, citizens. Karen, is Canada heading in the same direction and are there specific groups that are being targeted or being privileged in all of this?

**KAREN:** I think that Canada is heading in that direction, but I would also say that it has been doing so for a while. Let's remember that CBSA didn't even exist before the changes to IRPA in 2001, after the Twin Towers fell. We tend, I think, in this country to forget the long arc of our actually very racist history and very racist immigration policy.

**RESH:** We have that boast that we were the first race-free immigration system in the world. We brought that in in the 1960s. But yes, this can very much be questioned.

**KAREN:** Yes. Well, I mean, that was also the beginning of all of the temporary work and migration programs, which have been called by the United Nations "contemporary forms of slavery". So the moment that Canada's all whites immigration policy ended, temporary immigration schemes began. Because there was a very clear decision, a very openly, publicly acknowledged decision, based on the kind of narrative, around trying to build the country, build the economy in the fifties and the sixties, that was explicit about no longer wanting people who were racialized to be able to stay. It was okay to come and work, but it wasn't okay to stay.

In 2026, will be the 60th anniversary of the Seasonal Agricultural Workers Program, which is the backbone of the Canadian AgriFood system. And it is entirely based on temporary labour. And by temporary I mean people who are not allowed to stay permanently, even though the need for that labour is permanent.

We have members for example, like migrant farm workers who have been coming to Canada for 25 or 30 years to work and are never allowed to bring their families, are never allowed to stay, contribute to EI and CPP and can never get it. Pay taxes through the goods that they consume, pay taxes through the rent that they might pay to their employers and don't receive a benefit of it whatsoever. We can go even further back and we can look at the Chinese Exclusion Act and the Chinese Head Tax. That this country actually was built on the exploitation of racialized labour for which immigration and particularly temporary immigration schemes were the mechanism of their exploitation and of their exclusion from equal rights and equal access to protections under the Charter, or equal access to basic labour rights.

That is actually the story of this country. That is actually the story of how this country was built. And so, if you look at it that way, we have been on the same path that the US is on for just as much time.

It's obviously very concerning, you know, to see the raids that are happening. What's going on in Chicago now, what was going on in LA a few months ago. It's easy for us in Canada to kind of get very distracted by what's happening in the US and by US politics. Our social media feeds drive us to the US. It's very easy for us to be distracted by the US And as we saw during this last election, this sort of idea that Canadians or Canada or the Canadian economy or Canadian laws are somehow kind of morally superior to the US acts as such a useful foil for so much stuff. And so

this elbows up narrative that got Mark Carney elected and then he turned around six weeks later and tabled Bill C-2. So how morally superior actually is it?

I think we need to be very mindful of not falling into that trap because it means that it is easy to criticize what we see across the border and less easy to criticize what we are doing ourselves in this country to people who are our neighbors, our friends, our coworkers, to migrants. Like you asked earlier, what is the cost?

Yes, the cost is highly moral. The cost is highly political. But as I was saying, migrants underwrite the social safety net in this country.

Migrants underwrite the social safety net.

The work that they do, the taxes they pay, the money they spend. There are places in this country, rural, remote communities that are absolutely held up by migrant labour who work in those fish-processing factories or on those farms, who spend in those local grocery stores, who pay rent to local landlords, absolutely sustained by migrant labour, migrant spending and by the communities that migrants build in this country.

So the cost is enormous to the changes, the direction that we're going in. But it's also that the direction that we're going in is by design. These are not accidents that this has happened, right? The temporary immigration schemes, the Temporary Foreign Worker Program, these are policy choices. These are decisions that were made.

The decision to, for example, deny postgraduate work permits to international students who are private colleges. That's a policy choice. Even though this brings so much money into the country, there's jobs on the line. These are all policy choices. None of this is by accident. All of this is by design.

And that's why for us, the Migrant Rights Network, our kind of siren call since the beginning has been status for all, permanent resident status for all. Because we have seen how through history in the foundation of this country, temporary immigration status and the ability to be able to control a racialized person's ability to stay in this country has been fundamental to securing the exploitation and the ability to be able to extract wealth, and labour from people from whom we do not want to give rights in return.

And the last example I'll use, which is just so stark. When we're talking about protection and fleeing persecution. All you have to do is compare the Ukrainian Temporary Visa program to the Gaza Temporary Visa program. It is absolutely scandalous the number themselves, and it is absolutely scandalous that not a single person from Gaza has been able to be evacuated using that program. Whereas so many Ukrainians were brought. The terms are totally different. The level of security screening is totally different. Like the racism is naked, naked, naked. Yeah. In that example. And I guess what we would argue is the racism has kind of been naked since the beginning.



**RESH:** Well, Absolutely And I, I do remember when Sean Fraser, who was Minister of Immigration under Trudeau, had brought out that system for the Ukrainians. And he said, we're trying something new as if it's going to be rolled out to other groups. And I don't think it ever was, which is, to your point.

So you've talked about the powers, the extra powers that these bills can give to government where refugees, migrants, immigrants are concerned. Alina, again, as a service provider and advocate, what are you seeing? How is this impacting the lives of refugees, who are intensely vulnerable populations as you've already said, but also the agencies that are serving them. What does this do potentially to your work? To your job?

**ALINA:** That is a great question. Honestly, should this bill get passed the way it is, it is going to be changing the entire system. It changes the entire process, right? So for organizations like mine, when it comes to how this bill changes our day-to-day operations, it changes everything.

It will change the way that we can support our clients. It'll change the demographic of the clients that we see. As I mentioned earlier, the immigration portions of this bill shift towards a PRA-based system. Pre-Removal Risk Assessment. So when asylum seekers come, they're going to really only have a PRA as their system.

They're not gonna be able to get ready for an oral hearing. They're not gonna be able to do everything that they have to do now. And so when it comes to an organization that serves this demographic, the entire operations internally are going to have to shift to better understand the PRA system, to better understand how we can serve them.

And like I mentioned, there's a 15-day timeline to submit your application. So it really will speed up the process. And when I say speed up the process, I don't mean that it'll make it more efficient, it absolutely will not. But what it will do is put pressure on organizations that serve this demographic to be speedy, to be able to get this information to the clients that we need to do.

It hasn't been passed yet, and because of that, the demographic that we're seeing they're not necessarily aware of these changes that are coming up. And so the fear that we are seeing with claimants isn't necessarily directed towards this bill. But it will be, it will be whenever this passes.

And so our job is twofold. It is A, to provide the services in the best way possible. And B, to provide some sort of sense of direction of comfort. And this is going to be very, very difficult. Granted everything that we've discussed today, this is a terrifying bill. It is not something that should exist by any means.

And more than that, I think if we look at the data at the border, there's no real need for a bill to this level. There's recent government data that was comparing calendar periods from January 1st to July 31st from this year versus 2024. There's been a 34% decrease of asylum claims compared to last year.

So if we're just looking at the rhetoric that politicians use, they're not correct. You know, we're not seeing an overwhelming amount of people arriving. We're seeing a severe decrease.

So, yeah where the bill is coming from is a very, very misguided place. And the realities that organizations like mine are seeing do not match up this caliber of a bill.

**RESH:** Thank you. So, Aisling, it hasn't gone through yet. But have I got this right that this potentially impacts all agencies and services that are accessed by these populations, like healthcare, financial services?

**AISLING:** Yes. because they would be found ineligible to make a claim, that can have an impact on, for example, their ability to access a work permit, ability to access social assistance, which is very complicated if you find someone who can't access social assistance or work permit.

It can have impacts on access to healthcare. It's always gonna depend on, for example, is this someone who has access to a PRA? Are they given a PRA? There will be circumstances where if you're here and you're ineligible to claim, some people might just not claim and end up without status, without any services.

Some might claim in order to trigger the PRA. There's a lot of different legal situations that someone could end up in. Someone could try to claim, be found ineligible and not have access to a PRA. , They may or may not. So it's gonna depend on what circumstance we're looking at, but absolutely it will impact their ability to access those various services and to be able to support themselves and survive while they're here in Canada.

**RESH:** What about the information that these services have about these people? Because that was one of the major concerns for civil liberties groups when it comes to the privacy of information.

So now with this new C-2 and C-12, is that still a major concern? So I teach in a college. We have students who are international students, who are refugees, who are immigrants. Could the public education system be impacted by that? Could health providers who have medical records of these people be asked for that information?

Karen, do you wanna weigh in on this?

**KAREN:** Yeah. This is a huge concern for us. And it's interesting because in the way that the bill has now been effectively split, it's being talked about is that like all of the data and lawful access and privacy provisions have been left behind in C-2 to go through a slower process of "more study".

But the thing that remains around access to information in C-12 is specifically under IRPA, that government agencies will be able to access information, including the

immigration information and require that information from health providers, from public institutions, from schools, from internet providers, from cell phone providers.

So there's still that provision in C-12 that is a massive risk for migrants of all statuses and especially for undocumented folks. And so in past we've seen various campaigns both at the municipal and the provincial level in Canada, what are called sanctuary campaigns that basically will protect the access of people without status to basic services and particularly protect their information.

And those were campaigns to basically get into policy, but also into practice. Encouraging and doing the education with, for example, service providers, whether it's women's shelters or medical clinics, or public schools, right? To say you do not have a legal obligation to share the immigration information of the people who use your service with border enforcement.

And what C-12 would do is make it even harder for people to not share that information, to choose to not share that information. So that's a massive concern, is coupled with what we've been saying, these massive changes to the immigration system and the cuts to the immigration system that have happened over the last two years that are not just about new arrivals, but are about access to being able to stay permanently for people who are already here. Right? So we are seeing a massive expiry of permits that is forcing people to either leave or to choose and stay and become undocumented. And so that is happening.

So we have all of these immigration cuts that will increase the number of people whose immigration status is very vulnerable. We are gonna see an increase in folks who are increasingly more vulnerable for their information to be shared. An increase in information-sharing powers under C-12.

As well as the promises that the previous government made to increase funding to border enforcement, CBSA. And that C-12 will only enable more funding to CBSA. And there are already calls.

The Conservatives in the debate for C-2 were saying we actually think that we should be policing the entire border, like from end to end. So there's a real push for more immigration enforcement.

And then what C-12 is doing is also providing more power to force the sharing of immigration information between agencies from service providers.

So the combination of those three trends is an absolute perfect storm for increases in fear, increases in removal, and limiting access to basic essential services.

And so that's why we're calling it this mass deportation machine because the factors that are going to lead to the government being able to use these new powers to remove many more people, that's what's really frightening to us. And in that way we

worry about what's going to happen, that it's gonna look a little bit more like what's happening in the United States.

But the other thing that we worry about, and this speaks a little bit to Alina's point. Our folks are based both the organizations that are part of Migrant Rights Network, but also MWAC's members, hearing talk of C-2 and now C-12 has really put a lot of fear in people. And when we talk about bad laws or possible bad laws, people start to act as though they're already in place. So we are trying to push back against that, this sort of fear to say it's not a law yet. But also what we are doing now is looking ahead to after C-12 passes, which unfortunately it probably will because of the balance of forces in government and the reason why they split this bill in the first place is to secure support from the Conservatives. We are looking ahead to say if it passes, what is the work that we are gonna do in our organizations and in our networks and in our communities to protect people.

**RESH:** Absolutely And I wanna get to that.

But this is all happening at a time of polycrisis, right? People are fleeing war, genocide, poverty, human rights violations. The climate crisis is a huge one, that's just going to create an uptick in populations moving all over the world.

Alina, you wrote, that "migration rooted in necessity does not respond to bureaucratic barriers. It responds to survival". Ultimately, what will these bills mean for those who are fleeing to Canada?

**ALINA:** Thank you for that question. What it means is increased danger. Increased risk. Increased uncertainty and fear.

Like I said in that quote, bureaucracy is not going to deter people from seeking safety when there is a need, right? Our rates of approval of asylum claims is fairly high.

This is not to say that our system is an easy one, it is not.

That is to say that the people who come to Canada and claim have well-founded claims. They have well-founded fear. They have proven beyond a reasonable doubt that they do deserve safety provided by Canada.

This is not going to change. And as long as Canada and other Western countries participate in refugee-making actions in countries abroad, we are going to continue to see this.

So for example, the 14-day closure, right? This will create a system in which asylum seekers, if they are able to cross the border, which in itself is a huge, huge, huge task. It's very arduous. It's emotional, it's dangerous. They, again, will not get an oral hearing, it's a PRA system. The scope of which people have to prepare is going to

change. This is not going to effectively deter people. No policy will be able to effectively deter people.

When there is a need, People will respond to that need. We saw that with the Safe Third Country Agreement expansion.

The main point of this expansion was to deter. And Sure, yes. As I mentioned earlier, the numbers have decreased significantly by 34%. However, we still are seeing people claiming. People still do need safety. So like I said, as long as these socioeconomic and political conditions continue to worsen by the hands of countries like Canada, we are going to continue to see people, unfortunately, putting themselves on the line to get to safety. Right.

There's a quote by Warsan Shire that no one puts their children in a boat unless the boat is safer. I'm bastardizing the quote a little bit, but that is the essence of it, right?

Yeah. No one is going to opt to take a very, very dangerous journey for themselves, let alone with their children, unless they feel with certainty that it is a better option for them.

**RESH:** And again, that a powerful poem, Home by Warsan Shire.

A final question for all of you, and starting with you Aisling. What needs to be done now to stop Bills C-2 and C-12?

**AISLING:** I wanna maintain some optimism that we can have the bills stopped. I think putting pressure on our politicians. Trying to get public support to let them know that we oppose the bill, the refugee provisions and the privacy provisions. On Conservative MPs who look like they're going to support it. But certainly on Liberal MPs, that did not campaign on this. This is a real departure from the values they say they espouse, from the Elbows Up policy that Carney campaigned on. So I think keeping pressure on them in the hope that they might not move forward. I mean, they've been quite open that they intend to get this bill passed. So I think it is, a challenging road ahead of us to get it done, but it's not impossible.

To give some people some sense of optimism, I remember having a conversation with someone back in February and they said, you know, barring something really unforeseen happening, Pierre Poilievre is gonna be Prime Minister very soon. And, you know, we're like, yeah, it's sort of a fait accompli, like it's done. And look, here we are, right? So it's possible it can be done, but it's a big challenge.

So if you're out there and you're listening to this and you're upset by what you're hearing, I think the best thing you can do contact your local MP and let them know how upset you are.

They need to hear from us. And my sense is that there are MPs who share these concerns and they're being whipped. They're being told they have to support this. There is some traction to be had if there's enough pressure put on them.

So, please, if you're hearing this, I think that is the most important thing you can do. Reach out to your MPs, let them know you're upset. Let them know this could affect how you vote in the next election. Let's keep the pressure on them.

**RESH:** Thank you. And Karen, the same question to you. How can people, communities, civil society groups continue to mobilize against Bill C-2 and now also Bill C-12?

And what should we be trying to build instead?

**KAREN:** Well, I'll start where Aisling left off. Absolutely, I agree that nothing is ever set in stone. And the political fortunes of any government in power are very changeable. And I think we're already seeing that happening.

Polls are showing that support for this Liberal government is starting to drop. That's a little bit different for Carney himself as leader, but they are definitely fallible.

We have a budget that is coming up on November 4th that they have promised is an austerity budget.

They've also promised record high \$9 billion to the military, like record high levels of defense spending, at the cost of some of the basic services that people are gonna be needing.

So there are many crises that we could exploit and there are many contradictions that we could exploit. And there is always room to shift the political fortunes of any government. November 4th is not very far away. And I think things for this government could potentially look very different after that day. So how are we getting ready for that? And I think, this moment is key.

The mobilization we saw around C-2 like I was saying in the beginning, you know, bringing folks really from many different sectors and who focus on many different issues together, I think there's a lot of potential in that.

I think some of the mobilizations around climate and the Draw the Line mobilizations that happened in September that similarly were bringing together issues of economic justice, of climate change, of war, of migrant justice. There was an upswell in that too.

So I think that there is actually a very changing mood amongst the public right now that we can do a lot to try and foment and move forward and motivate.

We have a petition on the Migrant Rights website against C-12. A number of the other organizations that are part of the network are also running their own petition. So there's lots of ways for people to plug in.

Contact their local MP. You know, next week is Constituency Week. Show up at events, make an appointment to go to the office and say you're not happy about this.

There is division in the Liberal party. There are a lot of back-benchers who did not like C-2, who do not like C-12, and they're feeling the heat. And the more they feel the heat, the more Cabinet feels the heat. And the more the caucus feels the heat. And the more Carney feels the heat. So there's a lot of opportunity.

I also think, should it pass, how we don't take these things as a foregone conclusion that the laws on the books don't have to be the laws by which we organize ourselves. And that has been historically true in the past.

Some of us remember the Harper era where there was a lot of devastating cuts and a lot of really horrible things that came into place. And we can either respond as some sectors did by kind of thinking, okay the political window has closed. Our funding is at risk, so we just gotta keep our heads down and not rock the boat. Or we can say, no, actually we don't cooperate, right?

A very trite example is that the Barbaric Practices tip line that they put into place and people just started flooding the Barbaric Practices tip line, calling in and saying, oh, there's this barbaric white supremacist practice and this and that. You know.

We don't have to obey. We don't have to cooperate. And especially when it comes to how we move in our communities.

This whole conversation that happened around policing years back and the whole conversation that is happening around harm reduction and the toxic drug supply.

There are lots of ways where in community we can just choose to do things differently than what politicians and the government are telling us to do. And I think that this can be an example of that where we can choose to turn away from the scapegoating and from turning on migrants and instead turn towards. And see what we can do in our communities and in our sectors, how we offer our services and how we kind of move in our communities and across the country to ensure that we are actually protecting our neighbors and working in concert with our neighbors and not against them.

**RESH:** Lovely. Thank you for that. And I do remember, in the Harper years, another group that came together were the medical workers, and they started opening up hassle-free clinics and just doing a fantastic job.

Alina, final word to you. How can people, again, continue to organize against anti-migrant policies ?

**ALINA:** I think I'd like to echo both Aisling and Karen. You know there's a plethora of different ways that people can get involved.

Obviously, yes, email your MPs, make appointments, go see them. Make it very, very clear that this is something that you are against. Contact local organizations in your community, whether they are serving migrants, whether they are privacy-related or surveillance-related organizations. Get involved with organizations that are being implicated in this Bill. See how you can support them. See what efforts they're doing, how you can contribute to those.

I think what we are seeing here with the presentation of this Bill is definitely a potential dangerous shift towards a system where due process is optional and human rights are conditional. And we can sort of look across the border and see a potential of what our future could be. And we're at a moment in which we can stand up against it and we can fight against it. And we can do our absolute best to make sure that our reality does not become similar to that in the US.

We cannot allow the "border security" term to be used as a guise for repressing rights and due process in Canada. And this is something that everyone should be involved in.

Take action. Contact MPs .Get involved with community organizations.

**ALINA:** And try your best to educate yourself on this bill. I know it is a very dense text. Maybe not an easy read for some, but there's not a shortage of explainers out there. Get educated. Talk to people, even if it's just someone you see on the street. Spread the word. We need mass mobilization. We need people to stand up and be vocal about it. And now is our opportunity.

**RESH:** Lovely. We very much do. And thank you for that. And the links to all of your organizations are going to be on the show notes to this episode.

And with that, Alina, Karen and Aisling, thank you so much. It has been a pleasure.

**ALINA:** Thank you very much. Thanks for having us.

**KAREN:** Thank you Resh

**AISLING:** Thank you.

**RESH:** That was Alina Murad, Advocacy and Media Relations Coordinator at the Refugee Center in Montreal. Aisling Bondy, President of the Canadian Association of Refugee Lawyers and Karen Cocq, Co-Executive Director of the Migrant Workers Alliance for Change.

And this is The Courage My Friends podcast.



I'm your host, Resh Budhu. Thanks for listening.

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