



SUBMISSION TO THE HOUSE OF COMMONS STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY (SECU)

**Study: Bill C-12, An Act Respecting certain measures relating to the security of
Canada's borders and the integrity of the Canadian immigration system and
respecting other related security measures**

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Overview

Bill C-12 will reshape our immigration systems in ways that are fundamentally unfair and will prove ineffective at achieving the government's stated goals.

Canada needs to remain a welcoming country for asylum seekers and migrants. In explaining Bill C-12, the government states it “would help deliver faster, fairer and final decisions, ensuring that those who genuinely need protection receive it in a timely fashion.”¹ Instead, Bill C-12 introduces over-broad discretion and arbitrary powers that undermine procedural fairness in Canada's immigration system. It fails to uphold the humanitarian principles that have been the foundation of Canada's migration and asylum policies.

Bill C-12 includes several flaws that will result in harm to vulnerable individuals. In this brief we address the following:

- Bill C-12 will prevent many refugees from accessing a fair assessment of their claims, greatly increasing the risk that they will be deported to conditions of persecution;
- Bill C-12's grant of wide-ranging discretion to pre-empt, suspend or terminate immigration applications and to alter or revoke immigration documents for undefined “public interest” reasons; and
- Bill C-12's broad authorization to share sensitive immigration information.

In light of Bill C-12's sweeping and severe implications, we are concerned about the limited consideration it is receiving before this Committee and the House of Commons Standing Committee on Citizenship and Immigration (CIMM). We urge the Committee to reject this rushed process and carefully consider the harmful consequences that will result if Bill C-12 is adopted.

Canadian Civil Liberties Association

The Canadian Civil Liberties Association (CCLA) is an independent, national, non-profit, nongovernmental organization that was founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people across Canada. Our work encompasses advocacy, research, and litigation related to the criminal justice system, equality rights, privacy rights, and fundamental constitutional freedoms.

¹ Sam NK Banks et al, “Bill C-2: An Act Respecting Certain Measures Relating to the Security of the Border Between Canada and the United States and Respecting Other Related Security Measures”, *Library of Parliament*, 45-1-C2-E, September 24, 2025, https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/LegislativeSummaries/PDF/45-1/PV_45-1-C2-E.pdf, section 3; Government of Canada, “Understanding Strengthening Canada's Immigration System and Borders Act, Bill C-12”, <https://www.canada.ca/en/services/defence/securingborder/strengthen-border-security/understanding-strengthening-canada-immigration-system-borders-act.html#a1>.

Working to achieve government transparency and accountability with strong protections for personal privacy lies at the core of our mandate.

I. Limiting access to IRB will be unfair and ineffective

Bill C-12 limits access to independent refugee assessments by the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB) as well as the right to an oral hearing and appeal before the IRB Refugee Appeal Division. This represents a fundamental restructuring of Canada's refugee protection system that will erode fairness, independence, and accountability. Together, its provisions dismantle key safeguards designed to ensure that refugee protection decisions are made by independent, expert adjudicators and that Canada meets its obligations under the *Charter of Rights and Freedoms* and the *Refugee Convention*.

By diverting claims away from the Immigration and Refugee Board to paper-based risk reviews, imposing arbitrary access limits, expanding reliance on the flawed Safe Third Country Agreement (STCA), Bill C-12 replaces rights-based refugee protection with administrative discretion.

The federal government has presented the Pre-Removal Risk Assessment (PRRA) as an acceptable alternative to independent assessments through the IRB that is both fair and more efficient. The PRRA process is deeply flawed and not fit for task. It is also inefficient. Heavier reliance on PRRA as the primary mechanism for assessing refugee claims places refugees at high risk of *refoulement* in violation of Canada's domestic and international commitments, and at the same time threatens to overwhelm our Federal Court and provincial legal aid.

a. The PRRA mechanism is not fit for purpose

The PRRA mechanism was adopted as an assessment process of last resort with the presumption that robust screening of asylum claims has already occurred through other mechanisms. It is an inadequate and deeply limited substitute for a fair and full refugee determination that will put people at higher risk of being removed from Canada to face persecution or torture.²

PRRAs are a paper-based, discretionary process conducted by immigration officers within Immigration, Refugees, and Citizenship Canada (IRCC) under highly attenuated deadlines. Generally, under the PRRA process applicants will not receive an oral hearing, have little access

² Amnesty International Canada, "Canada is Trying to Attack Our Rights—Fight Back Against Bill C-2 & C-12" October 17, 2025, <https://amnesty.ca/online-action/canada-is-trying-to-attack-our-rights-fight-back-against-bill-c-2-c-12/>.

to legal representation,³ and must meet a very high threshold to be successful. The PRRA acceptance rate is historically and consistently extremely low, which is reflective of its purpose in the refugee process as a mechanism of last resort, and not as a primary means of assessing large volumes of refugee claims.⁴ Moreover, PRRA officers are not bound by the same evidentiary, procedural, or interpretive standards as the IRB. Outcomes are inconsistent and often fail to account for trauma, language barriers, or identity-based persecution.

Unlike IRCC officers, who are public servants within the department responsible for removals, IRB members are independent adjudicators with specialized expertise in refugee law and human rights. They receive extensive training in trauma-informed and culturally competent justifiable decision-making, credibility assessment, and international protection standards. This independence and specialization make the IRB far better equipped to fairly and accurately determine refugee claims than departmental officers conducting paper-based reviews within an enforcement-driven system.

Nor does the PRRA process provide for rights-based protection and assessment that is required by the *Charter* and Canada's obligations under the *Refugee Convention*. Section 7 of the *Charter* guarantees that any infringement to an individual's right to life, liberty, or security of the person must adhere to fair legal standards and procedure. Under our *Charter* as well as under the *Refugee Convention* and the *1967 Protocol Relating to the Status of Refugees*, Canada is obligated to provide refugee claimants with a fair and effective means of assessing their claim and for appealing that decision,⁵ which necessitates access to an effective appeal mechanism.⁶ Paper-based risk review, conducted without an oral hearing and within the same department tasked with removals, does not, on its own, meet these obligations.

³ Immigration, Refugees and Citizenship Canada, "Guide 5523—Applying for a Pre-Removal Risk Assessment", last modified April 30, 2025, <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5523-applying-removal-risk-assessment.html>, (archived: <https://web.archive.org/web/20251111084919/https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5523-applying-removal-risk-assessment.html>):

"A PRRA application is normally assessed only on the basis of written information. However, you might be called to report for a hearing to answer questions about certain aspects of your application. If a hearing is necessary, you will receive a written notice indicating the location, date and time of the hearing as well as the matters that are to be discussed. You may be accompanied, at your own expense, by a lawyer or other authorized representative. This person may only support you and cannot intervene on your behalf."

⁴ Even in the few instances where PRRA is currently the primary mechanism for assessing refugee claims, approval rates are far lower than when claims are assessed through fairer mechanisms such as the IRB.

⁵ United Nations High Commissioner for Refugees, "Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection", HCR/1P/4/ENG/REV.4, February 2019, <https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfc47.pdf>, para 192, clause (vii).

⁶ United Nations High Commissioner for Refugees, Branch Office for Canada, "Submission on Bill C-31: Protecting Canada's Immigration System Act", May 2012, <https://www.unhcr.ca/wp-content/uploads/2014/10/RPT-2012-05-08-billc31-submission-e.pdf>: "The right to appeal is a fundamental requirement of a fair and efficient asylum procedure, to which no exception should be

The possibility of judicial review before the Federal Court does not remedy flaws in the PRRA process. Judicial review is not designed to substitute for a full merits hearing: its scope is limited to assessing whether the decision under review was procedurally fair and if its determinations of fact and law were reasonable, not whether the claimant actually faces persecution. Nor does it assess whether the system is fair or if it is meeting Canada's legal obligations. Claimants do not have an opportunity to provide evidence at judicial review, and as there is no statutorily guaranteed stay of removal during a judicial review of a PRRA, applicants will face difficulty in accessing the judicial review process as many will have already been removed from Canada. Availability of judicial review is therefore no cure for the unfairness of relying on the PRRA mechanism as the primary means of assessing refugee claims.

Bill C-12 will also significantly shift the burden of refugee protection oversight to IRCC and the Federal Court while increasing the burden on provincial legal aid schemes. As more claimants are funnelled into the PRRA process, judicial review at the Federal Court becomes the only remaining avenue for independent scrutiny of a determination. For many, this will be their first and only opportunity for impartial review. The structural shift brought about by Bill C-12 is therefore not only unfair for claimants but is also almost certain to increase and overburden the Court's caseload, diverting already scarce judicial and provincial legal aid resources towards risk-based challenges more appropriately heard by the IRB as the specialized refugee tribunal. The absence of a statutorily guaranteed stay during judicial review will result in an additional drain on federal court resources as most PRRA reviews will be accompanied by an urgent stay motion. Finally, if the Federal Court finds fault with the PRRA, it can only send the claim back for reassessment, creating additional strain on IRCC and legal aid resources.

Other safety valves in the *Immigration and Refugee Protection Act* (IRPA) do not compensate for these shortcomings in the PRRA mechanism.⁷

b. One-year limit on IRB assessments is arbitrary, unfair and will be ineffective

Bill C-12 will impose a limit on access to new IRB assessment one year from the first time someone entered Canada any time after June 24, 2020. The bar on IRB access is arbitrary, unfair and will be ineffective in meeting its stated objectives of strengthening the integrity and expediency of the asylum system.

made. ... The purpose of a second review through an appeals mechanism is to ensure that errors of fact and law at the first instance decision making can be corrected, to avoid injustice and to ensure respect for the principle of *non-refoulement*."

⁷ *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21, paras 111-114.

While administrative efficiency and integrity are legitimate objectives, they must be achieved in a manner consistent with the *Charter* and the *1951 Refugee Convention*, which require a fair assessment of protection needs.

The one-year limit appears aimed at penalizing those who enter on temporary visas from later seeking protection—an impermissible rationale for restricting access to established refugee processes. The one-year limit has also been presented as a mechanism for reducing fraudulent or opportunistic asylum claims based on the assumption that legitimate refugees will claim protection soon after arrival, and that delayed claims may indicate a misuse of the asylum system. This assumption is unfounded. Canada’s asylum system already includes safeguards such as front-end screening upon arrival and robust procedures built into the IRB process to identify unfounded or deceptive claims. Those intent on deception will simply file promptly with the goal of delaying removal or gaining temporary legal status. The one-year deadline will not deter this behaviour, however it will impact a different group of claimants: those who delay filing because of confusion, fear, language barriers, trauma, or due to evolving circumstances. In effect, the measure punishes vulnerability, not fraud, and risks excluding genuine refugees from Canada’s protection regime.

There is a myriad of reasons why vulnerable groups may not file a refugee claim within one year of arriving in Canada. For those with language barriers or who may be reliant on others for information or assistance, the one-year barrier may not be clear. For LGBTQIA+ claimants or survivors of trauma, torture, or gender-based violence, it can take years to feel safe enough to disclose their identity and experiences.⁸ The reason may also be simpler: the conditions in an individual’s home country have shifted since the person first entered Canada such that returning is no longer safe, or the person entered Canada with the initial expectation of gaining residency status by some other vehicle that is no longer open to them. People who visit Canada on vacation as children, people who study in Canada and then return to their home country, and human rights activists who visit Canada to speak about the situation in their home country at a conference will all be similarly and arbitrarily penalized if they seek asylum status years later.

⁸ Immigration and Refugee Board, Guideline 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics, Guidelines issued by the Chairperson pursuant to paragraph 159(1)(h) of the *Immigration and Refugee Protection Act*, revised December 17, 2021, <https://irb-cisr.gc.ca/en/legal-policy/policies/Pages/GuideDir09.aspx>, section 8.5.11: “[Individuals] may reasonably delay making a claim for refugee protection based on their SOGIESC out of a fear of reprisal for themselves or family members. A reasonable delay may also arise out of an individual’s reluctance to reveal their SOGIESC to a spouse or other family member, or in their realizing or accepting their SOGIESC.”; Rainbow Railroad, “Brief to the Standing Committee on Citizenship and Immigration”, November 2025, <https://www.ourcommons.ca/Content/Committee/451/CIMM/Brief/BR13730168/br-external/RainbowRailroad-e.pdf>.

c. STCA extension after 14 days in Canada

Bill C-12's proposed expansion of the STCA will deepen the structural harms already embedded in the regime and further erode migrants' rights by further entrenching Canada's reliance on the United States as a "safe" partner for asylum processing.

The designation of the U.S. as a "safe" country for asylum seekers is increasingly untenable.⁹ The U.S. refugee system continues to face well-documented concerns regarding arbitrary detention, limited access to counsel or procedurally fair asylum hearings, expedited removals, and inconsistent recognition of claims based on gender identity or gender-based violence. Recent U.S. policies have also intensified restrictions on the rights of immigrants, refugees, and trans and gender diverse populations – many of whom are fleeing persecution in their home countries. These systemic deficiencies mean individuals returned to the U.S. under the STCA risk abusive, arbitrary detention and may never receive a fair hearing on the merits of their protection needs.

Under Bill C-12's expanded STCA rules, the only remaining safeguard for asylum seekers is the PRRA process; its deficiencies are outlined above. By continuing to return individuals to the U.S., Canada risks participating in indirect *refoulement*, contrary to the *1951 Refugee Convention*, the *Convention Against Torture*, and section 7 of the *Charter*. Pushing claimants caught by the STCA into the PRRA process transforms what should be a rights-based protection regime into a gatekeeping mechanism that prioritizes border management over human rights and life at a time when rapidly degrading U.S. asylum conditions demand heightened, independent scrutiny.

d. How this will apply to moratorium countries

Bill C-12 will have serious implications for asylum seekers from countries under a removal moratorium due to war or humanitarian crisis. These individuals currently have access to an IRB hearing, offering a pathway to legal status. Bill C-12 will remove this pathway and leave

⁹ Human Rights Watch, "'You Have Arrived in Hell': Torture and Other Abuses Against Venezuelans in El Salvador's Mega Prison", November 12, 2025, <https://www.hrw.org/report/2025/11/12/you-have-arrived-in-hell/torture-and-other-abuses-against-venezuelans-in-el>; Human Rights Watch, "US: ICE Abuses in Los Angeles Set Stage for Other Cities", November 4, 2025, <https://www.hrw.org/news/2025/11/04/us-ice-abuses-in-los-angeles-set-stage-for-other-cities>; Belkis Wille, "Investigate Death of Mexican National During ICE Stop", *Human Rights Watch*, September 16, 2025, <https://www.hrw.org/news/2025/09/16/investigate-death-of-mexican-national-during-ice-stop>; Human Rights Watch, "US: Migrants Face Abuse in Guantanamo: Halt Transfer of Immigrants to Naval Base", August 29, 2025, <https://www.hrw.org/news/2025/08/29/us-migrants-face-abuse-in-guantanamo>; Human Rights Watch, "You Feel Like Your Life is Over: Abusive Practices at Three Florida Immigration Detention Centers Since January 2025", July 21, 2025, <https://www.hrw.org/report/2025/07/21/you-feel-like-your-life-is-over/abusive-practices-at-three-florida-immigration>; Human Rights Watch, "The Strategy is to Break Us: The US Expulsion of Third-Country Nationals to Costa Rica", May 22, 2025, <https://www.hrw.org/report/2025/05/22/the-strategy-is-to-break-us/the-us-expulsion-of-third-country-nationals-to-costa>; Human Rights Watch, "Nobody Cared, Nobody Listened: The US Expulsion of Third-Country Nationals to Panama", April 24, 2025, <https://www.hrw.org/news/2025/04/24/us/panama-mass-expulsion-third-country-nationals>.

these individuals ineligible for the PRRA process because they cannot be removed while a moratorium remains in place; PRRA is only available on removal. This will leave many in legal limbo: with no recognized legal status in Canada, no pathway to regularize their status, and with an enforceable removal order which cannot be carried out. Unlike refugees, those stuck in this legal limbo cannot travel, access most social benefits, or sponsor family, and their ability to work or study is precarious and discretionary. Their stay in Canada is temporary and uncertain—if the moratorium is lifted, deportations can resume immediately. Bill C-12 will widen the net of people caught in this precarity, effectively warehousing people in Canada indefinitely without protection, stability, or the ability to return home safely.

II. Power to cancel documents & applications in the public interest

Bill C-12 grants the government sweeping authority to pre-empt, suspend, or reject categories of applications—including permanent resident visas—for a wide range of documents for specified periods of time or indefinitely.¹⁰ The government will similarly be able to vary, suspend or cancel existing immigration documents without any procedural safeguards or right to individual notice.¹¹

These determinations will be based on the government’s highly discretionary determination of what is in the “public interest”, a term left undefined in the Bill. This permits the government to bypass a myriad of safeguards currently included in the IRPA, and without conducting any individualized assessment. The government has presented this measure as a means of addressing large scale fraud in immigration claims, or exceptional unforeseen circumstances. Yet the provision is in no way limited to fraud or to exceptional or emergency circumstances. It is an open-ended power to cancel documents, impose conditions on people in Canada, or suspend applications for any objective the government considers to be in the public interest.

The power to cancel or impose conditions on existing documents without regard to underlying status will have far-reaching implications. Foreign students, temporary workers, permanent residency applicants and many others who are lawfully in Canada will be unable to travel abroad for fear they will be unable to return without their documents or to return to Canada if their documents are cancelled while they are abroad.¹²

¹⁰ Bill C-12, Clause 72, proposed section 87.301 of the *Immigration and Refugee Protection Act*, SC 2001, c 27. See also Clause 65, proposed section 11.3, and clause 66, proposed paragraph 14(2)(b.1).

¹¹ Bill C-12, Clause 72, proposed section 87.302 and clause 71, proposed paragraph 47(c) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. See also Clause 67, proposed section 20.01, clause 69, proposed paragraph 36(1)(b).

¹² *Immigration and Refugee Protection Act*, SC 2001, section 20.

The government will also be able to impose new categories of restrictions on visitation from any state that requires an electronic travel authorization, put in place discriminatory bans on applications from specified countries, and conduct mass cancellations of applications in order to address processing backlogs. Such measures undermine fairness, and public trust in the predictability of our immigration system, concentrating unchecked power in the hands of the executive.

III. Excessive information-sharing

Bill C-12 would allow for disclosure of any IRCC controlled personal information within the department, and sharing of additional categories of sensitive information with any federal, provincial or municipal entity, with potential for onward sharing by these entities with foreign governments.¹³ These information-sharing mechanisms are highly permissive and fail to incorporate necessity and proportionality requirements or any meaningful interrogation of the purpose for which information is to be shared.¹⁴

The limitless ability to share information within IRCC is presented as a means for combatting fraud and for streamlining applications as people will not need to re-submit information they have already submitted in previous applications. However, sharing of information that was previously submitted is already possible under existing law with the applicant's consent. Nor is the information-sharing regime proposed by Bill C-12 limited to fraud detection or application processing—it authorizes sharing of any and all information within the Department.

The Bill would also enable the government to share private information held by IRCC with other federal, provincial and municipal government agencies, including crown corporations and foreign governments. Specifically, sensitive information such as an individual's refugee status and changes to gender identity can be shared with few limitations. This poses serious risks to the safety and privacy of individuals in Canada, particularly those who have sought protection from persecution or harm by those same foreign states and could inhibit refugees and migrants' ability to access critical services without fear or harm.

Disclosing immigration status or changes in gender identity within Canada can subject people to discrimination and the threat of harm. Immigration information could be shared with a wide range of service providers including housing, health and welfare authorities as well as with police and security agencies. Refugee status in particular is treated as highly

¹³ Bill C-12, Clause 28, proposing sections 5.4 and 5.5 of the *Department of Citizenship and Immigration Act*, SC 1994, c 31.

¹⁴ All IRCC-held personal information is authorized to be shared within the department for any purpose generally relating to the department's functions. Specific categories of information are further authorized to be shared with any other federal, provincial or municipal entity.

sensitive, and wide-spread dissemination of this information is contrary to Canada's obligations under the *Refugee Convention* and the *International Covenant on Civil and Political Rights*.¹⁵

Under Bill C-12, federal, provincial and municipal entities who receive sensitive immigration information from IRCC can be authorized to share it with foreign governments, subject only to approval by the Minister of Citizenship and Immigration and the *Avoiding Complicity in Mistreatment by Foreign Entities Act* (ACMFE).¹⁶ These measures, however, are insufficient to safeguard people in Canada or their families abroad against the persecution that can result from revealing sensitive immigration information such as their refugee status or changes to their gender identity to a foreign government.¹⁷ Notably, under Bill C-12, the Minister can grant this authorization on a categorical basis while leaving questions of ACMFE compliance with the recipient government entities as long as the Minister's consent is in writing.¹⁸

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¹⁵ *J.S. v Australia*, November 21, 2022, CCPR/C/135/D/2804/2016, <https://undocs.org/en/CCPR/C/135/D/2804/2016>, para. 8.2.

¹⁶ Bill C-12, Clause 28, proposing sections 5.5(2) of the *Department of Citizenship and Immigration Act*, SC 1994, c 31.

¹⁷ Noura Al-Jizawi, Siena Anstis, et al, "No Escape: The Weaponization of Gender for the Purposes of Digital Transnational Repression" *The Citizen Lab*, December 2, 2024, <https://citizenlab.ca/2024/12/the-weaponization-of-gender-for-the-purposes-of-digital-transnational-repression/>; Noura Al-Jizawi, Siena Anstis, et al, "Psychological and Emotional War: Digital Transnational Repression in Canada", *The Citizen Lab*, March 1, 2022, <https://citizenlab.ca/2022/03/psychological-emotional-war-digital-transnational-repression-canada/>; Joint Civil Society Letter, Canada Must Not Sign Draft UN Cybercrime Convention", December 10, 2024, https://openmedia.org/assets/20241210-UNCC.Canada_Letter_.pdf; Human Rights Watch, "We Will Find You": A Global Look at How Governments Repress Nationals Abroad", February 22, 2024, <https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>; Freedom House, "Transnational Repression", <https://freedomhouse.org/report/transnational-repression>; Parliamentary Assembly of the Council of Europe (PACE), Transnational Repression as a Growing Threat to the Rule of Law and Human Rights, June 5, 2023, <https://rm.coe.int/transnational-repression-as-a-growing-threat-to-the-rule-of-law-and-hu/1680ab5b07>.

¹⁸ Bill C-12, Clause 28, proposing sections 5.5(2) of the *Department of Citizenship and Immigration Act*, SC 1994, c 31.