

## Canadian Civil Liberties Association | Opening Remarks

### Senate Standing Committee on Social Affairs, Science and Technology (SOCI) in its Study of certain parts of Bill C-12

February 11, 2026

Thank you, Senators, for the opportunity to appear today on Bill C-12 and for undertaking this study despite short timelines.

My name is Aaden Pearson. I am a lawyer within the Equality Program at the Canadian Civil Liberties Association, and the Trans Rights Legal Fellow. With me today is my colleague, Tamir Israel, a lawyer with CCLA's Privacy, Surveillance and Technology Program.

Our concern with Bill C-12 is how broadly the powers it authorizes are framed, and whether the bill respects the constitutional rights of the people whose lives it will directly affect. In our view, key parts of this bill are overbroad: it authorizes sweeping state action that goes well beyond what is necessary to achieve the Bill's objectives, without the procedural safeguards required by the Charter. This creates a serious risk of life-altering, rights-infringing consequences, often for people fleeing state harm elsewhere.

While CCLA shares concerns already raised before this Committee regarding Part 8 of the Bill, my remarks today focus on Part 7. My colleague will then address Part 5.

Taken together, these provisions mark a significant shift away from individualized, rights-based decision-making toward broad executive control, with serious consequences.

As you know, **Part 7** authorizes the suspension or termination of entire categories of applications, and the cancellation or variation of existing immigration documents, where doing so is said to be in the "public interest." The bill offers examples: administrative errors, fraud, public health, public safety, and national security, but these examples do not meaningfully constrain the power. Each category is itself expansive, and none is accompanied by clear thresholds, statutory criteria, or a requirement for individualized assessment.

From a Charter perspective, this lack of constraint matters deeply. Section 7 is engaged when state action exposes people to serious consequences such as loss of lawful status, family separation, or removal from Canada. The Supreme Court has been clear that where such consequences are at stake, the Constitution requires greater procedural protections including meaningful notice, and an opportunity to respond and be heard.

Part 7 provides none of this as a matter of law. There is no requirement for advance notice to those impacted; no obligation to provide reasons; no opportunity to make submissions

before an application or document is cancelled; and no guarantee of individualized consideration. Judicial review is not an appeal and it does not cure a decision-making scheme that is constitutionally deficient from the outset (I would welcome opportunity to address this point further in questions).

Instead, the bill authorizes categorical, pre-emptive measures, including mass cancellations, based on executive determinations. That is precisely the type of unbounded discretion that section 7 of our Charter is meant to constrain. Part 7 also permits bans based on country of origin, raising serious section 15 equality concerns.

I will now turn it over to my colleague, Tamir, to address Part 5 of the Bill.

**Part 5** compounds these concerns. It creates broad authorization to disclose sensitive personal information for an open-ended set of purposes with no necessity or proportionality requirement in place.

As with other elements of Bill C-12, we have heard nothing from the government that could justify such sweeping authorization.

Under Part 5, sensitive information such as immigration status, refugee claims, or changes to gender identity can be disseminated widely, with real impacts on safety, privacy, and dignity. Onward disclosure to foreign governments can also be authorized without case-by-case federal assessment, heightening the risk of transnational repression.

Large-scale information-sharing can also subject people to discrimination and put their social services in jeopardy.

When coupled with mass cancellation powers in Part 7, Part 5 creates a system where decisions affecting liberty and security can be made quickly, collectively, and opaquely, with minimal context and little opportunity for affected individuals to protect their interests.

To conclude, the Charter requires government action to be structured, reviewable, and procedurally fair, especially where the consequences for individuals are severe.

We urge the Senate to exercise its sober second thought and ensure that perceived efficiency is not purchased at the expense of fundamental justice.

Thank you. We look forward to your questions.