Mr. Chairman, honourable members, to mark the 93rd World Day for Migrants and Refugees, Pope Benedict XVI has taken “the migrant family” as his theme. Recognizing that the experience of migration often leaves refugee and immigrant families “disfigured and weakened”, the pope challenges us - churches, civil society and governments alike - to make certain “Everything is done to guarantee the rights and dignity of [these] families.”

Allow me to place this in a specific context.

Today, two children from my diocese are lost in Rwanda.

Patrick is 10 and Angel is 14. They were removed from Canada by the Department of Citizenship and Immigration with their father, Mr. Jean-Bosco Rwiyamirira, on October 3rd 2006. After living eight years - most of their lives - in Canada, these children, like many young Canadians who were born elsewhere, embrace Canada as their country.

Mr. Rwiyamirira worked in the secretariat of the Rwandan embassy in Ottawa. Making an astonishing break from diplomatic protocol, he denounced the violation of human rights during the Rwandan genocide. This action put his family at risk, and so Mr. Rwiyamirira - as any father would- put their security first: He claimed asylum as a refugee in Canada. Mr. Rwiyamirira wasted no time in making an exemplary contribution to Québec society. In 2005, Premier Jean Charest awarded him an honour in recognition of his contribution to the common good.

Canada, as you know, has a moratorium on deportations to Rwanda: for good reason. Nevertheless, one official in the Department - not a judge, not a court of law - had the authority to order this family's removal without any possibility of appeal. The Department did this in violation of Canada’s accountabilities under article 3 of the International Convention Against Torture. Unhappily, the circumstances of Mr. Rwiyamirira and his family, along with many similar cases, suggests that in practice Canada does not always respect its international treaty obligations.
Today my diocese has lost direct contact with Mr. Rwiyamirira. We know he is imprisoned in Kigali on the charge of desertion. This is an alarming state of affairs, because it shows the consequences of Canada’s violation of the strict obligation against the practice of refoulement in international law. We have intermittent communication with his children: they are in the care of a distant relative, and have left behind every semblance of their lives in Canada.

Your Committee, Mr. Chairman, may not be the place to review specific outrages like this. We recognize that you are not de facto the appeals system legislated by Parliament in the Immigration and Refugee Protection Act.

The situation faced by this family is a powerful illustration of the core message in our pastoral letter “We are aliens and transients before the Lord our God”. The core message is this:

Human dignity is neither theoretical nor abstract: when it is wounded, you know it. The wound can remain for the rest of your life. This is especially so in the life of a family.

We recognize the good elements of the Canadian refugee system. However, serious reform is essential if it is in fact to protect the primacy of human dignity over all other considerations.

We do not make this assertion out of episcopal idealism.

Every day in the pastoral lives of our dioceses across Canada we witness:

The struggle of people seeking asylum in Canada, especially in the injustices that persist in the government’s failure to implement a transparent and effective appeals system as required by the Immigration and Refugee Protection Act;

- We witness the ordeal as we contend with inordinate delays and fees for family re-unification;
- We witness the suffering of people whose status is under a moratorium, and specifically the youth who see their lives destroyed by delays that can last many years;
- We witness the impoverishment of agricultural workers, immigrants and refugees who, due to the lack of adequate support services and a persistent failure to recognize foreign accreditation, suffer higher rates of unemployment and lower earnings;
- We witness the vulnerability of women in what the Vatican describes as the "feminization of migration"; and the absence of resources to guard against their vulnerability to economic exploitation and men's violence against women;
- We witness the abomination of human trafficking as women and children are reduced to sex slaves.

We congratulate the Minister for announcing in May that immigration officers will now have the power to issue temporary residence permits for up to 120 days to the victims of human trafficking, for exempting them from processing fees, and allowing access to benefits under the Interim Federal Health program.

At the same time, if the CBC is correct, they continue to face serious barriers to immigration. There still does not seem to be an integrated, proactive strategy to eradicate human trafficking from Canada.

We witness the vivisection of human dignity in slow motion, and it is clear in the work of this Committee that you have witnessed this also - in the testimony you have received, in your visits to detention centres.

You have seen how measures that are intended to keep Canadians secure against terrorism in fact make nonsense of deep democratic values like respect for human rights, the rule of law, and the intrinsic worth of each person. The courts have seen this, the Arar Commission has seen this, and you have seen this too.

However, Canadians often fail to see that human dignity also requires that no woman, no man, no child be forced to migrate or seek asylum.
It is therefore vital that the Government of Canada redouble its efforts:

- To counter the environmental destruction, famine and disease that come with global warming by taking meaningful action to implement Kyoto further to the report of Sir Nicholas Stern;
- To stop the trampling of human rights and civic freedoms under the heels of despots by building international support for the just application of the responsibility to protect;
- And to reverse the engineered impoverishment of vast populations by delivering on the promise of integral human development.

The message to take up in your report to the House of Commons and in your discussions within your respective caucuses is that, emphatically, it is within our power as a country to solve these problems.

It is within our power as a country to build a refugee and migrant system in Canada that places human dignity, prophetically, first. Such a system would treat the two children of my diocese - Patrick and Angela - with the care and attention they deserve as children with an eternal destiny, and never dehumanize them as administrative burdens.

It is within our power as a country to answer a global culture of fear of the stranger, a culture of suspicion and internalized terror, with culture of peace, a culture of unequivocal and authentic hospitality.

[Archbishop O'Brien:]

In the Hebrew Scriptures or the Old Testament, King David proclaimed to his people: "We are aliens and transients before the Lord our God, as were all our ancestors." This awareness of our precariousness reinforces the importance of welcoming the stranger. This is why hospitality is the ancient name for justice.

Our Lord holds in judgment people who, out of hypocrisy or callousness, fail to welcome the stranger. This sin is an offence against the Beatitudes, and it is one that can be committed both
in our personal failures and collectively.

Why should hospitality matter?

It matters because human beings are created to live in communion with each other. To deny this - to exclude, to shun, to render or *refoule* - is to de-humanize profoundly a person. In ancient times, and in many parts of the world today, the refusal of hospitality is a death sentence.

Allow me to suggest, Mr. Chairman, that a core question for your report to the House of Commons should be: How does Canada's refugee and migrant system meet the test of hospitality as justice?

I want to propose four elements of an answer, drawing the first three from our pastoral letter "We are aliens and transients before the Lord our God" and the last from recent developments in the Vatican's international examination of counter terrorism.

First, in entering into the [Safe Third Country Agreement](https://www.canada.ca/en/immigration-refugees-citizenship/services/immigration-refugees-refugee-processing/safe-third-country-agreement.html) with the United States, Canada has left it in the hands of a foreign government to determine the final disposition of people we deny refugee status.

This places us at risk of violating our international obligations under the [United Nations Convention Relating to the Status of Refugees](https://www.unhcr.org/488a933e7.html) to respect the principle of *non-refoulement*. The Safe Third allows Canada illicitly to wash its hands of these obligations, leaving it for U.S. officials to render, *refoule*, or hold in detention people who could otherwise have had a viable refugee claim. There is no appeal, and every likelihood that the Safe Third violates the [Charter of Rights and Freedoms](https://canada.legislation.parl.gc.ca/eng/acts/C-30.1.html).
Furthermore, the Safe Third is problematic in the context of recent developments in U.S. counter terrorism legislation.

The passage in September of the *Military Commissions Act* further embeds the category of "material support of terrorism." First introduced in the *USA PATRIOT Act*, this category is used routinely to deny asylum to refugees fleeing religious persecution, terrorist cabals, rape gangs and despotic regimes. It is used to return them to the hands of their oppressors.

When Canada shuts the door on people who might, but for the Safe Third, have bona fide refugee claims, we become complicit in a bureaucratized evil that is correctly denounced by a growing inter-religious consensus in the United States. We make our own the words of these Jewish, Christian, and Muslim leaders who insist that *Refugees cannot become the unintended victims of the war against terror.*

This situation shows that there is a painful Canadian reality in the Holy See’s response to the report of the UN High Commissioner for Refugees: *a certain deterioration of the legal concept of asylum appears to be taking place as some States give preference to national legislation or bilateral agreements over international refugee law.*

*We recommend, therefore, that Canada abrogate the Safe Third Country Agreement.* Preparatory to this, we urge the Committee to recommend a comprehensive, objective and high level review of what has become of the people turned away thus far through the application of this Agreement.

Second, speaking at a considerable remove from your world in the House of Commons, I cannot understand how governments can fail to implement the appeal provisions of the *Immigration and Refugee Protection Act* and not face some form of meaningful censure. It was on the promise of a fair and timely appeal system that the legislation carried, and the executive branch’s failure to fulfill this
promise is a sign of obdurate defiance of democratic authority.

In the absence of an effective right to appeal, many parishes and denominational congregations are placed in the position of having to make agonizing decisions of whether or not to grant sanctuary. It is, as other witnesses have testified to you, very rare that churches choose to grant sanctuary, notwithstanding the many requests they receive. They do so only after a close examination of the facts before them, through an intensive process of communal deliberation. Granting sanctuary is for these churches an exercise of their informed conscience that must take into account the prospect of breaking the law, risking fines and imprisonment or violating conscience and the imperative of hospitality. When all other recourse has failed, granting sanctuary is a way to call the government's attention to an exceptional injustice, a way to denounce a specific and unacceptable failure of the immigration system in faithfulness to the Lord's own call to hospitality as justice.

*We recommend, therefore, that the Committee unanimously call upon the government immediately to implement a rigorous, transparent and timely appeals system as required in the Act.*

Third, there seems to be a lack of political will to make private or collective sponsorship work. One of the most arduous burdens a family can bear is to be separated and uprooted for a prolonged period of time. For example, according to the Department's own figures, 50 percent of the cases in Africa and the Middle East have delays of 22 months, with 70 to 80 percent of cases taking 29 to 34 months. From this it seems that the delays are in fact a form of systemic discrimination, a head tax exacted in time and not money.

*We note also, again by the Department's own numbers, that seventy to eighty percent of cases reuniting refugee women and men with their children take up to 16 to 21 months.*

*We recommend, therefore, that the Committee call upon the government to 1) Eliminate obstacles which impede the speedy reunification of families; and 2) Reduce the waiting time for collective sponsorships.* For our part, we stand ready to collaborate with the government to make the system work.

Finally, on October 5th, 2005, the Holy See intervened at the United Nations High
Commission for Refugees to denounce the "mushrooming of detention centers for asylum-seekers"; and "a generalized policy of detention"; that is "more [...] a rule than [...] an exception prompted by national order and security." This is a product of a culture of fear, a culture that cannot be reconciled with democratic values, and it feeds, again in the words of the Vatican's intervention, "racist and xenophobic behaviour;"

We recommend, therefore, that the Committee call upon the government to guard against a "generalized policy of detention," ensuring that our system is in fact in accord with the values of a free and democratic society.

It is for this Committee to continue the work of reasserting the primacy of human dignity, human rights, and respect for the rule of law as core democratic values that make demands on Canada's refugee and migrant system.

Remember that the Catholic Church in Canada is comprises of people from every part of the world. You can see this in any church or cathedral in the country. Moreover, the country has grown stronger for its capacity to embrace religious pluralism, to authentically reflect the face of the human family.

You do not, therefore, work alone but instead have a vast constituency of Canadians - ourselves included - who continue to believe that Canada's vocation is to be a sign and safeguard of a new global culture of peace and hospitality. This culture of peace and hospitality comes first of all from our affirmation - in the face of terrorism, nihilism, fanatical fundamentalism and militarism - that every woman, man and child is of equal human dignity, and that we share a common, transcendent destiny.

We have every confidence that the imperative of hospitality, asserted in your work as legislators and our work as pastors, will preserve democracy and allow it to flourish, because it has allowed faith, solidarity and communion to flourish.