

Concerns about Bill C-49

As the Canadian government introduces legislation aimed at restricting the smuggling and trafficking of human beings, it appears to be losing sight of who the criminals are, and who the victims are.

Bill C-49, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, should be aimed at those individuals responsible for the exploitation of men, women and children, often in deplorable conditions, and profiting from their misery.

Unfortunately the legislation seems to confuse the people being smuggled with the criminals who are oppressing them.

There is no question that countries have a right to protect their borders. Recent incidents are evidence that Ottawa must put in place appropriate laws to deter and punish smugglers of people. The buying, selling, exchanging and transportation of human beings as commodities offends against the very dignity and fundamental rights of the person.

Unfortunately most of the proposed bill actually pertains to the individuals who arrive without authorization. The bill is blatantly punitive toward refugee claimants, both before and after immigration officials have had the opportunity to identify them and establish their backgrounds.

In particular:

- The legislation would allow for refugee claimants, including women, to be kept in detention for up to one year until their identity has been confirmed;
- It could deny refugee claimants the means to apply for permanent resident status for five years;
- It could bar successful refugee claimants from travelling during that five-year period or from sponsoring their spouses or children for resettlement in Canada.

Refugee claimants arriving in Canada using irregular means do not relinquish the right to the respect and dignity that all human beings are entitled to. They need to be dealt with appropriately, but overly harsh conditions fulfil no purpose and only compound their suffering.

The real criminals are those who transport these men, women and children in the hope of profiting from their misery. They are the ones the law needs to address more firmly.

As an infant, Jesus was a refugee in Egypt, and in his public ministry he was an itinerant with “nowhere to lay his head.” I urge Minister Kenney to take a fresh look at the proposed law with an aim of targeting not the itinerant or the refugee claimant, but their victimizers.

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