



CONSEIL CANADIEN POUR LES RÉFUGIÉS
CANADIAN COUNCIL FOR REFUGEES



amnesty international



Canadian Council of
Churches

Media release

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SUPREME COURT DENIAL OF LEAVE ON SAFE THIRD REGRETTED

The decision of the Supreme Court of Canada not to grant leave in the case challenging the Canada-U.S. Safe Third Country Agreement was met with regret today by the Canadian Council for Refugees, Amnesty International and the Canadian Council of Churches.

“This decision means that refugees will not have their day in court,” said Elizabeth McWeeny, CCR President. “The US is not in fact safe for all refugees, so we deeply regret that the Supreme Court has not taken this opportunity to ensure that Canada provides refugees the protection they need from forced return to persecution.”

The Supreme Court of Canada was being asked by the three organizations to determine whether the Canada-U.S. Safe Third Country Agreement is unconstitutional and violates refugees’ rights.

The organizations were appealing the Federal Court of Appeal’s ruling on the Safe Third Country Agreement. The appeal court overturned an earlier Federal Court decision which struck down the Agreement on the grounds that the United States does not comply with international human rights obligations.

The organizations note that the Federal Court of Appeal did not dispute the lower court’s finding of non-compliance: instead it ruled that the conclusion “that the US does not 'actually' comply is irrelevant.”

The courts have therefore permitted the continued operation of the Safe Third Country Agreement, despite the fact that the only court to rule on the question found that the US is in violation of its obligations not to send refugees back to persecution, or anyone back to torture.

The organizations will be seeking other avenues to challenge through the courts the unjust removal of refugee claimants to the US.

The organizations and John Doe launched the legal challenge to the Safe Third Country Agreement in December 2005. Under the Agreement, most refugee claimants arriving in Canada at the US border are ineligible to make a claim in Canada. The organizations argued that some of those denied entry to Canada are not able to receive protection in the US, because the US does not comply with its international obligations towards refugees.

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See also the Canadian Council for Refugees’ page on [Safe Third Country](http://ccrweb.ca/S3C.htm), <http://ccrweb.ca/S3C.htm>.