

July 30, 2020  
The Honorable Justin Trudeau  
Prime Minister of Canada



Dear Prime Minister Trudeau

As a matter of urgency, we write today to urge you to accept the Federal court decision which finds that the Safe Third Country Agreement is invalid, and furthermore, not to appeal this ruling. Justice McDonald found that the STCA violates Article 7 of the Canadian Charter of Rights and Freedoms because it infringes the liberty and security of asylum seekers who are returned to the US where they are likely subject to arbitrary and punitive detention in often appalling conditions. The judge made it clear that Canada is instrumental in this violation when CBSA officials return ineligible STCA claimants to likely detention on US soil and that Canada *“does not avoid the guarantee of fundamental justice merely because the deprivation in question would be effected by someone else’s hand”*.

This is the second time the federal court has found the designation of the US as a ‘safe third country’ invalid. In the interval since the first judgment in 2007, conditions for asylum seekers in the US have only worsened and most dramatically so under the current Trump administration. You are aware no doubt of many of the most egregious policies including: the separation of children from their parents and holding them in cages, the denial of asylum to women fleeing gender- based persecution in the Northern Triangle and the remain-in-Mexico policy that exposes highly vulnerable people to violence and illness in Mexican border towns as they are refused entry into the US while their asylum claims are considered. Just recently, the Trump administration moved to introduce ever greater restrictions on the right to asylum, as if bit by bit they seek to undermine the entire system. How can Canada any longer maintain that the US is a safe country for people fleeing persecution?

The STCA has been the driver that created Roxham Road. Our grassroots group in southern Quebec, Bridges Not Borders/Créons des ponts, has been present at Roxham Road since November 2017 and we have met hundreds of asylum seekers who, in fear and trepidation, have left everything behind to seek refuge in Canada. Without powerful motives, no one would make the often-perilous journey to Roxham, knowing they will be arrested and lacking any certainty of success in their refugee claims. Living in President Trump’s United States has been the driver for many who quite rightly fear being sent back to their homelands where they fear for their life or liberty. Ending the STCA will enable asylum seekers to seek refuge here in dignity and put an end to the costly policing efforts at Roxham Road.

While the judge has allowed 6 months for Parliament to respond, we call on you **to immediately stop sending people back to the USA** under the STCA. Given the prevalence of Covid19 in US immigration detention, this is even more pressing. People’s lives are being put at risk. (continued)

Furthermore, **the border closure order, which means irregular asylum seekers are also being returned to the US, must be amended to allow them to enter Canada**, subject of course to quarantine requirements.

And, finally we ask that you repeal the changes to the asylum system passed in Bill C-97 which makes people who have made asylum claims in the US, UK, Australia and New Zealand ineligible to make a claim in Canada. Given the one-year asylum bar in the US and the numerous failings of their asylum system we cannot penalize those who seek refuge here for this reason.

Prime Minister, surely it is time to end this indefensible agreement with the US which makes Canada complicit in these human rights abuses and means we fail to live up to our responsibilities under international law - and indeed, show basic human decency - to protect people seeking asylum and ensure that they are fairly and humanely treated.

Yours sincerely

Wendy Ayotte and Frances Ravensbergen  
For the Coordinating Committee

[www.bridgesnotborders.ca](http://www.bridgesnotborders.ca)

[www.creonsdesponts.ca](http://www.creonsdesponts.ca)

[bridgesnotborders.ca@gmail.com](mailto:bridgesnotborders.ca@gmail.com)

CC. Ministers: Marco E.L. Mendicino, Bill Blair; Chair of CIIM, Salma Zahid MP; Immigration Spokespeople: Jenny Kwan MP, Peter Kent MP, Christine Normandin MP; Elizabeth May MP; Local MPs Brenda Shanahan (Liberal) and Claude DeBellefeuille