

FOR IMMEDIATE RELEASE

**ASYLUM SEEKERS CONTINUE TO BE TURNED AWAY FROM CANADIAN
BORDER
Misinformation about Border Conditions Is Putting Migrants at Risk**

Detroit, MI - 28 August 2020

Growing numbers of people are traveling to the US-Canada border with the hopes of crossing into Canada to claim refugee status. However, most people are not permitted to enter Canada and are directed back to the US. Restrictions on who can enter Canada are in place both at official ports of entry and at unofficial crossings such as the one at Roxham Road, New York. There is a significant risk that people directed back will be detained in the US Customs and Immigration Enforcement (ICE) and placed in removal proceedings.

Due to the COVID-19 border closure, unofficial refugee crossings into Canada, such as the one at Roxham Road, New York, are closed. Royal Canadian Mounted Police (RCMP) continue to be stationed at Roxham Road. People caught attempting to cross into Canada at unofficial crossings such as Roxham Road will be directed back to the US, where they may be detained.

Under the Safe Third Country Agreement, many people are not permitted to apply for refugee status in Canada at official ports of entry. Despite the Federal Court of Canada ruling on July 22, 2020, that the Safe Third Country Agreement is unconstitutional, the Agreement remains in effect. There are some specific exceptions to the Safe Third Country Agreement. Certain people can claim refugee status at an official Port of Entry at the Canadian border. These exceptions include:

- People who have specific types of family members in Canada,
- Unaccompanied children under the age of 18 who do not have a parent or guardian in Canada or the US.
- Refugee claimants who are U.S. citizens or Stateless Persons habitually living in the U.S.
- People who have visas or travel documents allowing travel to Canada, or people from countries that do not require a visa for Canada, but do require a visa for the U.S. (e.g. Mexico, Hong Kong SAR)

Anyone who wants to make a refugee claim in Canada should talk to someone with expertise in Canadian immigration and refugee law before traveling to the US-Canada border. Non-profit organizations who work with refugees may be able to refer you to a lawyer who is qualified to practice immigration and refugee law in Canada. A qualified lawyer can provide advice about who is permitted to apply for refugee status in Canada under the Safe Third Country Agreement and COVID-19 border closures.

Contacts:

Bridge Not Borders - Créons des ponts, Quebec, Canada

Email: bridgesnotborders.ca@gmail.com

Alec Vernon - Detroit Mercy School of Law - Detroit, USA
Phone: 313-444-9222
Email: vernonag@udmercy.edu

For more information on the COVID border closures:

<https://www.unhcr.ca/newsroom/key-information-asylum-seekers/>

<http://www.bridgesnotborders.ca/info-1.html> (information in English, French and Spanish)

For more information on recent court ruling:

<https://ccrweb.ca/en/organizations-welcome-court-ruling-safe-third-country>

<https://ccrweb.ca/fr/decision-cour-sur-tiers-pays-surs-accueilie>

For more information on the Safe Third Country Agreement:

<https://ccrweb.ca/en/safe-third-country>

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/canada/processing-claims-protection-safe-third-country-agreement.html>

Source:

Bridges Not Borders - Créons des ponts is a bilingual grassroots group near Roxham Road supporting and advocating for asylum seekers. (<http://www.bridgesnotborders.ca/>)

Alex Vernon, Director, Immigration Law Clinic, University of Detroit Mercy School of Law

The Saratoga Immigration Coalition is a network of civic groups, faith communities and concerned individuals that seeks to foster, through support, education and advocacy, a community that is welcoming to all immigrants without regard to legal status.

(<https://www.facebook.com/Saratoga-Immigration-Coalition-458540114506608>)

The Canadian Sanctuary Network advocates for the fair treatment for refugees and seeks remedies for refugees who face removal to a country where they are at risk.

(<http://www.sanctuarycanada.ca/>)