LAWYERS FOR
SECURE IMMIGRATION

# Legislative, Regulatory and Policy Proposals regarding Immigration, Refugee and Citizenship Laws in Canada

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## Issues and Recommendations

### The Issue: What to do about foreign nationals intending to enter Canada as visitors to participate in events that promote hate?

**The Recommendation: Improve operational guidance given to officers and consider amending the *Immigration and Refugee Protection Act* (IRPA) and/or the *Immigration and Refugee Protection Regulations* (IRPR - the Regulations) so guidelines are referenced in the Act.**

- Amend the operational guidelines published by Immigration Refugees Citizenship Canada (IRCC) to list assessment factors (e.g. social media, past statements, international precedents with case examples) to be considered on whether to admit a foreign national who intends to give a speech at a public event or where there are reasonable grounds to believe they will do so in Canada.
- Amend the *Immigration and Refugee Protection Act* (IRPA) and/or the *Immigration and Refugee Protection Regulations* (IRPR - the Regulations) to include reference to assessment factors to be considered when evaluating the admissibility of prospective visitors to Canada.

Canadian authorities should bar prospective visitors who have a history of delivering messages that would be contrary to Canadian law (for example section 319 of *The Criminal Code*). Such guidelines will provide for more consistency by officers and will publicize in advance the criteria to be considered. Examples such as, social media history, interviews, and public statements in past speeches as well as immigration measures taken in other countries can guide the determination of whether proposed activities in Canada are likely to be contrary to Canadian law.

Those who support terrorism or terrorist organizations shall be excluded from entering Canada; support for terrorism will include participating with or glorifying a terrorist

activity or terrorist group as defined in *The Criminal Code of Canada* or counselling someone to participate in terrorist activities.

The definition of antisemitism developed by the International Holocaust Remembrance Alliance (IHRA) and as adopted by the Canadian government and most of the provinces should be operationalized by specific reference in IRCC guidelines.

### *The Issue: Sharing of Personal Information under The Strong Borders Act*

The proposed *Strong Borders Act* also includes amendments (proposed sections 33 and 34) to IRPA to allow for the sharing of information with federal departments and agencies further to written agreements or arrangements. We support these proposed amendments which will facilitate appropriate steps being taken by the authorities.

The proposed *Strong Borders Act* includes amendments to the *Sex Offender Information Registration Act* which authorizes Canada Border Services Agency (CBSA) to disclose certain information to law enforcement agencies for the purposes and administration of that Act. Consideration should also be given to giving CBSA the authority to communicate with other Canadian law enforcement agencies, including hate crime units, that may be interested in monitoring visitors (i.e. speakers, religious figures, musicians) who may be deserving of attention by law enforcement agencies even where visitors are permitted to enter Canada.

### The Issue: The Responsibilities of Designated Learning Institutions (DLI's).

**Recommendation: Designated Learning Institutes (DLI's) Should Be Obligated to Provide CBSA and/or IRCC with quarterly compliance reports about study permit holders.**

IRCC provides annual study permit quotas to each province and territory. In turn, each province and territory provides a study permit quota to each Designated Learning Institution (DLI).

**The Issue: Foreign Nationals on Study Permits, Work Permits, and Visitors Who May Pose a Risk or who Engage in Illegal Activities.**

**Recommendation: Review and Improve Security Screening Processes**

Screening requirements should be adapted to reflect the risks posed by those who come from countries of origin with a high risk of security concerns. For example, the requirement for police certificates from some countries should be mandatory, with the caveat that such a requirement alone may not be determinative. It is acknowledged that those who support a hostile regime from unfriendly countries may be able to readily obtain police certificates and those who oppose the regime may not be able to obtain police certificates.

Foreign nationals who are engaging in and who are organizing or participating in illegal demonstrations – for example supporting illegal encampments, participating in nuisance protests, or being involved in illegal activity, such as involvement in spreading messages of hate contrary to the *Criminal Code* should be brought to the attention of CBSA. Similarly, those who support terrorist, espionage or subversive organizations who manifest in Canada (or abroad) their involvement in or commitment to terrorism, espionage or subversion, through membership in the prohibited organizations should be brought to the attention of CBSA. CBSA resources should be devoted to enforcement action against this cohort of temporary residents in Canada.

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**Recommendation: IRCC Forms for Applications to Ask about Membership in Organizations that Can Pose Security Risks Including Subversion Against a Democratic Government or Process.**

IRCC application forms for study permits, for visitor visas, and for work permits for applicants from outside Canada asks whether one has been a member of a group which has engaged in or advocated violence to achieve a political or religious objective or has been associated with criminal activity. The application forms should also ask whether an applicant has been a member or associated with an organization that engages or has engaged in subversion against a democratic government, institution or process. There can also be a question as to whether an applicant has had any relationship with any group designated as a terrorist entity by Canada, including a drop-down menu of those listed by Public Safety Canada, so it will be clear which entities are designated terrorist entities.

The above question should be asked on all IRCC application forms and online applications. It not only gives notice that such activity is prohibited in Canada but would also set up another potential ground of inadmissibility: misrepresentation through foreclosure of inquiries.

**Recommendation: Student, Worker and Visitor Visa Conditions on Study Permits, Work Permits, and Visitor Records Should Include the Requirement of a Commitment to Respect Canadian Laws.**

International students, foreign workers, and visitors who violate Canadian law should lose their status without the necessity of a criminal charge being laid, or a criminal conviction being registered or the need for a prosecutorial judgement call (discretion) or recommendation in favour of prosecution and proof beyond a reasonable doubt. If there are reasonable grounds to believe a foreign student, worker, or visitor has violated any Canadian law involving moral turpitude, the immigration status of that person should be revoked.

For this specific concern, the grounds for inadmissibility do not need to be changed; all that needs to be done is to add to the list of conditions students, workers, and visitors must respect is a condition that students respect and commit to adherence to Canadian law and that failure to abide by Canadian laws may be grounds for losing status.

**Recommendation: The *Immigration and Refugee Protection Regulations* (IRPR) Should be Amended to Facilitate Removal of Foreign Nationals who Violate Laws Involving Moral Turpitude**

**Students**

Section 220.1 of The *Immigration and Refugee Protection Regulations* which outlines conditions for study permit holders should be amended to add that students will refrain from participating in illegal acts and that the validity of a study permit will end on the day that CBSA cancels a study permit, visa, or electronic travel authorization (eTA) as outlined in the proposed regulatory changes of January 31, 2025 per SOR/2025-11. The Regulations should be amended to allow CBSA to cancel study permits, visas, or eTAs for non-compliance.

Section 220.1(4) of the Regulations allows for the possibility of a removal order by a Minister's Delegate for non-compliance with conditions on study permits. The section should also add a provision whereby a condition to comply with any code of conduct by a designated learning institute (DLI) is required and any failure to do so would be subject to an administrative removal order that does not require adjudication by the Immigration Division of the Immigration and Refugee Board.

**Workers**

For work permit holders, we recommend an amendment and expansion of Section (30)(1) of IRPA such that someone may not be eligible to work further to any act, or

upon charge or conviction where there are reasonable grounds to believe or police or court records confirm that a foreign national has violated any laws that can be said to be laws involving moral turpitude. Regulation 228 should be amended to allow for the possibility of a removal order by a Minister's Delegate.

That the IRPR be amended and expanded upon to explicitly list new conditions under which foreign workers will be granted admission to Canada. This would be like the conditions for students outlined above.

There should be a declaration signed by the foreign national at the time of submitting application form and on printing of the work permit at the port of entry whereby the applicant undertakes to comply with Canadian law. Temporary foreign workers should understand and agree that if they commit a breach of laws involving moral turpitude then their work permits will be revoked automatically.

**Visitors**

Similar to international students, a declaration should be signed by the Visitor at the time of submitting application form or electronic eTA application and on printing of the visitor record or swiping passport at kiosk at the port of entry, whereby the applicant undertakes to comply with Canadian law and understands that visitor status may be cancelled or revoked for non-compliance with such conditions.

We do note that the proposed *The Strong Borders Act* includes a provision (section 77 amending section 87.3 of IRPA) whereby conditions can be imposed on any immigration documents. We support this. Furthermore, transitional provisions should be such that the powers resulting from section 77 apply not only to immigration documents issued after the provision comes into force, but also to immigration documentation issued before the proposed legislative amendment.

Section 77 of *The Strong Borders Act* also amends section 87.3 of IRPA such that a person who may be subject to the cancellation, suspension or the imposition of conditions on an immigration document must appear for an examination if requested to do so by an officer. We support this.

**Recommendation: At the time a IRCC requests a passport to issue a counterfoil visa on a study permit application the international student must sign a declaration.**

The signed declaration should include the following points:

- They intend to pursue a full-time course of study.
- The sole purpose of the decision to grant them authorization to study is to allow them to fulfil their academic pursuits as declared on their study permit application and for no other purpose.
- They will abide by their Designated Learning Institute's ("DLI") student code of conduct.
- They understand and agree that failure to pursue their academic activities in Canada as declared on their study permit application and abide by DLI code of conduct while a temporary resident in Canada, shall result in an automatic revocation of their study permit.
- They understand and agree that are no guarantees that they will be permitted to complete their program of study in Canada should any violation of the terms of their study permit come to light by way of compliance reports by the DLI, the applicant or where there has been a breach of laws involving moral turpitude.
- They understand and agree that they are temporary residents in Canada without any right to remain in Canada or transition to permanent residence status - even where they have dual intent.
- They agree to abide by all federal, provincial, and municipal laws and pledge to adhere to Canadian values of tolerance and respect for the rule of law as defined exclusively under the law of Canada.

- They understand that and agree that if they commit a breach of laws (municipal, provincial, federal) that involve moral turpitude their work permits will be revoked automatically.
- They understand and pledge not to engage in activities that advance or support the political, social or religious objectives of governments, groups or people outside of Canada that would be contrary to Canadian law.
- For applications where the visa post does not need to issue a visa, the declaration can be included in an online application or an eTA application.

**Recommendation: Upon Arrival in Canada an International Student Must File a Report to IRCC Within Thirty Days of Arrival Through Their IRCC My CIC Account and Then Every Twelve Months Thereafter**

The report would include the following:

- They are enrolled on a full-time basis and pursuing their intended course of study.
- They will notify IRCC should they be unable to comply with the terms of their initial admission to Canada.
- They have not been cited for violating the terms of their DLI code of conduct.
- They have not been charged with an offence under federal, provincial, or municipal laws.
- If they have not adhered to the terms of admission to Canada and the study permit, they must report to a CBSA office to report non-compliance.
- If they have not adhered to the terms of admission to Canada and the study permit, they must immediately report such non-compliance to the DLI Registrar who in turn is obliged to report such non-compliance to IRCC.

**Recommendation: At the time IRCC requests a passport to provide a visa further to a work permit application the temporary foreign worker must sign a declaration.**

The signed declaration can include the following points:

- Their primary purpose of entry is to pursue gainful employment in Canada.
- The sole purpose of the decision to grant them authorization to work is to allow them to work under a closed or open work permit and under the terms and conditions specified by their employer in Canada and as declared on their work permit application and for no other purpose.
- They understand that and agree that if they commit a breach of laws (municipal, provincial, federal) that involve moral turpitude their work permits will be revoked automatically.
- They understand and agree that they are temporary residents in Canada without any right to remain in Canada or transition to permanent residence status - even where they hold a dual intent.
- They agree to abide by all federal, provincial, and municipal laws and pledge to adhere to Canadian values of tolerance and respect for the rule of law as defined exclusively under the law of Canada.
- They understand and pledge to not to engage in activities that advance or support the political, social or religious objectives of governments, groups or people outside of Canada that would be contrary to Canadian law.

**Visitors**

The signed declaration can include the following points:

- Their sole purpose of entry is to visit Canada for a temporary and time limited duration as authorized by IRCC and CBSA.

- The sole purpose of the decision to grant them authorization to enter Canada is to allow them to visit Canada under the terms and conditions specified in their application form or eTA application and for no other purpose.
- They understand and agree that failure to adhere to the temporary purposes of entry to Canada as declared on their application, and abiding by Canadian laws (municipal, provincial, federal) while temporarily resident in Canada may result in an automatic revocation of their visitor status.
- They understand and agree that there are no guarantees that they will be permitted to complete the purpose of their visit or stay in Canada should any violation of the terms of their entry come to light or where there has been a breach of laws that can be said to involve moral turpitude.
- They understand and agree that they are temporary residents in Canada without any right to remain in Canada or transition to permanent residence status - even where they hold a dual intent.
- They agree to abide by all federal, provincial, and municipal laws and pledge to adhere to Canadian values of tolerance and respect for the rule of law as defined exclusively under the law of Canada.
- They understand that and agree that if they commit a breach of laws (municipal, provincial, federal) that involve moral turpitude their work permits will be revoked automatically.
- They understand and pledge to not to engage in activities that advance or support the political, social or religious objectives of governments, groups or people outside of Canada that would be contrary to Canadian law.

**Recommendation: CBSA Should Apply Legal Provisions Currently in IRPA to Foreign Nationals Who are Threats to National Security**

Canada should not be a haven for members and supporters of terrorist, espionage and subversive organizations. Yet, there is an almost total absence of enforcement activity against non-citizen members or supporters of terrorist, espionage or subversive organizations who manifest (in Canada or abroad) their involvement in or commitment to terrorism, espionage or subversion, through membership, affiliation or support of prohibited organizations. That absence is an indication that CBSA has given almost complete free rein to foreign interference by foreign actors in Canada who are acting in support of foreign governments and non-governmental prohibited foreign entities and their proxies.

## The Issue: Hate Crimes in Canada

**Recommendation: CBSA Should Establish a Hate Crimes Unit**

There are many specialized police hate crime units across Canada. CBSA do not appear to have a Hate Crimes Unit. The establishment of a hate crimes unit will enable authorities to consider provisions under immigration law in responding to hate crimes involving foreign nationals and others who are not citizens of Canada. It will also encourage and facilitate coordination and collaboration with authorities enforcing the criminal law.

## The Issue: Criminal Harassment Resulting from Foreign Interference in Canadian Elections, The Criminal Code, and IRPA

**Recommendation: In cases where the facts of foreign interference justify a prosecution for criminal harassment, those prosecutions should be engaged. Where convictions occur and the person convicted is a foreign national in**

**Canada, the Canada Border Services Agency should seek the removal of the person from Canada.**

The Government of Canada established the Foreign Interference Commission that issued a report on January 28, 2025. Recommendations were made as to how CBSA can play an important role in preventing foreign actors from interfering with Canada's electoral process. We recommend that:

- Anyone acting for the benefit in support of a terrorist or other prohibited group long enough, in a sufficiently involved way, with a commitment to the objectives and purposes of the terrorist or other prohibited group, would be considered a member of the group, even though there is no formal association with the group, even though there is no direction from the group. Foreign nationals who are members would be inadmissible to Canada.

The Government of Canada has developed a list of terrorist entities. The list is found on the Public Safety Canada website. Membership in an organization on that list should in principle render a non-citizen inadmissible even if the non-citizen became and remained a member only in Canada.

**Recommendation: The Minister of Public Safety should instruct Canada Border Services Agency officers to apply systematically, comprehensively and expeditiously to criminal activity which amounts to foreign interference, the component of the *Immigration and Refugee Protection Act* prohibiting membership in organizations which engage in a pattern of criminal activity.**

An important difference between this form of inadmissibility and inadmissibility for criminal harassment is that inadmissibility for organized criminality does not require prosecution and conviction for a crime in Canada.

There appears to be no public record where someone has been ordered deported from Canada based on membership in a criminal organization where the criminal activity of the organization amounted to foreign interference.

Recent amendments to the Regulations allow immigration and border officers to cancel visas and eTAs when a person is inadmissible – this can be an effective tool for CBSA enforcement officers.

## The Issue: The Applicability of the International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism

**Recommendation: All provinces and territories when imposing requirements for designation of post-secondary institutions for the International Student Program should require these institutions to uphold their own governmental prohibition against discrimination. Operationalize the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism in IRCC guidelines.**

**Recommendation: The federal government should require post-secondary institutions that wish to be designated learning institutions to adopt and operationalize the IHRA definition of antisemitism.**

The federal government has the power to implement the above recommendation despite the exclusive jurisdiction provinces have over education, because the designation requirement would fall within the federal and provincial concurrent power over immigration. It should be noted that most of the provinces have adopted the IHRA definition of antisemitism.

Any post-secondary learning institution which does not wish to adopt the IHRA working definition of antisemitism is free not to do so. By not doing so, the institution would forfeit the possibility of hosting foreign students. However, they could still function as learning institutions.

## The Issue: Exit Verification and Data Collection on Departure from Canada

**Recommendation: Institute an exit verification process for those departing Canada and pursue information sharing agreements internationally to gain access to departure data**

Canada does have information sharing arrangements with the United States as outlined in the updated IRCC operational bulletin of February 4, 2025; but such arrangements

should be expanded upon such that there is a more comprehensive system of exit verification with the United States involving checking of the identities of those exiting Canada against all relevant data bases.

Because there is no Canadian official exit verification system, the Government of Canada may not know whether someone granted temporary status in Canada has overstayed or left. Although Canada has information sharing with governments of some other countries it does not with every country. If a person who has had temporary or permanent residence revoked or has overstayed and departed and travelled to a country that Canada does not have an information sharing agreement (most countries) with, Canadian officials would not know of the departure. As well, because there are no exit controls, fugitives from justice can evade Canadian justice simply by leaving the country.

## The Issue: Visa Office Interviews

**The Recommendation: Canadian Visa Offices Adopt a Mandatory Interview Policy of Visa Applicants from Designated Countries.**

The Government of Canada does not have a mandatory visa application interview policy. Its publicly posted policies state only that "*We may also ask you to go to an interview with our officials in your country*". Why interviews would or would not occur are not stated. The US, for instance, has a policy of interviewing almost every applicant. Their stated policy is "*interviews are generally required for visa applicants with certain limited exceptions below. Consular officers may require an interview of any visa applicant*." The exceptions are those 13 years and younger and 80 years and older.

A country-of-origin distinction could and should be made for visa interviews, based on practical considerations, such as for security purposes. Interviewing everyone, with limited exceptions, is significantly more resource intensive than interviewing specific categories of cases. A cautious approach would be interviewing systematically only those applicants from countries or territories that are controlled, partially controlled and/or governed by terrorist entities or countries that host people with connections to terrorist organizations or movements. We recommend interviews of applicants from

countries and regions where the perpetration of terrorist activities including mass atrocities-are an advisable precaution.

## The Issue: Removals of Those Who Are Inadmissible for War Crimes, Crimes Against Humanity, and Terrorism

**The Recommendation: All enforceable removal orders should be enforced, absent a Court order staying removal. There should be regulatory reform to give the courts authority to order the detention of a suspect pending removal. There should be a reverse onus provision. Detention is mandatory unless proven otherwise.**

The laws preventing the entry and stay of war criminals, criminals against humanity, and terrorists have not worked effectively. One cause of delay has been governmental discretion. Even when perpetrators have been found removable, the government, without being obliged to do so, has stayed enforcement of removal proceedings where there was a pending Court application challenging the removal decisions. There needs to be a policy of enforcement of enforceable removal orders, absent a Court order staying removal.

## The Issue: Changes to the Refugee Determination System

**Recommendation: Prohibition of Making a Refugee Claim After Being in Canada for One Year**

Individuals who have been in Canada for a minimum of 365 days should not have the ability to make a refugee claim except in clearly defined circumstances.

We recommend:

- Section 101(1) of IRPA should be amended to add the following clause, by creating section A101(g) to the reasons for ineligibility for making a refugee claim: 101(g): "*the claimant has been inside of Canada for 365 consecutive days before making their claim, unless they can prove new, and compelling evidence of current country conditions that merit the personal need to seek refugee protection after the 365 days have elapsed*."
- Section 101(1) of IRPA pertaining to ineligibility to make a refugee claim should be amended by adding 101(3) on timing of a claim:

  **Timing of Claim**

  101(3) A claim will not be ineligible pursuant to section 101(1)(g) if the claimant demonstrates either the existence of changed circumstances which materially affect the claimant's eligibility for refugee protection or extraordinary circumstances relating to the delay in filing an application within the period specified in 101(g).

**Recommendation: The Safe Third Country Agreement (STCA) should be amended so that any person who crosses the border from the United States is ineligible to make a refugee claim regardless of how long they have been in Canada.**

After the most recent amendments to the STCA, it now applies to refugees seeking entry to Canada across the entire border between Canada and the United States. Those who cross the border are ineligible to make a claim unless they have been in Canada for fourteen days. This allows someone to enter Canada illegally, remain undetected or otherwise for fourteen days, and then be eligible to make a refugee claim.

We recommend:

- The STCA be amended so that a person who crosses the border is ineligible to make a refugee claim regardless of how long they have been in Canada.

- The STCA should also apply to those who enter Canada through airports.
- The exemption for those holding temporary travel documents who travel from the United States should also be ended. This should include those who enter Canada from the United States with a valid temporary document and make a refugee claim at an inland office.

We note that section 78 of *The* Strong *Borders Act* also amends section 101(1) of IRPA such that someone who had entered from the United States via a land border will not be eligible to make a refugee claim even after fourteen days expires unless some stated exceptions apply. A previous amendment only prohibited a claim for the first fourteen days after arrival. We support this proposed amendment. It should be noted that notwithstanding such a prohibition, a person entering from the United States would still be entitled to a Pre-Removal Risk Assessment (PRRA) if subject to removal.

Notwithstanding the expanded ineligibility for refugee protection claims to be considered by the Refugee Protection Division of the IRB, our understanding is that persons ineligible on the expanded grounds would instead be able to seek refugee protection in Canada through a Pre-Removal Risk Assessment (PRRA).

## The Issue: Concurrent Pre-Removal Risk Assessment (PRRA) and Humanitarian and Compassionate (H&C) applications.

**Recommendation: End concurrent PRRA and H&C applications.**

A PRRA stays removal while an application based on humanitarian and compassionate grounds does not. This could end the practice of using the PRRA to delay removal while a concurrent H&C application is filed. This would oblige applicants to choose either a

PRRA or an H&C application and if they choose an H&C application, they could still have the option of applying for a judicial stay of removal.

## The Issue: The Economic Mobility Pathways Pilot (EMPP) and the Definition of Refugee.

**Recommendation: A refugee certificate issued by the United Nations Relief and Works Agency (UNRWA) or proof of being registered or recorded as a person of concern with UNRWA should not be included on the list of documents which would allow an applicant to be eligible for permanent resident status through the Economic Mobility Pathways Pilot.**

It is now possible to qualify under this refugee resettlement program if the person has a refugee certificate from UNRWA. People with an UNRWA refugee certificate are not necessarily refugees or protected persons. Nor are they required to reside in Gaza or the West Bank.

UNRWA refugees maintain their refugee status even if they hold nationality and refugee protection in another state. For every other refugee as defined under the 1951 Refugee Convention and its 1967 Protocol, refugee status is a form of surrogate protection, where there is no state of nationality able or willing to offer protection. There are an estimated two million Palestinians who have refugee status conferred by UNRWA despite having Jordanian nationality.

Non-UNRWA refugees, meaning those recognized under the 1951 Refugee Convention and its 1967 Protocol cannot be complicit in acts of terrorism. Specifically, the 1951 Refugee Convention does not apply to those for whom there are serious reasons for considering that they have committed war crimes or crimes against humanity, serious non-political crimes, or are guilty of acts contrary to the purposes and principles of the United Nations. The 1951 Refugee Convention excludes those about whom there are serious reasons for considering that the person has been guilty of acts contrary to the

purposes and principles of the United Nations; terrorism is such an act. UNRWA has no exclusion or ineligibility clause based on complicity in terrorist acts. Hence, a refugee recognized by UNRWA, holding a certificate from that agency is eligible for resettlement in Canada under the Economic Mobility Pathways Pilot.

**The Issue: The Immigration and Refugee Board (IRB) May Hold Paper Screening for Refugee Claims from Some Countries and Territories.**

**Recommendation: Section 170 of IRPA Should be Amended such that the Refugee Protection Division must always hold a hearing where the claim is against a country or territory where an organization that comes within section A34 governs.**

The Act allows for the IRB to permit the Board to forego oral hearings if it gives the Minister (CBSA) notice and if the Minister has not advised of a notice to intervene.

While it is true that the IRB's applicable instructions indicate that cases where a decision might be made without a hearing will only be for those where a front-end security screening has been completed, there may be instances where it would be desirable for more scrutiny than simply front-end screening.

A terrorist organization with access to the levers of government raise issues of membership in ways which require the closer scrutiny of an oral hearing. For example, the percentage of successful claims for those from Gaza is very high. Gaza is also a place that has been under the control of a terrorist entity for many years. There

should be more than simply a front-end screening and then a paper-based review without an oral hearing. There may be details that arise during an oral hearing that will allow for a more comprehensive security check.

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## The Issue: IRCC's Reliance on Public Policies and IRPA's section 25.2.

**Recommendation: Any public policies introduced pursuant to IRPA section 25.2 should only be done after there has been advance notice and opportunity for stakeholder feedback. Exceptions should only be allowed in very narrow and specific circumstances – for example, in cases of emergencies such as natural disasters or global pandemics. Section 25.2 should be amended to provide a statutory requirement for such notice.**

## The Issue: Questions on the Citizenship Application Forms Should be More Comprehensive.

**Recommendation: On Citizenship application forms, IRCC should change questions about past criminal convictions in the last four years to since becoming a permanent resident of Canada.**

The forms should ask whether the applicant, while a permanent resident, have you:

- Been convicted of an indictable offence under any Act of Parliament, or an offence under the *Citizenship Act*.
- Been convicted of an offence outside Canada, regardless of whether you were pardoned or otherwise granted amnesty for the offence.

  While a permanent resident, have you:

  - Been convicted in Canada of terrorism, high treason, treason, or spying offences.
  - Been convicted outside Canada of terrorism, high treason, treason or spying offences.
  - Served as a member of an armed force of a country or territory or an organized armed group and that country or territory or group engaged in armed conflict with Canada.

- Participated in any activity that could be construed as supporting the use of terrorism to achieve a political, religious or cultural goal or objective.

## The Issue: The Citizenship Study Guide Should Include Reference to Canadian Values

We recommend that the Citizenship Study Guide, *Discover Canada, The Rights and Responsibilities of Citizenship* include reference to a Canadian Values Statement in the section of the guide on Rights and Responsibilities of Citizenship. We recommend that the following statement be added to the guide.

## Canadian Value Statement

> "Canada upholds democracy, the rule of law, equality, and respect for human dignity. Through multiculturalism, enshrined in the Charter of Rights and Freedoms and the Canadian Multiculturalism Act, Canadians are free to preserve their cultural and religious traditions while sharing in a common citizenship. This value requires not only celebrating diversity but also protecting communities from hatred, discrimination, and violence. In this spirit, Canadians shall affirm that all communities must be safeguarded from intolerance, ensuring that everyone can live in safety and dignity as part of our shared national life."

## Additional Proposals in The Strong Borders Act

*The Strong Borders Act* includes many proposed amendments to existing legislation including IRPA. Below are some proposals connected to IRPA not outlined above along with an indication as to whether we support them.

Section 45 of *The Strong Borders Act* amends subsection 97(2) of IRPA such that it appears to be possible that someone can be prescribed to be a member of a class that needs protection rather than a clear requirement to be prescribed by regulation. It is not

sufficiently clear what the process for such determination will be if it is not to be prescribed by regulation or what oversight there might be as part of that process. We support the establishment of a process that is like the regulatory process that requires a public statement of a proposed prescription and inviting input. Once the prescription is decided and announced it should be accompanied by a prescription analysis impact statement.

We support section 43 of *The Strong Borders Act* that proposes to add section 44.1 to IRPA which will prohibit an admissibility hearing if the person is not physically in Canada.

Section 50 of *The Strong Borders Act* amends subsection 102.1(3) of IRPA by adding s. 102.1(3) which prohibits the Refugee Protection Division of the IRB from compelling the Minister or someone acting on behalf of the Minister to appear for a hearing. We support this.

We should also note that we expect that The Strong Borders Act will lead to much litigation. This will likely include increased motions for stays of removals. The Federal Court is already overwhelmed, and this translates into challenges for those involved with the immigration system. As a result, we recommend the appointment of additional judges to the Federal Court.