

## PRESS RELEASE

### **Inter-American Commission on Human Rights Grants Joint Request by US and Canadian Advocates and Academics to Participate in Emergency Hearing on Executive Orders**

*HIRC to attend Commission hearing next week*

The Inter-American Commission on Human Rights (IACHR) has granted a [request](#) filed by the Harvard Immigration and Refugee Clinical Program (HIRC) to participate in a hearing on the impact of President Trump's Executive Orders on human rights in the United States.

HIRC's request, submitted with the support of over two dozen law professors and advocates on both sides of the border, will focus on the impact of the Executive Orders on the Safe Third Country Agreement (STCA) between Canada and the United States. The hearing will take place on March 21<sup>st</sup> in Washington, D.C.

Under the STCA, Canada refuses to hear claims by asylum seekers who arrive at the Canadian border from the U.S. on the premise that the United States is a "safe" country for refugees and can adequately entertain their claims. However, as HIRC's hearing request explained, with these Executive Orders, the United States cannot be considered a "safe" country for refugees.

HIRC outlined grave concerns with the U.S. asylum system in its latest [report](#), submitted to the IACHR with the request for a hearing. The report demonstrates how the executive orders undermine human rights and fall short of basic refugee protection obligations under international law. Of particular concern are the provisions for an expanded system of mass incarceration of refugees; expansion of expedited removal proceedings without due process; and aggressive prosecution of unauthorized entry.

Since the Executive Orders came into effect, an increasing number of asylum seekers have risked their lives to cross the border into Canada. As highlighted by Efrat Arbel, professor of law at the University of British Columbia, "Asylum seekers are risking life and limb to make the treacherous journey into Canada by foot in the dead of winter. As a country committed to refugee protection, Canada must do better."

HIRC is urging the IACHR to carry out site visits at the U.S.-Canada border to gather more information. The Clinic has also asked that the IACHR convene another hearing with Canada to address the STCA—building on the 2011 [ruling](#) that Canada violated its own human rights obligations by returning refugees to the U.S. under the "direct back" policy without first conducting individualized assessments of their asylum claims.

"I'm hoping it's a wakeup call to the Canadian government," said Sharry Aiken, professor at Queen's University, Faculty of Law, in Canada. "The Safe Third Country Agreement should be suspended until the United States demonstrates compliance with its legal obligations to refugees."

Sabrineh Ardalan, Assistant Director of HIRC, noted, "Our goal in the Clinic is to make sure that refugees fleeing persecution can seek the safety and protection they deserve. I hope the hearing will raise public awareness and pressure the Canadian government to suspend the agreement." As Clinic Director Deborah Anker emphasized, "The Executive Orders expand and intensify long standing problems with the U.S. asylum system, which can no longer offer adequate protection to refugees fleeing persecution."

The IACHR is an autonomous organ of the Organization of American States (OAS) with a mandate to promote and protect human rights in OAS Member States. Thematic hearings are an important part of this mandate. Public hearings are open to media and to the general public, and are also transmitted live on the IACHR's [website](#).

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