The Honourable Ahmed D. Hussen
Minister of Immigration, Refugees and Citizenship
365 Laurier Avenue West
Ottawa, Ontario (K1A 1L1)

Re: Suspending Safe Third Country Agreement

Dear Minister Hussen,

We, the undersigned law professors, call on the Canadian government to immediately suspend directing back refugee claimants at the Canada-US border under the Safe Third Country Agreement.

Canada's immigration legislation indicates that, in determining whether a country should be designated as "safe" for refugees, consideration must be given to the country's human rights record and to whether the country complies with the 1951 Refugee Convention and the Convention against Torture.

Executive orders issued by President Trump demonstrate that the US is not "safe" for refugees. These include a ban on Syrian refugees and a bar on entry of nationals of seven mostly Muslim countries. It is also evident that administration of the executive orders through border enforcement has been chaotic, inconsistent and arbitrary. This exposes refugees to yet more risk. Additional statements issued by the President also indicate that the US is not "safe", including his call for a ban on entry for all Muslims and his suggestion that he is open to considering the use of torture.

We condemn these actions and statements in the strongest possible terms. They reflect the very bigotry, xenophobia and nativist fear-mongering that the international refugee regime was designed to counteract. We also note that they are inconsistent with the 1951 Refugee Convention, the Convention Against Torture, the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights, and many other international human rights instruments.

At the same time, we applaud and are heartened by Prime Minister Trudeau's recent statement that Canada continues to welcome those fleeing persecution, torture, and war, regardless of their religion.

To make good on this statement, the Canadian government must immediately stop blocking refugee claimants from crossing the border from the US into Canada. To this end, the Canadian government should exercise its right under the Safe Third Country Agreement to suspend the Agreement for up to three months, pending a review of the Agreement.