

How can Canada reduce asylum seekers? New School of Public Policy report

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Calgary – Recent polling suggests that border security is the most salient immigration issue among the Canadian public. Despite these perceptions, border crossers represent only a fraction of the total asylum claim backlog- an inventory of pending cases of people seeking protection in Canada on the basis of fear of persecution in their home country.

From January 2017 to February 2019, approximately 42,000 asylum seekers have been intercepted by the RCMP while crossing the Canada-U.S. border. Asylum seekers intercepted by the RCMP represented just over one third of all asylum claims over this period. One proposal currently being explored by the Canadian government to reduce crossings, is to renegotiate the “Safe Third Country Agreement” (STCA) with the United States.

Today, The School of Public Policy with author Robert Falconer released a report that outlines possible benefits and drawbacks of renegotiating the STCA. The report also looks at the current issues precipitating and underlying renegotiation of the STCA, which includes a large backlog of pending asylum claims and increased uncertainty around border security and immigration.

According to Falconer, “The purpose of the STCA is to share responsibility for asylum flows between Canada and the United States, and was signed in the wake of 9/11. The STCA allows Canadian border officials to immediately return asylum seekers to a U.S. port of entry if those asylum seekers arrived in the United States first. U.S. border patrol officers may also return asylum seekers to Canadian ports of entry, if they first arrived in Canada before attempting to claim asylum. This “ping pong” effect is justified by each country designating the other as a “safe country” that respects the rule of law, and an asylum seeker’s right to claim protection. The STCA only applies to ports of entry along the border, and excludes areas between official crossings.”

Modifying the Safe Third Country Agreement to allow Canada to turn back asylum seekers crossing the border has possible benefits and risks. Benefits include mitigating growth in the pending asylum case inventory, and warning away new claims by those with dubious or ungrounded fears of persecution. Risks include the possibility of creating “out-of-status” asylum seekers entering Canada through precarious means, while seeking to evade border and law enforcement officials. The United States may also not consider a modified Agreement, including an extreme scenario, where the U.S. exits from it.

If the Canadian Government wants to reduce crossings at the border, it may want to consider focusing efforts on policy reforms and hiring initiatives that further reduce processing times for asylum claims. Reducing processing times would provide quicker protection for those with a credible fear, while reducing both cross border and other new claims by those with dubious or ungrounded fears. The debate around border security, which tends to focus on physical or legal walls, should be reframed around a timely, effective, and responsive asylum system.

The paper can be downloaded at <https://www.policyschool.ca/publications/>

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