



# THE MACDONALD-LAURIER INSTITUTE



## COMMENTARY/COMMENTAIRE

### 'Sun Sea' Response Report Card

In August, the Macdonald-Laurier Institute issued a Commentary by Scott Newark entitled "The 'Sun Sea' Tamil Mass Refugee Claim: An Opportunity For Needed Reforms."

The paper called on the federal government to use the 'Sun Sea' incident as a guidepost to stop human-smuggling and fix Canada's immigration and refugee determination process and offered a series of recommendations.

On Oct. 21 the federal government has tabled legislation, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, to deal with the human-smuggling issue. MLI is pleased to note that many of our suggestions have made their way into the government response. Compare the recommendations in [our Commentary](#) with the government's response (based on the Department of Public Safety's backgrounders at <http://www.publicsafety.gc.ca/hmn-smggling-eng.aspx>)

| We said   | They did  |
|---|---|
| Amend the IRPA to permit the Minister to declare "special circumstances" and thereafter direct the relevant authorities to intercept and detain such persons offshore at a special processing facility.   | Enable the Minister of Public Safety to declare the existence of a human smuggling event, and make those involved subject to the Act's measures   |
| The IRPA should be amended to create specialized, expedited screening and refugee determination at the offshore facility with no Temporary Residence Permit (TRP) possible for inland appeals (or with exceptions for release that includes electronic monitoring) or reduced or mandatory out of country appeals for persons choosing to arrive in this fashion. | Establish mandatory detention of participants for up to a year, or until the Immigration and Refugee Board (IRB) reaches a positive decision, whichever comes first, to allow determination of identity, admissibility and illegal activity, and deny those who arrive via a human smuggling operation an appeal from the Refugee Protection Division of the IRB to the new Refugee Appeal Division (they could apply to the Federal Court for judicial review of such a decision but would not get an automatic stay of removal from Canada while doing so). |
| Prohibit TRPs for anyone arriving in defined circumstances, including determined (and currently existing) inadmissibility grounds: serious and organized criminality, security, human rights violations, misrepresentation and specified non-compliance with Canada's laws while seeking admission.   | [Same as above]   |
| Proactively construct purpose-specific immigration and refugee screening, determination and enforcement legislative reforms based on the Supreme Court of Canada principle enunciated by Mr. Justice Sopinka in the landmark <i>Chiarelli</i> ruling in 1992...   | [Same as above]   |

| We said   | They did   |
|---|--|
| Strengthen existing provisions to deter human trafficking efforts by creating a greater deterrent penalty of, for example, five years mandatory minimum incarceration with increased penalties in defined circumstances (death or injury in transit, security/criminality inadmissible persons transported).  | Make it easier to prosecute human smugglers and impose mandatory minimum prison sentences for this offence.  |
| Review ancillary legislation to support deterrence, such as asset seizure backed up by Mutual Legal Assistance Treaties and prioritized enforcement. These measures should also include amending s. 8 of the International Transfer of Offenders Act to permit (fully funded) prisoner transfer to their home country to serve their sentence without offender consent upon conviction for scheduled offences including persons engaged in organization/ transportation/human trafficking under the IRPA. | Increase fines for ship owners who do not file pre-arrival information or disregard a Minister of Transport directive not to enter, leave, or travel to another area in Canadians waters on security grounds, with escalating fines for repeat offenders. Prevent people brought here by human smugglers from applying for permanent resident status for five years if they do get for refugee status and prevent them from sponsoring family members for five years. Make sure public health benefits to people smuggled in aren't more generous than for the general public. |
| Strengthen existing provisions of the IRPA and Citizenship Act to permit expedited removal or discretionary revocation of acquired citizenship for persons in Canada who are convicted of providing assistance to a listed terrorist entity, including organizing and carrying out human trafficking.   | [No response announced]  |
| Seek to extend the Safe Third Country Agreement to select countries so as to return refugee claimants, without processing, if they arrive from that location and claim refugee status.  | [No response announced]  |
| Proactively build international efforts to work with countries where these voyages are being organized, financed, passengers are picked up, etc., to disrupt them before they depart or before they arrive on our coast or in our territorial waters.   | Work with other nations and multilateral bodies like the UNHCR to prevent such smuggling operations.   |

We are gratified to see the extent to which the government is taking this threat to the integrity of our borders and our citizenship seriously and encourage them to continue taking measures to improve both legislation and enforcement in this key element of Canadian sovereignty.





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## **“True North in Canadian Public Policy”**

The Macdonald-Laurier Institute for Public Policy exists to make poor quality public policy unacceptable in Ottawa. We will achieve this goal by proposing thoughtful alternatives to Canadians and their political and opinion leaders through non-partisan and independent research and commentary.

The Macdonald-Laurier Institute is an independent, non-partisan registered charity for educational purposes in Canada and the United States. We are grateful for support from a variety of foundations, corporations and individual donors. Without the support of people across Canada and the United States for our publications on policy issues from aboriginal affairs to democratic institutions; support for our events featuring thought and opinion leaders; and support for our other activities, the Institute would not be able to continue making a difference for Canadians. For information on supporting the work of the Macdonald-Laurier Institute by making a charitable donation, please visit our website at [www.macdonaldlaurier.ca/supportMLI](http://www.macdonaldlaurier.ca/supportMLI)

The notion that a new think-tank in Ottawa is unnecessary because it would duplicate existing institutions is completely mistaken. The truth is there is a deep dearth of independent think-tanks in our nation's capital.

*Allan Gotlieb, former Deputy Minister of External Affairs and Ambassador to Washington*

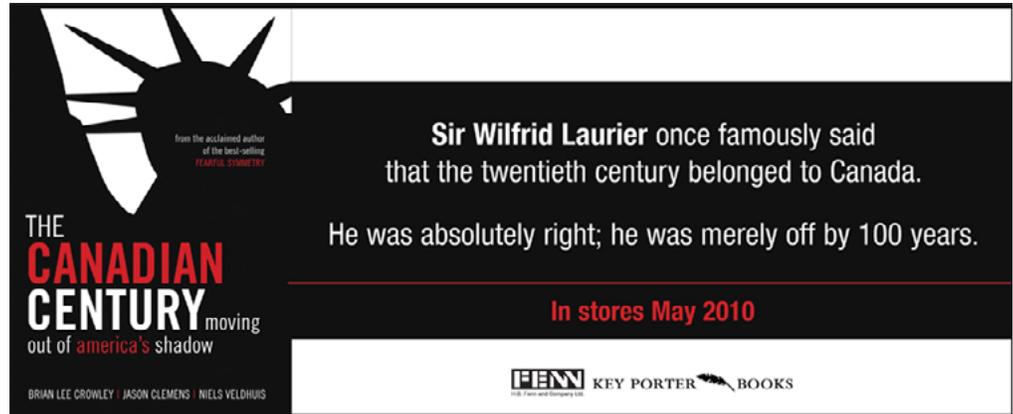
To surmount the enormous challenges of getting Canada's place in the world right and taking advantage of changing opportunities, we need more ideas, input, discussion and debate in Ottawa-- that is where the crucial decisions about our future are made. That's why MLI is so vital to Canada today.

*Hon. James S. Peterson, former Minister of International Trade and Member of Parliament for 23 years*

MLI has been registered by the IRS and CRA as a charitable organisation for educational purposes.

# WHAT PEOPLE ARE SAYING ABOUT *The Canadian Century*, THE MACDONALD-LAURIER INSTITUTE'S FIRST BOOK

**I**t is not often that Canadians talk about moving out of America's shadow—for far too long we have simply assumed that being in that shadow was the natural order of things. Crowley, Clemens and Veldhuis remind us that Sir Wilfrid Laurier thought that all things were possible for us, and they show, with an impressive array of facts to support their argument, that Laurier's plan for Canada can still carry us through to that Canadian century we have all been eagerly awaiting for over a hundred years.  
-Allan Gotlieb, from the foreword



*“As the U.S. and other nations struggle to defuse some potentially disastrous fiscal time bombs, *The Canadian Century* makes a compelling argument that the world should be looking to Canada for lessons on how to get reform right.”* - Robert Kelly, Chairman and CEO, BNY Mellon

*“*The Canadian Century* reminds us that the temptation for governments to solve all our problems with higher spending always ends in grief—a lesson the U.S. will soon learn. It’s a reminder that prosperity can be ours if we remember Wilfrid Laurier’s legacy of liberty, lower taxes and smaller government.”* - Patrick Luciani, author, *Economic Myths*

*“Crowley, Clemens and Veldhuis show that if we establish a real advantage vis-à-vis the U.S. on tax and other policies, that will increase both our attraction with emerging pow-*

*ers and our leverage with the US. The question the authors pose is whether we have the wherewithal to finish the job.”* - Derek Burney, former Canadian Ambassador in Washington

*“The authors strike exactly the right balance with enough detail to keep the most ardent policy wonk captivated while writing in a breezy style that will engage non-economists. And as with a good novel, the authors leave us in suspense. I urge people to read this compelling tale and then, like me, anxiously wait for a sequel to see how the story ends.”* - Don Drummond, Senior Vice-President and Chief Economist, TD Bank Financial Group

*“Entrepreneurship, hard work and self-reliance are deeply ingrained in our psyche. During the Redemptive Decade of the 1990s these virtues were resurrected. In tandem with*

*concerted actions by the different levels of government, we put right the debt and despair created by a couple of dark decades when we wobbled towards what the Wall Street Journal described as Third-World Status. Limited government, light taxes and fiscal discipline, argue the authors, are the ingredients that bring gold in the Olympiad of nations.”* - Colin Robertson, first Head of the Advocacy Secretariat at Canada’s Washington Embassy

*“This timely and provocative book will remind Canadians that the smart fiscal and trade policies pursued by governments of all stripes in the past two decades has made Canada a star at the beginning of this century. But history should not repeat itself. What we have achieved recently is what Wilfrid Laurier understood to be the right path forward for the last century. Instead, wars and economic*

*depression led to inefficient government spending, high taxes and deficits, and protectionism. Canada should avoid this poisonous policy recipe in the coming years to fulfil Laurier’s dream of a truly great nation of the North, which we should rightly be.”* - Jack Mintz, Palmer Chair in Public Policy, University of Calgary

*“This wonderful book is an urgent wake-up call for Canada’s current leaders—of all political stripes—and raises crucial economic issues that should be top-of-mind in coming federal elections. Now is the time to reaffirm the power of Laurier’s vision, to make some courageous policy decisions, and to thereby ensure that the 21st Century belongs to Canada in the way Sir Wilfred intended a hundred years ago. Will Canada’s political leaders pay attention?”* - Christopher Ragan, Clifford Clark Visiting Economist, Finance Canada