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March 1, 2023

Via email: [FAAE@parl.gc.ca](mailto:FAAE@parl.gc.ca)

Ali Ehsassi, M.P.  
Chair, Standing Committee on Foreign Affairs and International Development  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6

Dear Ali Ehsassi:

**Re: Bill S-8, *An Act to amend the IRPA, IRPR, Citizenship Act and Emergencies Act***

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to comment on Bill S-8, *An Act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other Acts and to amend the Immigration and Refugee Protection Regulations*.

We understand that the Bill's objective is to strengthen the Canadian sanctions regime to render inadmissible foreign nationals who have been sanctioned and prevent them from entering or remaining in Canada.

We support the Government's objective to ensure human rights offenders are barred from Canada. We recommend, however, amendments to Bill S-8 to avoid unintended consequences on foreign nationals facing inadmissibility based on sanctions. In particular, we echo comments in Mario Bellissimo's May 2022 Brief to the Senate Committee on Foreign Affairs and International Trade.<sup>1</sup>

We make the following recommendations:

### **Recommendation 1**

Bill S-8 does not offer definitions of "sanctions" and "entity". These terms are also not defined in the *Immigration and Refugee Protection Act (IRPA)* and the *Immigration and Refugee Protection Regulations (IRPR)*.

We recommend defining the terms "sanction" and "entity". We suggest that Bill S-8 clearly define these critical terms in the context of the inadmissibility regime, in concert with the objectives of the *IRPA*.

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<sup>1</sup> Mario Bellissimo, Brief submitted to the Standing Senate Committee on Foreign Affairs and International Trade, May 30, 2022, [online](#).

## Recommendation 2

Bill S-8 proposes to amend the *IRPA* to establish a distinct ground of inadmissibility based on sanctions, namely sanctions imposed on an “entity, person or country.”<sup>2</sup>

The CBA Section recommends removing the reference to “country” (because it is too wide-reaching) and limit sanctions on an “entity or person”. We also recommend that “entity” be clearly defined to exclude country or foreign state.

Sanctioning foreign nationals simply because they are a citizen of a particular country (foreign state) is overly broad and unfairly penalizes individuals based on their country of citizenship rather than for their actions or affiliations. Foreign nationals may have family, personal or economic reasons to be in Canada. We believe that barring them exclusively based on their country of citizenship is unreasonable.

## Recommendation 3

We recommend giving a legitimate avenue of redress to individuals considered inadmissible to Canada based on sanctions. Bill S-8 removes a mechanism for Ministerial relief.<sup>3</sup> Furthermore, it prevents an appeal to the Immigration Appeal Division for those subject to sanctions.<sup>4</sup> The only possible recourse for an individual found to be inadmissible would be a formal request to be de-listed or to wait for the sanctions to be lifted. The de-listing process is complex and difficult to navigate.

In our view, the Immigration and Refugee Board (Immigration Division and Immigration Appeal Division) is best positioned to assess inadmissibility based on sanctions. It is critical that individuals facing inadmissibility based on sanctions are independently and impartially assessed. The consequences of a finding of inadmissibility based on sanctions are harsh and severely prejudicial.

## Recommendation 4

Refugee claimants (and others seeking protection in Canada) should not be ineligible to pursue refugee claims due to inadmissibility based on sanctions. Bill S-8 runs counter to Canada’s commitment to the *Refugee Convention* and tradition of protecting those in need.

## Conclusion

The CBA Section recommends that Bill S-8 be amended to define key terms, restrict inadmissibility based on sanctions to an entity or person (not a country), give a viable avenue of legal recourse and ensure that refugee claimants can still seek protection. We would be pleased to discuss these matters further.

Kind regards,

*(original letter signed by Véronique Morissette for Lisa Middlemiss)*

Lisa Middlemiss  
Chair, CBA Immigration Law Section

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<sup>2</sup> Bill S-8, s. 6 to add to *IRPA* s. 35.1(1)(a), [online](#).

<sup>3</sup> *Ibid.* at s. 16 to replace *IRPR* s. 24.1(1).

<sup>4</sup> *Ibid.* at s. 11 to replace *IRPR* s. 64(1).