



February 27<sup>th</sup>, 2003

The Honourable Denis Coderre, P.C., M.P.  
Minister of Citizenship and Immigration Canada  
South Tower Jean Emonds, 21<sup>st</sup> Floor  
365 Laurier avenue West  
Ottawa (Ontario) K1A 1L1

Dear Minister:

I am writing on behalf of the Canadian Bar Association's Citizenship and Immigration Law Section to voice our dismay at the government's seeming intransigence in response to the recent Federal Court of Canada decision in *Laurentiu Dragan v Minister of Citizenship and Immigration*.

The Court found a duty to process backlogged immigration applicants before the March 31<sup>st</sup> deadline imposed by the Immigration and Refugee Protection Act (IPRA) and Regulations, in line with the stated intent of Parliament. The Court has ordered the government to fulfill its public duty of fairness with respect to the 102 applicants who were before the court. However between 80,000 and 120,000 other backlogged applicants are affected in precisely the same manner. They too deserve fair treatment.

There should be no need for further court challenges. It would be a waste of government resources and an unjustifiable burden for applicants to go to court to enforce their pre-determined rights. We urge you to process all applications filed prior to December 31, 2001 under the pre-IRPA selection criteria, or the new selection criteria, whichever is more favourable to the applicant. This approach would be consistent with the government's past treatment of immigration applicants when the law has changed.

You have said that immigrants are the future of this country. We agree. Those seeking to come to Canada deserve to be treated with respect and fairness.

Yours truly,

*(French original signed by Stephen Hanson for Jean-François Harvey)*

Jean-François Harvey  
Chair, National Citizenship and Immigration Section  
Canadian Bar Association