



February 24, 2026

Dear Senators,

Re: Open Letter to the Senate: Submission on Bill C-12

I am writing on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to share our recommendations related to Bill C-12.

The CBA is a national association of over 40,000 members, including lawyers, notaries, academics, and law students, with a mandate to seek improvements in the law and the administration of justice. The CBA Immigration Law Section has approximately 1,200 members practising all areas of citizenship and immigration law. CBA Section members deliver professional advice and representation to thousands of clients in Canada and abroad.

With clause-by-clause at SECD now concluded and the Bill having been reported without amendment, the CBA Immigration Section writes to express urgent concern that the Senate is being asked to proceed to third reading without having had the benefit of a full informational foundation necessary to carry out its role as the voice of "sober second thought."

As you are aware, the House committees did not produce the kind of consolidated, evidence-responsive reporting that would ordinarily allow the Senate to proceed on a fully informed record. This gap has proven particularly significant given that the most controversial and constitutionally sensitive elements of Bill C-12 sit within the immigration architecture. These components were examined by SOCI, which issued its final report only days ago, on extremely compressed timelines, expressing deep concern with the Bill's rule-of-law implications and placing the Senate in the difficult position of conducting its review on an incomplete parliamentary record.

We recognize the government's sense of urgency in seeking to improve system integrity and responsiveness. However, rushing reforms risks undermining other foundational elements of integrity that the government is equally bound to uphold, including the rule of law, procedural fairness, and transparency. The evidentiary record before both House and Senate committees is unusually consistent and concerning. A remarkably broad cross-section of the justice and human rights community has raised alarm — including the Canadian Council for Refugees, UNHCR, Amnesty International, leading Canadian scholars, leading voices from the bar, and institutional actors within the refugee determination system itself. The CBA's perspective is grounded in the direct experience of its members, who appear regularly before the IRB and the Federal Court, and who are already anticipating the practical consequences of these changes for their clients and the administration of justice.

The CBA's most urgent concerns centre on two specific features of the Bill's architecture. First, the proposed ineligibility scheme would divert large classes of claimants away from Canada's expert and internationally acclaimed tribunal and into a paper-based PRRA substitute lacking equivalent

procedural safeguards. This is a structural downgrade, not an efficiency reform, that expert witnesses predict will generate increased Federal Court litigation and heightened removal risk. Second, the breadth and vagueness of the new executive discretion mechanisms, particularly the mass-cancellation powers, represent precisely the type of unchecked power shift that warrants careful institutional scrutiny before being embedded in statute.

Expert witnesses repeatedly warned that the proposed scheme risks placing Canada offside its international law obligations, creates significant Charter vulnerability, shifts the balance of powers between the legislative and executive branches, and removes critical procedural safeguards instituted following the Supreme Court of Canada's decision in *Singh*. These warnings were echoed across sectors that do not always speak with one voice, and concerns have been consistently raised that the changes are likely to disproportionately impact vulnerable groups, including women and GBV survivors, 2SLGBTQI+ claimants, children, and individuals with mental health challenges.

The present moment calls for a pause, not acceleration. The record before the Senate raises serious and unresolved questions touching the constitutional allocation of law-making authority, Canada's compliance with binding international protection instruments, and the integrity of core refugee determination safeguards. Proceeding without fully grappling with that evidence risks embedding avoidable legal vulnerability into the statute from day one.

We therefore respectfully urge that the Senate not proceed to third reading until the government has provided a substantive, on-the-record response to the specific rule-of-law concerns identified in the SOCI committee report, and take the time to consider potential amendments.

We would be pleased to provide any further information that may assist in your consideration of the Bill.

Respectfully submitted,

(original letter signed by Noel Corriveau for Jatin Shory)

Jatin Shory
Chair, Immigration Law Section