

**IN THE SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND  
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Appellants  
(Respondents in the Court below)

-and-

**MOHAMED HARKAT**

Respondent  
(Appellant in the Court below)

-and-

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Interveners

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**FACTUM OF THE INTERVENER**

THE CANADIAN COUNCIL ON AMERICAN-ISLAMIC RELATIONS (CAIR-CAN)  
(now known as the NATIONAL COUNCIL OF CANADIAN MUSLIMS)  
(filed pursuant to Rules 37 & 42 of the *Rules of the Supreme Court of Canada*)

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## PART I – OVERVIEW AND STATEMENT OF THE FACTS

1. The principle of open justice is a cornerstone of the Canadian legal system.<sup>1</sup> This Court has described open justice as integral to the rule of law: it is “the very soul of justice... the security of securities”.<sup>2</sup> Open justice is especially important when members of vulnerable communities are under suspicion. Without an open process, it is impossible to ensure that justice is being administered in accordance with constitutional values.

2. Since 2001, “Islamic terrorism” has been identified as the nation’s enemy. Canadian Muslims are widely viewed with suspicion. Security certificates are extraordinary powers, and have been used mostly to detain non-citizen Muslim men suspected of terrorist connections. Suspicion is based on security intelligence, which can be incomplete and unreliable. Faulty intelligence can lead to quick assumptions and errors. Statutory constraints on the rights of counsel, and on the role of special advocates, make it less likely that errors based on misinformation or stereotypes will be uncovered. This risk of harm is disproportionately experienced by Muslims, who are more likely than others to be wrongly suspected. For this reason, the use of secret and poorly tested information to detain suspected terrorists carries the risk of unjustly depriving the person of liberty, reproducing patterns of systemic discrimination, and heightening the vulnerability of members of the Canadian Muslim community.

3. The constitutional principles of equality and the protection of minorities are values tied to fundamental justice within the meaning of section 7, and to maintaining a “free and democratic society” within the meaning of section 1. This Court has previously ruled that the *Immigration and Refugee Protection Act*<sup>3</sup> unjustifiably prevents a named person from knowing the case against him, in violation of section 7.<sup>4</sup> The intervener submits in this factum that if the state wishes to detain individuals without charge, at minimum, the detainee should be given access to the complete information and the chance to challenge it before an impartial decision maker. Absent such protections, the statutory power to issue security certificates should be struck down.

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<sup>1</sup> *R v NS*, 2012 SCC 72 at para 76, 3 SCR 726 (per LeBel J concurring) [*NS*], Book of Authorities of the

<sup>2</sup> *Canadian Broadcasting Corp. v New Brunswick (Attorney General)*, [1996] 3 SCR 480 at para 22, Intervener’s Book of Authorities, Tab 3.

<sup>3</sup> *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 [*IRPA*].

<sup>4</sup> *Charkaoui v Canada (Citizenship and Immigration)*, 2007 SCC 38, [2007] 1 SCR 350 [*Charkaoui I*], Ministers’ Book of Authorities, Volume I, Tab 16.



## PART II - STATEMENT OF ISSUES

4. The intervener accepts the issues as stated by the appellant.

## PART III - STATEMENT OF ARGUMENT

5. The courts below analyzed this case in terms of balancing the individual's "right to liberty and security of the person" against the "nation's fundamental right and duty to ensure its security and order".<sup>5</sup> It is submitted that this was an overly narrow analytical frame. A more appropriate analysis would not only weigh the individual's liberty versus national security; it would also assess the relevance of constitutional values such as equality and the protection of minorities to the question of openness and fairness in the security certificates process.

6. *Charter* claims must be analyzed in the large social, historical and political context in which they arise.<sup>6</sup> This Court has "stressed the importance of adopting a contextual approach in assessing the rules of natural justice and the degree of procedural fairness to which an individual is entitled".<sup>7</sup>

### A. *Equality and the protection of minorities are interpretive values*

7. While all *Charter* rights strengthen and support each other, section 15 equality is the "broadest of all guarantees".<sup>8</sup> There are three interrelated sources that establish equality and the protection of minorities as interpretive values applicable to this case.

8. First, the *Immigration and Refugee Protection Act* ("*IRPA*") itself requires that security certificates be interpreted and applied with a concern for equality and freedom from discrimination. Subsection 3(3) explicitly imports section 15 into the statute as an interpretive aid and a check on administrative authority:

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<sup>5</sup> *Harkat v Canada (Citizenship and Immigration)*, 2012 FCA 122 at para 117, Intervener's Book of Authorities, Tab 4.

<sup>6</sup> *UFCW Local 1518 v K Mart Canada*, [1999] 2 SCR 1083 at para 24, Intervener's Book of Authorities, Tab 9.

<sup>7</sup> *Charkaoui v Canada*, [2008] 2 SCR 326 at para 56 [*Charkaoui II*], referring to *Ruby v Canada (Solicitor General)* [2002] 4 SCR 3 at paras 39-40, Ministers' Book of Authorities, Volume I, Tab 17.

<sup>8</sup> *Andrews v Law Society of British Columbia*, [1989] 1 SCR 143 at para 52, Intervener's Book of Authorities, Tab 1.

This Act is to be construed and applied in a manner that ... (d) ensures that decisions taken under this Act are consistent with the Canadian Charter of Rights and Freedoms, including its principles of equality and freedom from discrimination....<sup>9</sup>

9. Secondly, this Court has ruled that the interpretive lens of equality can render the protections offered by section 7 more meaningful, as well as ensure an equality-centred interpretation of “fundamental justice”.<sup>10</sup> Courts need not apply a formal section 15 analysis in order to account for relevant equality interests. In a concurring judgment in *Morgentaler*, Wilson J. cited the close connection between the *Charter* right to liberty and the value of human dignity,<sup>11</sup> a defining characteristic of *Charter* equality.

10. Thirdly, this Court has articulated fundamental principles, including the “protection of minorities”, that underlie the Canadian constitutional structure. Such values are “not merely descriptive, but are also invested with a powerful normative force, and are binding upon both courts and governments”.<sup>12</sup> Emphasis on freedom from discrimination is embodied in the principle of the protection of minorities, which has been described by this Court as a constitutional imperative that predates the *Charter* and “continues to exercise influence in the operation and interpretation of our Constitution”.<sup>13</sup>

### **B. *Security certificates undermine the appearance of fairness***

11. Detention without charge, especially of a prolonged nature, is almost never permitted in a free society. It is presumptively unfair. The rule of law, and by extension the protection of minorities, depend on open justice.

12. The security certificates process creates a situation in which an individual may be detained for years without knowing all of the information on which the detention order was made. This is so because *IRPA* prevents counsel from playing the crucial role of confronting and evaluating

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<sup>9</sup> *IRPA*, s. 3(3)(d).

<sup>10</sup> *New Brunswick (Minister of Health and Community Services) v G (J)* [1999] 3 SCR 46 [*G(J)*] at para 112, Intervener’s Book of Authorities, Tab 5.

<sup>11</sup> *R v Morgentaler* [1988] 1 SCR 30 at 164, Intervener’s Book of Authorities, Tab 6.

<sup>12</sup> *Reference Re Secession of Quebec*, [1998] 2 SCR 217 at para 54, Intervener’s Book of Authorities, Tab 8.

<sup>13</sup> *Ibid* at paras 80-81.

evidence. Without access to specific information underlying the decision to issue a certificate it becomes impossible to expose errors, assumptions and gaps in the decision. Although the special advocate has greater access to information, he is restricted in communications with the named person. Special advocates fail to cure the underlying problem of lack of effective counsel. This problem presents both an appearance of unfairness, and a higher risk of actual unfairness.

13. The risk of wrongful detention arises because the statutory process for reviewing the reasonableness of the certificate provides only a *de minimus* role for counsel, and the special advocate is not authorized to serve as a substitute for counsel. The result is that the named person cannot be guaranteed a fair hearing to determine whether the certificate is in fact reasonable. The curtailment of counsel in a serious proceeding such as security certificate hearings risks undermining public confidence in the justice system. It also exacerbates problems of systemic discrimination when it appears that only members of a particular ethnic or religious community are being subject to the law.

14. It is important for Canadian Muslims to have faith in the justice system in order to nurture a sense of belonging. A fair system would ensure that, if the individual does pose a real public danger, the evidence would be marshalled and tested. Incorrect assumptions, myths and stereotypes can only be dispelled by probing information, going beyond the facts as alleged. This promotes constitutional values of diversity and pluralism, which underlie the “right to integrate”—described by this Court as a “defining part of our national character”.<sup>14</sup> The appearance of unfairness in the administration of justice obstructs the goal of integration.

**C. *Suspicion, secrecy and prolonged detention have adverse social costs***

15. Canadian Muslims have been subject to heightened suspicion since the 9/11 attacks on Washington and New York, and the US war on terror. Since that time, Canadian Muslims have experienced distrust and discrimination within Canadian society.<sup>15</sup>

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<sup>14</sup> *Bruker v Marcovitz*, [2007] 3 SCR 607 at para 1, Intervener’s Book of Authorities, Tab 2.

<sup>15</sup> Wayne Hanniman, “Canadian Muslims, Islamophobia and National Security” (2008) 36 Int’l J L, Crime & Jus 271 at 273-275, Intervener’s Book of Authorities, Tab 13.

16. Islamophobia has, like anti-Black racism and anti-Semitism before it, gained widespread recognition as a social fact in contemporary Canadian society. In its 2005 *Policy and Guidelines on Racism and Racial Discrimination*, the Ontario Human Rights Commission highlighted Islamophobia as a “contemporary and emerging form of racism against Muslims in Canada.”<sup>16</sup> In Quebec, a public Commission found in 2008 that most Muslims recounted personal experience with discrimination.<sup>17</sup> The Commission’s Report concluded that “Muslims and, in particular, Arab Muslims, are, with Blacks, the group most affected by various forms of discrimination.”<sup>18</sup> It further raised concern about the adverse implications of “the marginalization of numerous Muslims as a result of the slights to which they have been unfairly subject, above all since the September 11, 2001 attacks.”<sup>19</sup> Recently, a 2012 report by Amnesty International concluded that “Arab and Muslim communities in Canada have understandably come to worry that their rights as citizens might not be protected as equally as the rights of other citizens.”<sup>20</sup>

17. This Court has acknowledged the social fact that a “[security] certificate may bring with it the accusation that one is a terrorist, which could cause irreparable harm to the individual”.<sup>21</sup> The view that Muslims are associated with “terrorism” is one of the most prevalent stereotypes today.<sup>22</sup> Non-citizen Muslim men are the only individuals suspected of terrorism currently subject to security certificates. The public never knows what are the specific allegations and evidence; only that dangerous Muslim men are detained for undisclosed reasons. Keeping the underlying information secret reproduces the type of negative stereotyping that members of the Canadian Muslim community routinely encounter across the country.<sup>23</sup>

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<sup>16</sup> Ontario Human Rights Commission, “Policy and Guidelines on Racism and Racial Discrimination” (June 2005), online: [http://www.ohrc.on.ca/sites/default/files/attachments/Policy\\_and\\_guidelines\\_on\\_racism\\_and\\_racial\\_discrimination.pdf](http://www.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_racism_and_racial_discrimination.pdf) at 10, Intervener’s Book of Authorities, Tab 14.

<sup>17</sup> Gerard Bouchard and Charles Taylor, “Building the Future: A time for Reconciliation” (2008), online: <http://collections.banq.qc.ca/ark:/52327/bs1565996> at 232, Intervener’s Book of Authorities, Tab 11.

<sup>18</sup> *Ibid* at 233-234.

<sup>19</sup> *Ibid*.

<sup>20</sup> Amnesty International, “Matching International Commitments with National Action: A Human Rights Agenda for Canada” (December 2012), online: <http://www.amnesty.ca/sites/default/files/canadaaihra19december12.pdf> at 24, Intervener’s Book of Authorities, Tab 10.

<sup>21</sup> *Charkaoui I*, *supra* at para 15.

<sup>22</sup> Sherene Razack, *Casting Out: The Eviction of Muslims from Western Law and Politics* (Toronto: University of Toronto Press, 2008) at 33, Intervener’s Book of Authorities, Tab 15.

<sup>23</sup> *Ibid* at 33-34, 48.

**D. *Canadian Muslims pay an unequal price for security***

18. The insecurity and fear generated amongst Canadian Muslims by negative stereotyping and heightened suspicion create a chill on lawful conduct, including religious expression and community associations.<sup>24</sup> In this respect, Canadian Muslims carry an unequal burden in comparison to non-Muslim Canadians: if the benefit of security certificates for all Canadians is the enhancement of collective security, for Canadian Muslims, this benefit comes with the burden of suspicion and the increased likelihood of being targeted unfairly.

19. As a result, Canadian Muslims—the overwhelming majority of whom have no association with terrorism—pay a higher cost for any public benefit derived from security certificates. The reality for Canadian Muslims is that they are just as likely to be affected by a terrorist attack as any other Canadian.<sup>25</sup> Yet, they are disproportionately harmed by security errors and abuses, causing irreparable harm. This factor should weigh in favour of a more transparent and fair system for detaining individuals suspected of posing a national security risk.

**E. *Untested secret intelligence promotes stereotyping and false positives***

20. Canada’s security apparatus relies on intelligence coordination with foreign agencies.<sup>26</sup> Many of these agencies operate within illiberal or authoritarian states that are known for political detentions, degrading conditions and torture. Intelligence obtained under duress easily generates misinformation and false positives.<sup>27</sup> It is therefore inherently unreliable.<sup>28</sup>

21. Because much of foreign intelligence is inherently unreliable, it is even more important that the review procedures be strong. Untested secret intelligence poses a significant risk of

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<sup>24</sup> *Affidavit of Ihsaan Gardee*, affirmed June 24, 2013 at paras 28-29, *Application for Leave to Intervene of CAIR-CAN*, Applicant’s Motion Record.

<sup>25</sup> *Affidavit of Ihsaan Gardee*, affirmed June 24, 2013 at paras 22, *Application for Leave to Intervene of CAIR-CAN*, Applicant’s Motion Record.

<sup>26</sup> Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, “Report of the Events Relating to Maher Arar” (Her Majesty the Queen in Right of Canada, 2006) at 319-321, online: Government of Canada <[http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher\\_arar/07-09-13/www.ararcommission.ca/eng/AR\\_English.pdf](http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher_arar/07-09-13/www.ararcommission.ca/eng/AR_English.pdf)> [“Arar Commission Report”], Intervener’s Book of Authorities, Tab 12.

<sup>27</sup> Kent Roach and Gary Trotter, “Miscarriages of Justice in the War Against Terrorism” (2005) 109 Penn St L Rev 967 at 980- 982, Intervener’s Book of Authorities, Tab16.

<sup>28</sup> *Ibid* at 981-982.

misinterpretation. Without proper investigation and challenge by counsel, such intelligence can lead to incorrect conclusions that reinforce negative stereotypes and promote a false sense of security among the general public.

22. A well-known case of erroneous security intelligence is that of Maher Arar, a naturalized citizen who was illegally transferred to Syria in 2002, where he was tortured for nearly a year.<sup>29</sup> It was later revealed that false assumptions about his associations within Ottawa's Muslim community had turned him, an innocent man, into a suspected terrorist. Information disclosed in the course of a public inquiry implicated Canadian officials in the shoddy intelligence work that generated misinformation causing the ordeal.<sup>30</sup> Mr. Arar was later cleared of any association with terrorism, and received a multi-million dollar settlement and an official apology from the Prime Minister.

23. The revelations from the Arar Commission show that robust review of evidence is necessary to determine whether intelligence suspicions about an individual justify invoking extraordinary powers. An individual's life can be destroyed, and a minority community scapegoated. If such consequences are to be justified in the name of a greater good, it should be so on the basis of compelling facts determined by a full and fair process.

**F. *Stigma of unproven suspicion affects individual and community interests***

24. Without a public inquiry, it is doubtful that the truth about Maher Arar would have ever been officially acknowledged. Even with a public inquiry and a government apology, Mr. Arar is still on a US no-fly list. Vindication and release does not erase stigma. A false accusation of "suspected Islamic terrorist" creates long-term legal and social disadvantage.

25. The imposition of stigma by security certificates not only marks the named individual, but also his family, associates and community. The longer a suspected "Islamic terrorist" is detained without evidence or a trial, the harder it is for the person to shake the stigma. This Court has

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<sup>29</sup> Arar Commission Report, *supra* at 14.

<sup>30</sup> Arar Commission Report, *supra* at 13-14, 323-324.

recognized that the “consequences of security certificates are often more severe than those of many criminal charges.”<sup>31</sup> For a suspected “terrorist”, the stigma is especially persistent.

26. The failure to confirm or deny suspicions about a named person makes it impossible to ever determine whether an actual security risk has been contained. There is no mechanism to objectively weigh the value of the detention in relation to the specific security interest. It remains unknown, for instance, whether the respondent’s long-term deprivation of liberty has, in fact, reduced any real risk of danger to the public. The question of whether there is a benefit to public safety arising from a prolonged security certificate process can only be determined through reliable evidence. There can be no ascertainable security or public benefit to long-term detentions if the state never discloses why the person is detained or whether a specific threat has been removed.

27. In his recommendations, Commissioner O’Connor observed: “Given the tendency thus far of focusing national security investigations on members of the Arab and Muslim communities, the potential for infringement on the human rights of innocent Canadians within these groups is higher.”<sup>32</sup> For this reason, concern for fairness and equality should weigh in favour of a thicker concept of section 7 procedural fairness in the security certificates process. Prolonged suspicion, coupled with secrecy and inadequate judicial proceedings, do little to get at the truth or justify the curtailment of liberty.

**G. *IRPA does not provide a “fair” and “meaningful” hearing***

28. Security certificates derive from an extraordinary law which authorizes measures not normally contemplated in a free and democratic society. In *Charkaoui I*, this Court ruled that fundamental justice requires that there be a “fair” and “meaningful” judicial process to justify the deprivation of liberty under a security certificate.<sup>33</sup> Fairness within the meaning of section 7 is especially important where there is a risk of wrongful, or unjustified, detention.<sup>34</sup>

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<sup>31</sup> *Charkaoui II, supra* at para 54.

<sup>32</sup> *Arar Commission Report, supra* at 324.

<sup>33</sup> *Charkaoui I, supra* at para 28.

<sup>34</sup> *NS, supra* at paras 38, 48

29. This Court has recently confirmed that the ability to confront opposing evidence is crucial to ensuring a meaningful hearing. In *NS*, two individuals were named criminally as alleged child molesters on the basis of a single source of evidence. The witness regularly wore a religious face veil, necessitating a balancing between her religious freedom and the open court principle.<sup>35</sup> The countervailing interest of the accused—the risk of wrongful conviction and stigma of being a sexual offender—persuaded a majority of this Court to maintain strong constitutional protection for the rights of accused persons in criminal prosecutions, notwithstanding a compelling competing right.

30. In *G(J)*, this Court recognized a right to state-funded counsel for an individual at risk of losing custody of her child through statutory proceedings.<sup>36</sup> This was notable for recognizing that some administrative proceedings are so serious that they engage the attention of section 7 in such a way that is analogous to the criminal justice context.<sup>37</sup>

31. Security certificates are quasi-criminal powers and the consequences of being named are as severe as in any serious criminal or administrative matter. The impact of being an alleged terrorist is akin to that of being an alleged child molester,<sup>38</sup> or an unfit mother.<sup>39</sup> The possibility of long-term incarceration for a non-deportable person, like the respondent, is as great as in a serious criminal sentence. The stakes of losing one’s liberty are at least as high as losing custody of a child. The interests of justice require that the state’s reasons for an ongoing deprivation of liberty be meaningfully confronted. This is impossible given the communication limits imposed on special advocates.

32. Absent a meaningful confrontation, the hearing cannot be said to provide a reasonable opportunity to respond to the substantive allegations, let alone a “meaningful judicial process”.<sup>40</sup> The named person’s counsel is left to fight with one hand tied behind her back due to limits on disclosure and the inability to cross-examine witnesses. The role of the special advocate does not

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<sup>35</sup> *NS*, *supra* at paras 21-23.

<sup>36</sup> *G(J)*, *supra*.

<sup>37</sup> *Ibid* at paras 78- 80.

<sup>38</sup> *NS*, *supra*.

<sup>39</sup> *G(J)*, *supra*.

<sup>40</sup> *Charkaoui I*, *supra* at para 28.



sufficiently mitigate the unfair restriction on the named person's ability to know and challenge the information being used against him.

#### **H. Conclusion**

33. Canadian Muslims care about both national security and individual rights. They also care about fundamental constitutional values. The Constitution assures minorities like Muslims a safe and secure life free from discrimination. However, the impact of a heightened climate of Muslim suspicion has imposed unfair burdens on Canadian Muslims. Security certificates operate in the social context of a perceived "Islamic threat", which turns all Canadian Muslims into potential terrorists or sympathizers. The perpetuation of such stereotyping can lead to miscarriages of justice, does little to enhance actual security, and is socially corrosive.

34. For these reasons, it is submitted that secrecy in the statutory detention regime established under *IRPA* cannot be constitutional. Special advocates do not substitute for what is lost by constraining counsel. Only by giving the named person's counsel full access to evidence can the merits of suspicion be appropriately evaluated. This is necessary not only to protect against the risk of wrongful detention, but also to promote a social climate free of discrimination. Taking account of both the individual and public impact of security certificates, the intervener's submission, in conclusion, is that constitutionality in the security certificates process should require a right to counsel with unrestricted access to challenge evidence before an impartial tribunal.

#### **PARTS IV AND V - COSTS AND ORDER SOUGHT**

35. The intervener seeks no costs order, leave to make oral submissions of ten (10) minutes in length, and otherwise supports the respondent's remedial request.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of September, 2013.




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Faisal Bhabha and Khalid M. Elgazzar

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## PART VI – TABLE OF AUTHORITIES

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Kent Roach and Gary Trotter, “Miscarriages of Justice in the War Against Terrorism” (2005) 109 Penn St L Rev 967

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### **Statutes**

### **Cited at Paragraph(s)**

*Immigration and Refugee Protection Act*, S.C. 2001, c. 27

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**PART VII – STATUTES RELIED UPON**

*Immigration and Refugee Protection Act, S.C. 2001, c. 27*

OBJECTIVES AND APPLICATION	OBJET DE LA LOI
<p><i>Objectives - Immigration</i></p> <p>3. (1) The objectives of this Act with respect to immigration are</p> <p>(a) to permit Canada to pursue the maximum social, cultural and economic benefits of immigration;</p> <p>(b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada;</p> <p>(b.1) to support and assist the development of minority official languages communities in Canada;</p> <p>(c) to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada;</p> <p>(d) to see that families are reunited in Canada;</p> <p>(e) to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society;</p> <p>(f) to support, by means of consistent standards and prompt processing, the attainment of immigration goals established by the Government of Canada in consultation with the provinces;</p> <p>(g) to facilitate the entry of visitors, students and temporary workers for purposes such as trade, commerce, tourism, international understanding and cultural, educational and</p>	<p><i>Objet en matière d'immigration</i></p> <p>3. (1) En matière d'immigration, la présente loi a pour objet :</p> <p>a) de permettre au Canada de retirer de l'immigration le maximum d'avantages sociaux, culturels et économiques;</p> <p>b) d'enrichir et de renforcer le tissu social et culturel du Canada dans le respect de son caractère fédéral, bilingue et multiculturel;</p> <p>b.1) de favoriser le développement des collectivités de langues officielles minoritaires au Canada;</p> <p>c) de favoriser le développement économique et la prospérité du Canada et de faire en sorte que toutes les régions puissent bénéficier des avantages économiques découlant de l'immigration;</p> <p>d) de veiller à la réunification des familles au Canada;</p> <p>e) de promouvoir l'intégration des résidents permanents au Canada, compte tenu du fait que cette intégration suppose des obligations pour les nouveaux arrivants et pour la société canadienne;</p> <p>f) d'atteindre, par la prise de normes uniformes et l'application d'un traitement efficace, les objectifs fixés pour l'immigration par le gouvernement fédéral après consultation des provinces;</p> <p>g) de faciliter l'entrée des visiteurs, étudiants et travailleurs temporaires qui viennent au Canada dans le cadre d'activités commerciales,</p>

<p>scientific activities;</p> <p>(h) to protect public health and safety and to maintain the security of Canadian society;</p> <p>(i) to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks;</p> <p>and</p> <p>(j) to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society.</p>	<p>touristiques, culturelles, éducatives, scientifiques ou autres, ou pour favoriser la bonne entente à l'échelle internationale;</p> <p>h) de protéger la santé et la sécurité publiques et de garantir la sécurité de la société canadienne;</p> <p>i) de promouvoir, à l'échelle internationale, la justice et la sécurité par le respect des droits de la personne et l'interdiction de territoire aux personnes qui sont des criminels ou constituent un danger pour la sécurité;</p> <p>j) de veiller, de concert avec les provinces, à aider les résidents permanents à mieux faire reconnaître leurs titres de compétence et à s'intégrer plus rapidement à la société.</p>
<p><i>Objectives – refugees</i></p> <p>(2) The objectives of this Act with respect to refugees are</p> <p>(a) to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted;</p> <p>(b) to fulfil Canada's international legal obligations with respect to refugees and affirm Canada's commitment to international efforts to provide assistance to those in need of resettlement;</p> <p>(c) to grant, as a fundamental expression of Canada's humanitarian ideals, fair consideration to those who come to Canada claiming persecution;</p> <p>(d) to offer safe haven to persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, as well as those at risk of torture or cruel and unusual treatment or punishment;</p>	<p><i>Objet relatif aux réfugiés</i></p> <p>(2) S'agissant des réfugiés, la présente loi a pour objet :</p> <p>a) de reconnaître que le programme pour les réfugiés vise avant tout à sauver des vies et à protéger les personnes de la persécution;</p> <p>b) de remplir les obligations en droit international du Canada relatives aux réfugiés et aux personnes déplacées et d'affirmer la volonté du Canada de participer aux efforts de la communauté internationale pour venir en aide aux personnes qui doivent se réinstaller;</p> <p>c) de faire bénéficier ceux qui fuient la persécution d'une procédure équitable reflétant les idéaux humanitaires du Canada;</p> <p>d) d'offrir l'asile à ceux qui craignent avec raison d'être persécutés du fait de leur race, leur religion, leur nationalité, leurs opinions politiques, leur appartenance à un groupe social en particulier, ainsi qu'à ceux qui risquent la torture ou des traitements ou peines cruels et inusités;</p>

<p>(e) to establish fair and efficient procedures that will maintain the integrity of the Canadian refugee protection system, while upholding Canada's respect for the human rights and fundamental freedoms of all human beings;</p> <p>(f) to support the self-sufficiency and the social and economic well-being of refugees by facilitating reunification with their family members in Canada;</p> <p>(g) to protect the health and safety of Canadians and to maintain the security of Canadian society; and</p> <p>(h) to promote international justice and security by denying access to Canadian territory to persons, including refugee claimants, who are security risks or serious criminals.</p>	<p>e) de mettre en place une procédure équitable et efficace qui soit respectueuse, d'une part, de l'intégrité du processus canadien d'asile et, d'autre part, des droits et des libertés fondamentales reconnus à tout être humain;</p> <p>f) d'encourager l'autonomie et le bien-être socioéconomique des réfugiés en facilitant la réunification de leurs familles au Canada;</p> <p>g) de protéger la santé des Canadiens et de garantir leur sécurité;</p> <p>h) de promouvoir, à l'échelle internationale, la sécurité et la justice par l'interdiction du territoire aux personnes et demandeurs d'asile qui sont de grands criminels ou constituent un danger pour la sécurité.</p>
<p><i>Application</i></p> <p>(3) This Act is to be construed and applied in a manner that</p> <p>(a) furthers the domestic and international interests of Canada;</p> <p>(b) promotes accountability and transparency by enhancing public awareness of immigration and refugee programs;</p> <p>(c) facilitates cooperation between the Government of Canada, provincial governments, foreign states, international organizations and non-governmental organizations;</p> <p>(d) ensures that decisions taken under this Act are consistent with the Canadian Charter of Rights and Freedoms, including its principles of equality and freedom from discrimination and of the equality of English and French as the official languages of Canada;</p>	<p><i>Interprétation et mise en oeuvre</i></p> <p>(3) L'interprétation et la mise en oeuvre de la présente loi doivent avoir pour effet:</p> <p>a) de promouvoir les intérêts du Canada sur les plans intérieur et international;</p> <p>b) d'encourager la responsabilisation et la transparence par une meilleure connaissance des programmes d'immigration et de ceux pour les réfugiés;</p> <p>c) de faciliter la coopération entre le gouvernement fédéral, les gouvernements provinciaux, les États étrangers, les organisations internationales et les organismes non gouvernementaux;</p> <p>d) d'assurer que les décisions prises en vertu de la présente loi sont conformes à la Charte canadienne des droits et libertés, notamment en ce qui touche les principes, d'une part, d'égalité et de protection contre la discrimination et, d'autre part, d'égalité du</p>

<p>(e) supports the commitment of the Government of Canada to enhance the vitality of the English and French linguistic minority communities in Canada; and</p> <p>(f) complies with international human rights instruments to which Canada is signatory.</p>	<p>français et de l'anglais à titre de langues officielles du Canada;</p> <p>e) de soutenir l'engagement du gouvernement du Canada à favoriser l'épanouissement des minorités francophones et anglophones du Canada;</p> <p>f) de se conformer aux instruments internationaux portant sur les droits de l'homme dont le Canada est signataire.</p>
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