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## **Fundamental fairness for non-citizens at stake in Supreme Court Harkat case**

The Canadian Council for Refugees and the International Civil Liberties Monitoring Group will be asking the Supreme Court of Canada this week to rule that it is fundamentally unfair to rely on secret evidence in deciding whether to deport a non-citizen, potentially to a risk of persecution.

The Canadian Council for Refugees (CCR) and International Civil Liberties Monitoring Group (ICLMG) are jointly intervening in the Harkat case, which addresses the use of undisclosed evidence in the security certificate process. The organizations, represented by Barbara Jackman, Sharry Aiken and Andrew Brouwer, will be presenting oral arguments at the hearing this Thursday 10 October.

Treating people fairly means giving everyone equal protection of their basic rights. The use of secret evidence in immigration processes is unfair because it undermines non-citizens' right to life, liberty and security of the person. When these rights are at stake for citizens, such as in criminal proceedings, we do not tolerate the use of secret evidence. Non-citizens deserve an equal opportunity to know and respond to the evidence used against them.

Decisions made using secret evidence in immigration proceedings have dramatic consequences for the individual, because a person found inadmissible on security grounds cannot make a refugee claim and is only eligible for a much narrower risk review, with a higher standard of proof. There is therefore a real possibility that affected persons will be sent back to face persecution, in violation of Canada's international human rights obligations. Because the definition of security inadmissibility in Canadian

immigration law is very broad, those affected include people who have never engaged in or promoted violence and who represent no threat to Canada's security.

The CCR/ICLMG factum is available from the [Supreme Court website](#).

- 30 -

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