



Brief on Bill C-12, the  
*Strengthening Canada's Immigration System and Borders Act*

Submitted to the  
Standing Senate Committee on National Security, Defence and  
Veterans Affairs

by the  
International Civil Liberties Monitoring Group

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The International Civil Liberties Monitoring Group is a national coalition of 45 Canadian civil society organizations devoted to defending civil liberties from the impact of national security and anti-terrorism measures.

In our work, our coalition has seen time and again how migrants and refugees are used as scapegoats for societal challenges, and how quickly and easily they are unjustly framed as national security or public safety threats. We have observed with deep concern how this false framing, as well as pressure from the United States for Canada to further align and integrate its border security with their own, has resulted in the growing securitization of the Canadian border, to the detriment of civil liberties protections in Canada.

This is the case with Bill C-12, which when originally introduced, was the follow-up to the federal government's December 2024 announcement of \$1.3 billion to increase surveillance, law enforcement and other security measures at Canada's borders as a response to accusations from the United States that Canada poses a severe security threat to our southern neighbor, despite clear evidence proving that this was untrue.<sup>1</sup>

In June 2025, the ICLMG joined more than 300 other civil society organizations in speaking out over the severe harms that Bill C-2, the Strong Borders Act, will cause to fundamental rights, including rights protected under the *Canadian Charter of Rights and Freedoms*, and that will likely be subject to court challenges.<sup>2</sup> The introduction of Bill C-12 failed to alleviate these concerns, particularly by replicating changes to Canada's immigration and refugee regime included in Bill C-2.<sup>3</sup>

It is unacceptable that Canada would erode fundamental rights or dismantle systems meant to welcome newcomers and protect those fleeing injustice because of trumped up pressure and manufactured emergencies.

Given all this, we continue to call C-12 to be withdrawn in favor of consultations and, if warranted, the introduction of targeted legislation that upholds and protects fundamental rights.

Below we outline specific areas of concern with Bill C-12.

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<sup>1</sup> Bronskill, J. "Internal report urged Canada to counter rhetoric about a 'crisis' at border," *Canadian Press*, 16 February 2025. Online at: <https://nationalnewswatch.com/2025/02/16/internal-report-urged-canada-to-counter-rhetoric-about-a-crisis-at-border>

<sup>2</sup> "Over 300 Organizations Unite to Demand Complete Withdrawal of Bill C-2," 18 June 2025: <https://iclmg.ca/withdraw-bill-c2/>

<sup>3</sup> "Bill C-12's introduction solves none of Bill C-2's problems," 9 October 2025: <https://iclmg.ca/joint-statement-bill-c-12/>

## 1. Part 4: Oceans Act

Part 4 of Bill C-12 would grant the Canadian Coast Guard new powers to take part in security operations, including “security patrols and the collection, analysis and disclosure of information or intelligence.”

This would represent a significant shift from the current primary focus of the CCG on search and rescue, marine safety and environmental protection towards support for military and security operations. This is especially true given the government’s parallel movements to relocate the CCG from the Department of Oceans and Fisheries to the Department of National Defense.

We are concerned that such a move is another example of unjustified and unnecessary national security creep, and will result in the CCG moving toward being a security force, undermining the other aspects of their work.

Regardless of whether the nature of the work of the CCG changes, new mandates to collect and share intelligence would also mean that current information collected for non-security purposes may begin to be shared in unexpected and unpredictable ways. In these circumstances, we would expect that new requirements would also be added to ensure robust guidelines around the collection, retention and sharing of information, as well as requirements for record-keeping to ensure transparency and accountability, but these are not included in Bill C-12.

This lack of clarity will open the door to the possibility of improper data collection, retention and sharing that could undermine important privacy protections and violate privacy rights.

Moreover, the CCG is already empowered to share information related to activities that undermine the security of Canada to national security agencies, including the Department of National Defence, the RCMP, CSIS and the CBSA under the *Security of Canada Information Disclosure Act* (SCIDA). The SCIDA regime, though imperfect, provides for clear circumstances and guidelines for the disclosure of information, including maintaining records of the information shared and the rationale for the sharing, as well as safeguards to protect against erroneous disclosure, including the need for the recipient organization to document the legal basis for accepting the disclosed information and placing limits on the sharing of health related information.

**Recommendation 1:** That the newly proposed 41(1)(f) in clause 25, subsection 2, of Bill C-12 be removed:

**25 (1) The portion of subsection 41(1) of the Act before paragraph (a) is replaced by the following:**

**Coast guard services**

**41 (1)** The Minister of National Defence is responsible for coast guard services and their powers, duties and functions extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to

**(2) Subsection 41(1) of the Act is amended by striking out “and” at the end of paragraph (d) and by replacing paragraph (e) with the following:**

- **(e)** the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other services; and
- ~~(f) security, including security patrols and the collection, analysis and disclosure of information or intelligence.~~

## **2. Part 5: Information Sharing — Immigration, Refugees and Citizenship**

Part 5 of Bill C-12 would expand the ability of Immigration, Refugees and Citizenship Canada to share private information across federal, provincial and territorial governments, as well as with foreign entities. These changes would have a significant impact on privacy rights for all people in Canada, regardless of status. For migrants and refugees, the powers could inhibit their ability to access critical services without fear or harm, as well as pose serious risks for those seeking protection from persecution by foreign states. Permanent residents and Canadian citizens could also see their information impacted, including details collected in residency or passport applications.

While the categories of what information can be shared may appear narrow, it would in fact be quite revealing, and could also be used in ways that would significantly impact an individual’s well-being and security far beyond the immigration and refugee system.

This includes information relating to identity or status. It also includes the contents of any document issued to an individual, such as information regarding the issuance, renewal, validity, refusal, termination, revocation or suspension of a document.

This could encompass personal and private information relating to finances, health, biometrics, employment or family and friends, changes in status or gender identity, or prejudicial information relating to decisions to refuse or cancel documents.

This information could be shared with a wide range of service providers including housing, health and welfare authorities, with police and security agencies, or with foreign entities for unpredictable uses far beyond the original reasons the information was collected, exposing individuals to possible discrimination or other harms.

For example, during the study of Bill C-12 at the Standing Senate Committee on National Security, Defence and Veterans Affairs on Feb. 9, 2026, a government official gave the following example:

“[A] police force might call the Department of Immigration and say:

‘I have this guy on the side of the road. Can you tell me who they are? Do they have status in Canada?’”

This is a highly troubling example that demonstrates the harmful impact of these new information sharing powers. Enforcement of immigration laws is outside the jurisdiction of local law enforcement, and should not be considered an aspect of roadside policing. However, this indicates that the goal is that even innocuous encounters with state authorities would come with the threat of immigration enforcement. Beyond policing, would other government-run services be expected to enter into information sharing agreements in order to verify the status of clients, for example when accessing healthcare or attending school? In Alberta, officials are threatening to add immigration status to official government identification in order to restrict access to government services; these new information sharing rules would facilitate that process.

Finally, despite arguments to the contrary by government officials, Bill C-12 will allow for the sharing of information with foreign entities. While Bill C-12 provides further restrictions on sharing with foreign entities, including requiring written approval of the Minister and complying with the *Avoiding Complicity in Mistreatment by Foreign Entities Act (ACMFEA)*, the bill does not prohibit it. If that were the goal, the legislation could state clearly that under no circumstances could the information shared be provided to foreign governments. Given that IRCC holds the information in question, decisions on sharing information with foreign partners could reside solely with that department.

Even with the restrictions envisioned by Bill C-12, sharing private information with foreign entities poses a serious risk. The most serious concern is that it is impossible to control the flow of information once it has been shared outside of Canada. Foreign governments may have weaker laws for sharing information between departments, or have weaker protection mechanisms in place to guard against abuse or leaks. Even protections under the ACMFEA are limited to situations raising substantial risk of mistreatment, which is defined in the Act as “torture or other cruel, inhuman or degrading treatment or punishment.” While this definition would apply to some of the most severe possible repercussions, it would in reality fail to apply to other forms of persecution that result in serious harm, but do not meet that high bar. For examples, laws that criminalize certain sexual orientations or gender identities; laws that bar employment or access to services based on religion, ethnicity or nationality; laws that limit access to sexual or reproductive health, or that fail to protect against gender-based violence; laws that criminalize free expression or political opposition, etc.

The provisions in the ACMFEA also apply exclusively to government use of information. There is nothing in the bill that would limit “foreign entities” to being government entities; and it would be difficult to evaluate and apply the provisions of the ACMFEA to instances where foreign

governments share information with third parties, who then engage in violent or abusive behaviour.

While Part 5 does outline the kind of information that could be included in information sharing agreements, it fails to include any mandatory provisions for public reporting, internal record keeping, or to ensure that the information is being shared for appropriate purposes or that the information being shared is accurate.

Powers already exist within federal law for IRCC to share information with relevant partners. For example, reports have shown that under the current regime, the Montreal police service alone made 3,500 inquiries to CBSA about the status of individuals in 2019 – an average of 10 requests per day.<sup>4</sup> Officials also recently testified that powers already exist to be able to share information with other departments, including provinces and territories, on a case by case basis.

**Recommendation 2:** That Part 5 of Bill C-12 be removed.

### **3. Part 7: Immigration and Refugee Protection Act (Certain Measures in Respect of Applications and Documents)**

Clause 72 would add a new sections 87.301 and 87.302 to the Immigration and Refugee Protection Act, granting extraordinary powers to the Governor in Council to issue orders, based on the “Public Interest,” to not accept, suspend or terminate applications for various forms of visas to classes of individuals, including based on country of origin, or classes of application; as well as to cancel, vary or suspend immigration documents, including temporary visas and permanent residency cards that have already been issued.

In cases where such orders may impact individuals already in Canada, the order must be made on the recommendation of the Minister of Immigration, Refugees and Citizenship in consultation with the Minister of Public Safety.

We oppose the creation of these new powers on several grounds.

First, the overall breadth of these powers mean that they can be used in unpredictable and discretionary ways, including ways that would violate the *Canadian Charter of Rights and Freedoms*. For example, governments would be empowered to bar groups of people from applying for entry to Canada based on criteria such as their nationality, their religious beliefs or their socioeconomic status – all categories that are protected under the *Charter*. Governments would also be able to use the same grounds to take action against entire categories of

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<sup>4</sup> See: <https://www.mcgilldaily.com/2020/10/opinion-spvm-a-deportation-machine-that-hunts-down-non-status-immigrants/>

individuals already inside Canada, either with visas or with permanent residency, by revoking their documents and rendering them vulnerable, en masse, for removal from Canada.

Second, Cabinet will be able to make decisions regarding the immigration documents of individuals, impacting their ability to travel to, work in or even live in Canada without an individualized assessment of their case. The onus would be on individuals to then challenge Cabinet's decisions on a case-by-case basis. Despite the broad nature of these powers, there are no checks and balances in place to ensure the fair, lawful or constitutional application of this powers. Instead, Cabinet is simply required to table a report with the House of Commons within 7 sitting days.

Third, and most egregiously, C-12 fails to define "public interest." Instead, the bill puts forward a non-exhaustive list of areas that fall under the "public interest", including administrative errors, fraud, public health, public safety or national security. Even if government was limited to acting in these areas, they are so broad as to be able to capture nearly any situation. "Public safety" and "national security" alone can, and have been, used by Canadian governments to excuse policies that target and discriminate against populations from specific countries, or of specific cultural or ethnic background, or that espouse particular political or religious beliefs.

While these proposed powers are being justified by the need for the government to respond in cases of future pandemics or cyberattacks, for example, there is nothing in the legislation that would set such a limit. Nor has the government explained why these specific powers are necessary to address such situations. If adopted, future governments would have a carte blanche to define what is in "the public interest" and when and how to use these powers. This kind of discretionary power is ripe for use in abusive, unconstitutional and discriminatory ways. Given all this, we believe that the proposed powers cannot be save through amendment and must be removed.

**Recommendation 3:** That Part 7 be removed from Bill C-12.

#### **4. Part 8: Immigration and Refugee Protection Act (Ineligibility)**

Changes in Part 8 of Bill C-12 would result in refugee claims made after a year had passed since a claimant first arrived in Canada (post-June 2020) being directed to a Pre-Removal Risk Assessment (PRRA), as opposed to adjudication by decision makers at the Refugee Protection Division (RPD), where they would have the right to an oral hearing and appeal to the Refugee Appeal Division.

PRRAs are much less robust: They lack independence since they are assessed by employees of Immigration, Refugees and Citizenship Canada (who do not have the same expertise or receive the same training). Nor are PRRAs more efficient, given that they are more likely to lead to error and heavy reliance on them is likely to overwhelm our federal courts.

The impacts of these changes would be severe. For example:

- An infant visiting Canada with her parents in 2022 would be ineligible to seek protection if she returns 20 years later due to persecution in her country.
- Three years into an international students stay in Canada, they come out as homosexual, and are unable to return to their home country for fear of persecution
- An individual whose father is a journalist comes to Canada to work or study, and more than a year into their stay, a change in government takes place in their home country, banning political opposition and targeting journalists and protests, making it impossible for them to return home.

These types of cases merit a fulsome refugee claim, and not be relegated to the PRRA system. While proponents have suggested this change is needed to address abuse or inefficiencies in the refugee claim process, a universal bar is a blunt instrument that will have significant impacts on those seeking protection, with questionable benefits to the asylum system. These changes would also go against Canada's international legal obligations under the 1951 Refugee Convention and related UN guidance.

**Recommendation 4:** We support the proposals contained in the briefs submitted by the Canadian Council for Refugees<sup>5</sup> and Amnesty International Canada<sup>6</sup> to first and foremost remove Part 8 from Bill C-12, or, barring that, that significant amendments are made to safeguard the right to asylum.

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<sup>5</sup> <https://ccrweb.ca/en/brief-bill-c-12-strengthening-canadas-immigration-system-and-borders-act>

<sup>6</sup> [https://sencanada.ca/Content/Sen/Committee/451/SECD/briefs/Brief\\_AmnestyInternational\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/451/SECD/briefs/Brief_AmnestyInternational_e.pdf)