

**Brief for Standing Senate Committee on National Security,
Defence and Veterans Affairs for its Study of Bill C-12 *An Act
respecting certain measures relating to the security of Canada's
borders and the integrity of the Canadian immigration system
and respecting other related security measures***

**Submitted by the Canadian Federation of University Women
– La Fédération canadienne des femmes diplômées des
universités**

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About CFUW

Founded in 1919, CFUW is a self-funded, non-partisan organization of over 6,700 women and 90 Clubs across Canada. We work to improve the status of women by promoting public education, human rights, social justice, and peace in Canada and abroad. CFUW Clubs grant over \$1 million in scholarships each year and work actively in their communities to advance our mission of achieving equality and social justice through continuous learning. We work within our communities, nationally and internationally, advocating for the advancement of women's status, human rights, and the common good. This mandate incorporates advocating for the protection and safety of women and girls, including refugee and asylum seekers in Canada.

Introduction

Bill C-12, now before the Standing Senate Committee on National Security, Defence and Veterans Affairs, raises concerns regarding the lack of meaningful consultation with immigration and refugee-serving organizations; the need to ensure fair and non-discriminatory treatment of refugees and asylum seekers; the potential impact of expanded powers on access to legal and support services; and the importance of ensuring that individuals affected by these provisions are clearly informed of their rights and protections under applicable legislation and the Canadian Charter of Rights and Freedoms. This submission will detail these issues and propose amendments to improve them.

Issues with Bill C-12

When first introduced in the House, many agencies involved in immigration issues identified Bill C-12 as a bill that could increase delays and backlogs rather than adequately resolve them. In spite of these warnings, Bill C-12 was quickly passed by the House of Commons through fast-tracked motions, and the same tactic is now being used in the Senate.

The Bill was first submitted for review in the House, to the Standing Committee on Public Safety and National Security (SECU) and the Standing Committee on Citizenship and Immigration (CIMM). However, very few organizations working in the immigration sector had the opportunity to testify. Parliament has a duty to hear from those who will be most affected by these new powers. The government openly acknowledged that this legislation was drafted without consulting refugee and immigration experts. It is disappointing that the government would not use every tool at its disposal in drafting a bill to amend Canada's immigration system, given the invaluable knowledge that frontline organizations working in the immigration sector possess. We join human rights advocates, legal experts and front-line organizations in warning that Bill C-12 threatens to undermining decades of progress in building a fair, compassionate and rules-based immigration system.

CFUW recognizes that this Bill was introduced to strengthen Canada's immigration system and borders. We are not opposed to strengthening border security and immigration enforcement, improving the efficiency of asylum processing, combating transnational crimes or expanding information-sharing between agencies.

We are gravely concerned that, in its current state, Bill C-12 could infringe upon Section 7 – Life, liberty, and security of the person - of the Charter of Rights and Freedoms. As affirmed in the Supreme Court of Canada’s ruling in the 1985 Singh v. Canada case, Section 7 of the Charter applies to “everyone” physically present in Canada, including asylum seekers. Decisions affecting their removal directly impact and can pose a risk to their life, liberty, and security.

Bill C-12 introduces ineligibility rules that prevent certain refugee claims from being referred to the Immigration and Refugee Board (IRB), including claims filed more than one year after arrival and claims made by people who enter between official land border points with the U.S. and apply more than 14 days later. These individuals would instead be directed to a pre-removal risk assessment (PRRA), which generally offers fewer procedural protection than a full refugee determination hearing.

Expanded national security and intelligence powers ought to be matched with robust, well-resourced independent review and accountability. This principle is fundamental in a free and democratic society. Because there is no right to appeal a finding of the PRRA, it can only be judicially reviewed by the Federal Court, which requires an individual to first seek and then be granted leave before the judicial review can be heard. This would lead to further backlogs in the Federal Court. The person appealing their case could be at risk of deportation while their application is pending.

Bill C-12 also expands executive authority to cancel, suspend, or vary immigration documents, including visas, work permits, and study permits, based on a broad and discretionary “public interest” standard. It also allows incomplete asylum applications to be discarded without referral to the IRB, and removal orders may take effect immediately upon withdrawal or abandonment of claims. Defining more clearly what is regarded as the “public interest” would be helpful.

Beyond constitutional issues, we are concerned that Bill C-12 would harm women and vulnerable individuals. Survivors of gender-based violence, human trafficking, and gender-related persecution commonly face considerable barriers to filing refugee claims promptly, including trauma, caregiving responsibilities, language barriers, limited access to legal support, and fear of authorities. The proposed ineligibility provisions would disproportionately disadvantage individuals who require protection and are unable to navigate the system within rigid timelines. Proposed provisions facilitating faster removals may limit access to legal counsel, safety planning, and support services.

Section 28 of Bill C-12 empowers the Minister to share personal information with other government entities, including foreign governments in the countries of origin of refugees and asylum seekers. Such sharing of information could expose people to persecution, discrimination and harm, and could inhibit refugees’ and migrants’ ability to access critical services without fear.

Canada’s refugee determination system must remain consistent with its obligations under the Convention Relating to the Status of Refugees and the Convention on the Elimination of All Forms of Discrimination Against Women, including the obligation of non-refoulement and the

requirement that procedures be fair, non-discriminatory, and responsive to gender-based persecution.

CFUW Recommendations:

We respectfully urge the Committee to recommend specific amendments to Bill C-12 that will preserve access to refugee protection for vulnerable individuals, ensure procedural fairness, and limit the broad discretionary powers that may place them at risk.

- We recommend amending section 31 to ensure that the appointment of representatives who are not administered by the CBSA or IRCC, and that the designated representatives are not employees of IRCC or the CBSA, in order to ensure impartial representation of the person concerned.
- We recommend deletion or amendment of section 28 so that information sharing does not expose people to persecution, discrimination and harm or inhibit access to essential services.
 - Part 7 and subsection 11.3 and subparagraph 14(2) (b.1) in Division 1 of the IRPA appear to lower thresholds to obtain information and allow officers to halt visa and document processing without clear criteria. We recommend that the language be adjusted to address privacy risks.
- We recommend that the retroactive application of this law be removed and that the law only comes into force on the day it receives Royal Assent, and the one-year countdown begins on the day Royal Assent is granted.
- We recommend that part 7 be amended to include a definition and clear parameters around what it means for the Governor in Council to be in the opinion that something is in the public interest. In the absence of clearly defined parameters, we recommend that 7(a) and 7(b) be removed.