



MOTION REGARDING THE IMMEDIATE SUSPENSION OF THE CANADA-US SAFE THIRD COUNTRY AGREEMENT

Whereas, the SSMU is an organization and union that supports a range of voices and equitable measures: “All the SSMU's endeavours shall be undertaken with full respect for human dignity and bodily sovereignty and without discrimination on the basis of irrelevant personal characteristics that include but are not limited to race, national or ethnic origin, colour, religion, sex, gender identification, age, mental or physical disability, language, sexual orientation or social class”;

Whereas, the SSMU is committed to demonstrating leadership in matters of human rights, social justice and environmental protection; Whereas, the US Trump Administration signed an executive order (henceforth “the Executive Order”) indefinitely suspending Syrian refugees resettlement, and temporarily banning immigration from seven Muslim-majority countries (Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen) from entering the United States;

Whereas, the Canada-US Safe Third Country Agreement (henceforth “the STCA”) requires asylum seekers to request refugee protection in the first “safe” country in which they arrive, thereby denying those travelling through or from the US the ability to make a refugee claim in Canada unless they qualify for one of the limited exceptions;¹

Whereas, the STCA is premised on the assumption that the US and Canada are “safe [countries]” with refugee determination systems which will justly consider the claims of all asylum seekers;

Whereas, the Trump Administration has demonstrated through the Executive Order that the rights of any asylum seekers from the seven aforementioned Muslim-majority countries guaranteed by article 3 of the 1951 Convention Relating to the Status of Refugees, not to be discriminated against on the basis of their country of origin, will be violated by the U.S. for the duration of the ban;

Whereas, upholding the STCA, the Canadian government is prohibiting vulnerable persons from seeking asylum in Canada, an act which constitutes an indirect breach of our obligation to uphold the principle of non-refoulement under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;

Whereas, the United States is a signatory of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), specifically Article 31: “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”;

Whereas, the United States has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination (1965) codifying its duty to “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races” (Article 2.1);

Whereas, students at McGill have come together and have initiated a national campaign to write letters to their MPs to move for the immediate suspension of the STCA;²



Whereas, professors and administrations from law faculties across Canada have made a call out to international students affected by the Executive Order to apply to McGill by extending and/or waiving their deadlines³ and fees;⁴

Be it resolved, that the SSMU will join students across Canada, through its external relations, in calling upon the federal government to immediately suspend the STCA, including by writing a formal letter, cosigned with other student unions to be sent to the Minister of Refugees, Citizenship and Immigration and Prime Minister;

Be it resolved, that the SSMU will call on McGill University to waive application fees of students affected by the ban affecting the seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen for the 90-day duration of the travel ban, with the possibility of extension of application period; this also should be applicable to people with refugee status who may not hold citizenship from the aforementioned seven countries.

Be it resolved, the SSMU will make public announcements and promote campus-related and local initiatives on their social media platforms;

Be it resolved, the SSMU will connect with Montreal Gazette, Globe and Mail, CBC Canada, La Presse, Le Devoir, and other media outlets on behalf of McGill students denouncing the Trump administration in light of their immigration policies impacting McGill students;

Be it further resolved, that the SSMU, as an organization that holds solidarity events condemning racism, sexism, homophobia, transphobia, colonialism, islamophobia, anti-semitism, and other forms of discrimination stand in solidarity with students affected by the Executive Order and will continue to strive to create an atmosphere of inclusivity by taking a stance against the Executive Order and condemning the violence it has sparked.

Motion drafted by: Romita Sur, Amelia Philpott, Shannon Snow, Gabriella Utreras

Motion unanimously approved by: Law Students' Association Council on February 1, 2017

Moved by:

Romita Sur, Law Representative
Buland Junejo, Clubs Representative
McKenzie Gingrich-Hadley, Nursing Representative
Marco Sgro, Education Representative



¹ Canadian Council for Refugees, “Safe Third Country - Overview”:

<http://ccrweb.ca/sites/ccrweb.ca/files/static-files/S3C.htm>

² McGill Law Reporter, “Law student, faculty step up following shooting, travel ban”

<http://publications.mcgill.ca/reporter/2017/01/law-students-faculty-step-up-for-human-rights-following-ste-foy-shootings-u-s-travel-ban/>

³ E. Richard Gold Twitter, Muslim Ban and Admissions

https://twitter.com/IP_policy/status/825714555909201921?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet

⁴ E. Richard Gold Twitter, Muslim Ban and Admissions

https://twitter.com/IP_policy/status/825714555909201921?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet