NATIONAL COUNCIL
OF CANADIAN MUSLIMS

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BRIEF ON BILL C-12

Strengthening Canada's Immigration System and Borders Act

THE STANDING SENATE COMMITTEE ON NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

FEBRUARY 12, 2026

About NCCM

The National Council of Canadian Muslims (NCCM) is Canada's leading Muslim civil liberties and human rights organization. We work to protect the rights of Canadian Muslims and other marginalized communities through advocacy, legal intervention, public education, and policy reform.

For over two decades, NCCM has engaged in national conversations on immigration, national security, and civil liberties. Our work is grounded in the *Charter of Rights and Freedoms*, rule of law principles, and Canada's international human rights obligations.

Overview: Engage in Further Study

We would first like to highlight that we believe the intent behind this Bill is indeed laudable and believe that there are a number of elements in this Bill that will serve Canadians well.

It is imperative and in Canada's best interest that we work to secure our border to ensure that illicit drugs or other harms that will be used to harm Canadians or are contrary to Canada's interest be met with the full force of the law.

However, Bill C-12 represents one of the most sweeping expansions of executive authority in immigration and border governance in recent decades. While framed as a measure to strengthen border integrity and security, the Bill significantly broadens ministerial discretion, restricts access to refugee protection, and expands information-sharing powers without adequate safeguards, oversight, or meaningful consultation.

History shows that expansions of national security and border powers disproportionately affect Muslim, racialized, and marginalized communities. After 9/11, similar urgent and omnibus legislation was adopted with limited scrutiny. Subsequent reviews, including Senate reports, have acknowledged the disproportionate impact of those laws on Muslim communities and their role in entrenching systemic Islamophobia.

Bill C-12 risks repeating those mistakes, despite the attempt to address many of these concerns in the initially tabled Bill C-2.

NCCM urges the Senate to exercise its constitutional role of sober second thought and ensure that public safety measures do not erode equality, due process, and human

dignity. **We concur with many of the other briefs submitted before this committee that ensuring ample time for appropriate study, therefore, is of utmost importance.**

1. Unchecked "Public Interest" Powers: Remove Section 72.

Clause 72 of Bill C-12 grants the Governor in Council and the Minister sweeping authority to: 1. refuse to accept immigration applications 2. Suspend or terminate applications in progress 3. Cancel or vary immigration documents and 4. Exercise these powers broadly by class, category, or nationality.

These powers may be invoked when deemed in the "public interest."

The term "public interest" is not precisely defined. The absence of a strict definition creates legal uncertainty and opens the door to broad, unpredictable, and potentially arbitrary decision-making.

Essentially, this creates the ability for the government to cancel entire classes of applications based on reasons that could be wildly abused by subsequent governments. **A decade ago, people believed that Trump's "Muslim Ban" against individuals from predominantly Muslim nations (e.g. Iran, Libya, Somalia, Syria, Yemen) was an impossibility–yet creating this tool would empower future Canadian governments to replicate this act.**

Existing provisions under the *Immigration and Refugee Protection Act* (IRPA) presently allow for inadmissibility findings based on fraud, security concerns, or misrepresentation, with procedural safeguards and independent review. In other words, this section, critiqued by a vast majority of the briefs submitted to the Senate, is one that creates a problem that does not exist in the first place. Bill C-12 bypasses these procedural safeguards, and the right to natural justice, thereby concentrating power within the executive branch.

Unlike other ministerial powers under the *IRPA*, these new authorities lack meaningful limitations, duration caps, or guaranteed opportunities for affected individuals to make submissions or attend administrative tribunals.

Our submission to this committee is that these public interest powers should be removed. Existing *IRPA* provisions around fraud or misrepresentation, however, could be bolstered to solve the challenge in relation to concerns around fraudulent student visa applications.

2. Expanded Ineligibility for Refugee Claims

Changes in Part 8 of Bill C-12 introduces new categories of refugee ineligibility:

1. Individuals who make a refugee claim more than one year after their first entry into Canada (regardless of circumstances); and

2. Individuals who enter Canada from the United States through irregular border crossings.

These blanket exclusions replace individualized hearings before the Immigration and Refugee Board (IRB) with a more limited Pre-Removal Risk Assessment (PRRA) process conducted by an immigration officer.

Applications to the PRRA are seen by many as a last chance of immigration remedies, and successful applications already hover around 4%. PRRA hearings are also remote (virtual) and they are conducted by IRCC immigration officers, rather than duly trained RPD decision-makers.

Expanding ineligibility by introducing a one-year bar and irregular border crossings will put further unnecessary strain on those who are inadmissible to make a refugee claim and must refer to the PRRA as their last chance at seeking refugee status in Canada.

A. The One-Year Bar

The one-year bar is overly rigid and disconnected from the realities of forced migration. Individuals may delay making a claim for many legitimate reasons, including trauma or mental health challenges, financial inability, lack of legal knowledge or access to counsel, amongst many other reasons.

A blanket rule does not allow decision-makers to account for these nuances. It captures individuals whose prior entry to Canada occurred years earlier under entirely different circumstances. It could affect many who have fled violence and ethnic cleansing from Sudan, Ukraine, China, or Gaza.

The IRB already considers delay, and failure to claim, in making a claim as part of a credibility assessment. Creating categorical ineligibility removes flexibility while adding little value.

B. Irregular Border Crossings from the United States

The assumption underlying this provision is that individuals who passed through or lived in the United States do not require Canada's protection. That assumption is increasingly tenuous under the auspices of a President in the United States who has stated his intention to annex Canada and is a loud proponent of racist and putrid filth that appears to have no limitation.

Muslims and other racialized individuals have faced travel bans, expanded detention, and heightened enforcement policies in the United States as we have seen disturbing ICE raids. Access to fair asylum procedures may be uncertain or compromised depending on policy shifts.

Canada's refugee protection system is built on individualized risk assessment. Blanket exclusions, without due process (e.g. an administrative hearing), undermine that principle.

We recommend that the new grounds of refugee ineligibility should be removed. Canada should invest in strengthening the IRB's capacity to hold and conduct fair, and impartial administrative hearings, rather than restricting access to it.

Conclusion

Canada can protect its borders and uphold public safety without sacrificing fairness, accountability, and equality under the law.

Bill C-12, as currently drafted, centralizes executive authority, restricts access to refugee protection, and weakens safeguards around personal information, all at a time when trust in public institutions depends on transparency and restraint.

Muslim and racialized communities have experienced firsthand the consequences of rushed national security legislation. Parliament has previously acknowledged these harms.

The Senate now has an opportunity to ensure that history is not repeated.

NCCM respectfully urges substantial amendment of Bill C-12 to safeguard due process, restore independent adjudication, limit executive discretion, and protect vulnerable communities.

Public safety and human rights are not competing values. In Canada, they must advance together.