

Canada's Liberal government upholds Safe Third Country Agreement with US amid Trump's savage persecution of immigrants

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12 March 2026

Canada's Liberal government is continuing to uphold the Safe Third Country Agreement with the United States, even as the Trump administration eviscerates the rights of immigrants and refugees and unleashes Gestapo-style ICE (Immigration and Customs Enforcement) thugs against them.

Over the past year, calls from refugee and immigrant-rights groups and from lawyers specializing in immigration law for Ottawa to abrogate the agreement have grown ever more urgent.

Under the Safe Third Country Agreement (STCA), Ottawa has for more than two decades systematically turned over to US authorities refugee claimants who crossed into Canada from south of the border via land, on the grounds that the US is a "safe third country" where asylum claims are adjudicated humanely and according to international refugee law.

In March 2023, the Trudeau Liberal government and the Biden administration declared that the STCA covers the entire, more than 3,000-mile Canada-US border, not just designated border crossings. They thereby closed a "loophole" in the agreement that had allowed tens of thousands of people fleeing persecution and poverty to find refuge in Canada by crossing into the country "irregularly."

Since returning to office in January 2025, Trump has launched sweeping raids against immigrants in major US cities, as part of his drive to establish a fascist presidential dictatorship in Washington. Criticism of Ottawa's enforcement of the STCA agreement gained strength after revelations emerged throughout 2025 about mass round-ups of Venezuelans and other Latin American immigrants, who were confined to horrific conditions in concentration camps in the US and El Salvador. Then, in January 2026, the shootings by ICE thugs, first of Rene Nicole Good and Alex Pretti two weeks later, prompted a groundswell of opposition in the US and further criticism of the Canadian government's stance.

Prime Minister Mark Carney, who has fully endorsed American imperialism's criminal war of aggression against Iran and is seeking to negotiate a new trade agreement with Trump to secure Canadian imperialism's position as Washington's junior partner, is overseeing a tightening of Canada's immigration policy. In a sop to Trump, his government greatly strengthened the presence of security forces along the Canada-US border early last year under the pretext of combatting drug smuggling.

Moreover, the Carney government and its predecessor under Prime Minister Justin Trudeau have dramatically slashed immigration caps and embraced the far-right narrative on the supposed threats posed by mass migration. His government is also pushing Bill C-12 through

Parliament, which restricts even further the ability of refugees to claim asylum in Canada.

Writing in the *Hill Times*, immigration lawyer Washim Ahmed addressed the targeted killings of political opponents of Trump in Minneapolis in January, which took place amid an ICE crackdown on immigrants. Ahmed wrote,

In Minnesota, school officials confirmed that armed ICE agents detained at least four minors, including a five-year-old child taken into custody with his father after preschool. Other reporting describes teenagers and toddlers detained during the same enforcement surge. These scenes do not resemble due process.

When a country detains children at school and kills civilians during immigration operations, the word "safe" loses any credible meaning.

Critics like Ahmed note correctly that Canada is violating its obligations under international law. Two major multilateral treaties, the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, clarify which persons are classified as refugees and the responsibilities of nations granting asylum. Canada is a signatory to both treaties. A key concept in the treaties is the principle of "nonrefoulement," according to which, signatory states must not return a refugee in any manner whatsoever to a territory where their life or freedom would be threatened. Both of these core rights no longer apply for refugees in Trump's America.

Bill C-12 (Strengthening Canada's Immigration System and Borders Act), presented to Parliament by the Liberal government in October 2025, aims to restrict immigration and toughen the rules governing asylum claims. The bill proposes reactionary amendments to the Immigration and Refugee Protection Act that will be especially harmful to sections of the working class attempting to escape political persecution or dire poverty. Critics have warned that many of the bill's new provisions are anti-democratic, violate the principle of nonrefoulement and deny fair hearings. C-12 is due for approval by the Senate, Canada's upper chamber of Parliament, this week.

The new bill gives the immigration minister sweeping, unchecked power to cancel or suspend claims for entire categories of people without notice or oversight. It allows the government to bypass individual reviews and make immigration and asylum decisions based

on a vaguely defined “public interest.” Another provision of the bill is the imposition of a one-year time limit for making a refugee claim after arriving in Canada. Given that it applies retroactively, this provision will invariably force individuals who missed the new arbitrary deadline back to unsafe conditions. The legislation permits—and in certain cases requires—the exchange of personal and sensitive information among federal, provincial and foreign agencies, posing risks to the safety of migrants and refugees.

Bill C-12 will further intensify the reactionary character of the STCA, which has been controversial from its initial adoption in 2004 in the wake of the 9/11 terrorist attacks. Numerous rights groups and legal scholars have long challenged the legality of the agreement, which compels refugees seeking asylum to make their application in the first country in which they arrive. Due to geography, in the Americas, this is, in practice, chiefly the United States.

In 2017, the Canadian Council for Refugees, Amnesty International and the Canadian Council of Churches launched a legal action in the Federal Court, challenging the claim that the US is a safe country for asylum seekers. They also issued a public brief detailing how the US asylum system falls short of international and Canadian legal standards.

In July 2020, the Federal Court ruled the STCA invalid, finding it violated asylum seekers’ rights under Section 7 of the Canadian Charter of Rights and Freedoms (right to life, liberty, and security). The government appealed the ruling. In April 2021, the Federal Court of Appeal overturned the 2020 decision and upheld the STCA. The Supreme Court of Canada subsequently upheld the constitutionality of the STCA in June 2023.

But Trump’s drive towards dictatorship in the US is now so far advanced, and Canada’s complicity in its anti-immigrant witch hunt so blatant, that a handful of voices within the political establishment have been raised against the maintenance of the STCA. The warnings made by the likes of former Liberal Foreign Minister Lloyd Axworthy and right-wing *Globe and Mail* commentator Conrad Yakabuski have nothing to do with a principled defence of democratic rights. Instead, they revolve around the concern that Canadian imperialism, which has repeatedly deployed “human rights” justifications to legitimize its aggressive actions around the world, could lose what remains of its credibility with its complicity in Trump’s crimes.

Yakabuski candidly admitted, “The legitimacy of the STCA has always been predicated on the convenient fiction that the United States offers refugee claimants the same protections as Canada provides to asylum seekers who arrive in this country.” But now, he continued, “Turning a blind eye to the abuses and denial of due process refugee claimants face south of the border risks making Canada complicit in them.”

Yakabuski, who himself has helped feed the far-right agitation that “excessive” immigration is the cause of the housing crisis and other social ills, went on to argue that it would be better for the government to abrogate the STCA than have the courts do so in response to a legal case brought by refugee rights groups. He argued that if the government acts preemptively, it will be best placed to prevent a “surge” of persecuted refugees seeking asylum in Canada.

The fact of the matter is that Canada’s ruling class is not merely complicit in the destruction of democratic rights for refugees and the working class as a whole in the United States. At home too, successive governments have gutted democratic and worker rights, including the right to strike. Beginning under Trudeau, the Liberals have fully embraced the far-right narrative about the alleged economic burden of

immigration, leading to steep cuts in immigration quotas. When mass protests erupted across the country against Israel’s genocide of the Palestinians, which Ottawa backs to the hilt, authorities from the federal government on down demonized anti-genocide demonstrators as “antisemites” and sought to silence them. A succession of strikes, including by dockers, postal workers, Air Canada workers and rail workers, have been criminalized unilaterally by government ministers through the invocation of anti-democratic provisions in the Canada Labour Code.

The federal Liberal government is pledged to hitting the target of spending 5 percent of GDP on the military in less than a decade—a goal that requires the obliteration of what remains of social programs and core public services. Carrying this agenda out against an overwhelmingly hostile population, immigrant and native-born alike, requires the resort to dictatorial forms of rule. This explains why the Liberals’ disregard for basic democratic rights is coupled with its increasing adaptation to and embrace of far-right anti-immigrant xenophobia.

Both provincial and federal governments are increasingly normalizing the use of Section 33 of the Canadian Charter of Rights and Freedoms (commonly known as the “notwithstanding clause”) to block judicial challenges to laws that violate fundamental rights supposedly guaranteed by the Charter. Provincial governments, led by Danielle Smith’s far-right United Conservative Party in Alberta and the “Quebec First” CAQ in Quebec, are pushing politics far to the right by embracing anti-immigrant chauvinism. Smith’s government, which has offered to negotiate a separate economic deal for Alberta with Trump, plans to hold a referendum to mobilize far-right support for slashing immigration to the province and restricting immigrants’ access to public services, including health care.

Attacks on the democratic rights of immigrants in Canada and the US harm the entire working class. As a general rule, immigrants are one of the most vulnerable and exploited sections of the working class. The anti-democratic laws and institutions aimed against migrants today will be used to crack down on the entire working class tomorrow. For this reason, workers must not be under any illusions that the more liberal sections of the ruling class will fight their battles. Under current social and economic conditions, the fight for democratic rights inevitably becomes a fight for socialism. This implies a fight for class consciousness and the unity of all workers, regardless of the national borders dividing them, in a common struggle for social equality and quality public services for all, and against war and oligarchy.



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