

REFUGEE UPDATE

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ILLIBERAL IMMIGRATION POLICIES

BY: SHARRY AIKEN*

During the 1993 federal election campaign

Liberals wooed voters by asserting they would be the "friend" refugees and immigrants never had under the Tories.¹ Liberal "talking points" released during the campaign opened with the statement: "for many years the Liberal Party has been identified with a progressive immigration policy." The Red Book section on immigration and refugee policy affirmed the Liberal Party's commitment to fulfilling Canada's international legal obligations and humanitarian tradition with respect to refugees, the displaced and the persecuted.

At their policy con-



vention in October 1996 the Liberals released the party's own report card on itself, a sequel to the Red Book, entitled a "Record of Achievement". Exactly three years after the Liberals won their landslide election, Prime Minister Chrétien gave his government at 78 percent grade in keeping promises to Canadians. However, any objective assessment of the governments' record on immigration and refugee issues would yield scant basis for self-satisfaction.

Ten years ago, in the wake of the Vietnamese "Boat People" crisis, the government and people of Canada were awarded the prestigious Nansen Medal in recognition of a signifi-

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While in opposition the Liberal Party criticized the previous government for deporting victims of spousal abuse and women fleeing gender-related persecution. Canada maintains a reputation as a world leader on refugee women's issues, primarily due

5. WOMEN IN DANGER

A 1994 Government strategy document promised to ensure that immigrants have access to labour market training. Instead, in the changeover from Unemployment Insurance to Employment Insurance, newcomers to Canada have been made ineligible for virtually all labour market training. Recent cuts and eliminations which affect immigrants and refugees include \$21 million in labour market language training, about \$20 million from Canada Job Strategies and \$20 million through the employment insurance fund. The cuts have been implemented despite repeated public acknowledgements of the importance of these programs to facilitate effective settlement and integration. Progressive economists suggest that the only viable solution to the federal debt is in reforming taxation, interest rates and zero-inflation policies, not in further reductions to social programs and the imposition of discriminatory user fees.⁴ Eliminating employment programs for newcomers is not going to solve Canada's fiscal problems and is certain to exacerbate them.

4. EMPLOYMENT PROGRAMS CUT

Despite its expressed intention of strengthening fairness and integrity in the Citizenship Act, the Liberal-dominated Standing Committee on Citizenship and Immigration recommended eliminating automatic citizenship for children born in Canada to refugee claimants and other non-residents. This proposal would result in children being denied the birthright to which they are entitled just because their parents aren't citizens. It raises the spectre of children, those members of our society who are most vulnerable and most in need of protection, being caught in an immigration limbo that would put their rights to education, health care and other services at risk. It is a proposal that flies in the face of Canada's international human rights obligations toward children. Yet Minister Robillard continues to state that she is considering the proposal.

3. CITIZENSHIP RIGHTS ARE UNDER ATTACK

Concerns about the tax have been raised by the Canadian Human Rights Commission, the National Action Committee on the Status of Women and the United Nations High Commissioner for Refugees. Even the Liberal Party itself passed a resolution roundly calling for a "re-examination" of the fee. raised and extended). The head tax is imposed in addition to significant non-refundable processing fees (which the Liberal government has also raised and extended). For those already in Canada, the head tax is serving to sever families, forcing people who earn minimum wage to go hungry and incurring a proliferation of loan sharks. However, given the existing disparities between North and South, the tax is making it next to impossible for many to gain admission to Canada. For those already in Canada, the head tax is making it next to impossible for many to gain admission to Canada. For those already in Canada, the head tax is making it next to impossible for many to gain admission to Canada.

While in opposition the Liberals spoke out against immigration processing fees when they were first introduced. Now in a total about-face, a "right of landing fee" of \$975 on all refugees and immigrants seeking Canadian residence has been imposed. It is a head tax that clearly has a differential impact on refugees and immigrants from the South where \$975 very often represents up to three years salary. The government has defended the fee as a "trade off" - necessary to ensure the financial sustainability of publicly funded settlement services while at the same time addressing the goals of debt and deficit reduction, the cornerstone of the 1995 Federal Budget. The government also claims the fee is not discriminatory because it applies to every-

2. A HEAD TAX OF \$975

Canada by those who would abuse our generous system."⁵ streamlining of procedures and the need to "deny access to element, emphasizing instead the need to ensure efficiency and tion of Canada's commitments to refugee protection and resettlement. The terms of reference of the legislative review include no men- to which the Immigration Act is meeting its stated objectives. refugee advocate from Ontario will be consulting on the extent Columbia, a former civil servant from Québec and a lone group consisting of a conservative economist from British review of the entire Immigration Act. An "expert" advisory round of consultations - this time as a basis for a legislative Three years later the government is engaged in another those invited represented immigrant or refugee organizations. with another invitation to only conference in Ottawa. Few of hours in which to voice their concerns. The consultations closed cases and community representatives generally had a scant two subsequent town hall meetings held across the country, advocated in drafting the terms of reference for the consultations. At in Québec a closed session of immigration "stakeholders" assisted done behind closed doors and by invitation only. In March 1994, the next 10 year Immigration Plan. Yet most of the work was voices of Canadians were reflected in the priorities identified for process of consultations would be initiated to ensure that the Early in its mandate the government announced that a

1. IMMIGRATION CONSULTATIONS

cant contribution to refugee protection and resettlement. Could the governing party, hope to earn such an award today? Not likely, when we consider the key policy initiatives undertaken in the past three and a half years. In anticipation of the upcoming federal election a review of these initiatives seems in order:



to the efforts of the Immigration and Refugee Board and its Guidelines on Gender Related Persecution. Nevertheless, while in government, the Liberals have shown themselves inflexible and unresponsive to many deserving cases, despite strong public pressure. In June 1994, Citizenship and Immigration Canada introduced a Declaration on Refugee Protection for Women with a great deal of fanfare. The document explicitly recognized that "women and children in refugee camps are particularly vulnerable to abuse and exploitation". Yet in 1997, it remains the case that the number of women brought to Canada under the "Women at Risk" Program is pitifully small.

6. FAMILY REUNIFICATION AND IMMIGRATION LEVELS

Refugees in Canada continue to face long delays and procedural difficulties in reuniting with their spouse and children. These delays leave family members abroad in situations of risk and place enormous stress on all concerned, sometimes leading to family breakdown.

A government plan, which first surfaced in 1995, to impose increased income requirements for families wishing to sponsor relatives, has not been implemented. However, new measures were introduced in April this year which dramatically tighten the sponsorship rules. In the past minimum income requirements were used as one factor in determining whether a family member was able to provide "satisfactory settlement arrangements" for the relative they wished to sponsor. This ensured that Immigration officers had the necessary discretion to consider the availability of support from other relatives or members of the community as well as the person's prospects for immediate employment once in Canada. Now, people seeking to sponsor parents, grandparents and fiancés will be automatically denied the right to sponsor if they are unable to meet the income requirements themselves. For example, a couple wishing to sponsor two parents will not qualify unless they can establish an income of \$32,238. They must also sign binding ten-year contracts with the government permitting the claw back of welfare money should either of their sponsored parents ever collect it.

In addition, there has been a steady decline in the number of immigrants admitted to Canada under the family class category. Statistics just released for 1996 indicate that the government fell short of meeting its target of 78,000 to 85,700 in the family class, with only 65,165 sponsored family members landed last year (17/03/97). At the end of October 1996 Minister Robillard tabled the 1997 Immigration Levels Plan in the House of Commons with an increased emphasis on "economic" immigration (ie. business and skilled workers) and a whopping 24% reduction in the family class. In response to questions posed by members of the media at a press conference immediately following the levels announcement, the Minister defended the current plan with reference to the social backlash against immigrants and refugees and the need to address public "perceptions". Rather than assuming a strong leadership role to combat the negative myths about refugees and immigrants and acting

decisively to meet their promise of boosting immigration to 1% of the Canadian population - or about 300,000 a year, the government has produced successive immigration plans which are short-sighted and skewed in favour of wealthy people from wealthy countries.

7. DISPROPORTIONATE FOCUS ON CRIMINALITY

The Liberal Party "talking points" for the last election stated that the foreign-born are "very significantly under-represented" among those incarcerated, emphasizing that it is a myth that immigrants commit disproportionate numbers of crimes. Once elected, however, the government swiftly passed changes to the Immigration Act which limited the appeal rights of people facing deportation orders and gave federal immigration officers wide powers to open international mail. In addition, the government has increasingly invoked procedures which authorize the deportation of refugees and immigrants deemed to be a public danger. Particularly alarming is the fact that permanent residents who came to Canada as small children and have lived in this country for years are being deported from the only home they know. This is happening even in cases

where years have passed since the criminal conviction at issue, a sentence has been served and there is no further record of criminal conduct.

8. NO APPEAL RIGHTS AND MORE RESTRICTIONS TO THE POST-CLAIM REVIEW

Refugees cannot appeal a negative decision on the merits of their refugee claim, even though their life or freedom may be at stake. While in opposition the Liberals spoke of the need for changes in the refugee determination system to provide for an appeal on the merits of a claim. Far from adopting an appeal mechanism, the government has introduced legislation which will mean that refugee claims are heard and decided by a single board member, instead of two as is currently the case. Canadians continue to enjoy greater procedural safeguards and appeal rights in regard to parking tickets than refugees in regard to their lives.

Furthermore, Minister Robillard has publicly urged a "crack-down" on failed refugee claimants and is about to implement regulations which further restrict the risk review, the only safety net available for rejected claimants. Yet currently the acceptance rates under this program have barely reached 6%. It



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tion" period. The Canadian Bar Association, the Canadian Council for Refugees as well as a number of other organizations sent in strong briefs urging the government to maintain DROC. Community representatives met with M.P.'s and a media campaign was launched. Nevertheless, the government has given no indication that the matter will be reconsidered and DROC remains on the chopping block, tentatively scheduled for termination on May 1, 1997.

10. PATRONAGE APPOINTMENTS TO THE IRB

Shortly after assuming office, Minister Marchi set out to clean up the Immigration and Refugee Board which had been set up by the Tories and stacked with patronage appointees. Twenty seven Tory appointees were replaced by refugee advocates and social policy professionals. An independent advisory committee was established to recommend candidates for appointment to the IRB. Despite these measures, appointments to the IRB remain political. This politicization manifests itself not only in poorly qualified candidates being appointed or reappointed, but as well highly qualified candidates not being appointed or reappointed.

11. THOUSANDS OF CONVENTION REFUGEES IN LIMBO

In 1992, Lloyd Axworthy promised that the Liberals would repeal the package of regressive amendments to the Immigration Act brought in by the Mulroney government. Instead, despite frequent promises, the government has failed to address one of the most draconian provisions of the law - the requirement that convention refugees produce "satisfactory" identity documents in order to be landed.

Thousands of convention refugees and their children are in legal limbo because they can't get documents either because there is no functioning government in their country of origin to issue documents or because they are still afraid of contact with an existing government. People are effectively prohibited from attending university, working and reuniting with their loved ones. Women are disproportionately affected because in many societies women have limited access to identity documents.

After a three year delay and despite the existence of a concrete and practical alternative to the ID requirement (i.e. the use of affidavits and other documentary evidence to prove identity), the government has just introduced a regulation which applies only to refugees from Somalia and Afghanistan and imposes a mandatory five year waiting period before these targeted groups can become permanent residents. The new rules do nothing to address the situation of refugees from other countries (eg. Sri Lanka and Iran) who are also unable to obtain identity papers. For those who will be eligible for membership in the proposed "class", the majority won't be landed until the year 2000. They will be required to pay the \$975 landing fee and the \$500 processing fee upfront and then wait five years before they can even begin the process of sponsoring family members back home. In essence, refugees will be forced to provide the Government of Canada long-term, interest free loans while they continue to languish in legal limbo. Children who are stranded from their fami-

The Deferred Removal Orders Class was established in 1994 to deal with the problem of refused refugees whom Canada has failed to deport in an expeditious manner. The program was premised on the principle that people who have lived in Canada for a prolonged period of time and have begun to integrate into Canadian society, deserve

and indeed have the right not to be left in indefinite limbo. DROC enabled refused refugees to apply for landing if the Immigration department had taken no action to deport them for three years after all legal remedies related to their refugee claim were exhausted.

The primary beneficiaries of this program were people from countries such as the Peoples Republic of China, Iran and Nigeria, countries with egregious human rights records. Close to 3,500 people have been landed under DROC since its inception and while the numbers may be small, the program has addressed a critical gap in Canada's immigration system. When Minister Robillard announced the cancellation of the program in December last year, she suggested that DROC should be abolished because it encouraged refused refugee claimants to string out the process as long as possible with "humanitarian and compassionate reviews and appeals" (19/12/96). This is simply not true. To qualify under DROC applicants were required to demonstrate that they made no attempts to evade deportation. Further, people are routinely deported while a humanitarian review is pending. If application is made in Federal court, the three year waiting period began only after refusal by the court. For any other court action involving a "stay of removal", the DROC clock started ticking when the stay was lifted.

The proposed cancellation of DROC was pre-published in the Canada Gazette in early January with a thirty day "consulta-



9. ELIMINATION OF DROC

pleted formal submissions.

refused refugee claimants, regardless of whether they had come Court. Previously the review was conducted automatically for all even in cases where they have sought judicial review at Federal days of their rejection by the Immigration and Refugee Board, requiring refused refugees to apply for the review within thirty criminals and security risks. Other proposed changes include the eligibility criteria for the program by excluding "serious" human rights violations, the government is planning to restrict protect people at risk because of civil war and other serious and academics alike to expand the scope of the review in order to it offers absolutely no hope. Despite repeated calls by advocates, of a refugee's case and for the vast majority of refused refugees, remains a poor substitute for a meaningful appeal on the merits

lies will continue to suffer in refugee camps, where the child death rate frequently soars to 25%. The new regulation was adopted despite a strong plea by the Parliamentary Standing Committee on Citizenship and Immigration that the waiting period be cut to two years.

Minister Robillard stated that the new program is about balancing risk to Canada against compassion. Yet the Minister has failed to produce one shred of evidence to suggest that refugees who arrive in Canada without documents have been any threat to Canadian society. We do know that war criminals, both past and present, have entered Canada with their own identity documents and there are no reported cases of war criminals entering Canada undocumented.

12. DETENTION

Refugee claimants and other people with no immigration status are routinely detained for long periods of time in unacceptable conditions. Serious concerns in regard to the basis upon which detention is ordered and the actual conditions in the detention centres have been identified by NGO's, community groups and even the Parliamentary Standing Committee for over ten years. When challenged on detention practices, the government responds by suggesting that decisions to detain are made by independent adjudicators. Yet these same adjudicators base their decisions on the submissions of government case officers who consistently advance arguments in favour of continued detention merely because the person concerned is unable to post an exorbitant bond.

The United Nations High Commissioner for Refugees has published specific guidelines on the detention of asylum seekers. They note that "consideration should be given to the fact that asylum seekers have already suffered some form of persecution in their country of origin and should be protected against any form of harsh treatment."⁶ In 1995, the United Nations Committee on the Rights of the Child formally noted its concern about the resort by Canadian immigration officials to detention of refugee and immigrant children and the insufficient attention given to the best interests of the child in such situations.⁷ With the death of a Nigerian refugee in "Celebrity Inn" in 1995 along with the detention of a Kurdish refugee child for over a year, there is little evidence that the government has moved to remedy one of the worst stains in Canada's human rights record.

13. MEMORANDUM OF AGREEMENT WITH THE USA

In opposition, the Liberals opposed "safe third country" provisions brought in by the Conservatives to stop refugees from being able to reach Canada. When first in office Minister Marchi stated that he would not negotiate a deal with the USA unless there was a "level playing field" between the two countries. The playing field is not level: in fact in 1996 the U.S. enacted an anti-terrorism law as well as massive reforms to immigration legislation which violate refugee rights. Both the UN High Commissioner for Refugees and Amnesty International have concerns that the U.S. legislation is inconsistent with international

principles of refugee protection. Even President Clinton expressed a formal reservation that the anti-terrorism law breached American international legal obligations. Nevertheless, meetings are underway between Canadian officials and their counterparts in the United States. Minister Robillard has stated that negotiations are ongoing.

If implemented, the proposed deal will turn back up to one third of refugee claimants at the U.S. -Canada border and prevent them from ever seeking asylum in Canada. Because of serious deficiencies in the U.S. asylum system, including provisions for summary exclusion, mandatory detention for all claimants, inadequate access to legal counsel and interpreters and extremely restrictive filing deadlines, refugees affected by the deal will be at high risk of removal back to situations of persecution. This deal represents one of the most menacing policy developments because it is a decisive step in the direction of creating "Fortress Canada", modelled along the lines of the xenophobia inspired refugee deflection agreements in Europe. Along with restrictive visa policies and the continued imposition of sanctions against airlines and ships for transporting refugees without visas, a safe third country accord with the United States will clearly define Canada as a country where borders are effectively closed, where rights are espoused in principle but denied in practice.

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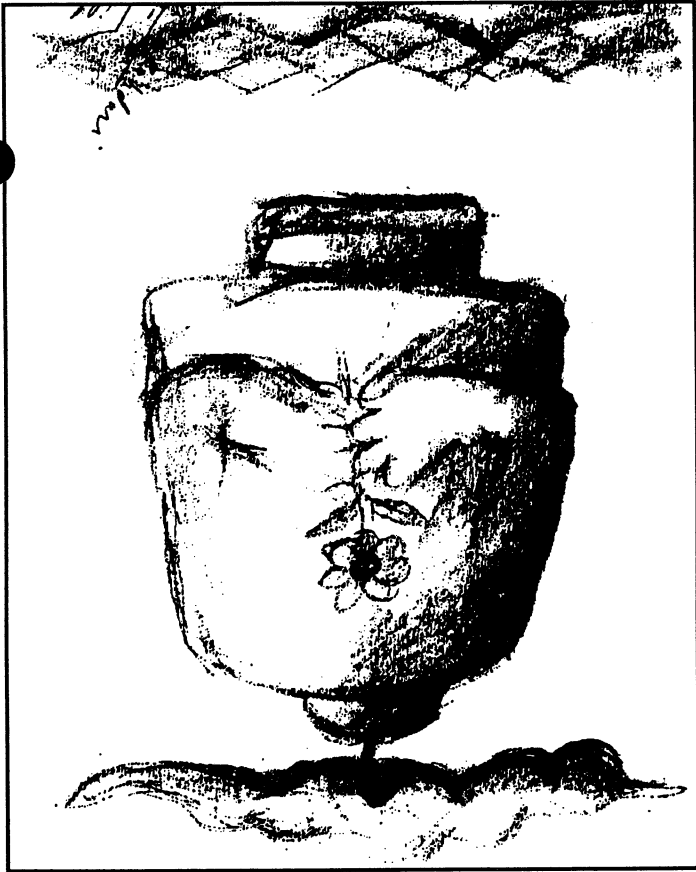
There are some policy commitments that the Liberal government has upheld. Work permits for refugee claimants were reinstated. The government has continued to resettle significant numbers of refugees selected overseas and is about to implement a new "Resettlement from Abroad Class" which will include sponsored Convention refugees as well as "people in refugee-like situations" who weren't previously considered eligible for resettlement in Canada. The Minister recently backed away from a plan to impose a numerical cap for refugees in this class. Nevertheless, the above 13-point review of the government's record since 1993 clearly indicates that our elected representatives are caving in consistently to the neo-liberal agenda. It is an agenda that emerged under Prime Minister Thatcher in Britain and is spreading its poison throughout the world. In Canada the primary purveyors of this agenda include the Reform Party and many civil servants within the department of Citizenship and Immigration Canada. In this era of increasing globalization and ever wider freedom of movement for corporations and capital, it is indeed ironic - and profoundly unjust - to be erecting the barricades against human beings.

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THE CASE OF PATRICK FRANCIS WARD

BY RON SHACTER



status was found to require: a) unalterable characteristics, including gender-based claims or those founded on sexual orientation; or, b) voluntary associations whose members associate for reasons so fundamental to their dignity that they should not be forced to abandon the group; or, c) individuals associated by a former voluntary status, unalterable due to its historical permanence. The INLA was found not to be a particular social group based on these criteria. In addition the Court considered Mr. Ward's fear of persecution at the hands of the INLA to have resulted from his actions directed against it and not from his membership in it.

The element of persecution in the Convention refugee definition refers to the "sustained or systemic violation of basic human rights." It is only when the protection expected from one's country of nationality is not available that international protection is to be provided.

The ground of political opinion for claiming refugee status includes political opinion which is attributed to the claimant by the persecutor and need not be his/her actual belief. Ward was considered to have a well-founded fear of persecution in the Republic of Ireland based on his political opinion or conviction

This article will examine the legal proceedings taken by Mr. Ward in Canada in order to seek refugee status. The implications of the Supreme Court of Canada decision for refugee law will also be reviewed.

BACKGROUN TO THE SUPREME COURT OF CANADA DECISION

Mr. Ward was born in Londonderry, Northern Ireland and raised as a Roman Catholic.

As a member of the INLA, a para-military group dedicated to the union of Ulster and the Irish Republic, Ward was assigned the duty of guarding hostages held by the INLA in the Republic of Ireland. He allowed them to escape after learning of their impending execution by the INLA. When the INLA became aware of Ward's actions, they detained, tortured and sentenced him to death. He then escaped from the INLA but was subsequently arrested by police in the Irish Republic, charged with, and pleaded guilty to, forcible confinement of the hostages he had guarded. He was sentenced to three years in jail. The INLA subsequently kidnapped his wife and children for ten days until he indicated to the INLA that he would not give evidence against them.

At the end of his sentence, the prison chaplain and police helped Ward to obtain a Republic of Ireland passport and transportation to Canada, believing that the authorities could not protect him from the INLA after his release.

Mr. Ward came to Canada in 1985. His refugee claim was originally denied in 1987 but then was granted an appeal by the Immigration Appeal Board. The Federal Court of Appeal subsequently allowed the Minister's appeal against Mr. Ward. Finally, the Supreme Court of Canada granted Mr. Ward's appeal.

THE SUPREME COURT OF CANADA DECISION

Mr. Ward's refugee claim was referred back to the Immigration and Refugee Board for a re-hearing on the issue of the ability of the U.K. government to protect him. In addition to the Republic of Ireland he was a citizen of the U.K. It was held that he had a well-founded fear of persecution in Ireland directed against the INLA based on his political opinion relating to this organization. The Irish authorities were found to be unable to protect him.

The Supreme Court of Canada in an exhaustive and far-reaching decision interpreted the definition of Convention refugee. It considered the meaning of "particular social group", political opinion and state complicity in relation to this definition. The ground of particular social group for claiming refugee

that it was wrong for the INLA to kill the hostages.

The Supreme Court of Canada has thus clarified the requirements necessary to meet the Convention refugee definition. The ground of membership in a particular social group has been interpreted in a way to allow claims based on gender and sexual orientation as well as political organizations but excluding so called "terrorist" ones. The ground of political opinion has been interpreted in a way to allow claims of those who have never expressed such an opinion: one examines the perception of the persecutor. Finally, there is no requirement of state involvement in persecution: what must be proved is the inability of the state to protect the claimant. However, the state's **ability** to protect is **presumed** unless there is a complete breakdown of the state apparatus. Proof of inability is unnecessary if, for example, representatives of the state concede their inability to protect, as was the case with Ward in Ireland.

The decision is thus far-reaching and generous with respect to the interpretation of Convention refugee. It binds all decision-makers in Canada and so its significance for refugee claimants and advocates cannot be overstated. The fact that Ward was found to be credible and to have been moved by his conscience in his decision to release the hostages is a factor which also should not go unnoticed.

THE CONVENTION REFUGEE DETERMINATION DIVISION (CRDD) DECISION

In 1994, the CRDD denied his refugee claim. The panel found the following:

1. Mr. Ward had not proved his inability to **enter** the U.K. because of his past INLA membership and activities and the application of the **Prevention of Terrorism Act** there.
2. There was insufficient evidence that the INLA would be **interested** in Mr. Ward now, due to his minor role in the organization and the passage of time since he severed his association with it: the INLA has experienced many changes because of internal conflict and the detention and death of many of its members and leaders. In addition, the INLA never contacted Mr. Ward or his family in Northern Ireland since 1983.
3. The panel also found that Mr. Ward could be protected from the INLA by the British Government. The Supreme Court held that it is **presumed capable** of protecting its citizens.
4. Finally, the panel found no evidence of a serious risk of persecution at the hands of the British Government.

THE POST-DETERMINATION REFUGEE CLAIMANTS IN CANADA CLASS (PDRCC) DECISION

In August, 1996, Mr. Ward's PDRCC application was denied. He was found to be at risk from the INLA and unable to receive state protection in Ireland and Northern Ireland but he was seen as having an internal flight alternative (IFA) in the U.K. It is interesting to note that the CRDD did not analyze Mr. Ward's situation in the U.K. as one of IFA. If the panel had done

so, they would have been obliged to determine whether it is reasonable for Mr. Ward to live there, and this involves humanitarian considerations.

The Federal Court denied leave to judicially review both the CRDD and PDRCC decisions. Subsequently, counsel for Mr. Ward unsuccessfully argued that the issuance of a deportation order violated his S. 7 rights under the **Charter** because he could be expelled by the British Government to Northern Ireland.

Finally, counsel were denied a stay of execution of this deportation order as Mr. Ward was not seen as having shown a risk to his security in England. He was deported to London, England in January 1997.

Will Mr. Ward be safe? Time will tell whether or not the CRDD's decision was an accurate prediction of Mr. Ward's future.

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FOOTNOTE:

1. Ward v. A.G. Canada [1993] 2 S.C.R. 689

ASYLUM APPLICATIONS IN 1996

Country	Total Asylum	Population* (million)	Asylum per 10,000
Belgium	12,232	10.0	12.2
Denmark	5,898	5.2	11.3
Finland	711	5.0	1.4
France**	17,153	57.4	3.0
Germany	116,367	80.6	14.4
Italy	573	57.8	0.1
Netherlands	22,852	15.3	14.9
Norway	1,778	4.3	4.1
Spain	3,636	39.2	0.9
Sweden	5,753	8.7	6.6
Switzerland	17,987	6.9	26.0
U.K.	27,875	57.8	4.8
Australia	8,436	17.8	4.7
Canada	25,633	27.8	9.2
U.S.A.***	122,643	257.8	4.8

* Population in 1994.

** Data do not include accompanied minor dependents.

*** Data on asylum applications do not include dependents.

SOURCES:

1. Secretariat of the Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), Geneva. As cited in Migration News Sheet, March 1997.
2. UN Population Fund, The State of World Population 1994.

(As compiled by JRS-Canada)

charged with the murder of eight African stowaways whose presence had been discovered in a voyage to France. The sole survivor, a Ghanian, managed to expose and denounce the summary executions. Another mystery case of stowaways was revealed to the public when four terrified Filipino crew members jumped ship from a cargo vessel docked in Halifax Harbour. They told tales of murder of three Romanian stowaways - George Mihoc 18, Petre Sangeorzan 20, Radu Danciu 29 - by the captain and crew members of the Taiwanese ship Maersk Dubai on March 12 and May 18, 1996. Six Taiwanese sailors were arrested on May 29, 1996. On March 6, 1997, a Canadian judge ordered that the ship's officers be discharged because he had no jurisdiction to extradite them to Romania to face murder charges.

Who is responsible for these ongoing silent ghoulish murders? Stowaways who risk their lives in search of a safe refuge? Ships' officers who forcibly send stowaways to a journey of the damned rather than face paying fines? Or governments who impose carrier sanctions against ships for bringing in "undocumented persons" to their territory? Carrier sanctions, as a component of the western governments' policy of interdiction has gained significance in recent years as a means by which governments seek to avoid their obligations to protect refugees. Since 1990, most European countries have passed laws and regulations to penalize transportation com-

SHIFTING RESPONSIBILITY: CARRIER SANCTIONS IN CANADA

BY ELSA TESSAY MUSA & EZAT MOSSALLANEJAD



Imagine yourself a *persona non grata* in your homeland, facing the bullets of tyranny due to your struggles for democratic freedoms. You try to protect yourself by going underground, and later escaping your country. You desperately clutch to any straw, any hope of safety, survival. When you find all roads blocked, you go to the nearest port, find a secret way aboard a ship and hide till you reach the sea. This has become your only means of escaping persecution. Your heart beats with panic in your uncomfortable hide-out as the death threat is hanging over your head. A glimpse of hope appears after a few hours when you find yourself in the middle of the high seas which is no one's territory. Suddenly a crew member discovers you and takes you before the captain. You are a stowaway. He shouts, shoves, kicks and vigorously beats you. You shake, tremble and plea for your life with no effect. As an attempt to avoid a fine for bringing "illegal migrants" to his destination, the angry captain orders ship officers to force you into the water without a life jacket. You cling to the ship and beg for mercy. Finally the captain agrees to force you onto a makeshift raft. You are left to your self in the horrible sea like Jonah, but there is no whale to save you. You face a painful, long death in the cold waters of the cruel ocean.

The above scenario is by no means a legend taken from Homer's Iliad and Odyssey. It is one of the tragic consequences of the policy of interdiction today. There is a long history of stowaways being murdered on the high seas. Very few have had the courage to come forward and expose these murders. On November 10, 1992, for example, at the port of Le Havre in France, six members of Ukrainian crew and their captain were

panies for bringing foreigners with no proper travel documents to their borders.

Since the implementation of Bill C-86 in January 31, 1993, Canada has introduced a new system of requiring transporters to pay "administration fees" to cover expenses incurred by the government when an undocumented person is brought in. The fees amount to \$5,000.00 for each deserting crew member and \$3,200.00 for passengers and stowaways. The fee could be reduced for airlines who sign a memorandum of understanding with the Immigration department. This involves working closely with, and indeed training, airline personnel to carefully check their passengers' documents. Soliciting aid from airlines is seen as a complement to carrier sanctions. Peter Harder, the former Associate Deputy Minister of Immigration, summed up the department's approach with the airlines: "we are looking at other ways to achieve the objective without simply using the stick. We need a carrot as well...."

(Refugee Update, No. 13, Winter 1992, P. 8).

Whether or not an undocumented passenger can make a refugee claim and is granted Convention refugee status later, has no impact on the decision to fine the carrier concerned. In its ruling of November 25, 1995, in the case of Lufthansa, the Ontario Court, General Division, found the Canadian Immigration Act to be contradictory. On the one hand, it fines carriers even if the undocumented passengers they carry turn out to be Convention refugees. On the other, it includes provisions on the Canadian government's obligations for refugee protection and acceptance. In this connection, a judge posed a serious question: "Is it, therefore, legally either desirable or permissible to prosecute Lufthansa for bringing a refugee to Canada when Canada's official policy is to encourage legitimate refugees?" (Court File No. SCA(F)2890/92).

In the absence of any binding international convention relating to stowaway asylum seekers, UNHCR advocates that "stowaways should be allowed to disembark at the first port of call, where their refugee status may be determined by the local authorities. If a port state does not allow a stowaway to disembark and the ship's next port of call is in a state where the stowaway's life is threatened, then the action is tantamount to refoulement" (UNHCR, "Protecting Refugees", February 1996).

As perhaps a legitimizing attempt, Canadian Immigration officials call it a security deposit not a fine when referring to the fees imposed on carriers bringing to Canada persons without proper travel documents. Why this distinction? Could it be that

deep down inside the department knows that there is really nothing illegal in ships having stowaways or planes carrying persons without visas or "proper" travel documents? Or could it be an admission that it is not the job of airline crew or ships' officers to decide who gets in or enforce immigration control? If so, then surely it would be incorrect to name as a fine the financial "security deposit" that carriers are required to put up for each "improperly" documented person they bring in. Otherwise, how can one justify imposing a fine on companies for not carrying out "properly" a job they are neither trained, qualified, mandated nor paid to do?

At a recent meeting with Canada Immigration Department officials, the Canadian Council for Refugees noted that it had been concerned about the impact of carrier sanctions for a long time and called on the department to "stop the practice of imposing carrier sanctions" and "amend the Immigration Act accord-

ingly". Citing the recent case of the six Taiwanese ship's officers charged in Halifax with the murder of three Romanian stowaways on the high seas, the CCR pointed out that Canada Immigration "should be concerned with the possibility that fines create an incentive for murder, or other forms of violence short of murder." The response from Immigration was that removing the fees would remove the incentives for carriers to implement restrictive measures and significantly increase the number of stowaways brought to Canada. The department failed to recognize the possible link between carrier sanctions and increasing reports around the

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PROTECTION."**

world of ship captains' resorting to harsh treatments, violence and even murder of stowaways (including refugee claimants) to avoid paying fines.

As far as Immigration Canada is concerned carrier sanctions are not a problem but rather part of the solution to reducing the stowaway movement. Measures taken to block improperly documented people (many of whom are refugees) from reaching Canada include, among others, supplying shipping companies with the latest technology to detect persons hiding in containers and training airline personnel in checking documents and carrying out lengthy "interrogation" of passengers they suspect to be "improperly" documented. The majority of passengers selected for such "special treatment" are persons of colour, many of whom are Canadian citizens who have all the proper documents.

Entry visa requirements, regional and/or country agreements are also used to curb the arrival of refugees and immi-

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FOOTNOTES

1. See Arif Noorani and Cynthia Wright, "They Believed the Hype," *This Magazine*, Vol. 28, No. 5, Dec.-Jan. 1995.
2. Citizenship and Immigration Canada, News Release, November 25, 1996.
3. Canadian Human Rights Commission 1995 Annual Report. Metro Network for Social Justice, "An Economic and Political Literacy Primer," Revised March 1996.
4. Canadian Council for Refugees: Resolution 18 on IRB Appointments, November 1996.
5. UNHCR Guidelines on the Detention of Asylum Seekers, Guideline No. 2: General Rule.
6. UN Committee on the Rights of the Child, UN Doc. CRC/C/15/Add. 37, 9 June 1995 at Paras. 13, 23.
- * The author gratefully acknowledges the assistance of Nancy Worfold and Janet Dench in the preparation of this article.

Sherry Aiken is the President of the Canadian Council for

POEMS

"God keeps faith for ever, gives justice to the oppressed; God sets prisoners free and protects the stranger."
(PSALM 146)

"We are people on a journey; show us your commands"
(PSALM 119)

"I lost my home, my community...everything....My husband stayed behind...my sin year old child was too sick to come with us so they took her to another camp...I don't know where my 11-year-old son is...I worry about my husband, my children who are with me, my daughter and my son, my relatives.... Will life be ever normal again? I am grateful to be away from the killing but I don't feel safe.... Many women in this camp were raped when they fled and even in the camp it is not safe.... Who can I ask for help? Will they understand me? Who can I trust? Will peace ever come to our people?"
FROM A RWANDAN REFUGEE WOMAN

"I cry every night when I go to bed.... No woman should be faced with such a choice.... Parents don't know how lucky they are to be able to kiss and hug their children every day.... My employers don't even know that I am a mother."
FROM A FILIPINO MIGRANT WORKER

ORPHAN BOY

I am an orphan boy
My father died during the war days
While I was in embryo
How could I consider myself?
Oh no! My land!
What is important in the world
Oh! My daddy and my land.

JOK ATEM, KAKUMA REFUGEE CAMP, KENYA

grants. In fact, these measures are in some ways responsible for the increase in the stowaway movement. As it becomes increasingly difficult to get entry visas for countries such as Canada, those who are forced to leave their homes in search of safety and a life in dignity feel compelled to use any means to reach their destination, including travelling as stowaways. They are fully aware of the dangers they will face. They know they could suffocate, freeze, or starve to death as they hide in containers and other places in the ships. With stories about the fate of other stowaways fresh in their minds, they are also aware that, should they be caught by the ship's crew, they also could end up being mistreated or even killed.

Between 1993 and 1995, the number of stowaways was reduced by almost half. While reasons for this reduction are not clear, Canada Immigration views this as a positive result of the implementation of carrier sanctions. The question is how were these numbers reduced? Is it all because stowaways afraid of being caught gave up on the idea or were caught before the ships set sail? Or were there many who ended up caught by ships' captains who, afraid of paying fines, threw them overboard?

Citing another reason why carriers' sanctions should remain, Canada Immigration argues that to eliminate the fee for stowaways as suggested by the CCR would transfer the shipping company's share of processing costs, such as medical treatment or removal expenses, to the Canadian taxpayer. Eliminating the fee for stowaways, as suggested by the CCR, would, in the case of the three Romanian stowaways for example, have cost the Canadian taxpayer a maximum of just \$21,000. If indeed the fees contributed to their death, then \$21,000, is a small amount to pay for the lives of three innocent people. It is also much less than the cost of the case of the Taiwanese ships officers charged with their murder. So far, the case has cost Canadian taxpayers over \$200,000.

The effectiveness of the government's interdictory measures, including carrier sanctions, in blocking refugee journey is not known. Interdiction is not subjected to any kind of public scrutiny. It is beyond the reach of non governmental organizations and there is hardly any system of accountability for the officials involved. It is unfortunate that in dealing with human beings fleeing tyranny and persecution, the Canadian government is obsessed with business criteria like "corporate profits" and "sales quotas" rather than respecting Canada's humanitarian traditions and its international obligations for refugee and human rights protection.

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THE HEALTH CARE GAP IN ONTARIO

BY TOM CLARK

Ms. M is 22 years old. She arrived at a Toronto counselling office to ask for help. Typically, she asks for medical help only as a last resort - that is, almost too late. She is now 8 months pregnant. She has no papers. She knows no English. She is alone. She has asked for refugee status. It will be her first baby. Obstetricians will take on no new patients. She is referred to the local health clinic because there is no alternative.

According to clinic rules, she must go to the one in her area of Toronto. It is backlogged and, in any event, the limited funds for non-OHIP cases were quickly used up. She can attempt to persuade a hospital to provide treatment without fees or she can go to hospital when she is in labour because then she qualifies as an "emergency". She is not prepared for her first baby. It is questionable whether this is fair treatment for the child.

After birth, she has a routine doctor's visit to see if she is OK. Neither she nor the doctor has any idea whether or not this is "emergency" or essentials so she will be sent a bill. If she had known, she would want to leave before this check up - putting her own safety and the child's at risk. There is nothing for her newborn baby at this hospital because services for this baby, a Canadian citizen, depend on the status of the mother. No one is certain what is covered. This is the story of a frightened young woman without health coverage.

The Ontario Health Insurance Plan (OHIP) coverage ended for persons without permanent resident status including refugee claimants on April 15, 1995. There is now a more or less common procedure across most of Canada under the Interim Federal Health Program. Once refugee status is granted, OHIP can be claimed. Permanent residents, including refugees resettled from overseas, get OHIP as before.



Those who claim refugee status at the border get interim federal health coverage and a list of approved doctors for the initial medical examination. A work permit is conditional on a satisfactory medical examination. For anyone who is pregnant, there can be a kind of catch 22 because the X-ray needed for the medical cannot be taken. Inland refugee claimants can use two procedures. The formal mechanism is to mail in an application and wait to be called for an interview - which can take about 4 months. If there is no identity document satisfactory to the immigration official, there is no Interim Federal Health Coverage (IFHC). However, the situation varies in different parts of Canada. If the person must seek welfare, the welfare official will submit or present the case and

about 10 days following the welfare appointment an acknowledgement will be received.

After the first year, the IFHC is renewable at 3 or 6 month-

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coverage, and the unnecessarily elaborate procedure described above almost inevitably results in coverage age.

3. The decision-making on the renewal of health care is too close to the government department responsible for expulsion. Immigration officials grant or deny renewed IFHP coverage. There have been instances when health renewal appears to have triggered expulsion proceedings. In the context of a policy where not all refused refugee claimants can be expelled and those who survive 3 years with work in Canada can become permanent residents, reluctance to make oneself conspicuous with immigration authorities is predictable. Fear of triggering expulsion proceedings means families are afraid to get health care renewal. This is most serious for children whose health and even life can be put at risk. The declared policy of the immigration enforcement division is that people will voluntarily leave Canada. It is difficult to avoid the conclusion that the IFHP arrangements are designed to provide incentives for departure. The renewal arrangements put the right to health at risk, and impair the right to security of the person.

In practice, the coverage is more discriminatory than in theory. The definition of what is "essential" is not clearly defined in medical language, but must be checked by the medical practitioner with an immigration "Approval telephone number" if payment is to be guaranteed. Invoices and a photocopy of the original eligibility document must be mailed in for processing to an office in Edmonton. Doctors worry about payment, cannot get through to the approval number without excessive effort and either demand cash payment or refuse to see patients with this coverage. Patients have no idea about costs they will incur because they have no way of knowing what qualifies as essential.

4. Withdrawing OHIP for 6,000 people who have been on OHIP for years raises additional questions of fairness and discrimination. It is one thing to establish a new coverage from now on. It is another to take away health coverage granted and enjoyed under an earlier law. This is an area for a class action in Ontario. Given the vulnerable nature of the refused refugee claimants involved, a case might be made that they cannot be expected to litigate for fear of removal. A group such as the CCC or the CCR should examine the possibility of suing for damages.

In summary, this is not an adequate health care program in content or delivery. This article has focused on the Ontario situation. As with other Immigration programs, there are unacceptable variations from one province to another in giving people a fundamental social right.

Tom Clark is the Coordinator of Inter-Church Committee for Refugees.

by intervals at the discretion of the official if the person is still in process, which means, the hearing and the federal court proceedings. PDRCC, humanitarian and compassionate review are considered a "favour" and so does not qualify for IFHC. The procedure begins with a complicated automated on-line telephone process. To qualify for IFHC renewal, a letter must be obtained from OHIP saying the person is not eligible. Since OHIP is considerably superior, one wonders why anyone with OHIP would want IFHC. There is typically a 6 hour line up at the OHIP office. Also required are four pictures for each member of the family, and a current letter formally giving the status of the refugee claim and attaching a copy of all hearing documents. There must then be an interview attended simultaneously by all members of the family on a date given at the discretion of the IFHC official - irrespective of the needs and commitments of family members. Interpreters are not provided to those who require them. Without an interpreter to explain the process, IFHC will not be obtained.

In most developing countries, health care is sought only when seriously needed. When needed in Canada, many people are poorly equipped to go through this complicated and lengthy procedure.

There are five serious problem areas with the Interim Federal Health Coverage:

1. The coverage is not as comprehensive as OHIP. IFHC is limited to:
 - essential health services for treatment and prevention of serious medical/dental conditions;
 - contraception, prenatal and obstetrical care;
 - essential prescription medications.
2. The coverage must be renewed. The decision to renew is a discretionary one, and officials are not required to provide reasons if they decide not to renew the coverage. Renewal must wait until after the expiry of the term of the



PRESENTATIONS AT OSCE

What will follow are excerpts from presentations made by the representatives of the Inter-Church Committee for Refugees at the Review Meeting of the Organization for Security and Cooperation in Europe (OSCE), held in Vienna from November 4 to 22, 1996. The OSCE consultation process started with the 1975 Final Act signed in Helsinki by governments of Europe and North America. The process is important for its combination of human rights and security concerns, and its focus on the political accountability of its 55 member states. There is a permanent council of representatives which meets weekly in Vienna, and an Office of Democratic Institutions and Human Rights, (ODIHR) in Warsaw. Every two years there is a "Review Meeting" at which progress on the last commitments is evaluated and new undertakings are contemplated.

DUE PROCESS IN EXPULSION

BY TOM CLARK

The Inter-Church Committee for Refugees (ICCR) is a coalition of ten national Canadian church bodies whose mandate includes making joint submissions on refugee protection situations.

The full Submission circulated to this meeting lists 15 individual cases known to us which are from Canada and put before international human rights bodies over the last few years. In 1995 Ms Mbulu was deported to Zaire, the country she fled, against the advice of the UN Rapporteur on Torture. She had medical evidence of prior torture. Canada told the UN Rapporteur she had enjoyed the benefits of Canadian procedures. These instances recur. Ms A, another woman with evidence of past torture and with brain damage, had a child in Canada but then separated from the father during the protracted status review procedures. The husband obtained a court order preventing expulsion of the child. Only during the admissibility hearing before the Inter-American Commission on Human Rights did Canada agree to allow her to remain pending international proceedings.

In addition to the 15 cases, our Submission to this Review Meeting also lists critical comments from a number of international human rights bodies.

We claim there is a persistent pattern of fundamental human rights put at risk in expulsion procedures which point to a problem with due process in expulsion. This creates a climate of uncertainty and fear among the refugee claimant population which is not consistent with the rule of law.

The situation in Canada is not unique. The UN High Commissioner for Refugees put before her Executive Committee of governments on 7 October 1996 her concerns about blocked access to a territory and forcible returns. She

called for respect for the principle of non-refoulement. "People seeking safety should not be rejected at borders, nor returned from further inland, before it had been properly determined that they will be in danger", she said. The Working Paper "Comprehensive Examination of Thematic Issues Relating to Racism, Xenophobia, Minorities and Migrant Workers" was released by Asborn Eide at the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, August 1996. Asborn Eide highlights the increasing problem of deportation of non-citizens as well as increasing prison populations of non-citizens in many countries.

Our Submission to this Review Meeting compares Canadian procedures with international human rights standards. We note a primary obligation of the Covenant on Civil and Political Rights, one of the two UN treaties which form the basis for OSCE human dimension, is to ensure, that is to say "guarantee" the rights and not merely hope that some court will somehow catch any potential human rights violations. We show fundamental international rights can be at issue in expulsion and when they are, effective remedies must respond. We show an effective remedy for fundamental international rights at issue in expulsion should meet 6 criteria:

1. access to a court
2. aspects of a fair trial hearing
3. result in a reasonable time
4. "simple", that is, one step like Habeas Corpus or Amparo
5. aimed to ensure international rights at issue
6. ensure similarly situated persons are treated equally, that is, non-discrimination.

Since problems in fully complying with international human rights standards are not confined to Canada, we urge the Chair and the ODIHR to take forward 3 suggestions for possible member State agreement:

1. Member States agree to review their laws with a view to taking new measures to ensure the fundamental rights of non-citizens in expulsion in accordance with current international human rights standards;
2. ODIHR be invited to hold on-site Seminars at which international experts can discuss aspects of due process in expulsion in OSCE sub-regional contexts. (We have in mind sub-regional human rights treaty bodies of the OAS and Council of Europe as well as the UN treaty bodies. We have in mind allowing experts to experience at first hand the affected population as well as the government context)
3. ODIHR be invited to draw on the seminar experiences and consultation with the UNHCR to produce guidelines to assist States in meeting their human rights obligations with respect to citizens in expulsion consistently across the OSCE region.

We know that these suggestions may challenge many. We

CONTINUED ON PAGE 14.

- halt the deportation of non-European asylum seekers.
- consider humanitarian leave for Iranian sit-in participants and others who have become refugees "sur place" while in Turkey and cooperate with other governments to facilitate their resettlement.
- Open its border to refugees from Northern Iraq who are currently seeking asylum at the Turkish/Iraqi border, obtaining agreements for resettlement.

AT THE BORDER CALLED HOPE: WHERE REFUGEES ARE NEIGHBOURS, BY MARY JO LEDDY. HARPER COLLINS, 291 PAGES, \$26.

"I cannot imagine living anywhere else. Where you live determines what you see. The people you listen to influence what you hear. In the course of these five years, how I write and what I write about and for whom has been transformed...."

These are the words of Mary Jo Leddy, social activist, journalist and recipient of the Order of Canada. They are found in the opening pages of Leddy's new book, *At the Border Called Hope*, a moving account of her odyssey with Romero House, a shelter for refugees in Toronto's west end.

In the early 1990's Leddy assumed the position of night manager and moved into the shelter for what she initially believed would be a temporary arrangement. Five years later she remains a member of the Romero House community. Leddy's book is a chronicle of her experience living as friend, advocate and neighbour with the shelter's residents. Through shared meals, hanging out laundry, and the struggles and celebrations of daily life, Leddy provides a remarkable window into the refugee experience in Canada.

Canada accepts under one percent of the world's total population of refugees, estimated in 1996 to be about 15 million. In any given year refugees generally constitute just ten to eleven per cent of Canada's annual immigration intake. In 1996, about 28,000 of the 225,313 immigrants to Canada were refugees. Behind these abstract statistics are the human trajectories: the men, women and children who have fled persecution, death threats and torture in their home countries in favour of a life in exile. How Canada and in particular the Canadian Immigration department responds to these "strangers at the gate", is the central concern of Leddy's book. The greatest strength of *At the Border Called Hope* is that this concern is conveyed through profiles of the refugees themselves. It is their

stories, their voices that are the real heart of the book.

Through Semira, a woman who has fled war-torn Eritrea with her five children, and Suleyman, a survivor of torture from Turkey, Leddy witnesses an immigration department that operates between inefficiency at its best and malfeasance at its worst. Her efforts to assist Semira, Suleyman and dozens of other refugees in navigating through a bureaucratic maze of red tape and incompetence is compelling reading. In the wake of lost files, families needlessly separated and wrongful deportations,

Leddy describes her own role as a founding member of a coalition of church members. In 1992, The Southern Ontario Sanctuary Coalition appealed to then-Prime Minister Mulroney on behalf of twenty-three families who were facing the prospect of deportation to countries where they would be in acute danger. The appeal involved an unrelenting series of letters to immigration officials, faxes to Ottawa, memos to lawyers and complaints to the law society.

As Leddy writes, it seemed "increasingly obvious that 'outsiders' were becoming scapegoats for the economic and social upheavals being generated by vast global forces that only certain people seemed to control and benefit from." In an era of increasing freedom of movement for goods and capital, Canada's borders were closing to any human beings who were seen as strangers and aliens.

In exposing the poignant sagas of these strangers, most of whom are victims of repressive and brutal regimes, Leddy offers an alternative vision for how Canada should respond to

refugees and how Canadians and refugees can begin to see one another as neighbours. As a descendant of Jewish refugees myself and a refugee lawyer, I found *At the Border Called Hope* thoroughly engaging and accessible. My hope is that it becomes required reading for all employees of Citizenship and Immigration Canada.

By Sharry Aiken, President, Canadian Council for Refugees.



APRIL 4TH: IN COMMEMORATION OF THE SINGH DECISION

Each year, refugee and human rights groups all over the country commemorate April 4th as Refugee Rights Day. On that date in 1985, the Supreme Court of Canada handed down a historical decision that refugee claimants in Canada deserve the same standards of justice under the Canadian Charter of Rights and Freedoms as all others in this country. This ruling, known as the Singh decision, significantly raised the standard of fairness that refugee claimants receive in Canada.

Under section 71 of the 1976 Immigration Act, the Immigration Appeal Board (IAB) refused to hear the Singh case (the case of a group of refugee claimants from Punjab, India) and the decision was upheld by the Federal Court of Appeal.

The case was brought to the Supreme Court in 1984. The Canadian Council of Churches intervened and argued that deportation of these Sikh refugee claimants to India violated the "security of the person" clause in the Section 7 of the Charter. They also argued that the process whereby the claimants would be deported did not conform to "principles of fundamental justice" because the claimants had been denied an oral hearing.

On April 4, 1985, the Supreme Court of Canada ruled that refugee claimants were covered by section 7 of the Charter on the basis that the word "everyone" in the section included "every person physically present in Canada" and that a threat to life or freedom or physical punishment amounted to a "deprivation of security of person".

The court also ruled against the practice of deciding

refugee claims on the basis of a written transcript. It referred to section 2(e) of the Canadian Bill of Rights, which "grants the right to 'a fair hearing in accordance with the principles of fundamental justice'" because "legal right's such as 'the right to be considered... for employment authorization' were given to Convention refugees in Canada.

Refugee Rights Day in Toronto was special this year. The Toronto Refugee Affairs Council drew on Amnesty International's campaign "Refuge! Human Rights Have No Borders" and the World Council of Churches "Ecumenical Year of Churches in Solidarity with Uprooted People". Council Chairman Alan Tonks proclaimed Refugee Rights Day across Metropolitan Toronto. He took the first Amnesty "brick" from a wall blocking a door to refuge (the "bricks" are a series of mail in cards calling for different refugee rights in Canada). Rev. Eunice Santana, Co-president of WCC, removed a second "brick" and called for access to a hearing of their refugee stories for Saudi Arabians jailed indefinitely in Ottawa under accusation of association with a terrorist organization. There were two workshops: one reviewed the Liberal government's broken promises and deteriorating policies to refugees. A second workshop allowed Rev. Santana to hear first hand some refugee concerns. She said there would be action on what she heard, but that she could not promise any miracle to resolve individual situations quickly.

The day ended with an upbeat dinner and dance with refugees



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