

REFUGEE UPDATE

ISSUE NO. 29 A PROJECT OF THE JESUIT CENTRE FOR SOCIAL FAITH AND JUSTICE (JESUIT REFUGEE SERVICE/CANADA) SUMMER, 1996

INSIDE

**PERSONAL CONSEQUENCES
OF U.S. - CANADA MOA
PAGE 4**

**CIVIL WAR
GUIDELINES
PAGE 8**

**ONE MAN'S RACIST IS ANOTHER
MAN'S SOCIAL POLICY CRITIC?
PAGE 10**

**IMMIGRATION AND
REFUGEE BOARD ISSUES ...
PAGE 12**

REFUGEE POLICIES ARE GLOBALIZED AND THEY MUST BE IMPROVED

BY FRANÇOIS CREPEAU

What will follow is an abridged version of the text to be published by the Canadian Council for Refugees with special thanks to Tom Clark by the author.

Asylum is part of globalization and so are the related immigration policies. Surprisingly, asylum and refugee policy are seldom looked at in this way. Yet movements of people are as much a part of globalization as the trade agreements to which they have always been related. Without always knowing, policy and law makers are already acting on a premise of globalized asylum. It follows that a global grasp of asylum issues is key to understanding how refugee-related policies have come about, and what changes to expect in future.



With the courtesy of H.R. Internet.

(UNHCR) started "informal consultations" which rapidly became Inter-Governmental Consultations (IGC), run by Western States themselves. As early as 1983, this was a forum

for cooperation in controlling irregular migration. Joint experiments produced results. There was a project in Turkey to block Iranian refugees on their way to the West. A later scheme in Romania aimed to stop Romanians from leaving home. More recently, joint country profiles give Western States a common understanding of the situation in a source country, such as Ghana, in 1992.

The strongest push towards international cooperation to control migration came out of efforts to integrate Europe and to develop the European Union. The free movement of people within Europe was a basic principle of

the European Community and is a basic principle of the European Union. Removing internal borders is a dramatic blow to one of the defining elements of a "State". Since the Renaissance, policing state territory has been one of the essential functions of a political power. Removing borders requires

CONTINUED ON PAGE 2.

WESTERN COOPERATION ON CRIME - THE CRADLE OF GLOBALIZED POLICIES

Faced by growing numbers of asylum claims in the early 1980s, Western countries began to share experiences and experiment with solutions. The UN High Commissioner for Refugees

through another country in transit. This is generally considered the most promising control mechanism. Coupled with refugee-ment agreements, it could allow the West to return most asylum-seekers into the hands of satellite countries such as Turkey, Morocco or Mexico.

country's territory.

ENHANCED BORDER CONTROLS

Many states have upgraded border procedures and equipment. Lithuania welcomed Russia's offer of equipment to police the borders of the Baltic States.

CARRIER SANCTIONS

Airline companies have been made liable for the costs of passengers who enter Western States without proper documentation. Police and immigration officials have trained airline personnel to detect falsified documents. Occasionally, officials will also assist their counterparts in third world source countries to do the same.

OPERATION SHORT STOP

Enforcement officials from Western States sometimes enter foreign airport lounges to examine documentation belonging to passengers waiting to board an aircraft or other vessels going to the State in question.

READMISSION AGREEMENT

This is a potential device for return with serious implications. It puts pressure on states to impose similar controls at their own external borders. Countries who do not sign risk becoming a "dumping ground" for asylum seekers who reached Western states through their territory. If successive States make similar agreements, refugees may pass from country to country and end up back home to face persecution. This is "refoulement" by a series of water "rapids" rather than one "waterfall".

ECONOMIC COOPERATION

In 1992, shortly before a significant economic agreement with the European Union, Morocco "cleaned up" its border with Spain, closing hotels used by asylum seekers, arresting many and confiscating boats used to cross the channel. This kind of cooperation is being intensified. The Barcelona Declaration of November 1995 and Puebla Declaration of March 1996 both deal with these kinds of immigration controls.

WAR AND ARMED INTERVENTION

Western States have intervened to prevent movements of people: for example against Kurds fleeing Iraq for Turkey and against Haitian boats headed towards the United States (even though this is technically piracy).

WHERE IS IT ALL LEADING?

All the practices given above have had short term effects such as fewer asylum claims. However, their results are not long-lasting because asylum seekers find new ways to get in. Despite tough controls, a record 36,000 persons applied for asylum in the UK in 1995 - almost double the 1993 level. The enormous amount of cooperation in this areas is striking. And it is expanding to include new countries. Ongoing formalized consultations in Europe and across the Western world repeatedly gather Ministers and various levels of bureaucrats to work on these issues to come up with new agreements, interpretations, and procedural techniques. Europe is particularly rich in such consultations with



groups known as Schengen, Trevi, Europol, OSCE and the mechanisms of the European Union. Within the European Union, the so-called Third Pillar on Justice and Home Affairs has focused action on asylum and illegal immigration control. These are considered crucial in a wider security package which also addresses drug trafficking, smuggling, and money laundering.

CONCLUSION

Western consultations and resulting policies have inherent limits. This offers a window of opportunity for creative new policies. Firstly, the short term results of many of the measures taken have already been noted. More complex document testing equipment leads to more skilled counterfeit. More frequent checks in airport lounges increases costs for limited returns. Citizens begin to face too much inconvenience. Secondly, existing policies rely on engaging expanding circles of States in asylum agreements. States like Morocco may not continue to support all aspects of international policies which presently favour Western States. Other State interests will come into play. Third, asylum seekers have become caught up in elaborate political trade-offs and pay-offs among governments. The cost of these may well become significant as compared with receiving the asylum seekers themselves. Fourth, the treatment of asylum seekers in the West has finally caught the attention of human rights bodies. The ability of the West to use human rights mechanisms to address the causes of refugee flows depends to some extent on Western states themselves honouring these human rights mechanisms. Consequently, the time is right for trying to adapt the present globalized asylum system into a fairer globalized system which will better serve all States and, hopefully, will better serve the pawns in the inter-governmental games - the asylum seekers.

François Crepéau is a Professor of Law Department of Legal Studies, University of Quebec at Montreal. He is also Coordinator of CEDIM, Centre for the Study of International Law and Globalization.

THE PERSONAL CONSEQUENCES

OF THE U.S.-CANADA MEMORANDUM OF AGREEMENT

BY ROBERTA L. FARKAS-HUEZO

to Canada and who are now awaiting entry at the U.S.-Canada border. All would therefore be affected by the MOA in some way or other. And all have stories to tell.

Fabrice and his family are from Zaire. Fabrice was a member of Zairian civil guard, and his unit was sent by the government to the Shaba region of Zaire. There, Fabrice was expected to take part in the persecution of political activists and the civilian population. Fabrice opposed the harassment, arbitrary arrests and abductions perpetrated by his unit; he refused to take part in such actions and resigned from the civil guard. He also became involved in Zairian politics, actively supporting and working for an opposition party.

Because of his resignation from the civil guard and his political activities, Fabrice was considered an anti-government activist.

He and his family were subjected to a wide range of intimidation and persecution by security forces. Their home was searched and looted, his wife's business was burned to the ground, and Fabrice was arrested and tortured. After Fabrice's wife was raped in front of him, the family could bear no more and decided to flee.

Tragedy and misfortune continued to follow them, however; one of their children was killed during their flight from Zaire.

Once in the United States, all of the family's possessions were lost when a New York City taxi driver purposely drove away with their luggage. They were left with nothing but the clothes on their backs, a few dollars and the bus tickets which they had purchased. Luckily, before they were robbed.

Had the MOA been in effect, the robbery delay in New York could have easily caused Fabrice's family to miss the transit deadline, thereby preventing them from applying for asylum in Canada. Fabrice strongly prefers Canada to the U.S., explaining that many Zairian governments supporters live in the United States.

In addition, French language ties make Canada a more natural choice for the family as they begin rebuilding their shattered lives.

Because the proposed MOA is not in place, Fabrice and his

The names of individuals mentioned in this article have been changed to protect their right to privacy.

These days, it seems that good news in the world of refugee advocacy is difficult to come by. It was with delight, then, that the refugee advocacy community learned that negotiations on the Canada-U.S. Memorandum of Agreement (MOA) have been suspended. This good news came to us in mid-April.

Our delight is tempered, to be sure, as both the Canadian and U.S. governments have stated that they remain committed to the concept of an asylum responsibility-sharing agreement in the future. U.S. officials have given no timeline for the resumption of negotiations on the MOA. It will be concluded only after the U.S. Congress finalizes its current work on immigration legislation.

There are many important reasons for maintaining vigilance in our opposition to the MOA, and we know these reasons well. A fully-implemented MOA would close Canada as an option to thousands of refugees, since approximately one-third of Canada's 22,000 annual refugee claimants arrive through the United States. In addition, the MOA raises serious questions about the fulfillment of each country's international obligations with regard to refugee protection.

There is also a deep concern about the prospect of our respective nations entering the "slippery slope" of responsibility-sharing agreements. By returning refugees to the U.S. asylum system, Canada would most certainly be lowering the level of protection available to those seeking refuge in North America. Imagine what would happen, however, were the United States to in turn sign an MOA with Mexico.

At vive, a refugee advocacy organization in Buffalo, New York, the reasons for opposing the MOA are a bit more immediate than those mentioned above.

They come to us not in the form of statistics or international obligations or protection theories, (which are all very important, indeed), but in the faces of Fabrice and Sivachandra and Juanita. All of the residents at Vive's hospitality house, La casa, are refugees who have passed through the U.S. on their way



family will soon be permitted to enter Canada to pursue their refugee claim.

Sivachandra and her family are Tamils from Sri Lanka. Sivachandra's family home was destroyed by government bombing when Sri Lankan armed forces invaded her village.

Fortunately, Sivachandra and her husband and children were hiding in a home-made bunker and escaped personal injury. After the bombing stopped, the family gathered together the possessions they had managed to store in the bunker and left their village.

While Sivachandra and her family were fleeing to the capital, they were stopped by the government forces. Her husband was taken to a detention camp; Sivachandra has not seen him since. After being beaten and scalded with hot water, Sivachandra was thankfully allowed to continue her journey with her two small children.

Once in the capital, Sivachandra sold her remaining valuables to make the trip to Canada. To this day, she does not know of her husband's fate.

When Sivachandra and her children entered Canada, they settled in Toronto, where they were able to avail themselves of the emotional and assimilative support of the Tamil community. This support, so vital to those who have lost everything and who must start anew, would not have been available to the family in the U.S., where there is no sizable Sri Lankan community. The right to choose her destination, a right which MOA seeks to eliminate, has meant an enormous difference in the life of Sivachandra and her children.

Juanita is a Guatemalan woman. In her homeland, she worked as a secretary for a fledgling political party which was in opposition to the government. Her duties included managing the party's office and recruiting and registering new party members.

Eventually, the party's activities began to attract attention. Threatening phone calls were made to the party office and to party officials. Juanita also received threats. The office was bombed, and one of the party officials was assassinated. After the assassination, another party official advised Juanita to leave the country. Juanita fled to Mexico and eventually made her way to the United States.

Once in United States, Juanita had no means of supporting herself. She found a job as a live-in maid. She decided not to apply for political asylum, as she had heard from friends that, as a Guatemalan, her chances of being accepted in the U.S. were very low.

After living in the U.S. for some time, Juanita heard that Canada's refugee system might treat her more fairly. Weary of living under the constant threat of being apprehended by U.S. Immigration and being deported to Guatemala, Juanita made her way to the Canadian border and claimed refugee status. Her case is now pending.

Had the proposed MOA been in effect when Juanita arrived in Canada, her stint in the U.S. would have precluded her from

making a Canadian refugee claim. She would have been sent back to the U.S., where last year's acceptance rate for Guatemalan was approximately 7%. (Contrast this with Canada's Guatemalan acceptance rate for that period, which was approximately 58%.)

Canadian Government officials insist that the issue is not whether the U.S. refugee determination system measures up to international standards. Since the U.S. is meeting international norms, say Canadian officials, it is a worthy asylum partner for Canada. Such logic would be of little consolation to Juanita and her compatriots.

We at Vive often wish that the Canadian and American officials negotiating the MOA could talk to some of the hundred or so refugees who reside at La Casa on any given day. Perhaps the government officials would understand our position much better if they could meet our guests and hear their stories. Perhaps then, they would understand that to strip refugees of the right to determine their destination is, at best, a serious impediment to their right to heal and, at worst, a possible denial of their right to life.

Roberta Farkas-Huezo is the Refugee Services Coordinator at Vive.

REFUGEE CLAIMANTS' INTAKE

TOP 10 COUNTRIES IN 1995

Port of Entry By Embarkation	TOTAL Number	Intake By citizenship*	TOTAL Number
1. U.S.A.	8,531	1. Sri Lanka	2,367
2. England	923	2. Iran	1,925
3. France	598	3. Somalia	1,690
4. Germany	576	4. Chile	1,633
5. Israel	515	5. India	1,329
6. Netherlands	487	6. Israel	1,175
7. Chile	374	7. Pakistan	1,041
8. Italy	217	8. Venezuela	1,028
9. Switzerland	205	9. Bangladesh	878
10. Spain	188	10. China	803
TOP TEN	12,614	TOP TEN	13,869
OTHERS	2,332	OTHERS	12,186
TOTAL	14,946	TOTAL	26,055

* Includes all claims (Port of Entry and Inland)

Source: Citizenship and Immigration Canada as compiled by JRS-Canada.

"SOCIAL WELFARE" FOR REFUGEES IN CANADA: OBLIGATION OR MERCY?

BY FRANCISCO RICO



In these times of confusion, there is at least one thing that those people who live around me all agree upon, and that's that the significance of "social welfare" has changed in recent times for Canadian society. Some people are worried because changes in social welfare are continually hitting the poorest of society; they are demonstrating and fighting against this injustice. Others, although they are worried about these changes, show a confusion which quickly turns into apathy. Still others assist this change in coming about, whether directly or indirectly.

Within the discussion on change that the meaning of "social welfare" has suffered in Canada, it is important to consider how such change directly affects refugees living in Canada, — one of the most vulnerable group in the spectrum of Canada's social sectors. Having as a basis the satisfaction of the basic needs of refugees, this article will make a first approach to show how this change in the significance of "social welfare" is experienced in each of the provinces of Canada. Without a doubt, the most basic areas of need of refugees are: social assistance, legal aid, and health care.

Why are these three areas most basic? How are cuts in funding in these areas experienced for refugees in each province? (The Atlantic and prairie regions, according to the most recent statistics of the IRB, receive less than 4% of refugee cases, in contrast to Ontario, Quebec and Vancouver which receive the rest. As a consequence, it is clear that change in these last provinces affects the majority of refugees in Canada.

Social assistance for refugees can be defined without fear of error as the area of greatest concern and tension in all of Canada.

Cuts in social assistance can be classified as two types:

- Indirect cuts, which are those reducing benefits for all people receiving assistance (e.g. no money for transportation, reducing the amount of medicines to be received for free, no money for clothes for school aged children, etc.)
- Direct cuts, which reduce the amount of money received monthly by people receiving assistance, in addition to indirect cuts.

All of the provinces have imposed indirect cuts at specific levels. Ontario has introduced major cuts of this type. Four provinces have imposed direct cuts. Alberta in 1993 with a 20% cutback, British Columbia imposing a three month waiting period for recently arrived single persons to collect social assistance; Ontario imposed a cutback as well of over 21% in 1995, and just recently in April 1996, Quebec made a direct cut back of about 19%. Once again, Ontario has brought about the most substantial direct cut. There is not a province in Canada which has not brought about at least one of the previously mentioned cuts.

This is due to the fact that refugees are people who have been forced to flee their mother countries owing to persecution and/or war, obliged to leave everything behind. Yes, they are obliged to leave their loved ones, to leave the familiarity of their culture and language. In other words, they are made to leave all their possessions and resources. Because of this, the integration of refugees always entails overcoming many, sometimes far too many, challenges, some of which are almost impossible to overcome due to the cuts in social assistance. See how these cuts are indiscriminately devastating to each and every one of the most underprivileged of Canada.

Next in the analysis is legal assistance. Legal assistance for refugees is clearly a necessity created by the very complexity of the Canadian refugee system which Samuel Bernan & Caroline Mcchesney describe in their book *Refugee Determination Proceedings* (1995): "Canada's system is probably the most extensive in the world in terms of the legislative framework and the procedures of operation of the Immigration and Refugee Board." Owing to this complexity of the system, the cuts to legal assistance for refugees is not in accordance with the principle of fundamental justice according to Section 7 of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights (Section 7 provides that: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.") In the present decade, the cuts to legal assistance are basically of two types:

- a) changes in the universality of legal coverage for refugees via: 1) the total suppression of legal assistance for refugees (the most radical form); 2) reduction of refugee claimants who receive legal assistance on the basis of a pre-judicial analysis on the merits of each case.
- b) cuts which affect the quality of legal assistance received by refugee claimants.

The provinces which do not provide any kind of legal assistance to refugees at any time in the refugee process are New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan. With respect to the second form (reduction in the number of refugees receiving legal assistance), we can mention the following provinces: 1) Alberta, which provides legal assistance in the form of a loan, (only to those refugees which have been accepted by the IRB); 2) Ontario, which only provides legal assistance to cases considered to have sufficient merit in both levels, before the IRB and in the case of appeals; 3) Newfoundland which provides Staff Lawyers to all refugee cases before the IRB, but not necessarily for the appeals, which are decided on the basis of an analysis of the merit of each case.

In Ontario, another way of reducing the number of refugee claimants who receive legal assistance results from the fact that the legal aid application process has also come to include a financial evaluation of the refugee claimant's family members. By determining whether they are capable of paying the lawyer of their relative making a refugee claim, government can avoid issuing the corresponding legal certificate.

With respect to cuts affecting the quality of legal assistance, we can start by talking about Quebec and Manitoba. Lawyers from these two provinces complain of being victims of low tariffs which reduces the time, and indirectly, the quality in preparation for refugee cases. Ontario (among other reductions in fees for lawyers), has introduced a reduction in the number of hours (from 26 to 15) which lawyers are authorized to use in the preparation of refugee cases. In British Columbia, lawyers are subject to withholding 12% of their annual amount of legal fees for processing refugee cases. This withheld amount is partially or totally repaid to the lawyers at the end of each year depending upon

the financial state of the province's legal assistance plan.

As one can clearly see, every province in Canada imposes at least one of the previously mentioned forms of cuts. Again in these areas Ontario has brought about the most recent and major cuts affecting refugees.

Finally, a note on health care for refugees (which has been defined as one of the most basic necessities for them in establishing themselves in Canada). This element is explained by a well-known scholar in this field: "...the violation of human rights has adverse effect on health. The harm done by torture is obvious, but other harms are less apparent. Contrary to what some think, the pain of arbitrary imprisonment does not end at the prisoner's release." (Jonathan Mann, Economic and Social Rights and the Rights to Health, An Interdisciplinary Discussion Held at Harvard Law School in September, 1993, Session II, P. 18).

Cuts in the area of health experienced by refugees are basically in two forms:

- a) The cancellation of medical coverage of refugees under the provincial health plans, and transferring them to the federal health program (the federal health program for refugees has become reduced to the concept of "medical attention only in cases of emergency."). This stretching of the concept affects all refugees in Canada, except those who live in the provinces of Saskatchewan and Quebec. This is the case with Ontario which has brought about this transfer in the last year.
- b) General cuts which affect refugees as they do other citizens in provinces. This is the case with Saskatchewan and Quebec.

It is clear that discussion on this theme, even after all of these reflections, has not concluded. We need to keep thinking and talking about it. This article is the first attempt to analyze this problem, and as such, is a contribution to the necessary discussion of the same. So far the following can be concluded:

- a) Refugees are among the poorest and most underprivileged in Canada, and are ironically subsidizing the Canadian fiscal crisis by means of: 1) direct and indirect cuts to social assistance; 2) through the palpable and growing reduction in benefits and services of all types for the underprivileged; 3) through the creation of taxes and fees (Head Tax and Landing Fee) which bring about the direct receipt of money on behalf of the state, coming from the refugees and/or their socio-political network.
- b) That with this politic cuts, the Canadian state each day gets further away from the fulfillment of its international responsibilities and commitments towards refugees making an attempt to harmonize with policies and practices of other countries whose standards have always been below those accepted in Canadian society.

Francisco Rico is a refugee rights activist in Toronto working with Refugee Law Office and the Canadian Council for Refugees

In March 1996, the Immigration and Refugee Board released Guidelines covering the situa-

tion of refugees fleeing Civil War situations entitled "Civilian Non-Combatants Fearing Persecution in Civil War Situations." At a time when European countries are trying to limit numbers by eliminating refugee claims involving persecution by non-state agents or by requiring refugees to prove individual targeting, (see The Economist, January 13, 1996, "Go West and North - if You Can."), the Immigration Refugee Board has re-confirmed its commitment to a liberal interpretation of the Convention refugee definition. The fact that such

The division at the Board has been between the majority, who have been interpreting the definition of Convention refugee in accordance with the Federal Court of Appeal decision in Salibian, and those who have imposed a more restrictive test, requiring refugees from civil war situations to show they would suffer greater or different persecution from the rest of the population. This latter interpretation led to the anomalous situation where often those who were most deserving of protection were denied it. It was symptomatic of what The Economist referred to judicially imposed 'safe third country' policy.

Convention refugee definition. The fact that such guidelines were needed, however, suggests that an internal struggle is taking place within the Board. A minority seems bent on applying the most restrictive interpretation of the definition one can imagine. This tendency has not been limited to the issue of refugees fleeing civil war situations. Disturbing trends at the Board have included denying refugee status to Jews on the basis

CIVIL WAR GUIDELINES

BY JACK MARTIN



Illustration: courtesy of Human Rights Internet

While that decision clearly envisioned the theoretical possibility of all citizens in a civil war situation being definable as Convention refugees, the holders of the restrictive view at the Refugee Board advocated a comparative approach, in which the refugee claimant would have to show not only that he or she

University's Centre for Refugee Studies, and held:
(3) a situation of civil war in a given country is not an obstacle to a claim provided the fear felt is not that felt indiscriminately by all citizens as a consequence of the civil war, but that felt by the applicant himself, by a group with which he is associated, or even by all citizens on account of a risk of persecution based on one of the reasons stated in the definition;

refugee determination. In that case, the court acknowledged its debt to Professor Hathaway of York

other means.

The UNHCR Handbook states that refugees fleeing war situations are not "normally" considered to be Convention refugees. The handbook goes on to say that the decision-maker must still consider the question as to whether the claimant has a well-founded fear of persecution. The Chairperson's guidelines emphasize the fact that regardless of whether there is a civil war situation, the test remains the same. Does the claimant have a well-founded fear of persecution because of race, religion, nationality, political opinion, or membership in a particular social group? The guidelines recognize that civilians in civil war situations are more likely to be attacked specifically because of their race or ethnicity, their religion, their political opinion or their particular social group. In many cases, civil war can be seen as an extension of persecution by

as refugees being denied, "out of existence."

might be persecuted, but that her or his group would suffer greater or different treatment from the rest of the population.

The guidelines favour a non-comparative approach. They set out a 'framework of analysis' which emphasizes the issue of whether the person is a Convention refugee, regardless of the fact of the civil war situation:

1. Does the harm feared constitute persecution?
2. Is the feared harm a result of the targeting of the claimant or her group for one of the reasons in the definition?
3. Is the claim well-founded? (and particularly important in civil war situations, is there an established authority capable of providing adequate protection?)
4. Is there an internal flight alternative in some part of the country?

In determining whether the harm feared constitutes persecution, the guidelines encourage board members to look at international instruments as a starting point. One example given is the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

The guidelines also caution against taking a superficial view as to whether the harm feared is linked to the Convention. While those fleeing indiscriminate shelling or who fear being caught in the cross-fire are not considered Convention refugees, the guidelines stress that since "civil wars are often waged for reasons related to a Convention ground, caution should be exercised before determining that there is not a linkage to a ground." Some court and Board decisions have recognized that the context in which the shelling or bombing occurs can be instructive in determining whether the harm feared is for a Convention reason. In *Rajathurai*, the Federal Court had held that bombing by the Sri Lankan armed forces of civilian areas primarily inhabited by Tamils could be persecution where there was evidence that little was done to allow the civilians to escape the area before the bombing. In many decisions, the Refugee Division had recog-

nized that the deliberate bombing of fleeing Isaq civilians in Somalia was evidence of persecution. In other situations, the Board seems somewhat resistant to go beyond the surface and to look at the intent of the actions. For instance, in the Somali civil war, the government forces used landmines for genocidal purposes in northern Somalia, mining watering places and hiding landmines in homes so that returning Isaqs were killed and maimed even after the agent of persecution, Siad Barre, had withdrawn from the scene. In this regard, the guidelines could prove helpful. The Chairperson's guidelines emphasize the need to look at the intention of the agent of persecution, while warning that the intention may be "inferred from the effect that the actions of the agent of persecution have on the claimant or her group." The restrictive approach sometimes sought to punish refugees for the sins of other members of their group. The guidelines stress that refugees are not to be refused protection merely because other members of the group to which they belong might be seen as being as bad as any other. The fact that members of the claimant's group are inflicting serious harm on others, as is often the case in civil war situations, does not disqualify a person from consideration as a Convention refugee. There is no principle of collective guilt as a bar to refugee status.

Interestingly, the guidelines may prove to be more influential at the Federal Court Trial Division in shaking some of the deference so often shown to Refugee Division decisions than at the Board itself. At the Board, the hardcore holders of the restrictive view are unlikely to change their views. But for those Board members who had merely been swayed by the superficial attractiveness of the hardcore view, the clear and persuasive arguments in the guidelines should prove influential in leading them to focus on the question of whether the claimant has a well-founded fear of persecution for a Convention reason, rather than whether the claimant would suffer greater or different persecution from anyone else in the country from which they have fled.

Jack Martin is a refugee lawyer and the Director of Refugee Law Office in Toronto.

REFUGEE DETERMINATION SYSTEM IN 1995

	Total	Atlantic	Quebec	Ontario	Prairies	B.C.
1. Port of Entry	14,946	76	6,590	7,469	89	714
2. Inland: Out of Status	7,065	91	2,166	3,684	128	996
3. Inland: In Status	4,044	21	3,224	651	89	59
A. SYSTEM INTAKE	26,055	188	11,980	11,804	306	1,769
SIO (Senior Immigration officer) Decisions						
1. Eligibility	25,486	179	12,396	11,094	277	1,540
2. Not Eligible	110	0	34	53	4	19
B. TOTAL DECISIONS	25,596	179	12,430	11,147	281	1,559
C. CASES AWAITING ELIGIBILITY DECISION/INQUIRY	2,165	9	611	1,299	56	270
D. ESTIMATED DELAY MONTHS**	1.1	0.9	0.7	1.3	2	3

* Based on current month's productivity Source: Citizenship and Immigration Canada, as abridged by Jesuit Refugee Service-Canada.

ONE MAN'S RACIST IS

ANOTHER MAN'S SOCIAL POLICY CRITIC?

BY JOANNE ST. LEWIS

Positions in the workplace, in the justice system and at the senior level of political decision-making fundamentally affect the social dynamic in distinctive ways. Economic disempowerment is what compounds the vulnerabilities of refugees, immigrants and people of colour. The status quo is inherently racist. The present hostile environment with its increasing intolerance for targeted measures to address injustice and denial of racism, and other forms of discrimination will be with us for some time to come. Social justice cannot be achieved if the two realities of those who experience discrimination and those who deny/maintain its practices, are caught in a perpetual battle of duelling statistics.

Clearly, the solution is not for every reader to become an amateur social science researcher struggling through the maze of standard deviation, and survey and instrument information upon which to base our social policies is not only admirable, it is essential. We need to create a set of critical questions or guides to help us determine the relevance and use to which information, such as polls, should be put. At the very least, the outline which follows could help in assembling a pointed letter to the editor of your MP/MPP alert them

to the problems you have encountered.

1. What is the purpose of the information?

Often information is obtained for one purpose and transformed for another. Is the survey to give a snapshot of the Metro Toronto area and its racial attitudes? If so, what if any link do those attitudes have to the policy which is sought? Attitudinal studies are most useful in developing educational tools since they provide information about the levels of awareness or knowledge-base of the learner. They do not necessarily have any impact on the material to be studied. In

his winter the Commission on Systematic Racism in the Ontario Criminal Justice System released its long awaited report. Established in 1992 in the aftermath of riots in downtown Toronto, the Commission was mandated to address the widespread lack of confidence in the Ontario Criminal Justice System. The Commission's report clearly concluded that "systematic racism, the social process that produces racial inequality in how people are treated, is at work in the Ontario Criminal Justice System."

Just before the Commission's report was made public, however, the results of a telephone survey conducted by York University's Institute for Social Research made local headlines with the caption: "Whites in Metro not racist" (Toronto Star, January 10, 1996). The Commission had in fact sponsored the study although it may deserve mention that the controversial headlines were generated because the researchers had chosen to expand the scope of their investigation at their own expense. What follows is not an analysis of the Commission's report, nor the specific data which informed the report's conclusions, but rather a reflection on the use of social science methodology and the ongoing debate about the nature of racism in Canadian society.

At the outset, essential questions must be examined: what definition of racism is being used by the surveyors? What is racist behaviour as understood by the surveyors? Different conclusions are possible given the same data. Furthermore, individuals can hold a belief in their own tolerance while simultaneously rejecting any measure which would change the status quo. This occurs particularly when racism is unconscious. If racism means that an individual must have an awareness of personal antipathy towards a group, then clearly the white residents of Metro are not racist. If racism means that the individual must have the capacity to exclude or act upon their antipathy in the workplace, then many co-workers, neighbours and other are not racist. If racism means that individuals must hold consistent negative attitude towards others, then many would be exempt. The craze for ethnic clothing, cuisine and music would be ample demonstration of the state of Canadian tolerance.

What is missing from this equation, of course, is power.



Illustration by Bogos K.

other words, believing that you are not racist has nothing to do with the presence of racism. You can be racist while denying your own racist values or failing to acknowledge their presence in society. The presence of racism is measured by external factors or behaviours such as, workplace demographics (who is where and for how long), statements (slurs and inappropriate jokes), housing demographics (who lives where and who decides), who gets to decide which values and laws we will live by (who are our decision-makers).

- 2 Does the study tend to reinforce existing power relationships?
Reports which tend to reinforce existing relationships signal that "all is well with the world" should raise a presumptive question in the mind of the reader. This can present an opportunity to revise your own position and take in new information which may change your perception'. It can also mean that more questions need to be asked. Who prepared the study? What working definitions did they use? Have they gone beyond their terms of reference? Has the media coverage been selective? What do a cross-section of informed commentators from different perspectives have to say? This approach is equally important for studies of reports that appear to support your point of view. Validation is important but it can also be dangerous. When we rely upon opinion rather than information for social policy-making, we build on quicksand.
3. Was the method used the most accurate way of getting the information? In our quest for certainty we measure and survey as if these processes yield better results. Purpose is everything. If we wanted to know about the possible contamination of food by environmental metals would we conduct a series of taste tests with the general population? Would it be conclusive if the majority of participants detected nothing in their food? Of course not. Surveys to identify racist attitudes which are then arbitrarily extrapolated to conclude that there are no racist practices are like the above test. They do not substitute for the work of a qualified technician in a properly equipped lab or for laboratory tests on individuals who have ingested the poisoned food.
- 4 We should be cautious about relying upon anecdotal or experiential information as the single or principal basis for developing or rejecting a social policy initiative.

It has been a struggle to legitimize the lived-realities of those who are non-status quo. Our opinions and experiences are important. However, the social policy changes we advocate are based on facts. People of colour are the majority of people in the world. The economic devastation of colonization which has contributed to our presence in many Western countries as immigrants and refugees is also a fact. The challenge is to get everyone to accept the same reality. This is accomplished by simultaneously challenging the inaccuracies of these studies and recommending alternatives which would move us towards greater social equality.

Joanne St. Lewis is an assistant law professor at the University of Ottawa.

COMMISSION ON SYSTEMATIC RACISM

The Report of the Commission on Systematic Racism in the Ontario Criminal Justice System was released December 1995. Six eminent commissioners looked at such aspects as: perceptions of racism; the systematic nature of racism; prison admission; pre-trial imprisonment; court dynamics; responses to police shooting and looking forward.

HIGHLIGHTS OF THE REPORT'S CONCLUSIONS INCLUDE:

"Despite...achievements...Racism in Canadian society continues to shape the lives of aboriginal, black and other racialized people. In order to make further progress in eliminating racism, Canadians must grapple with racism's systematic dimensions" p.21

"...the total number of prisoners in the Ontario prison system has remained relatively constant. [1986/87 to 1992/93] it is the percentage of black men and women and male youths that has increased." p.22

"From our research we concluded that black accused are more likely than white accused to be imprisoned before trial...the decision to imprison...is significantly influenced by the race..." p.31

"Treating refugee claimants as not ordinarily residents may contribute to unjust imprisonment before trial for racialized accused. Crown attorneys should show leadership by assuming the responsibility for 'showing cause' for such an accused."

"The tendency for judges, justices of the peace and lawyers to refer to...foreign origins or ethnic background is a significant cause of perceptions of racial injustice in the courts." p.58

"In short, some black prisoners would not have been sentenced to prison had they been white".

The response is inevitably long-term:

"The dominant model for institutional change to secure racial equality emphasizes training of existing personnel and elimination of discriminatory barriers to employment and appointment of racialized persons."

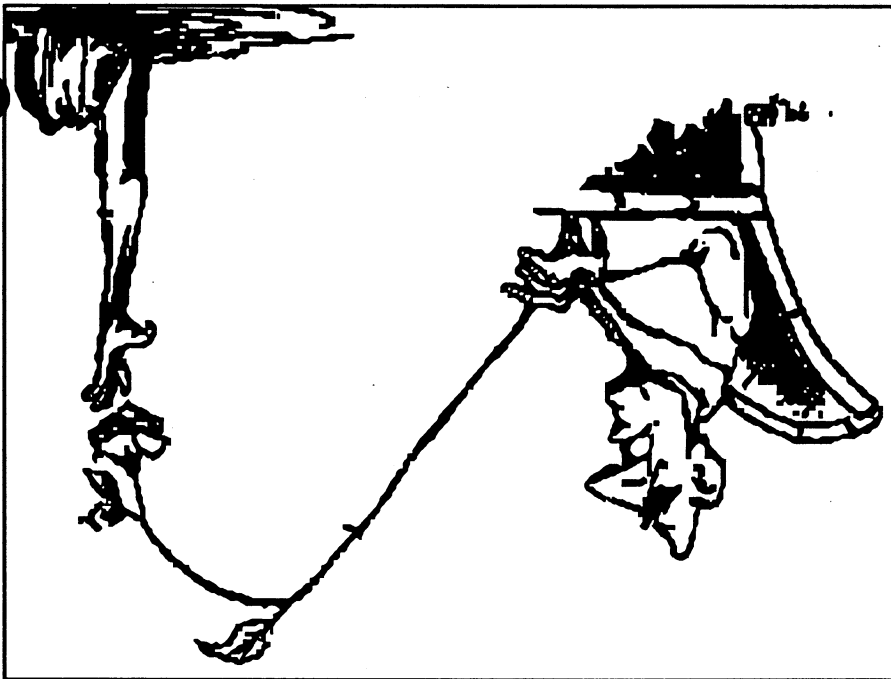
REFUGEE CLAIMS IN CANADA 1990-1995

1990	36,735
1991	32,347
1992	37,748
1993	21,145
1994	22,041
1995	25,817

Source: Citizenship and Immigration

IMMIGRATION AND REFUGEE BOARD ISSUES INSTRUCTIONS ON COMMUNICATIONS AND INVESTIGATIONS

BY JACK MARTIN



In 1993, the Immigration and Refugee Board was in crisis after it was revealed that some Refugee Hearing Officers were discussing cases outside of the hearing room with board members, and that the board had set up a secret investigation unit called RALU (Refugee Analysis Liaison Unit) for information gathering. As a response, the Board commissioned the Hathaway Report, entitled Rebuilding Trust. In response to the report, the Board developed a Specialized Board of Inquiry Model, and then engaged in consultations both within and outside the board. In March of this year, the Board released Instructions dealing with communications between members and Refugee Claims Officers (formerly known as Refugee Hearing Officers) outside the hearing room and with "information gathering."

Under the Board's new model, the Refugee

Claims Officers (RCOs) will be able to talk to the board members about cases outside of the hearing room even if the refugee claimant or his lawyer are not present. The board bases this model on public inquiries, rather than on court proceedings. Most legal proceedings in Canada are adversarial in nature. For instance, in criminal proceedings there is a prosecutor representing the state, and a defence lawyer representing the accused. Neither the prosecutor nor the defence lawyer can communicate with the judge unless the other party is present. In inquiries, however, commission counsel are allowed to communicate with the head of the inquiry. There is a key difference between inquiries and proceedings at the Immigration and Refugee Board, however. Refugee determination affects an individual's rights — the right not to be returned to a country where their life or liberty would be threatened. Inquiries are not supposed to make findings which determine an individual's rights. They are supposed to be concerned with more general issues.

The Instructions of the Board are based on the assumption that extra-hearing communications are not unfair to the claimant provided that the Board tells the claimant that such communications have taken place and what conclusions were reached as a result of the communications.

NGOs, including the Refugee Lawyers Association, recommended to the Board that such discussions should take place only

in the presence of the claimant or his counsel, preferably at pre-hearing meetings. That is because the decisions of the Refugee Division do affect the rights of individual claimants. RCOs cross-examine the claimant, and at the end of the hearing make submissions to the Board members. Furthermore, many Refugee Claims Officers are adversarial, and there is at least an appearance of unfairness if someone who takes an adversarial stance meets with the decision-maker without the claimant or his counsel being present.

The general rule in the Instructions is that the Board members and RCOs can have private discussions outside of the hearing room at any time about any case which has not been concluded. The exceptions are that no opinions are to be expressed on the merits of the case, the conclusion to be reached on any element of the case, the decision to be made with respect to any legal question, any conclusion of fact, including conclusions with respect to the credibility or trustworthiness of the evidence, or the reasons for decision. The Board believes that with these exceptions, there will be no opportunity for RCOs to influence Board members' decisions. This is a rather naive view.

As will be discussed below, the new model envisions RCOs and Board members working together to develop research and investigation plans before the hearing. Although the claimant and his counsel will be advised at some point what meetings have

taken place, only the conclusions reached will be disclosed. Who proposed the research plan, or who first said more investigations are necessary will never be known to the claimant. Nor will the tone of voice, the facial expressions or the give-and-take be known. Worse, the RCO retains the right to make submissions at the conclusion of the evidence at the hearing. Will those submissions contain a subtext referring the member back to private discussions between the RCO and the Board member?

RCOs will also be participating with members at "Team Meetings" There is still a prohibition about discussing conclusions to be reached in particular cases, but again the Board is making an artificial distinction. If there are a number of cases with similar issues, the comments of the RCOs on legal conclusions or with respect to country conditions in general could unduly influence Board members on specific cases.

The Board believes that fairness concerns are met if there is disclosure of the fact that the communications took place and of the conclusions that were reached at the end of the communications. These conclusions include any directive given by the board member to the RCO, and any issues, documentary evidence or legal principles identified as being particularly relevant.

Given the concerns that led to the development of the instructions, this disclosure is exceptionally minimal. There is nothing to indicate at whose initiative these issues were raised and then decided. This is not an insignificant concern given that the RCOs continue to be in the hearing room in the new model, continue to cross-examine the claimant in most cases, and continue to make submissions with respect to the evidence and the legal issues. How can it be said that a submission made by the RCO at the conclusion of the case which refers back to something the RCO said in private to the Board member in the investigative stage does not give rise to a reasonable apprehension of bias.

The instructions require the Board member to notify the claimant or counsel if there is any breach of the instructions. However, the problem is that even if the instructions are followed to the letter, a cloud of suspicion may hang over the proceedings merely because the claimant will never know what transpired between the Board member and the RCO outside of the hearing room.

The other set of instructions are labelled, "Instructions for the Acquisition and Disclosure of Information for Proceedings in the Refugee Division." Information is divided into General Information, Minister's Information, and Specific Information. Minister's Information is information acquired by the Department of Citizenship and Immigration with respect to individual claimants, supposedly in fulfilling their responsibilities under the Immigration Act. Key aspects include Port-of-Entry notes, documents seized from the claimant by immigration officers and copies of visa applications made abroad. General Information is information which can be acquired without identifying the claimant. Where acquiring information could result in revealing the identity of a claimant outside the Board, it is referred to as Specific information. It is the acquisition of specific information which could involve investigations of the

claimant in the country where he or she fears persecution.

The general principle is that specific information will only be acquired where the Board member 'is satisfied that acquisition of this information will not result in a serious possibility that the life, liberty or security of the claimant or any other person would be endangered.' Acquisition of this information is to be under the control of the Board member. RCOs are not allowed to carry out claimant-specific investigations unless they have approval of the Board member.

Before authorizing research involving 'specific information', the Board member must be satisfied that the information is needed to resolve an issue central to the case, it is likely the information can be acquired, there is no serious possibility that the life, liberty or security of the claimant or any other person would be endangered, the methodology complies with the Privacy Act, and the investigation will not unreasonably delay the proceedings.

The acquisition of specific information is not meant to be routine. The UNHCR Handbook, recognizing the difficulty inherent in gathering proof in refugee claims, stresses the importance of assessing the applicant's evidence, and the Federal Court of Canada has affirmed the principle that sworn evidence is presumed to be true. In determining that specific evidence may be required before the hearing even commences, the Board member may be prejudging the credibility of the claimant. Similarly, in making a determination that such investigation will not result in a serious possibility that the claimant or any other person will not be endangered, the Board member may in fact be making a decision on the credibility of the claimant before the hearing. Decisions authorizing the acquisition of specific information may give rise to arguments that the Board members have pre-judged the case, and it is hoped that such authorization will only be given in rare circumstances. A way to have avoided this problem would have been to have created a structure where, in the very rare cases where this information is necessary, an application could be made to someone other than the member who is hearing the case - perhaps to the co-ordinating member, or some other member designated to look after these issues.

Before this information is sought, the RCO is to prepare an Acquisition of Information Form, setting out the description of the information required, the purpose, source and methodology to be used in acquiring the information, and the estimated cost of getting the information. The form is then sent to the claimant or the claimant's counsel, and the recipient has 10 days to file either written submissions or a request for a pre-hearing conference. The Board member then has to decide whether to authorize the investigation. The Board member can ask that the research proposal be modified.

There are serious dangers for unrepresented claimants. An unrepresented claimant may not understand the form, or may not be able to articulate the danger to himself or to his family which could be caused by contacting people in his country concerning his claim. Yet, if the Board member does not receive any sub-

CONTINUED ON PAGE 14.

DROC

BY AVVY GO

missions from the claimant, he or she might assume that the claimant has no objection to the investigation being carried out. In certain situations, the Instructions presume that the information can likely be acquired and that there is no serious possibility of endangering anyone. These presumptions apply only if the information is held by a government agency in Canada or is in the hands of an NGO or foreign government with which Canada has signed an information-sharing agreement. So far, the only agreement which has been signed is a rather limited information-sharing agreement with the INS in the United States.

In drafting these Instructions, the Board should be commended in reinforcing the fact that the Board members are the ultimate decision makers, and that decisions affecting the evaluation of risk should only be in the hands of the Board members.

The Deferral Removal Order Class (DROC) Program has been in place for close to two years now. This is the program set up in July, 1994 by the then Minister of Immigration Sergio Marchi to deal with the thousands of failed refugee claimants left in limbo in Canada after their claim were rejected. Perhaps it is time to evaluate how useful the program has been to the refugee community.

There is no doubt that a significant number of refugees who would otherwise have been unable to obtain Permanent Residence status have benefited from DROC. For some, the program provides them with the opportunity to normalize their life in Canada. After years of living in anxiety and uncertainty, these individuals are finally able to begin a new life and may even begin the process of reuniting with family members. These are the success stories.

However, "bad news" cases abound, particularly for women and others who are unable to fulfill the DROC requirements due to circumstances beyond their control. In spite of the relaxation of the employment requirement to include volunteer work, many single mothers are still being refused under DROC because of their inability to work outside of the home.

In addition, there are several major problems which need to be addressed and clarified:

First, as we have seen in several high profile cases, some individuals or families are being deported within the short time frame of being eligible to apply under DROC. In response to the negative media publicity arising from these cases, Canada Immigration made a public statement that it would institute a policy of not removing people within 6 months of eligibility for DROC. But as is illustrated by several recent Federal Court cases, the court does not think that a "newspaper article" is sufficient for refugees to argue that such a policy does exist in reality. Indeed, in one of the cases the court went a step further and added that, even if there was such a policy, it would not confer

a right on refugees to expect that they would not be removed simply because they would soon qualify under DROC.

Taking that decision to its logical conclusion, if a person has only 48 hours to meet the DROC eligibility time line, he or she could still be removed by Immigration.

To have the removal order hanging over one's head therefore continues to be a problem for soon-to-be DROC applicants. However, not to have any removal order at all poses a different problem for other refugees. Since one of the requirements for DROC applicants is that they must be subject to some kind of removal order, many refugees who have never been issued a

CANADA

IMMIGRATION MADE PUBLIC STATEMENT THAT IT WOULD INSTITUTE A POLICY OF NOT REMOVING PEOPLE WITHIN 6 MONTHS OF ELIGIBILITY

removal order are therefore barred from applying under the program. This is most common for people who have entered Canada with a valid visa and then decided to make a refugee claim. Many Chinese students and visiting scholars, for instance, fall under this category. Fearing repercussions after the Tiananmen Square Massacre, many of them came to Canada under the pretext of studying. But once they arrived, these students filed a refugee claim. Unfortunately, the public sympathy for Chinese nationals has died considerably with the lapse of time since 1989. Many of these students were therefore unsuccessful with their claim. And yet, while they are otherwise able to meet the DROC requirements - some have been working continuously throughout - they are denied the opportunity to even apply because they do not have a removal order against them.

The plight of these and many thousand other refugees remains of great concern to the refugee community. More work is needed to pressure the government to reconsider some of the DROC requirements so as to address the current inequities that exist within the program.

Avvy Go is the Clinic Director, Metro Toronto Chinese & Southeast Asian Legal Clinic.

But with respect to the Instructions governing Extra-hearing communications, the Board is setting up a situation where claimants and counsel will be suspicious about what is occurring between Refugee Claim Officers and Board members behind closed doors. With respect to the Instructions concerning Information Gathering, there could be real danger for claimants who do not have counsel. In any event, the real test will be how the instructions are followed. Will the Board members actually control the process, or will they merely rubber-stamp the investigative initiatives of those RCOs who see themselves as prosecutors? If the latter, then the Board's response to its crisis of 1993 will have to be judged a total failure.

Jack Martin is a refugee lawyer and the Director of Refugee Law Office in Toronto.

UPDATE ON SANCTUARY PROMISE

BY DON HEAP



Then the Minister's assistant undertook to review the cases for the Minister. The Commission sent her only fourteen files. However, a week after the Tories lost, Brian Davis sent us a letter saying that the Minister wished to assist those fourteen cases by Landing them on humanitarian and compassionate grounds in accordance with the statutory requirements.

After thirty-one months of struggle by these refugees, their families, and volunteers with the sanctuary, only three of these fourteen applicants have been Landed; the remaining eleven are still in Canada but not landed, living in limbo, denied normal rights to work permits and public assistance.

Therefore, after consulting lawyers competent in immigration and constitutional law, the Sanctuary Coalition is giving serious consideration to the possibility of legal action on behalf of specific cases of persons whose refugee claims were rejected on what appear to be improper grounds. We are drawing up an outline of chief flaws in Canada's refugee determination system, the remedies we seek, the exemplary cases of our applicants, and the likely sources of further evidence of unacceptable conduct of the Canadian Immigration Commission.

We wish to consult widely with others who serve refugees, for the building of a broadly shared and supported strategy. We invite you to take part in this action.

Don Heap is an Anglican priest and a member of the Southern Ontario Sanctuary Coalition. Don worked as NDP immigration critic for 12 years.

As many of you know, the Coalition, a small volunteer group centred in Toronto, made a commitment in May 24, 1993, to twenty three refugee claimants from Africa and Asia (some with families). We had selected and documented their cases as outstanding examples of how the IRB and the whole system of appeals and review sometimes improperly rejected sound refugee claims. We said to them publicly, "we will not abandon you."

We have now reached a critical stage.

Shortly before the 1993 federal election, ready to answer in court for possible "civil initiative", we had challenged the Canadian Immigration Commission to review their cases, and had also begun negotiating with the Tory Prime Minister for such review.

In August the Minister of Security and Immigration met with us, accompanied by his political assistant and senior Immigration staff; after discussion he directed Immigration staff to meet again with us and his assistant to review each case. In September Brian Davis, Director General Case Management (Immigration), met with the Minister's assistant and us for two days, reviewed each case, and in case after case assured us that certain vital documents which we had sent were not in the case files. Brian Davis then solemnly reconfirmed each previous negative decision.

HIGHLIGHTS FROM THE CCR RESOLUTIONS

BY JANET DENCH

From May 29 to June 1, 1996, the Canadian Council for Refugees (CCR) met in Winnipeg. The conference culminated in the traditional way with a General Meeting at which 19 resolutions were presented for discussion and adoption. It is through the resolutions that the membership sets the policy direction for the organization. The resolutions give some indication of current concerns, although some critical issues may not be covered by resolution if the CCR position is already clear (for example the Head Tax continues to be high on

the agenda, but our opposition is already well-established).

What follows are some of the highlights from the resolutions adopted.

CITIZENSHIP RIGHTS. Shortly before the conference, the Minister of Citizenship and Immigration was reported to be considering amending the Citizenship Act so that children in Canada to parents without permanent status (including refugee claimants) would no longer automatically be Canadian citizens.

CONTINUED ON PAGE 15.

The CCR responded by adopting a resolution urging the government to preserve citizenship rights of all children born in Canada.

SETTLEMENT RENEWAL. Organizations serving refugees and immigrants have for many months been caught up in the federal government process of Settlement Renewal, which will radically change the way in which settlement services are funded. At the conference it was announced that the preferred partner for administering the funds would be the provinces. Because there is a danger that the quality of settlement services may suffer in the transfer, however it happens, a resolution was adopted dealing with national standards (so that refugees and immigrants can be assured the same level of service in every part of the country).

TURKEY. The CCR has in the past protested about the treatment of asylum seekers in Turkey. However, as rather often happens, our protest did not result in the problem being solved. Things have in fact gotten worse, with Iranian and Iraqi refugees being arrested and forcibly removed, even though they have been recognized by the UNHCR and accepted for resettlement in other countries. In order to encourage the Canadian government to exert strong pressure on the Turkish government, another resolution was adopted.

NON-RECOVERABLE LOANS. This is, for once, a good news story. The CCR has long pressed for grants to cover transportation costs for Women at Risk cases, in order to avoid these women arriving in Canada with a heavy debt burden, and even worse, being refused a loan and thus prevented from coming to Canada. The government has now found some money to allow such grants to be made. "Non-recoverable loans" sounds like nonsense, but it is a term invented by the government because the word "grant" may not (for technical reasons) pass their lips. The CCR resolution says that we want the money to go to Women at Risk cases as first priority, but also to other special needs refugees.

STOWAWAYS. While the CCR was meeting, the media

was reporting on the story of the Maersk Dubai, a ship whose officers allegedly threw overboard three stowaways. It is impossible that the murders were committed in order to avoid the fines of \$7,000 that Canada charges ships for each stowaway brought into the country. Through a resolution, the CCR called for a full public inquiry into the possible murder and the possible links to the carriers sanctions. The government is also urged to stop imposing the fines when individuals have a refugee claim.

CUTS IN SERVICES TO REFUGEE CLAIMANTS IN QUEBEC. Each part of the country seems to take its turn at undergoing an anti-refugee outburst, and Quebec's moment came while many of its advocates were gathered in Winnipeg. A solution was adopted to respond to the wave of anti-refugee media and the announcement that a wide range of services (legal aid, health, welfare) offered claimants were about to be cut.

IDENTITY DOCUMENTS. The resolution taking the prize for length was the one on identity documents which required a whole page to set out the problem. The CCR welcomes the news that the Minister intends to resolve the problem of accepted refugees without ID who cannot be Landed. It is not clear however whether the solution is going to work for everyone affected. And proving identity is also a significant problem for many people trying to be reunited with their family overseas. A new problem may also be created if the Minister goes ahead with the idea of questioning the credibility of claimants who arrive without identity documents (the resolution roundly opposes this).

REMOVALS. The CCR has long been concerned about how Immigration decides whether it is safe to deport refused refugee claimants. This time, a resolution adopted focusing on the shadowy "Advisory Committee on Country Conditions for Removals" (which seems to declare countries safe without any reference to widely available reports condemning their human rights abuses. The resolution also highlighted deportations to Somalia and Iran and called for their suspension.

Janet Dench is the Working Group Coordinator at the Canadian Council for Refugees.

REFUGEE UPDATE

Is published quarterly by Jesuit Refugee Service/Canada a Project of the Jesuit Centre for Social Faith and Justice

EDITORIAL BOARD: Sharry Aiken, Kevin Arsenault, Tom Clark, Sam Ifejika, Elsa Musa, Francisco Rico,

EDITOR: Ezat Mossallanejad.
CONTRIBUTING EDITORS: Marty Dolin, Bill Frelick, Marie Lacroix, Bruce MacLeod, Betty Miller, Adeena Niazi, Rabbi Gunther Plaut, Nancy Pocock, Mark Raper, SJ, Cecile Rousseau, Jerry Vink, Annie P. Wilson, Hassan Yusuf.

ART DIRECTION: Patti Spezzaferro.
GRAPHIC: Bogos Kalemkiarian, Mansoor Shams.

EDITING: Tony Cosentino.

SUBSCRIPTIONS: 1 year/4 issues individuals: \$10, institutions \$14, 2 years/8 issues individuals \$20, institutions \$28 bulk (20 or more) - \$1/issue.

J E S U I T
**REFUGEE
SERVICE**
C A N A D A

947 Queen Street East, Toronto, Ont.,
M4M 1J9 Canada, Tel: (416) 469-
1123, Ext. 203; Fax: (416) 469-3579
-mail: Jesuit@web.apc.org