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Refugee Update

INSIDE

Canada's New Refugee Law: A Four Month Report Card

Canada's new refugee law has been in force since January, 1989. The government made many promises about the new law. Some of the promises are set out below in extracts from an April 21st, 1989 speech by Mr. Gordon Fairweather, Chairman of the Immigration And Refugee Board, to Family Services Saint John, New Brunswick.

Refugee Update has compared these promises to the reality faced along each step of the way by refugee claimants in these first four months. The grading system is that used by The New Internationalist in its country profile reports: excellent; good; fair; poor; appalling.

STEP #1: Making The Refugee Claim — POOR

"Now Canada has set up a system to hear refugee claims that is designed to be fair, humane, and that is also designed to function within a reasonable time.

A person may make a claim to refugee status at any Canadian port of entry or at a Canada Immigration Centre within the country." (Gordon Fairweather)

Most refugee claimants make their claims at so-called "ports of entry" (border/airport). The system there is not always fair.

Immigration officials conduct an "examination" of the refugee claimant. The person is required to answer all questions but is denied the right to counsel. Questions are asked about the basis of the person's refugee claim and notes are made of the information obtained. These notes are later used at the screening inquiry to contradict refugee claimants and undermine their credibility.

STEP #2: The Screening Inquiry — POOR

"The whole system is also intended to be non-adversarial..."(G.F.)

To the contrary, at their first inquiry, many refugee claimants face a harshly adversarial system. They must prove to the inquiry panel, made up of an immigration adjudicator and a member of the Refugee Board, that there is some credible basis for their claim. In cases where the Immigration Department contests credible basis, the task of the Case Presenting Officer (prosecutor) is to discredit the refugee claimant. Refugee claimants are cross-examined in every sense of that word — the process is anything but non-adversarial.

There are often problems with translation as well. This raises numerous difficulties in this adversarial setting where the refugee claimant is expected to account for any variation between inquiry testimony and border/airport examination notes.

Finally, it is worth noting that even though a positive decision from either member of the panel allows the claim to go to a full hearing, the burden of proof is all on the refugee claimant. And, as a recent Superior Court decision in Quebec points out, some refugee claimants are being forced to prove that their claims are "credible"rather than that there is "any" credible basis upon which their claim "might" be accepted.

The result is that 180 people have been "screened out" and ordered removed from Canada without a full hearing of their refugee claims. If decisions continue at this rate, this year alone over 500 refugee claimants will be turned away without a full hearing.

The First Four Months — At A Glance

Refugee Claims Opened		2806
Accepted	773	
Withdrawn	122	
Denied A Full Hearing	180	
Rejected At Full Hearing	55	
Total Not Accepted	357	
Undecided	~~1130~~ 1676	

Source: Immigration And Refugee Board, May 1, 1989 Press Release

STEP #3: Designated Counsel FAIR

"The new rules have been designed to ensure that claimants have the full protection of Canada's Charter of Rights and Freedoms. This includes the right to counsel which, if necessary, will be provided at the initial hearing at government expense." (G.F.)

The wording of this promise masks the real intent of the "designated counsel" rule. The real objective of the provision of legal counsel at government expense is to speed up the inquiry process and ensure a revolving door image which acts as a deterrent factor to other potential refugee claimants.

The government has prepared a list of "designated counsel" which it can impose on refugee claimants at any point. There are some very competent and caring lawyers on the list. But there are also many who are inexperienced in immigration matters and not particularly informed on refugee matters.

The designated counsel rule is being criticized by refugee rights advocates. To cite this as one of the ways the new law complies with the Charter of Rights and Freedoms is very disturbing. Constitutional experts testified before Parliamentary hearings as to the many ways in which the new law violates the Charter. That is the basis for the Court Action taken by the Canadian Council of Churches to remedy the defects in the law.

STEP #4: Appeal From Screening APPALLING

"And, even if a claimant has been removed, there remains a right of appeal, with leave, to the Federal Court. If the Court grants the appeal the federal government will return the claimant to Canada, at the government's expense." (G.F.)

This promise is misleading. The use of the word "appeal" gives Canadians the impression that the Federal Court can review the merits of the case and intervene if it disagrees with the decision. The law really only allows a technical review by the Federal Court designed to ensure there have not been gross irregularities in the processing of the case. There is no jurisdiction for the court to intervene on the merits.

In any case, the law provides that refugee claimants can be "screened out"at the inquiry, denied a full hearing of their claim and removed from Canada as early as 72 hours thereafter. A review to the Federal Court for refugees returned to countries where they face persecution is of little value. The promise to pay their transportation costs back to Canada is, at best, too little too late.

In the absence of a proper appeal, lawyers have gone to the Superior Courts and obtained writs of habeas corpus to temporarily halt deportations. But this is not something provided for in the law. And it is still not clear for how long this protection will hod up.

STEP #5: Full Hearing Before Refugee Board FAIR

"Again, in keeping with the belief that the benefit of the doubt should go to the claimant, the process requires both members to agree that the claim should be denied. If one member thinks that the claim is well founded, the claim is granted." (G.F.)

The acceptance rate of refugee claimants before the Refugee Board is encouraging. At May 1st, 1989, of the 828 decisions by the Refugee Board, 773 (93%) had received a favourable decision. 55 (7%) were denied.

However, these statistics can be misleading and distract people from the fact that many refugees wanting to claim protection in Canada have been "deterred" or "screened out" prior to the Refugee Board stage. New efforts overseas are being made by the Canadian government to screen visitors (who might make refugee claims once here) and to train airport personnel in intercepting refugee claimants without proper documents.

Statistics show that refugee claims since the new law came in are down over 50% from last year. This is on line with the projections made by the Immigration Department in its guidelines (the "Perfect Plan") for applying the law.

As far as the benefit of the doubt, something should be said about the quality of the members on the Refugee Board. More and more complaints are being heard in this regard. The fact is that some of the members were appointed not because of any expertise in the refugee area. Former Conservative party candidates, relatives of politicians and other patronage type appointees seem to be now surfacing as problems in the quality of decision making.

STEP #6: Appeal from Refugee Board APPALLING

"The right to appeal is also guaranteed, and this will pertain to questions of law, not to the second-guessing of the facts on which the refugee claim was based."

"As its Chairman, I speak for the entire Immigration and Refugee Board when I say that we will make the rules and procedures as fair and open as any in existence anywhere in the world."(G.F.)

This promise names the "appeal" from a negative decision of the Refugee Board for what it really is — a limited review of the legal points of the case. Again, there is no appeal on the merits of the case: no second - guessing, as Mr. Fairweather puts it.

The International Council Of Voluntary Agencies (ICVA) in a submission to the Executive Committee of the United Nations High Commission For Refugees (UNHCR) in October, 1988,concerning Canada's new law, states:

"This denial of appeal is to our knowledge unique amongst all the countries of the world with refugee determination systems."

STEP #7: Removal From Canada **APPALLING**

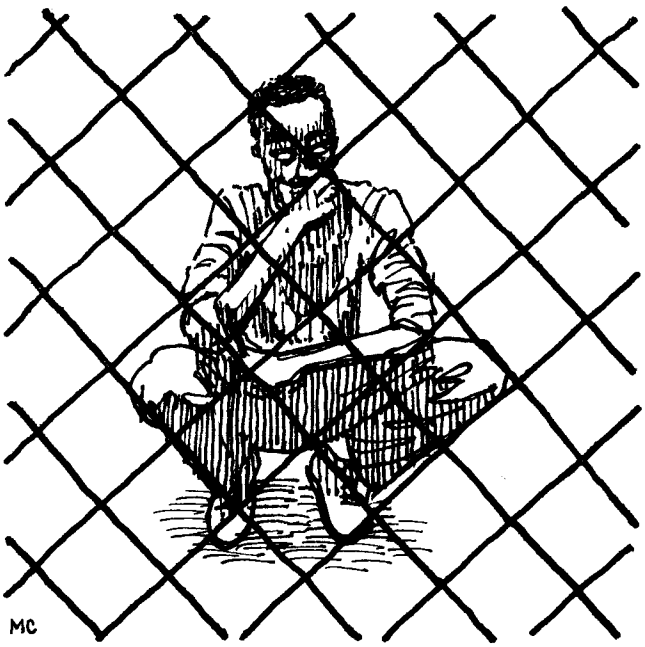
"In no case will genuine refugees be returned to a country where they fear persecution" (G.F.)

This broken promise is now at the heart of the opposition to the new refugee law. The tally of refugee claims turned down is rapidly growing: 178 no credible basis; 2 not eligible; 55 rejected at full hearing. The total is 235 refugee claimants deported or facing imminent deportation. 180 have not had a full hearing of their case.

Amongst these 235 people are refugees who will face detention, torture and even death when returned home. Refugee rights workers have personally met many of these refugees and verified the genuineness of their fear of persecution. Yet 84 people have already been sent back to countries like El Salvador, Ethiopia, Guatemala, Honduras, India, Iran, Lebanon, Somalia, Sri Lanka etc.(Montreal Gazette, May 6th, 1989)

Overall Rating **POOR/APPALLING**

It may be that Canada's new refugee law is speedy and efficient.But its record for justice and compassion is very poor. There have already been refugees deported to countries where they face persecution. And from all appearances there will be an ever mounting human toll in future months.



Court Action Moves Ahead!

On January 3rd, 1989 the Canadian Council of Churches began an action against the Federal Government and the Immigration Department in the Federal Court of Canada. The Court Action alleges that approximately 88 provisions of the government's new refugee law are unconstitutional and in violation of the Charter of Rights and Freedoms.

The government responded with a motion to throw the action out of court on the basis that the churches do not have a sufficient interest in the matter to warrant "standing"before the court and that it is refugees themselves that should bring such an action. It also argued that the action would undoubtedly fail as the new law does comply with the Charter and, as such, the case should not be allowed to proceed.

On April 26th, 1989 the federal Court rejected the government motion and ordered that the action be allowed to proceed. The reasons for judgement included the following:

"In this case, one of the plaintiff's specific mandates is the coordinating of church policies and actions related to the protection and resettlement of refugees both within and outside Canada. The plaintiff is involved in direct assistance to refugees and refugee claimants. In my opinion, this involvement in the refugee process on the part of the plaintiff, as well as the criminal sanctions which members of the plaintiff may face under certain circumstances outlined in the impugned legislation are sufficient to lead to a finding that the plaintiff does indeed have a genuine interest in the constitutional validity of the legislation."

"Finally, I am satisfied that there exists no reasonable, effective or practical manner for the class of persons more directly affected by the legislation, that is refugees, to bring before the Court the constitutional issues raised in the plaintiff's Statement of Claim. There is little question that the new legislation has accelerated the procedure for those persons making application for refugee status in this country. Such applicants are subject to a seventy-two hour removal order. In that short period of time an applicant must consult with counsel; a procedure which in itself may take a fair amount of time due to language barriers and the difficulty of a solicitor establishing a proper solicitor -client relationship with an individual who, in some instances, may be from a country where human rights have been disregarded and who is understandably slow to trust anyone in authority."

As I read the plaintiff's Statement of Claim, it raises serious, justiciable issues as to the constitutional validity of some of the provisions of the Immigration Act and the amending legislation, concerning refugee's right to counsel, arbitrary detention of certain classes of immigrants entering the country, a

refugee's right to life, liberty and security of the person, and criminal sanctions imposed in some instances on those who assist refugees and immigrants, to name but a few."

This is good news for Canadians concerned for the rights of refugees.

The bad news is that the government has decided to appeal this ruling. This will involve more time and expense. Instead of allowing to take its normal course through the courts so that a proper determination as to the validity of the law can be obtained as quickly as possible, the government is looking for technical ways to block the Churches from proceeding.

The Backlog: Waiting For Refuge

On December 28th, 1988 Immigration Minister Barbara McDougall announced that there would be no "amnesty" for the backlog of 85,000 cases stuck in the old refugee determination system. She promised there would be a programme to clear the backlog but that **there would be deportations.** This struck fear through the refugee claimant community and those supporting them.

The details of the programme are now public. Experienced immigration lawyers estimate that the programme will result in 40,000 people forced to leave Canada. The Immigration Department says the figure will be much lower — about 20,000.

The programme guidelines set out the following process:

Front End Humanitarian and Compassionate Grounds

All claims in the backlog will pass a humanitarian and compassionate test before going to the hearing stage. This "front end H and C" review is extremely limited, looking at whether any "family class" relationship exists with a permanent resident of Canada. This means that those who have married permanent residents of Canada, or who are never-married children of permanent residents, will be allowed to apply for landing without going through the hearing.

Backlog Hearings

Those cases not accepted in the front end H and C review, will be decided at a Backlog hearing before a two-member panel composed of an Immigration Adjudicator and a Refugee Board member. They will decide if there is "any credible basis" for the refugee claim. A positive decision by either panelist suffices and the person may apply for landing.

Yes, this is the same test which is being applied at the screening inquiry under the new law — the test which has given rise to so much concern because it is often used to attack the "credibility" of the claimant and not to determine whether he or she has "any" credible evidence which "might" lead to acceptance.

Backlog hearings are supposed to begin in July or August, 1989. The Backlog will be processed in the following order:

- "Group 1"—This covers about 30,000 people who had completed their Examination Under Oath (EUO) under the old law. A special team was set up in March, 1989 at Immigration National Headquarters to begin reviewing these transcripts and make a recommendation as to whether there is a credible basis to the refugee claim.

If the recommendation is positive, it is submitted to the Backlog hearing panel for formal approval. Apparently there is no need for the claimant to appear.

If the recommendation is negative, the person will have to appear and testify before the panel.

- "Group 2"—This covers about 6,000 people who arrived between May, 1986 and February, 1987 and were issued Minister's Permits because they were from countries on the old B-1 list. B-1 was a list of 18 countries to which Canada would not deport people because of large scale human rights violations or high levels of civil strife. The list was abolished by the Conservative government in February, 1987.

The largest number of claimants in Group 2 are from El Salvador, Guatemala, Sri Lanka, and Iran.

- "Group 3"—This covers about 12,000 people who had received their "first inquiry" under the old law but had not completed their examination under oath.
- "Group 4"—This covers the last 37,000 people who had not yet received their first inquiry under the old law.

The hearings will take place in a few major centres across the country. In Ontario, there will be two locations for hearings, one in Toronto and the other in Mississauga. People are expected to make their own way to the hearings and to arrange their own accommodation if they are coming out of town.

It is important to know that exceptions to this order of processing can be made where family members overseas are in need of protection and an expeditious decision is required to allow family reunification.

Back End Humanitarian and Compassionate Grounds

A second humanitarian and compassionate grounds test will be given to those who, after their hearing, are not found to have a credible basis to their claims. While this test is less restrictive than the "front end" test, it will still be very strict. Those who fail the hearing and this second H and C test, will face deportation.

The "credible basis" test, which has already led to the deportation of people with strong refugee claims under the new law, will now be used to cast doubt on the stories of those in the backlog. This raises several

troubling questions.

Will evidence presented in an examination under oath as long as three years ago be dissected and used to call the credibility of claimants into doubt? With the burden of proof resting on the claimant, will the decision makers give the person the benefit of the doubt where no hard "proof" can be provided but where the fear is genuine?

Will those in Group 1 who do not receive the recommendation of the special team face a higher burden of proof than others in the system? And what fate awaits those whom the human decision makers wrongly determine to have no credible basis to their claim when their is no meaningful appeal available to right a wrong decision?

The mass deportations expected under the Backlog clearance programme will surely be a blight on Canada's reputation. They will serve to brutally disrupt the lives of many who have begun to put down roots here and started contributing to life in Canada.

These concerns give rise to a responsibility to assist those in the backlog. Everything possible must be done to direct them to competent counsel to assist them through the process. And efforts must be made to monitor the results to ensure that no one is deported who might face persecution.

Reflection

"The distinction between refugees for political and for economic reasons is not helpful and is actually misleading. Central Americans flee their countries to flee repression and the understandable fear of being its victims. More and more, because of the overall deterioration of their countries, they flee simply to be able to survive."

—Jon Sobrino S.J.

Coming to Canada: Testimonies of Courage

Applying Overseas

The Canadian government argues that refugees should apply to come to Canada through its embassies overseas rather than coming to the border as claimants. Here is the story of one person who tried the embassey route:

Antonio

My name is Antonio. I am from El Salvador. I am 29 years old and I was a teacher in my country. I am married and have a 6 month old baby. My wife is a teacher as well.

I taught at the University in San Salvador. I was also involved in popular education at a local school in my community. I helped organize community groups and worked closely with the churches forming base communities.

I was also a member of Andes, the teachers union in El Salvador. Members of a Canadian teachers' union visited me at the local school last year.

On January 29th, 1989 I received the first of 3 death threats. They were letters from ARDE (the "death squads") saying that I was a communist because of my association with the union. The letters said that if I did not leave the country as soon as possible, ARDE would issue orders to its "commandos" for a "settling of accounts."

On January 31st, 1989 I went to the ICM (International Commission for Migration) offices in San Salvador. They handle refugee claims for the Canadian and Australian governments which do not have embassies in El Salvador. I arrived at the offices at about 7:00 A.M. — there were about 300 to 400 people in line.

I entered the building at around 10:00 A.M.. A while later I was interviewed by a woman.

I explained to the woman about the death threat and that I had to leave the country as soon as possible and wanted to come to Canada. She explained that it

would take from one to one and one-half years to get a visa to come. She asked me if I could wait that long. I replied, "Only in my grave".

She explained that the other possibility was to come directly to the Canadian border through the United States. On February 25th, 1989 I left for the United States. I could not bring my wife and child and they are with our parents in El Salvador. I have had my first inquiry and am waiting for the full hearing of my refugee claim.

Antonio

Arriving At The Border

Mr. Gordon Fairweather, Chairman of the Immigration and Refugee Board, promised that the new system would be fair and humane. Here is the story of one family who found otherwise.

Maria

My name is Maria. Paulo and I have 2 daughters, Suzanna, who is 11 years old, and Daniella, who is 14 years old. We all fled El Salvador in October, 1988.

I worked as a health promoter in El Salvador. My husband was a community organizer. We were both involved in the Christian community in our village. This kind of work is very dangerous in my country. We have had family and friends killed by the death squads. Last month a bomb went off in my father's home and he was seriously injured. Recently my brother-in-law was shot.

We lived in Los Angeles for about 6 months. But we had wanted to come to Canada from the beginning. Living illegally in the United States is very difficult. We didn't want to apply for refugee status there. They don't accept cases from El Salvador.

Finally, we borrowed the money to come to Canada. We flew to a U.S. city near the border and took a taxi to the border. But when we were only 10 feet from the Canadian side a man with a gun, from the U.S. border patrol, stopped the taxi and began to question us. He arrested us and brought us to an immigration office for questioning.

The man wanted us to sign a form which said that we would "voluntarily" go back to El Salvador. We wouldn't sign and he got angrier and angrier. He took us to another office and two other officers were there. They all tried to get us to sign the form.

I was crying and explaining that we could not go back to El Salvador because we would be killed. They said that if we signed the form they would not send us back but would let us continue to Canada. But we didn't want to sign a form saying we would voluntarily go back to El Salvador.

They began to yell and swear at us saying "stupid Latinos" and "son of a bitch" and "fuck" and the first man pounded his fist on the table and kept touching his gun. They said if we didn't sign the form they would deport us to El Salvador that night...that they could deport us whether we signed or not.

They brought us to the Canadian immigration office at around 10:00P.M. that night. Suddenly the U.S. border patrol man was very friendly to the Canadian immigration people.

The Canadian immigration people filled out forms and asked us about our refugee claims. Then they told us we would have to go back to the U.S. and wait one month before we could have an inquiry in Canada. We didn't want to go back but some friends who had been waiting for us in Canada told us it would be alright and we would be allowed in to the U.S. to wait for the inquiry.

But it wasn't alright. We went back in a taxi but the U.S. immigration detained us again. They made us wait in a room for 7 hours. Again we thought we were going to be deported to El Salvador. I was crying again. We were cold and hungry. There was no food or blankets. We had to be on the floor while people walked around us. They treated us like we were animals.

Finally, they let us back in to the U.S. We are now waiting for our inquiry in Canada.

Maria

Commentary

McDougall Says Racism Curbing Immigration
"Canada must deal with its growing racism problem before throwing its doors open to more immigrants," Immigration Minister Barbara McDougall says. "Canada as a society is becoming increasingly racist," she told a group of newspaper reporters.

—*Toronto Star*, April 5, 1989

This kind of statement makes great headlines for the Minister. It projects an image of the wise matriarch above the partisan fray, sensitive to all opinions. It suggests no particular agenda on her part, only the solemn responsibility of having to make a judgement on what is in the public's best interest. This is the "it's-a-tough-job-but-that's-why-you-elected-me" scenario. The public is projected as dull or witless at best.

Such a patronizing statement is especially maddening for Canadians who support the rights of refugees. For one thing it obscures and deflects attention from the Conservative government's relentless attack on refugee rights. Secondly, it denies the government's own responsibility in contributing to racism in Canada. Does the government believe that calling a National Emergency when 174 homeless Sikhs arrived by boat in July 1987 helped fight racism in Canada? Thirdly, such a statement suggests that in other circumstances, for example, a less racially hostile climate, the government would support a more open and conciliatory policy. Doublethink anyone??

In this case, the public has been fed a "head" line that racism among Canadians is thwarting the Minister's best intentions toward expanding our immigration policy. If only there were such intentions!!

While we are on the subject of refugees portrayed in a negative image, consider a recent warning from the World Council of Churches. In the latest issue of "Refugees", the WCC reports on the TREVI group: Terrorism, Radicalism, Extremism, Violence International. The group is made up of police department heads from the twelve European Community states. Their mandate is to formulate concerted action against terrorism, drug traffic and illegal immigration. The WCC condemns the linking of asylum issues with terrorism and the drug trade because "... it provides the political atmosphere in which mechanical models, deterrent policies and negative images flourish...The atmosphere evoked by the TREVI Group leads to asylum seekers and refugees being characterized as criminals or potential terrorists in the public eye. In addition, TREVI leads to the general danger of considering a foreigner as something bad."

Back to Ms. McDougall's comments. They remind us of similar one's by her predecessor, Jerry Weiner, as he promoted Bills C-55 and C-84:

"Recent groups of Turks and Central Americans flooding Canada and a rumors of a boatload of Tamils following in their wake have aroused public fear and prejudice, says Gerry Weiner, Minister of State for Immigration."

The government's strategy, revealed in the inflammatory remarks of Mr. Weiner, sought to pit immigrants separated from family abroad against newly arriving refugee claimants. The outcome would be twofold: the public would sympathize with immigrants against the refugee claimants. This would mean support for the bills. Secondly, the government's responsibility for denying family reunification to recent immigrants would be obscured and that policy would be left intact.

In the current case, Ms. McDougal has less of a selling job to perform. The bills are now law, the number of claimants has declined, the media clamour has subsided. So why is the Minister resorting to the racism bogey again at this time? Probably for mere convienience. Despite their best efforts to sweep problems with the new law under the rug, the government is up against stiff opposition from the Churches and the Vigil Network. Her comment on "our" racism served to put herself and the government on the side of goodness and light against the racists, once again obscuring the arguements of those who support refugees and oppose the law.

The important question to ask is, how do we respond to Ms. McDougal's comments on racism? How can we turn the issue around? After all, why is the Minister allowing racism, (in her words) to determine immigration and refugee policy? What kind of moral leadership do these statements reveal about the Minister and her government? What steps is the Minister taking to counter the racism she feels is so rampant?

The lesson we learned from our opposition to Bills C-55 and C-84 is that political pressure is the only language spoken or listened to by this government. Immigrant and refugee organizations quickly got together and went public in their condemnation of Mr Wiener's apparent divide-and-conquer tactics. And from that initial linkage, the National Coalition for a Just Refugee and Immigration Policy grew to include church, immigrant, labour, women, legal, and human rights groups throughout the country. The Coalition did not stop the bills, but it did raise consciousness and it forced the government to reveal its hard-nosed agenda to deter and control refugees at any or all costs.

Just as the Coalition had to link with other sectors to counter the government's message on the bills, so now we must reach out beyond our own communities and build alliances. Mr. Weiner's statement showed us who to start working two years ago. Perhaps behind Ms. McDougal's comment is a similiar lesson.

Update • Urgent Action Update • Urgent Action Update • Urgent

Here is an update on the status of some of the 235 refugee cases rejected so far under the new law:

• "Hussein" Case (January, 1989)—This young Ethiopian man was rejected at the screening inquiry and denied a full hearing on grounds of no credible basis for a refugee claim. He says that his father, mother and sister have been killed or disappeared in Ethiopia and that his brother is living in a refugee camp in Somalia. People concerned for refugees demonstrated on his behalf in front of the detention centre in Niagara Falls. Lawyers obtained a temporary writ of habeas corpus blocking the deportation and his case is on hold until the Court makes a final decision. Refugee rights activists posted a $5,000 bond to release Hussein from detention while his case is being decided.

• "N.P." Case (February, 1989)—N.P. is a young woman from Iran who was rejected at the screening inquiry on credible basis. Lawyers applied for a writ of habeas corpus but were denied. This has been appealed to the Ontario Court of Appeal and its decision will affect all the other habeas corpus cases. Because of the importance of this case the other cases in Ontario have been adjourned until this decision is in. The decision is expected soon.

• "E.J." Case (March, 1989)—This case involves a young Salvadoran man rejected at the screening inquiry on credible basis. His claim was partly based on an unwillingness to serve in the Salvadoran military. He was deported directly to El Salvador breaking a long standing tradition of not deporting people to this country, known as one of the world's worst violators of human rights. Refugee rights workers in Vancouver are attempting to keep in touch with E.J. in El Salvador.

• "S.M." Case (March, 1989)—S.M. is a Salvadoran who was rejected after full hearing by the Refugee Board. His case is partly based on his work with Fenastras, an important union in El Salvador. He has filed for leave to appeal to the Federal Court in New Brunswick and is awaiting a decision.

• "Ricardo S." Case (April, 1989)—This case involves another Salvadoran claiming refugee status partly because of refusal to serve in the Salvadoran military. He was rejected at the screening inquiry on credible basis. A habeas corpus was obtained but the Immigration Department deported him to the United States. There was a public outcry and a special permit was issued allowing him to be released from detention in the United States and return to Canada to await a final decision on his court proceedings.

• "M" Case (April, 1989)—"M" is a young Somali whose refugee claim is based on the disappearance of his father and his own arrest and torture. He was rejected at the screening inquiry on credible basis. He was detained by Immigration in Montreal.

While in detention, he was brought to the Somali Embassy in Ottawa to be "documented". He was then deported to Belgrade, Yugoslavia. He called friends to say he had been beaten by Yugoslavian police. He was sent by Yugoslavia to the United Arab Emirates which also rejected him. He was finally returned to Somalia. Reports are that he was immediately detained there.

People are very concerned for his safety, especially since Amnesty International has documented the cases of 5 young Somalis who were recently deported from Egypt where they had claimed refugee status. All 5 were arrested and detained incommunicado upon their return to Somalia. Reports from unofficial sources are that Sugal Roble, one of the 5, has died in detention, allegedly as a result of torture.

• "Abdi" Case (April, 1989)—This young Somali was rejected after a full hearing before the Refugee Board. The case is based on the disappearance of his brother and father who were involved in opposition to the government. He also says he was arrested and tortured. He escaped after his mother bribed a guard. He has filed an application for leave to appeal to the Federal Court in Montreal and is awaiting a decision.

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Editorial team: Peter Bisson, Steve Foster, Colin MacAdam.
Contributing writers for this issue: Rob Shropshire
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Refugee Update; c/o The Jesuit Centre; 947 Queen Street East; Toronto, Ontario; M4M 1J9
telephone: (416) 469-1123