

# Refugee Update

A Joint Project of the Jesuit Refugee Service/Canada and the Canadian Council For Refugees.

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## EL SALVADOR: CRUCIAL MOMENT, CRUCIAL CHOICES

"The choice was either join the rebels or get out. I don't know how to use a gun and I have four children."

Thus did Juan characterize the decision to leave his life in El Salvador and come to Canada. A lawyer, active in the leadership of popular movements in El Salvador, Juan knew his time to leave had arrived when he learned of the murder of the six Jesuit priests at the University of Central America, among whom was his close friend Father Ignacio Martin-Baro.

The choice which Juan faced is a familiar one. Women and men who have worked hard to bring about change in El Salvador, who have risked so much to bring peace to this war-torn country, now find themselves forced to hide and to flee from a wave of persecution which is relentless and murderous.

On November 11th, the decade long civil war took a sudden, vicious turn as full-scale fighting broke out in San Salvador. The offensive by the rebel forces of the FMLN in the capital provoked a violent and brutal repression on the part of the military backed government of President Alfredo Cristiani. Reports from the capital by church workers and other non-governmental organization personnel indicate that the armed forces and the death squads linked to the army used the current military situation as a pretext either for arresting or killing leaders of popular and church-based movements.

The murder of the six Jesuits is but one example of a wider pattern of brutal repression. The arrest and expulsion of international aid workers, such as Rev. Brian Rude and Karen Ridd of Canada, is part of this wider pattern, as the government systematically eliminates all potential international witnesses to what many fear will be a bloody settling of accounts.

## A Country Racked By War

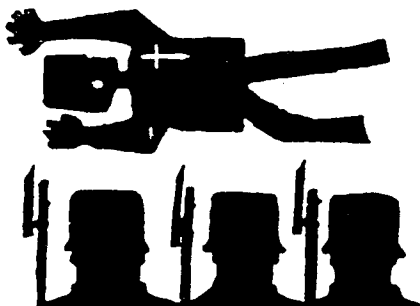
In a region which has known much conflict and violence, El Salvador has the unenviable reputation of being the most significant refugee producing country in Central America. Estimates vary, but between twenty-five and twenty-nine per cent of the Salvadoran population either have been displaced internally within the country or forced to flee and seek refuge beyond their borders. Salvadoran refugees, discounting those internally displaced, number between 700,000 and 1,200,000. The majority have gone either to the United States or to Mexico. Smaller numbers have made their way to Canada.

The explosion of violence in the capital only served to illustrate the vulnerability of the general population. One eyewitness described the situation in the following way:

"Today as I stood on the balcony of the office of Archbishop Rivera Damas, while waiting for him to sign a letter opening various parishes as refugee centres, I will never forget the image of those Push and Pull airplanes, plane after plane, circling, diving, and

ettisoning their rockets into the heavily populated areas of Zacamil and Mejicanos. At the same time a C-47 Hercules was machine-gunning down on those same populations. Both were doing it from such high altitudes, which would make 'accuracy' all that much more difficult. The noise and destruction of death was terrible."

It is against this background of generalized violence that applications for passports in mid-December reached a high of 4500 a day, as people attempted to escape the ravages of the war. And it is against this same background that the Cartagena Declaration of 1984, made by the countries of Central America, in which the definition of refugees was given expanded meaning, takes on even sharper relief. According to the declaration, refugees are those who flee "their country of origin because their lives, safety or freedom are threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."



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### The Canadian Government Response

The Canadian government's response to the crisis was initially very active. As chance would have it, when fighting broke out in the capital on November 11th, a visa officer from the Canadian embassy in San Jose, Costa Rica, happened to be in San Salvador on a regularly scheduled visit. For five or six days consecutive the officer worked out of a hotel, processing people's requests seeking asylum in Canada. Due in large measure to this effort, within two weeks of the outbreak of fighting, about one hundred people had been granted Minister's permits to come to Canada.

After about a week, the visa officer who had been in San Salvador was replaced by two others who were sent in with a good supply of Minister's permits and visitors visas, and instructions to work quickly to get people like Juan out. However, reports in the first week of December from the capital indicated that the Canadian response time had slowed considerably, and that instead of the two people processing claims, only one person was doing that work while the other visa officer was doing a "needs assessment". The result was that Salvadorans needing to get out of the country quickly were getting caught up in a backlog.

The latter part of December brought hopeful news that there could be some clearing of the bottleneck. The Inter-Governmental Commission on Migration (ICM), through which Canada processes refugee claims in El Salvador, hired more people to staff its office in San Salvador, with the objective of creating a more effective screening of applications and allowing Canadian officials to see people with urgent protection needs the same day they presented themselves.

### Reaction of Refugee Advocates

Canadian refugee support groups have followed the situation in El Salvador very closely. While praising the initial government response, refugee activists have voiced concerns about the insufficient level of staffing in San Salvador given the magnitude of the problem. The Canadian Council for Refugees (CCR), at its annual general meeting in Montreal, called on the government to increase its staff in El Salvador, to process urgent protection cases, to process family reunification cases originating with Salvadorans in Canada, to remove the



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necessity of a visa, and to waive passport requirements for those persons in El Salvador needing urgent protection from Canada. For the CCR and its membership, a key point of contention is the continued visa requirement for all Salvadorans coming to Canada. In the absence of this requirement, people at risk could simply come to Canada and make their refugee claim, instead of having to stay in El Salvador and wait for a visa before leaving the country.

Refugee advocates have also expressed concern as the government seemed to backtrack on its commitment that the quotas for government sponsored refugees for the region of Central America would not apply in the case of El Salvador. Refugee workers in San Salvador have reported that Canadian visa officers in San Salvador have said that they would have to find private sponsors for the people they wanted to send to Canada because the government quotas were getting filled. And some even stated that Canadian officials in San Salvador agreed to get Salvadorans out of the country if the workers themselves found private sponsorships for other cases.

Though no longer the focus of media attention, El Salvador is still caught in a spasm of violence which will continue to force people to flee. In addition to the urgent protection cases, Canada can expect to receive requests

for asylum from people wishing to escape the state of generalized violence and terror, as well as family reunification requests from Salvadorans already in Canada. To meet this demand, the Canadian government will have to institute a special programme for Salvadorans and increase its staff in El Salvador itself. The adoption of such measures is not something the government is inclined to take very readily. The Canadian churches, through the Inter-Church Committee for Refugees (ICCR), have called on the government to increase the level of government assisted refugees to 40,000, and that twenty-five percent of those places should be allocated to people from Latin America. Instead, in the most recent levels announcement, the Minister of Employment and Immigration cut the Latin American levels for the coming year from 3,400 to 3,000. It is clear that public support will have to be mobilized to move the government in the direction of greater willingness to sponsor more people from El Salvador. The moment remains crucial and so do the choices.

#### **EL SALVADOR: WHAT YOU CAN DO!**

Write to:

The Hon. Barbara McDougall  
Minister of Employment and Immigration  
House of Commons  
Ottawa, Ontario K1A 0A6  
Tel.: (613) 994-2482

Request that Canada:

1. Maintain a continuous presence in San Salvador to process refugees needing protection;
2. Increase its levels for government sponsored refugees for Latin America to 3400 initially, and to whatever higher number is required as the situation dictates;
3. Implement special measures in 1990 to process family members of Salvadorans already in Canada;
4. Announce publicly a moratorium on deportations of Salvadorans.

## THE NEW LAW

### Safe Third Country: Significant Factors

Rumours within the refugee rights network as well as the immigration department are starting to circulate that the Conservative government is about to bring in its safe third country rule. This would prevent people from making refugee claims in Canada if they have travelled through a so-called safe country on their way to Canada.

Several factors will affect the government's final decision:

#### 1. The Number of Refugee Claimants

The number of refugee claimants coming to Canada is down significantly from last year. In the first eleven months of 1989, only 18,752 people made refugee claims, about half for the same period last year (total 1988 was 34,498).

Barbara McDougall, Minister of Employment and Immigration, says she is pleasantly surprised with how effective the new system has been "in turning off" refugee claimants from countries that have been notorious for producing manifestly unfounded claims, such as Portugal, Jamaica and Trinidad. Mrs. McDougall "continues to hope" that safe third country will not be necessary (*Globe and Mail*, Dec.7, 1989).

Though Mrs. McDougall has expressed satisfaction with the present system's performance, her own Immigration department's internal guidelines (the **Perfect Plan**) for implementing the new refugee law had predicted an 80% drop in claimants. Refugee advocates wonder how long a 50% drop will continue to be acceptable in light of the government's own targets? The imposition of the safe third country rule would certainly prevent a significant number of refugee claimants from coming to Canada.

#### 2. Canadian Public Opinion

Another key factor which will greatly influence the government's decision, as in the past, is the climate of public opinion.

Angus Reid conducted two polls for the Immigration department, one in May, 1988 and the other in February, 1989. Among the findings from the February poll, Reid concluded that:

"As was the case a year ago, approximately two-thirds of Canadians feel that the number of refugee claimants coming to

### Eleven Months - At A Glance

(January 1, 1989 to November 30th, 1989)

Claimants Awaiting Inquiry 6804

Inquiries Opened 11948

Withdrawn 387

Pending 6276

Completed 5285

*Accepted* 4217

*Denied Hearing* 558

*Rejected* 510

Total Refugee Claimants 18752

Overall Acceptance Rate 74.4%

(Rejection 18.8%;Withdrawal 6.8%)

Canada is 'increasing a lot'.

And on the question of safe third country:

"When focus group participants were informed of the safe third country issue, opinions were, as might be expected, divided. A minority of the focus group participants in both English and French Canada felt quite strongly that Canada should accept refugee claimants regardless of their point of origin, especially if they were subject to a difficult living experience in the 'safe third country'. These respondents were also concerned about the extent to which other governments (particularly the United States) 'could be trusted' to fairly handle refugee claimants.

"In contrast to this articulate and vocal minority, the majority of focus group respondents felt that refugee claimants coming to Canada from a third country should be sent back to that country. This opinion was most clearly expressed

in relation to individuals who arrive by plane or boat in to Canada from off-shore. Even individuals who had otherwise positive attitudes towards immigrants felt that a large number of the refugee claimants were, in fact, 'bogus' and that the Canadian government should immediately send these individuals back to the country from which they had come.

"Respondents to the quantitative survey were asked if they agreed or disagreed with the statement 'Canada should not accept refugee claims from persons who have an option to apply in a country where they did not face persecution'. Overall, approximately 60 percent of surveyed respondents agree with this policy -however, it should be noted that this is down sharply from the 74 percent who agreed with the same statement when it was raised in mid 1988."

It is interesting that the climate seems to be

changing on the question of safe third country. The real question is whether the shift is such that it could prevent the government from bringing in safe third country.

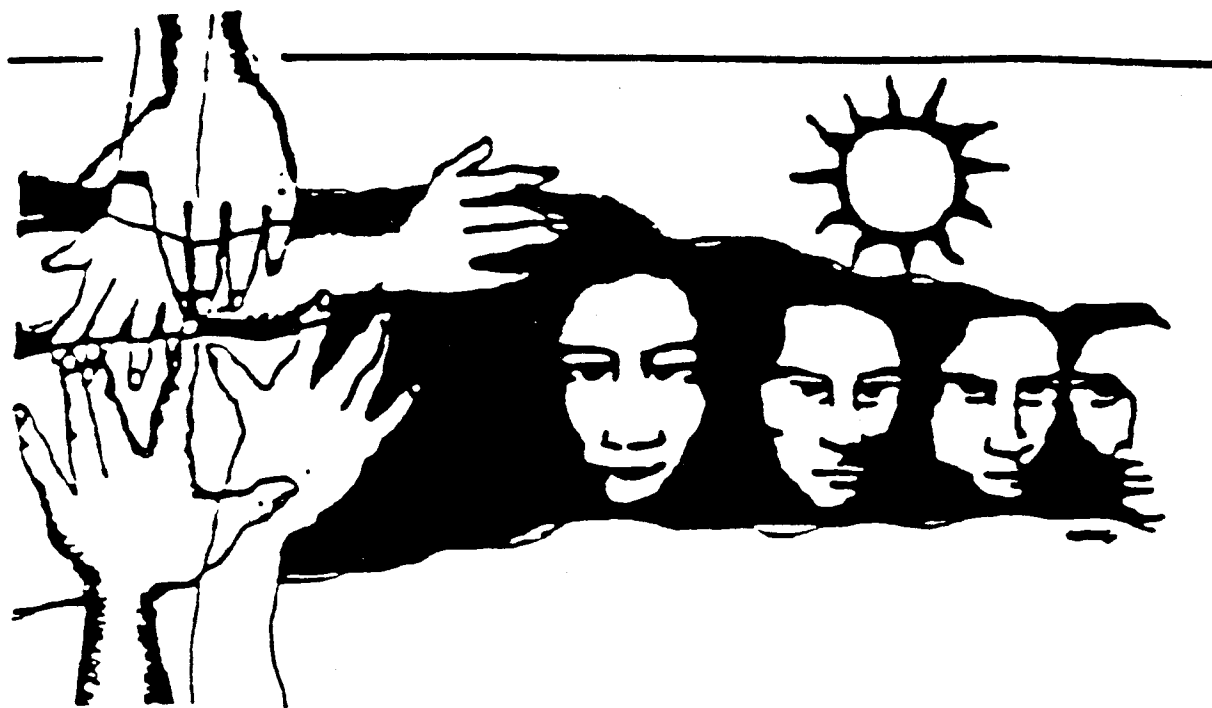
### 3. The New Backlog

Even though the overall number of claims is down, a new backlog is already starting to develop under the new law. The difference between the number of claims made and the number of inquiries opened reveals that this backlog has grown to 6804 cases. The average delay for an inquiry is now up to 3.8 months and can be as long as 4.7 months.

It is clear that the development of a new backlog would not be politically acceptable for the Conservatives and Mrs. McDougall. They sold the new law to the Canadian public on the basis that these backlogs arise from abuse within the system which the new law is designed to prevent.

### 4. The High Acceptance Rate

The statistics show that a very high



percentage of refugee claimants are being accepted under the new law.

This seems to be a cause for concern at some levels:

"Mr. Fairweather (chairman of the Immigration and Refugee Board) said he hasn't heard any 'threat' from within to impose the safe-country option but confirmed that the department is looking into the status of refugee claimants coming from safe third countries.

"I need to know that too and an analysis is now under way on that," he said. Mr. Fairweather added that he is also concerned about the so-called pull factor resulting from Canada's high acceptance rate of refugee claimants. The acceptance rate is around 95 percent. 'The drumbeat goes by fax now. It's no longer a smoke signal on a hill,' he said.

"One immigration official conceded that 'our acceptance rate could be a signal to source countries that Canada is the place to go...that we're an easy mark'."  
(Globe and Mail, Dec. 7, 1989)

### Conclusion

What conclusions can we draw about the rumours that safe third country is just around the corner?

Clearly, Mrs. McDougall is denying this, at least publically. However, internally there may be pressure mounting to bring in the missing link in the chain that was supposed to bring Canada's refugee claimant "problem" effectively under control.

All of this makes refugee advocates very nervous as the Minister refuses categorically to renounce using the safe third country provisions under the new law.

Canadians seem to favour the safe third country rule although less so than at the height of the government's anti-refugee campaign in 1988. It is certainly hard to judge how Canadians at large would react to its implementation.

It's all very difficult to pull together. It certainly looks like something is brewing but it may be a little farther off than the rumours indicate.

### COURT CHALLENGE UPDATE

The Federal Government has finally filed its Statement of Defence in the Canadian Council of Churches court action to strike down some 88 provisions of the new refugee law as unconstitutional and contrary to the Charter of Rights and Freedoms. The thrust of the defense is that any infringements on refugees' rights are totally justified:

"...if any provision of the Immigration Act referred to in the Amended Statement of Claim in any way limits the rights or freedoms of individuals, then any such limit is a reasonable one, prescribed by law, which is demonstrably justified in a free and democratic society, and is thus permissible within the provisions of the Canadian Charter of Rights and Freedoms."

The next step in the action is the appeal filed by the government on the question of standing. The government had filed a motion asking the court to dismiss the case on the basis that the Churches had no legal right or "standing" and that refugees affected by the law were the only ones who could take action. The judge hearing the case dismissed the motion in a strongly worded decision in favour of the Churches. However, the government appealed that decision. (What a shame that the government is forcing the Churches to spend all this time and money just to get the issues before the courts).

The appeal is now scheduled to be heard on Monday, January 23rd, 1990 in Toronto. Refugee advocates are welcome and encouraged to attend the hearing. Call Tom Clark at ICCR for more information. (416) 921-4152

## UPDATE ON URGENT ACTION CASES

(December 19, 1989)

The following are cases which the Toronto VIGIL network is working on at this date.

Anyone interested in helping out in any way should contact Esther Ishamura at (416) 861-0677.

\* "Ali S." is a Ugandan who failed his credibility test and is currently facing deportation. However, leave to appeal has been granted and the date for his deportation has been extended. Ali S., member of a wealthy Arab family, fled Uganda after his family had been victimized over a period a years by government harrassment, culminating in the death of his father, his uncle and his cousin at the hands of the army.

\* "Mr. R." is a 30 year old Tamil from Sri Lanka. Because of his support for the Tamil United Liberation Front (TULF), a moderate political party, Mr. R. has suffered various forms of persecution since 1977. In 1988 he was arrested by the Indian Peace Keeping Force and subsequently released on condition that he report information he might get about the Tamil militants. Faced with death threats from the militants if reported anything, he fled Sri Lanka. Mr. R. was refused refugee status at his full hearing before the Immigration and Refugee Board. He was also refused leave to appeal and a deportation order for December 14, 1989 was issued against him. A brief to the Minister has been prepared on his behalf.

\* "Mr. O." is 31 years old and a member of the Hawiye tribe in Somalia. Mr. O. has twice been the victim of attempts on the part of the armed forces to make him fight in the north, in

the civil war. Since he fled Somalia his father and a brother have been detained by the government. He was refused refugee status at his full hearing before the Immigration and Refugee Board. Permission to appeal the decision was refused and he has been ordered deported, though no date has been given.

\* "Mr. B.K." is from Iran and was forced to flee when neighbours reported that the Revolutionary Guards were searching for him. This followed the arrest, at his house, of a person who was living with him and who was a member of the Mojahedine, an opposition group in Iran. Mr. B.K. was refused refugee status after appearing before the Immigration and Refugee Board. Leave to appeal was also refused and he has been ordered deported at an unspecified date.



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\* "Mr. A. ", an Iranian, faces very harsh consequences if he returns to Iran. Among other things, he left Iran illegally, refused to perform his military service, and failed to report to the Revolutionary Guards after being ordered to do so. He has been refused refugee status at a hearing before the Immigration and Refugee Board. He has also

been refused leave to appeal and a deportation order was issued against him.

\* "Mr. K. "is from Ghana. Accused of arms smuggling and anti-government activities, Mr. K. was held by the military and tortured. His having been tortured was confirmed by a doctor working with the Canadian Centre for Victims of Torture. Mr. K. was refused credible basis and ordered deported. A leave to appeal application was filed on his behalf and has been granted.

\* "Mr. Frank" is from Ghana and was refused

credible basis. Leave to appeal was filed but to date no response has been received. A deportation order to the United States has been issued for December 21, 1989.

\* "Mr. Dominique ", also from Ghana, was refused credible basis and was called in on December 19, 1989 to prepare his travel documents. Leave to appeal was filed but he has received no response.

### Updates on Cases Mentioned in Refugee Update No.5

\* "Shanmuganathan Case": Shanmuganathan, from Sri Lanka, had his leave to appeal rejected. He was called in to prepare his travel documents and was detained. He was released on a large cash bond, and VIGIL Toronto has filed a brief requesting that he be granted a Minister's permit to stay in Canada.

\* "K.M.I. Case": K.M.I., who is from Pakistan, will be allowed to stay in Canada and has started the process towards landing.

\* "P.D. Case": He has received a Minister's permit.



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## COUNTRY REPORTS

### Haiti

Until recently there had been a freeze on deportations to Haiti and internal immigration directives specified that there were to be no removals there "until such time as the Government receives a clear briefing on the situation." In November, the Minister announced that deportations to Haiti would commence again.

Directly affected were hundreds of Haitians in the Montreal area who had been turned down under the old refugee determination system. About 50 of them were threatened with immediate deportation. An urgent action request was sent out through various refugee rights networks asking for pressure on the Minister.

The Minister announced that the deportations would again be suspended until the situation has been reviewed again. Thanks to everyone who wrote, called or telegraphed the Minister! Stay tuned for more news.

### El Salvador

The immigration internal directives for El Salvador read "the situation indicates we should proceed with extreme caution."

Following the escalation in the war in early November, some assurances were received from the Minister's staff that a de facto moratorium on deportations would be in effect. However, as of the middle of December, there had still been no public announcement made to that effect.

A public announcement is important not only to show the government's commitment to protecting refugees from El Salvador but also to alleviate the terrible anxiety suffered by all the Salvadorans waiting for answers to their refugee claims in Canada. There are about 8,000 Salvadorans in the backlog alone and many will not have answers to their claims for some time. A public announcement of a moratorium on deportations would help reduce the terrible stress on most of these people.



## COMMENTARY

### Who is protecting refugees?

In these days refugee communities across Canada face events in their homelands that spell only more dread and put farther off the dream of someday returning home. Famine is again descending on Central Africa. El Salvador and Sri Lanka are locked in terrible fighting.

At the same time, refugees can no longer rely on the same degree of international protection measures. The United Nations High Commission for Refugees (UNHCR) is currently experiencing the worst financial crisis in its history. Governments are wanting to put limits on their obligations. And some governments are advocating that more responsibility for refugees be shifted to the private sector.

What's at stake in all this is the international refugee system that was established after the Second World War. That system, enshrined in the UN Geneva Conventions, saw its signing nations agree that refugees were the responsibility of the entire international community and not just the countries or areas most affected. Without an enduring commitment to this principle, refugees would be without international security. In a recent special report, the World Council of Churches suggests "...we are witnessing the breakdown of this system and it is unclear what shape a new system will take. But the signs are not good."

Programming under UNHCR has been severely cut back in response to the financial crisis. This year's budget has been saddled with a \$40 million deficit carried over from last year. Over four hundred staff persons are slated to be let go. This will mean fewer protection officers in camps, fewer legal counselling services abroad, and a serious weakening of other protection functions.

There are clear indications that these cut backs in UNHCR programming have already eroded respect for its offices and mandate. During the recent fighting in El Salvador,

UNHCR offices were searched and ransacked by the armed forces. Staff have since pulled out of the country and are refusing to return until security assurances are verified by the UN head office in New York. Never in its forty-five year history has a UN office been so mistreated by a host country.

Behind arguments that administrative issues are the cause of the UNHCR crisis, there are indications that Western countries want to limit their international responsibility for refugees and give more attention to their domestic refugee situations. Margaret Thatcher's recent decision to go ahead with forced deportations of boat people from Hong Kong back to Viet Nam, despite worldwide protest, is the most recent and most disturbing example in the media of this trend. That Britain would charge the United States, its closest ally, with

hypocrisy and accuse them of having done the same thing for years to Central Americans, Haitians and others was indicative of how far some Western nations are willing to go in putting domestic interests ahead of international commitments toward refugees.

Some argue that this trend is a response to increased resettlement

in the West. Others suggest it is a by-product of newly emerging geo-political alliances. While still others suggest it is an aggressive action against Third World UN members who have been critical of Western members. In any case, the effect on refugees will be the same: less protection, and less concerted international support toward durable solutions.

The push toward "privatization" at UNHCR is an extension of similar domestic policies being advocated by many Western nations. For the year 1990, the agency is being asked to raise funds from non-government sources through professional fundraising from the general public.

Critics including the World Council of Churches (WCC) and the International Council

### REFUGEE RIGHTS DAY APRIL 4TH 1990

On April 4th, 1985, the Supreme Court of Canada ruled that refugee claimants had rights in Canada.

This year, Refugee Rights Day will again be celebrated on April 4th, 1990.

What will be happening in your community?

of Voluntary Agencies (ICVA), argue that privatization at the UNHCR will justify member nations taking less responsibility for refugee issues at the international level. They also suggest the cost of professional fundraising will eat up even more money that should be going toward protection functions. And finally, they fear the partnership between UNHCR and NGO's could deteriorate into a competitive relationship for private funding if the strategy goes ahead.

From the refugees' point of view, privatization will mean less political strength within the protecting agency and greater potential to be exploited for fundraising purposes.

Regrettably, Canada has played an active part in pushing forward all three of these trends. Canada endorsed the drastic measures taken at the UNHCR's Executive Committee meeting in October, 1989. The severity of our new law on refugee status determination and the extreme measures taken to ensure its passage are adequate testimony to this government's concern for its domestic refugee policy. The privatization policies of the Mulroney government are now widely known. They have appeared in refugee affairs in the form of contracting private agencies to handle resettlement functions for its government-sponsored refugees, and in direct pressure on NGO's to take on a relatively increasing share of sponsorship levels.

A resolution was passed at the Canadian Council for Refugees meeting this past November in Montreal which affirmed the principle that those governments who support and control UNHCR policies are responsible to fund its work. It went on to request an outline of the Canadian government's actual and planned financial support for the institution, and it requested that those amounts be reviewed toward increasing Canada's support of the UNHCR given the increased need.

In view of the horrendous news from refugee producing areas around the world, and as an act of solidarity with the refugees among us, Canadians are to be encouraged to pursue these requests with our government.

#### **NEWSNOTES: From The Canadian Council For Refugees**

The Canadian Council For Refugees (CCR) is the umbrella group for Canadian organizations concerned for refugees. Here are some of the projects of the CCR:

##### **CCR Office**

The CCR's permanent office is at:  
Canadian Council For Refugees  
4285 De Maisonneuve West  
Montreal, Quebec  
H3Z 1K7  
Tel:(514) 939-2752  
Fax:(514) 939-7156

The CCR coordinator is Nancy Worsfold. Nancy wants to encourage refugee advocates to keep in touch and would appreciate being added to mailing lists.

##### **Conferences**

The CCR organizes two conferences on refugees every year. One is held in the Fall (this past November in Montreal) and the other in the Spring. The next conference will be held June 1st to 3rd, 1990 at York University, Glendon Campus, Toronto. Phone the CCR office for more details.

##### **Trace**

Trace is a project of the CCR designed to protect refugees who are denied protection and deported under Canada's new refugee law. The goals are twofold:

- 1) Maintain a centralized documentation centre on cases of refugees refused protection under Canada's refugee law;
- 2) Network with other national and international groups to find ways of protecting refugees deported from Canada.

The Trace staffperson, Stephan Reichhold, is currently preparing a standardized form that will be available for all groups in Canada to report cases of refugees refused under the new law. If you would like to get copies, just call or write the office.

##### **Advocacy**

The CCR attempts to bring the views of its members to the attention of appropriate government authorities. For example, in early January, 1990, members of the CCR Executive will be meeting with Barbara McDougall, Minister of Immigration.

## THE BACKLOG

On December 19th, 1989, the Parliamentary Standing Committee on Labour, Employment and Immigration issued its report on The Refugee Claimant Backlog Clearance. This is a very good report, although there are a few problems. Below, is an explanation of some of the key recommendations of the Standing Committee, assessed in light of the submissions made by refugee advocates.

### Clearance

When Barbara McDougall announced that the 113,000 refugee claimants in the backlog would not be granted amnesty but would be required to pass a test to establish the credible basis of their refugee claim, she stated the clearance would be completed within two years. The statistics show that only a small fraction of the cases have been dealt with in the first year. The completion date has now been extended to September, 1991. The Standing Committee reports that "it is obvious that date is unattainable".

### YOU CAN MAKE A DIFFERENCE!

Send a letter to The Honourable Barbara McDougall, Minister of Employment and Immigration, with copies to Jean-Pierre Balckburn, M.P., Chair of the Standing Committee On Labour, Employment, Sergio Marchi, M.P. and and Immigration and Dan Heap, M.P. at:  
House of Commons  
Ottawa  
K1A 0A6

Tell Mrs. McDougall that you support the recommendations of the Standing Committee with respect to the Backlog and that you hope she implements them as soon as possible.

For more information, contact the Jesuit Refugee Service/Canada about the Presentation To The Standing Committee prepared by the Toronto Refugee Affairs Council, October, 1989.

For a complete copy of the Standing Committee' report, contact Elizabeth Kingston, Clerk of the Committee, (613) 996-1542.

The Standing Committee recommends an increase in staffing for the programme.

### "H and C" Interviews

These interviews are supposed to quickly process (acceptance without a panel hearing) any claimants who have close family in Canada. The numbers reveal how few claimants are succeeding on this ground because of the strictness of the definition of family.

The Standing Committee recommends that the definition of family be expanded to include "assisting relatives". This recommendation is consistent with the submissions of refugee advocates concerning the importance of the extended family to many refugee claimants.

### Voluntary Departures

The backlog programme provides that claimants who leave the country voluntarily prior to their panel hearing will receive a letter of introduction to a Canadian immigration office abroad and will be guaranteed an interview with a visa officer. The Standing Committee has recommended that new

### Backlog results as of December 8th, 1989

TOTAL BACKLOG	113,063
"H AND C" INTERVIEWS	12,852
Accepted	612
Refused	12,240
VOLUNTARY DEPARTURES	1,064
PANEL HEARINGS	11,176
PANEL DECISIONS	3,580
Accepted	3,500
Refused	80

## HUNGER STRIKE

### MONTREAL (CP) -

Fourteen Latin American refugee claimants continued a hunger strike yesterday, vowing not to eat until the federal government allows their families to enter Canada.

The hunger strikers, some of whom have been fasting for as long as 20 days, are suffering from low blood pressure and dehydration, Mario Serrada said in a telephone interview from the church where the protest is being held.

incentives to voluntary departure should be explored, including adjusting the points system so that claimants would have a more viable chance of success as independent applicants.

Refugee advocates have been concerned from the start about these "voluntary" departure provisions. Many of the 1,064 who made this choice to date are Portuguese refugee claimants who are assured of returning under a special deal struck with the construction industry. For other claimants, the attempt to induce them to give up their legal claims to refugee status on the basis of a possibility (slim!) that they might be accepted abroad as independent applicants, is a real problem.

### Panel Hearings

The results of the hearings which have been held to date are fairly encouraging. This may change as time goes on, but for now the acceptance rate is very high. The real problem remains the slow pace at which the backlog is being dealt with.

The Standing Committee recommends that processing could be speeded up by contesting fewer cases at the panel hearings and avoiding the hearings altogether in cases where a "paper" review of the case reveals a credible basis for a claim.

These recommendations are very much in line with the submissions of refugee advocates.

The Standing Committee also recommends that guidelines for the programme be clear and followed consistently. Refugee advocates are concerned at inconsistencies in processing and the application of the credible basis test.

## Review of Negative Decisions

The failure of the Standing Committee to recommend a review or appeal of negative decisions is a major flaw.

The people in the backlog are refugee claimants and according to international standards should be given a proper appeal of a negative decision of their case. This does not exist under the present backlog programme.

## Landings

There have not been any landings (granting of permanent residence) to date because the government has still not brought in the necessary regulations. The Standing Committee recommends that this be done immediately.

Moreover, the Standing Committee recommends that family reunification proceed more expeditiously for those accepted in the backlog. Where claimants have family members in danger back home, the recommendation is that their cases be prioritized. These recommendations are very good. Unfortunately, they did not go as far as refugee advocates had requested in terms of broadening the concept of "danger" to include those in difficult circumstances.

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Sanctuary workers in the United States warn that a man has been ripping off groups in the North Eastern United States and may be headed for Canada. His story is that he works with Sanctuary and needs money to repair his car.

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