

Refugee Update

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

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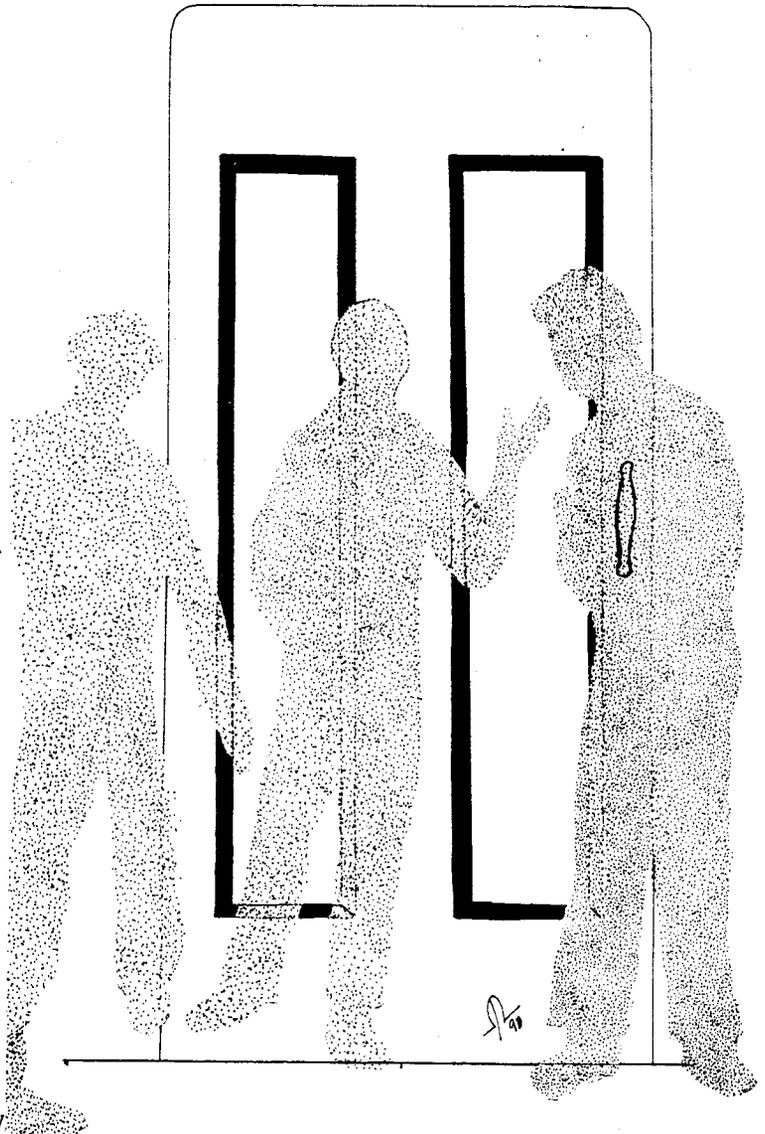
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Recession Makes Increased Immigration Hard To Sell

The path towards an unavoidable recession in Canada's increasingly 'open' economy was paved in the summer of 1990. As industries closed, small-scale business ventures declared bankruptcy and larger companies began to lay-off workers, single industry towns and large cities alike braced themselves for the worst. Certainly though, no one could have foreseen that the recession would reach its current crisis level. The recession has been deep and indiscriminate in its effects. For the most vulnerable, newly arrived refugees, immigrants, women and the elderly and disabled, its economic and social effects have been devastating.

Small industry shutdowns in declining sectors of the economy have meant a rapidly increasing unemployment rate among immigrants who tend to be disproportionately represented in these sectors. Furthermore, critics claim that federal government labour adjustment programmes for these people are not equipped to handle the present demand let alone the inevitable increases.

The recession has hit refugees doubly hard because of the prejudiced nature of federal immigration policies. Under a 1989 federal immigration ruling, refugees who arrived after January 1, 1989 are not eligible for work permits until their initial claim is processed and they are accepted for a hearing. This is currently taking approximately eleven months. Across Canada there are, as of December 31st, 18 000 refugee claimants who have been forced on welfare because they



Letters to the Editor

November 5, 1990

Dear Sir/Madam:

I have been receiving your newsletter for about as long as you have been publishing it. I have found it instructive and helpful, and I have used it as a basis for writing to government in order to help the case of certain refugees.

Recently, Refugee Update has taken on the polemical, unbalanced tone of a great deal of the publishing in this country by groups and causes. I am, frankly, disappointed...

...I feel that anyone taking the risk of leaving home as a refugee would likely be prepared to undergo a waiting period of some kind. I would appreciate receiving a balanced, thoughtful survey of the situation from time to time, with suggestions as to how to help individuals in need rather than merely be one more voice battering any or all government efforts to make a huge enterprise more efficient.

*Yours sincerely,
D. Grave Inglis
Hamilton, Ontario.*

June 14, 1990.

Refugee Update Publisher:

I had arrived to Canada in March 1987. I am in Backlog! ... I came for freedom, I wanted to be myself as a human, as a woman!

I have to tell truthfully I feel, I am in a prison in a beautiful jail... I am not able to go anywhere because of my status. Who am I? I am lost... Anyhow, I try to do my best as before... May your update information would help me and I'll be able to know where am I!... Thank you for every thing you have done for refugees.

*Yours truly,
G.B.
Brampton, Ontario.*

do not have work permits. As critics suggest, this policy places a long term burden on social services since keeping people on welfare for long periods makes it harder for them to get jobs.

For refugees who receive work permits there is no guarantee of employment. Without complimentary social preparation, refugees are left vulnerable to abuse by employers in the job market. Most refugees in fact require language and employability training programmes, funding for which government is cutting back or delaying; one example is the federal government's recent cutback on Citizenship Instruction and Language Textbooks.

The federal government's policies of restraint in social spending have forced provincial and municipal governments to bear the brunt of increased demand on social services due to the recession. In Toronto, twenty-five percent of welfare increases are directly attributable to the federal government's policy of delaying work permits for refugees. Given the recession the result has been greater racial tensions and an increasingly negative attitude towards newcomers.

In this climate of social and economic crisis the federal government announced its new five-year immigration plan last October. Though created in consultation with a broad spectrum of social sectors across the country, the new levels set by the Ministry of Immigration and Employment have come under heavy criticism.

The new immigration plan is seriously flawed both in its approach in settling newcomers and in its criteria for selecting different categories of immigrants. There is a clear incompatibility between the acceptance of greater numbers of immigrants to Canada and the federal government's underfunding of social services.

Increased immigration must be accompanied by more programming and resources to promote multicultural tolerance and combat racism. Opposition MPs have made it clear that the federal government is risking an ugly backlash against immigrants by refusing to launch a campaign to educate Canadians about the benefits of immigration. Immigrant groups have warned that setting high immigration levels at the same time as cutting back on social programmes could push overburdened settlement services to the breaking point.

Immigrant and refugee groups have also criticized the new immigration plan for its overtly economic selection criteria. Domestic economic interests are being put before international responsibility. Increased immigration will occur at the expense of family reunification and refugees. In the new plan the

federal government is imposing a Canadian-style definition of family that limits reunification to immediate and dependent members of the family unit. Government sponsored refugees will be restricted to 13,000 per year for the five years; privately sponsored refugees will show a thirty-six percent decrease over the five years, dropping from 23,500 in 1991 to 15,000 in 1995. Refugee rights workers have argued that refugee numbers should be separate from other immigration quotas so that there not be a conflict between humanitarian concerns and economic interests. By isolating refugee quotas Canada would be better able to respond to changing international circumstances.

Refugee and immigrant organizations are not suggesting that Canada forfeit its economic development. They are simply arguing that Canada need not establish exclusively economic-based criteria for immigrant selection. Better funding for settlement services could guarantee the integration and economic productivity of all people who look to Canada for safety. Canada must create immigration policies that balance its economic interests with its international responsibility.

There are clearly no ready made formulas, but the federal government could begin by dealing with issues such as professional accreditation which facilitate the creative and productive integration of newcomers. Innovative responses to settlement are more likely if developed in closer consultation with people who have direct experience with refugees and immigrants: ethnocultural communities, churches and volunteer organizations participating in private sponsorship, and refugee rights workers. At the grassroots there is a clear sense of the tremendous opportunity and gift these newly arrived women, children and men are for Canada. The federal government would be wise to listen to those who for years have worked and supported these people.

Salvadoran Deportations

Refugee rights groups in Montreal have been shown a memo from the Minister, Barbara McDougall's office dated January 3, 1991, naming eight Salvadorans approved for deportation directly back to El Salvador. Concerned Canadians are asked to write, phone or fax the Minister's office demanding that the deportations not go ahead and that further deportations to that country not be considered until a cease-fire has been negotiated in that conflict. Phone: (819) 994-2482

Fax : (819) 994-0448

The New Law: Two Years and Counting

Canada's new refugee law has now been in effect for over two years. During that time over 57,000 people have claimed refugee status in Canada. The good news is that Canada is accepting a high percentage of these claimants. The bad news is that thousands of claimants are still being refused, many without a full hearing. Advocacy groups, like Vigil and the Committee to Aid Refugees (CAR), are working overtime to protect these people.

Here is an assessment of some important aspects of the operation of the new law:

Arrivals

The biggest news is what did not happen - the safe third country rule was not implemented. But it was somewhat troubling when Auditor-General Ken Dye warned a House of Commons immigration committee that the Canadian refugee determination system is again in danger of collapsing because of bureaucratic inefficiency (*Toronto Star, November 30, 1990*).

Refugee claims in the order of 36,559 were made in Canada during 1990. This figure is up sharply from the 20,842 claims made in 1989.

Most of these claims were at airports or U.S. border points. These so-called "port of entry" claimants face a number of problems upon arrival.

First of all they are denied the right to counsel during their interviews with immigration. These interviews can turn into fishing expeditions. The refugee claimants are often scared, tired, confused and anxious to please. The notes from the interviews can later be used by immigration to discredit the claimant during the hearing into their claim. A case is now being brought before the Supreme Court of Canada to challenge the constitutionality of this practise (*Dehghani v. M.E.I., June 26, 1990 F.C.A.*).

Another problem is that those passing through the United States before presenting themselves at the border (11,206) face the prospect of being returned there to await their inquiry. At one point last year, some claimants were being "turned back" to the U.S. without even an interview in Canada. Others were being allowed into Canada to await their interview several days later, only to be then sent back to the United States to await their inquiry. Following meetings between NGOs and immigration officials, some of these problems seem to have been resolved.

Finally claimants are facing huge delays in the

processing of their cases. At the end of 1990 there were 18,253 claimants waiting an average of eleven months for their first inquiry. Immigration will not grant work permits until the inquiry is underway. This is resulting in increases in the number of people on welfare and a predictable backlash against these people. One of the promises of the new law was that those accepted would be processed for landed immigrant status more quickly than in the past. This does not seem to be the case.

Refugee Determination

The chart below sets out the refugee determination statistics for 1990 and some comparisons with 1989. One troubling point is that the overall acceptance rate has fallen from 76% to 70%. The result is 3,879 refugee claimants turned down by Canada in 1990. Of these, 966 claimants were rejected at the inquiry without a full hearing of their case by the Refugee Board. Most were denied a full hearing because the adjudicator and the refugee board member ruled there was no credible basis for their claims. The rest were rejected at the hearing stage.

While the percentage of claimants denied a full hearing is relatively low (4.5%), there are still some troubling results. Denied a full hearing of their refugee claim were

119 Poles, 39 Ghanaians, 35 Bulgarians, 34 Lebanese, 21 Salvadorans, 15 Guatemalans, 12 Chinese and a number of others from countries each with a serious record of human rights violations. This test at the inquiry stage is supposed to determine whether there is "any credible basis" upon which the person might be found to be a refugee if granted a full hearing, and not whether the person is a refugees.

The bottom line is that an awful lot of money is being spent with very little impact. But that impact is devastating for the individuals affected. As a result, the call to scrap the screening is still being heard.

At the Refugee Board itself, the acceptance rate dropped from 88% during 1989 to 77% in 1990. The Refugee Board's statistical analysis suggests that this drop is due primarily to a decline drops in the acceptance rates for China, Czechoslovakia, Poland and Bulgaria. Criticism of the Board seems directed at the quality of some of the decisions and decision makers rather than the results. The relative high acceptance rate, though, continues to prove correct assertions by refugee advocates that the majority of refugee claimants coming to Canada are legitimate and not "abusers", as Barbara McDougall has suggested with her hard line on the Backlog.

The lack of a meaningful appeal continues to be

Top Twelve Countries (1990)

1990/Ranking	1989	Claims	Withdrawn	Pending	Denied Hearing	Hearing Reject	Hearing Accept	Acceptance%	
								1989	1990
1. Sri Lanka	3.	3645	33	1034	6	270	2302	95%	88%
2. Somalia	4.	2768	23	246	5	176	2318	97%	92%
3. China	6.	2503	32	1374	12	600	485	67%	43%
4. Lebanon	2.	1942	48	117	34	342	1401	86%	77%
5. El Salvador	5.	1860	37	612	21	244	946	83%	76%
6. Bulgaria		1766	22	1185	35	268	256		44%
7. Iran	4.	1680	36	438	4	107	1095	91%	88%
8. Pakistan	10.	476	11	152	11	35	267	75%	82%
9. Guatemala	9.	398	21	99	15	53	210	84%	70%
10. Poland	7.	323	49	0	119	142	44	61%	12%
11. Ghana	12.	280	9	149	39	36	47	28%	36%
12. Ethiopia		263	8	66	4	23	162		82%
Others		3565	308	802	661	617	1177		
TOTAL		21469	637	6243	966	2913	10710	76%	70%

Sources: Immigration and Refugee Board/Compiled by Jesuit Refugee Service.

a crucial concern for refugee advocates. A very limited review before the Federal Court is available in some cases but counsel estimate that only about 30% of the cases are granted leave. About 75% of these are successful at the review stage resulting in about a 22% overall rate in overturning an initial negative decision.

Deportations

In the first two years of the new law, Canada deported 1,128 people whose claims had been rejected. This leaves thousands more still to be deported for those

two years.

Groups like Vigil and CAR have been successful in stopping, at least temporarily, many deportations. But while many cases are "on hold" in the Minister's office there is no assurance of what the final results will be.

Recently, immigration officials have been sending signals that deportations are becoming the key to the system. In their words, the system is only as good as its deterrence value - and deportations are the deterrence mechanism. This has led immigration to focus on "back-end" detention. The idea of this "detain to deport" policy is to secure the presence of those persons whom immigration wants to deport and who it suspects may not willingly present themselves for removal.

There is also growing concern about the deportation of rejected refugee claimants to countries like El Salvador, Sri Lanka and other gross violators of human rights. In the past, Canada acknowledged that there were certain countries to which rejected refugees should not be deported. This seems to have gone by the wayside since the new law came into force (see box on El Salvador deportation).

Court Challenge

The Supreme Court of Canada has granted leave to the Canadian Council of Churches in its case challenging the new law. If the appeal is successful, the challenge will be allowed to proceed to a full hearing before the Federal Court of Canada.

The Supreme Court has also agreed to hear the appeal of the Ward decision in which the Federal Court restricted the scope of the definition of a refugee.

The fact that the Supreme Court has agreed to hear both cases is encouraging, for it signals that the Court considers these issues to be of national importance.



The Backlog: Least we forget

In a letter responding to a *Refugee Update* article on the backlog, a reader wondered why it was so unreasonable to think that refugee claimants should have to wait for some period to have their claim processed.

This question would assume that the backlog and claims arising under the new law form one long queue of cases waiting for a decision from Immigration Canada. People in the backlog, like all claimants, are simply having to wait their turn. Or at least, so goes the argument.

In fact, the backlog is quite separate from those awaiting a decision under the new refugee law. Under the backlog clearance system, cases are processed by a separate bureaucracy, with separate funding and using a different system. Those who succeed in their claims are not found to be Convention refugees, but instead are given immigrant status and are presented with a bill for \$250.00 to cover processing cost like all other immigrants.

The reason why refugee rights groups have made such an outcry about the backlog stems from two issues.

One relates to the terrible human suffering caused by the years of insecurity and delay imposed on these people by our government. In the fall of last year the Inter-Church Committee for Refugees (ICCR) documented the punitive nature of the clearance system in a brief to the UN Human Rights Committee. Based on a survey of people in the backlog, the ICCR report demonstrated the physical, mental and social toll of the backlog

experience on refugees.

The other reason relates to the calculated means by which the government has cast these people in a most negative light for the government's own political ends. When Ms. McDougall announced the creation of the Backlog Clearance System, she stated:

In rejecting a general amnesty, or any relaxation of immigration selection criteria, I am mindful of the fact that while abuse of the refugee claim system has been taking place, thousands of others who wished to become part of Canadian society respected our immigration laws. They have waited patiently in line for their turn to come here while seeing others enter the country under false pretences.

Those who would abuse our laws need to know that their actions will not be tolerated.

The Minister rejected the idea that the government had any responsibility for people

trapped in the backlog, even though its own policy failures were at the root of the problem. Instead, she laid all the blame at the feet of those in the backlog: people without status or power in this country, people completely unable to defend themselves against the government's characterization of events. The recent story out of Toronto concerning thirty backlog claimants rejected after five years and with families in Canada who



wound up in a Spanish jail is testimony to the desperation of these people.

Thus far, the backlog clearance programme has been a cruel failure. The Minister originally promised that the backlog would be cleared up in two years (December 1990). By that date the system had only opened sixty percent of the 85,000 backlog files. The acceptance rate is over sixty-six percent. Only two hundred and nineteen people have been removed and only eight percent of successful cases have been landed. The Minister has extended the deadline to September 1991.

In an effort to speed things up, Immigration officials designed the Simplified Information Process (SIP) to handle claims without a hearing, but this has proved unworkable. For its part, the legal community is now interrupting hearings to challenge the constitutionality of backlog hearings. To support these challenges they are using the recent Askov case in the Supreme Court, which ruled that criminal cases must be brought to trial within a specific timeframe or else the "security of the person" as defined in the Charter is violated.

To end the backlog clearance system now would be to put the best face on a situation the government has badly mishandled. To pour more money into the system would amount to a bold abuse of taxpayers' money and a disgraceful mistreatment of persons who have long earned the right to stay in this country.

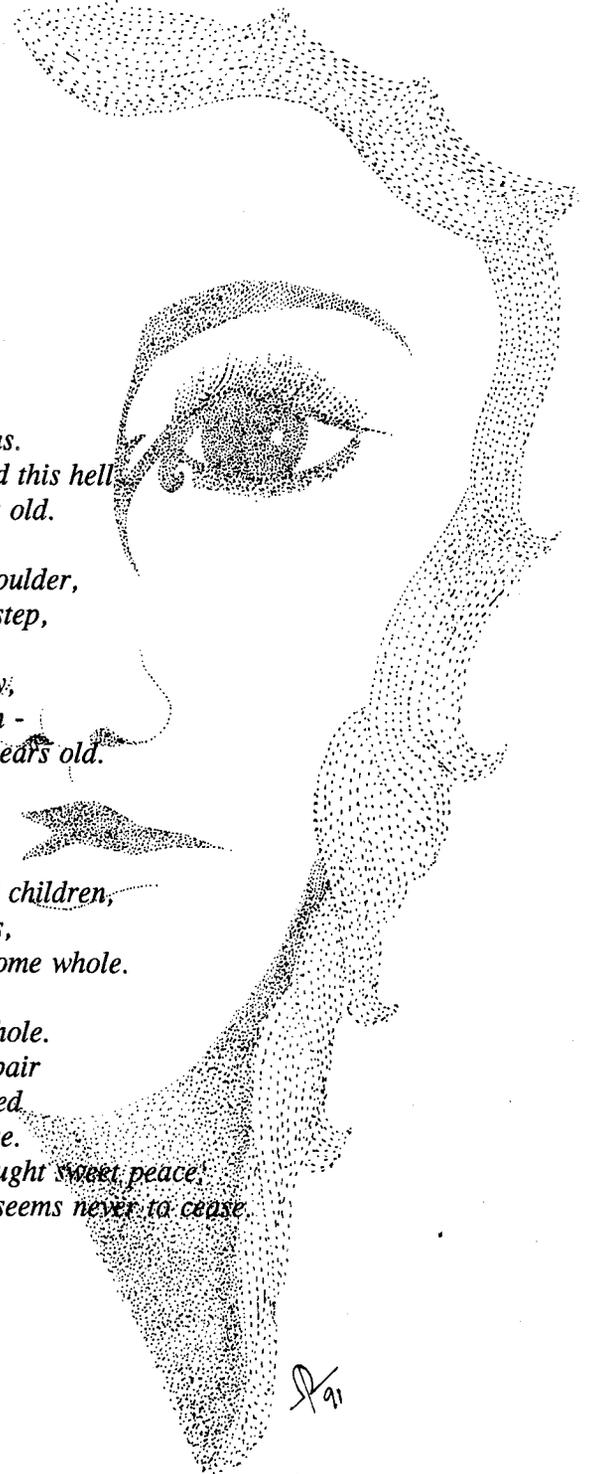
BACKLOG BRUTALITY

*My waking hours are spent
trying to forget the nightmares.
I see my wife with unshed tears,
bidding farewell silently, in the dark,
I was certain in seeking refuge
my family will also attain safety soon.
At hearings I had to recall and relive
and then be traumatised anew.
But I bore it all for I longed
this nightmare of severance to cease.
Daily, I waited for the letter,
that would give hope and new life to us.
Now my neighbour who recently joined this hell
tells me that my last child is five years old.
I close my eyes trying to visualize -
holding my baby on my lap, on my shoulder,
watching her crawl and take the first step,
listening to music of first words.
But, I cannot give a face to my fantasy,
and reality reminds me I've never seen -
The baby that's ours and is now five years old.*

*All around me I see -
mothers, fathers, wives, husbands and children,
waiting to be joined with their families,
fragmented, segmented longing to become whole.
How can I find solace,
That I'm not the only one in this hell hole.
That not one but thousands cry in despair
and that thousands have only exchanged
one nightmare for another - even worse.
Had we stayed, death would have brought sweet peace.
But in asylum we've gained pain that seems never to cease.*

Sudha Coomarasamy
Nov. 1990
Toronto

(A response to the ICCR report *Civil Rights and Refugee Claimant Backlog* submitted to the UN Human Rights Committee, October 1990)



Canadian Council for Refugees: Federal Review of Refugee Sponsorship

The federal government has initiated the first comprehensive review of the refugee sponsorship programme since the programme began in 1978. The programme is a complex mechanism covering the selection of refugees overseas and their resettlement here in Canada. Sponsoring organizations have long been critical of many aspects of the system and welcome the opportunity to suggest new methods. But at the same time there is some apprehension that the review will amount to a further weakening of the government's commitment to refugee resettlement.

The government has established a Steering Committee with representatives from the government, non-government organizations, and the academic community, to oversee work conducted by a paid research team. CCR is represented on the committee by its president, Margaret Third-Tsushima. The research will rely on questionnaires to the various parties in sponsorship, in-depth studies of Master Agreement Holders, meetings with refugees, and consultations with settlement agencies. A final report is due this Fall.

Among the concerns likely to surface in the review are questions regarding practices and criteria used in overseas consulates to process sponsorship applications, questions regarding "paper" sponsorships, and the issue of sponsorship breakdowns. Against these are hints that the government wants to decrease its role in refugee sponsorship, especially in light of the greater number of claimants arriving in Canada.

At its Fall consultation in Montreal, the Canadian Council for Refugees called for a national consultation on the sponsorship review to be held in conjunction with its Spring consultation to be held this May in Victoria. Although the review process has already fallen behind schedule, it is certain to be a major topic at the Victoria meeting.

For more information about Canadian Council for Refugees activities, you may contact Nancy Worsfold at the office in Montreal:

4285 De Maisonneuve O.
Montréal (Québec) Canada.
H3Z 1K7
Ph :(514) 939-2752.
FAX:(514) 939-7156.

Analysis: Canada's Changing Nature

Historically war has united nations against a perceived or real enemy. It somehow also grants a seemingly democratic government the liberty to govern with an iron fist. In this light, Canada's reaction to the crisis in the Persian Gulf has been nothing less than shameful, reminding us of our incapacity to learn from past mistakes.

It seems it was just yesterday that the federal government was issuing an official apology to Italian Canadians for the abuses they endured during World War II. Yet the speed with which this same government has hailed the banner of national security to justify flagrant abuses against Iraqis and Palestinians in Canada has left us wondering whether we are always destined to



repeat the injustices of history.

While the federal government has most readily contributed to the creation of refugee camps for Iraqis and migrant workers displaced by the war, its response to people from the Middle East already in Canada has been anything but humanitarian. Whereas in 1990 Canada granted refugee status to 2727 claimants from the Middle East. Since the outbreak of war it has deferred access visas indefinitely for Palestinians and Iraqis in the Persian Gulf. The fate of those who have actually made it to Canada requesting asylum has been worse.

On January 9th, two Iraqi nationals, members of the Al Dawa party struggling to overthrow President Hussein were detained upon their arrival at Pearson International airport. Although the adjudicator hearing the case decided the couple should be released from detention, the Minister for Immigration invoked special sections of the Immigration Act to designate this married couple a national security threat. Under section 40 of the Act, they have been denied an inquiry into their claim. In Iraq, membership in the Al Dawa party is punishable by death. Yet this couple will have no opportunity to explain the consequences of their foreseeable deportation.

Furthermore, the federal government has issued a statement claiming the need to keep tabs on Iraqis and Palestinians in Canada. The right to keep tabs on foreigners has left people from the Middle East who are in Canada in a very vulnerable position. Iraqi visa students are now required to report to the Immigration Ministry monthly, and the government is extending their visas only three months at a time. Iraqis have been subject to CSIS security checks and the processing of Iraqi refugee claimants has been halted.

The Inter-Church Committee for Refugees responded to the government's actions, criticizing that "blanket measures which discriminate against groups by national origin are an inappropriate response to security concerns." We must also question why the Canadian government can see the displacement of peoples by the war as a legitimate refugee crisis while treating these same refugees with distrust once they arrive in Canada.

Also puzzling is the political thinking that has prompted Canada to contribute \$1.5 million dollars to the construction of refugee camps in the Middle East while its financial commitment to refugee programmes elsewhere in the world has not even kept up with inflation. How has the federal government rationalized its support for refugee camps that have so far seen the arrival of very few people while failing to respond with the same vigour and generosity to long-term refugee

crises in Africa, Central America and South-East Asia? For example, Canada has already contributed to refugee relief in the Gulf almost twenty-five percent of what it spent all of last year on the estimated three million refugees in Africa. To date, though there have been very few people who have moved to the camps set up by the UNHCR.

The tumbling of the Berlin Wall was jubilantly proclaimed as the first symbolic step towards the emergence of a New World Order. A new order of peace and justice? Certainly not! Events in the Persian Gulf have demonstrated this in a most violent and horrendous way. We are in fact at the threshold of a dangerous global realignment of economic and political power. At the dawn of this changing setting Canada is rapidly forging a new political direction that will severely weaken its traditional international reputation and threaten its national character.

Nothing can justify Iraq's violation of Kuwait's right to national sovereignty. Yet, our federal government's willingness to give up on sanctions, as a way to force Iraq's compliance with UN resolution 460, and accept the United States hurried call to war illustrates Canada's growing inability to take enlightened and independent positions on world issues. In the realm of refugee issues the shifts in Canada's political nature are becoming increasingly evident.

Through the prism of war Canada is overstepping the line of reasonable precaution. Internationally it has failed to assert its position as a peacekeeping force. Nationally, it has failed to maintain a democratic posture. If the real tests of a nation's democratic process come in times of crisis, there is cause for concern when our country so readily abandons its traditional respect for the rights of minorities when most needed.

Letters to The Editor

The Refugee Update has now been publishing for over two years. We have appreciated receiving letters from our readers commenting on what we have written. Your letters are a valued contribution to our analysis of refugee issues. In this issue we have included two letters to the editor.

We would like to continue receiving your letters and will print them in the issues to come.

The Spirit of Meech Lake

The spirit of Meech Lake lives on.

On February 5th, the Minister for Immigration, Barbara McDougall, and Quebec's Minister of Cultural Communities and Immigration, Monique Gagnon-Tremblay, signed an agreement on immigration.

This new agreement is intended to respond to Quebec's concerns about its cultural survival and demographic weight within Canada. Both were key issues in the immigration sections of the Meech Lake Accord.

Quebec will now exercise exclusive jurisdiction over the selection of independent immigrants. The federal government will continue to have responsibility for the selection and admission of all other classes of immigrants, and the admission and control of foreign visitors; it will also retain the power to grant refugee status, and to establish national immigration standards.

Quebec, as compensation for assuming settlement services, will receive over the next four years \$332 million from the federal government. This will clearly mean less money for the other provinces and their resettlement programmes.

Another key element is the assurance that Canada will commit itself to pursue immigration policies, and allow Quebec to do the same, that will permit the province to acquire a number of immigrants proportionate to its share of the national population. And should Quebec deem it necessary, it can exceed that ceiling by five per cent.

A Joint Committee consisting of members of both levels of government will be established to work on developing and promoting harmonized economic and demographic policies that will further the objectives of both governments. Regarding the immigration levels, the federal government is committing itself to consult with Quebec about the latter's immigration needs, taking into account how many immigrants Quebec wishes to receive in a given year. Under the terms of the agreement, then, Quebec will be in a position to exercise influence over Ottawa's policy insofar as immigration levels might threaten its proportion of the country's population. Currently, Quebec receives eighteen per cent of total immigration, while it represents twenty-five per cent of the population. One scenario possible is that Quebec would pressure Ottawa to reduce the overall levels as a way of ensuring that its share of arrivals serves to maintain its proportion of the national population, and at least prevent it from declining.

An obvious concern for refugee rights supporters is that, given the linkage between refugee and immigration policy, Ottawa might cut back on the amount of

government sponsored refugees as a way of managing the total levels and preserving Quebec's proportional share. The recently announced five-year immigration plan of the federal government fixed the number of government sponsored refugees at 13,000 per year. And the private sponsorship programme could find itself a candidate for closer scrutiny. Already, under the five year plan, the government is forecasting a thirty-six per cent decline in the number of privately sponsored refugees coming to Canada.

With the McDougall-Gagnon-Tremblay accord, refugee numbers and determination remain the preserve of the federal government. However, Canada's ability to bring refugees to Quebec is limited by a clause that prohibits it from admitting refugees to Quebec that do not meet the province's selection criteria. As far as overseas selection of refugees is concerned, Quebec will have exclusive responsibility for selection of people destined for Quebec. Quebec is committed, though, to accept, out of the total number of refugees received in Canada, a percentage at least equal to the percentage of immigrants that it will receive.

Given the current political climate, it is quite conceivable that Canada's commitment to refugees could become a bargaining chip to keep Quebec content and assure it a number of immigrants proportionate to its share of the population. Because refugee policy remains for Ottawa and Quebec tied to immigration policy, supporters of an open and generous refugee policy will have to monitor carefully the implementation of this new agreement.



News Briefs

Changes in U.S. immigration legislation, and a submission by the Inter-Church Committee for Refugees to the Canadian government in preparation for the 47th session of the UN Commission on Human Rights represent some new policy directions that have emerged in the past months. Very briefly, below, we present some of the elements of the new U.S. policy as it relates to refugees and some of the highlights of the ICCR submission.

Justice at Last?

Three recent changes in the United States affecting refugee determination have many feeling that at last Central Americans will have their refugee claims considered fairly.

In July of last year, the U.S. Immigration and Naturalization Service (INS) passed regulations creating a section of specialized asylum adjudicators to ensure a more consistent processing of cases across the nation. On November 29th, President Bush signed the Immigration Act of 1990, which included a provision for "temporary protected status" for those displaced by war and civil strife. The act specifically applied this provision to Salvadorans for an eighteen month period beginning January 1, 1991. Then in late December, the INS agreed on a settlement concerning 150,000 asylum claims by Salvadorans and Guatemalans between 1980 and 1985. The settlement offers new hearings for persons from those countries present in the United States after September 15, 1990, and October 1, 1990 respectively.

Canadians have good reason to be doubly vigilant in monitoring these events south of the border. Nice sounding court decisions and legislation changes may be all the Mulroney government needs to launch a new effort to implement the dreaded safe third-country clause in Canada's refugee law. Stay tuned.

Against the Odds

At a time when Salvadorans are being deported from Canada to the United States and the Minister's office is approving deportations directly back to El Salvador, it is critically important to consider the reality behind recent mass repatriations of Salvadoran refugees from camps throughout the region. A misreading of the repatriations might suggest that the returners feel they are no longer in danger and can return in safety to live in peace. Such a misreading might then be used by our government to justify the tougher line against Salvadoran claimants.

The mass repatriations which began from camps in Honduras in 1987 and have continued most recently from Panama, have been extremely difficult and have required months of legal negotiations between the refugees, the UNHCR and the governments involved. The actual returns have been extremely tense, requiring

considerable pressure from international groups in support of the refugees. And once resettled, the communities have suffered persistent harassment from the Salvadoran Armed Forces.

Why are the repatriations taking place at all? The refugees see repatriation as a means to escape the wretched camps they have lived in for the last ten years. The government argues that the repatriations illustrate improving human rights conditions in the country. On January 29th, when the last of 600 persons arrived by plane from Panama and made the long bus ride up to their new settlement, they were greeted by four priests ready to celebrate a mass of thanksgiving and four tanks from the armed forces.

ICCR Brief to the UNCHR

As in years past, the Inter-Church Committee for Refugees (ICCR) submitted in January a brief to the Canadian government in preparation for Canada's participation in the 47th session of the UN Commission on Human Rights (UNCHR).

The brief recalled the ICCR fall submission to the UN Human Rights Committee about Canada's backlog system. Among the recommendations to the UNCHR, ICCR encouraged Canada to continue to support the International Conference on Central American Refugees (CIREFCA) process linking development assistance to realizing the rights of returning refugees and displaced people.

The brief also called for more serious study of the impact of World Bank structural adjustment programs with respect to debtor countries, which cut back on government funding for health care, education and social assistance, on population flows and migration. "Unless fundamental freedoms are guaranteed, structural adjustment habitually becomes an excuse for further repression." Which in turn causes people to flee.

Finally, the brief also supported the World Council of Churches' call for a special report from the Secretary General of the UN to the 48th session on the situation of internally displaced persons.

For more information or to obtain a copy of the brief, contact the ICCR at:

40 St. Clair Avenue E.,
Toronto, Ontario M4T 1M9

Iraqis in Detention

On January 9, 1990 an Iraqi Moslem couple - Joseph Smith 29, and his wife Sarah 20 (not their real names) - arrived at the Toronto International airport. Their appearance attracted the attention of the immigration officers. Being a devout Shia Moslem, the woman was wearing a veil and scarf.

They walked to the desk and claimed they were refugees fleeing from the regime of Saddam Hussein in Iraq. They hoped to heave a sigh of relief in a society known the world over for its tradition of freedom and human rights. They could not imagine that the hysteria against the Moslem and Middle Eastern people created by the war would soon land them in detention.

They were branded as a threat to the security of the nation, denied a hearing, and incarcerated with the allegation that they both were members of a party that supported the violent overthrow of the present Government of Iraq. For the first time, the security articles of the Immigration Act were set into motion and the Minister of Immigration and the Solicitor-General signed the necessary certificate to that effect.

Since January 9th, the detention has continued. The husband is being kept in Metro West Jail in Toronto, while his wife, who is three months pregnant, is being detained at the Celebrity Inn Detention Centre. Being an orthodox Shia Moslem, the woman is highly reluctant to communicate with men in the detention Centre - be they a doctor or a guard. This has made the condition of detention intolerable for her. Her husband, for his part, is totally depressed that he is not able to be with her, to comfort and protect her in such a difficult situation.

Keeping all this in view, on February 21st, in an emergency meeting, an ad hoc group of refugee rights supporters met to develop a strategy to get the couple reunited, and also to ensure that they would enjoy a fair hearing. (At stake is the respect of the fundamental right of this couple to a fair hearing.) The meeting also set the change of admissibility criteria as its long-term goal.

A meeting was scheduled with the immigration authorities. However, thus far immigration officials have considered the case non-negotiable and have categorically refused to meet with the group. The ad hoc group was scheduled to meet to discuss possible next steps.



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