

Refugee Update

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

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KATHLEEN PTOLEMY



On Wednesday, March 13, 1991, the refugee community lost one of its most dedicated workers. Kathleen Ptolemy died at home just weeks after being diagnosed with cancer. On Saturday the 16th, Kingston Road United Church in Toronto was overflowing with family, friends and colleagues from near and far as the community gathered to pay her a tribute and celebrate her life.

It is difficult to think of the refugee serving community in Canada without Kathleen. She has provided such essential leadership over the last decade. As the first Executive Director of the Inter-Church Committee for Refugees she steered debate through the early period of formal sponsorship programmes. She facilitated a deepened response by the individual churches to refugee concerns, and moved herself to become the Refugee Consultant of the Primate's Fund of the Anglican Church of Canada. From this base she worked closely with the wider non-governmental community to be part of the fledgling "Standing Conference of Canadian Organizations Concerned for Refugees" later known as the Canadian Council for Refugees. She was also an active member of the *Refugee Update's* analysis team.

Kathleen travelled widely as well. She served for a number of years as the link person from Canada to the Refugee Committee of the All-African Council of Churches and visited Refugee Camps in as widely diverse situations as Hong Kong and Honduras. Especially noteworthy was her work on the question of refugee women. Both the World Council of Churches and the United Nations High Commissioner for Refugees sent tributes on her passing.

This list of accomplishments however, does not capture what was most special about Kathleen. She

showed a human side that added a quality dimension to everything she did. There was a basic honesty and warmth to which people responded, and her friendship was treasured.

Kathleen was known, loved and respected in her community, her country and internationally. As the hummingbird disturbs the surface of the pond creating widening circles that go far beyond its scope, so Kathleen created circles of impact that touched many of us. As the ripples touched us, we too were pushed outward beyond ourselves.

Letter to the Editor

April 2, 1991

Dear Editors of Refugee Update,

...Together with the Toronto Vigil and your issues, I am kept aware of refugees' status in Canada. Thanks for keeping me informed. It also gives me the opportunity to write to the Minister of Immigration from time to time.

Keep up the good work. I will pray for the success of all refugees...

God Bless You,

Yours sincerely,
George Lalsingh
Brampton, Ontario.

Keep Them Coming!

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 a letter which was received in response to our last issue.

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

The Backlog And The Charter Of Rights And Freedoms

Backlog Statistics

(February 22, 1991)

Total Backlog		113,063
Voluntary Departures		3,745
Front "H and C"		47,951
<i>Accepted</i>	7,810	
<i>Rejected</i>	40,141	
Cases Not Yet Begun		61,367
Panel Hearing		12,734
<i>Accepted</i>	10,564	
<i>Rejected</i>	2,190	
Back "H and C"		793
<i>Accepted</i>	120	
<i>Rejected</i>	673	
Landings		6,799
Removals		1,038

(Source: Compiled by Jesuit Refugee Service from Canada Immigration Statistics)

The Conservative government promised that the Backlog would be cleared up in two years - by December 31, 1990. But as of March, 1991 not even half of the cases have been decided. The government has now announced it is extending the programme to March 1992. Some observers are doubtful that the remaining cases can be dealt with during that period.

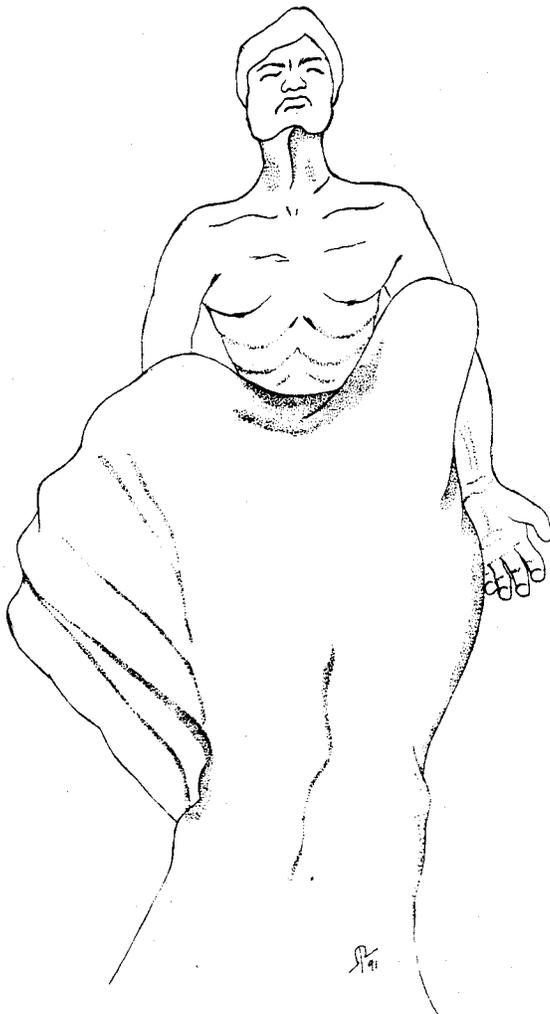
The Inter Church Committee For Refugees report on the Backlog attests to the suffering that these refugee claimants endure as they wait for the resolution of their claims. With no political solution in sight, the

refugee rights community is increasingly looking to legal challenges as a possible answer.

In 1985 the Supreme Court of Canada decided in the Singh case that refugee claimants are entitled to protection under the Charter of Rights and Freedoms contained in Canada's Constitution. In particular, the court held that refugee claimants are protected by Section 7 of the Charter:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Now, legal workers are arguing that refugee claimants' rights under section 7 are being violated by the long delays in the Backlog Clearance Process. This argument relies on another decision of the Supreme Court, in Askov where it was held that a two year delay in beginning a criminal trial was a breach of the



"Defugee": a new word in Canada

I am sure Mr. Prime Minister, you are familiar with the term "limbo"- although you might not have lived in such an awkward state. According to the Oriental mythology, limbo is an intermediate abode between the hell and heaven where people are waiting desperately for their settlement. They live in a state of permanent wandering; they are totally left to themselves; they bear the tremendous agony of uncertainty, aimlessness, oblivion, and neglect; they pay the penalty of the sins committed by others.

Now, Mr. Prime Minister, Canada, the beautiful and beloved land of Hon. J.A. MacDonald and Hon. Lester B. Pearson has become a limbo on earth for me and thousands of so-called backlogged refugees. We, the reserve army of backloggers, are nothing else but living-dead. As I could be and at the same time could not be regarded as a refugee, as I am a would-be and would-not-be refugee, I take your kind permission to refer to myself as a defugee for the sake of convenience. Let Canada take pride in adding a neologism to the treasury of human vocabularies.

(From a letter to the Prime Minister by a Backlogged Refugee)

Charter, resulting in a dismissal of the charges.

All refugees and refugee rights advocates should be aware of this constitutional argument and consider using it in Backlog inquiries. Below is a step by step guide that you can take to the legal worker involved in the case:

Step 1 - Raising the argument

At the beginning of the inquiry, object to the holding of the inquiry on the ground that to proceed would violate the refugee claimant's right to life, liberty, and security of the person under Section 7 of the Charter. In particular, explain that the delay of over two years has caused stress and anxiety, and has made a fair hearing impossible.

Step 2 - Requesting a remedy

Ask the Adjudicator and Board Member to apply Section 52 of the Constitution:

The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the effect of the inconsistency, of no force and effect.

This means that the sections of the Immigration Act that require the holding of the inquiry are of no effect.

Step 3 - The Evidence

The refugee claimant must testify as to the stress and anxiety faced since arriving in Canada. The survey used by the Inter Church Committee in preparing their report is a good guide (has the claimant ever been depressed, had bad dreams, considered suicide etc.). Any other witnesses (eg. the claimant's spouse) that can confirm these facts should also testify.

If there are any doctor's reports on treatment in Canada they should be submitted as well.

There is also documentary evidence available from other cases which should be submitted. There is the testimony of George Cram, the author of the church study on the Backlog, and the testimony of Dr. Donald Payne on post traumatic stress syndrome.

Then there is documentary evidence to submit, showing that a refugee claimant's memory is affected over time and that a fair hearing is not possible after two years.

There is other evidence available as well and it is important to be in touch with the lawyers who are organizing this evidence; contact the Jesuit Refugee Service for more information in this regard.

It is too early to tell if this constitutional argument will have a major impact on the Backlog programme. However, it is a very important part of the effort to gain justice for refugee claimants. Refugee rights advocates should be promoting it at every opportunity. At this point in time, it seems to be all that we've got!

U.S. APPREHENSION OF "ALIENS"

(figures in thousands)

Nationality	1988	1989	1990
El Salvador	14.3	20.2	16.9
Guatemala	9.2	13.4	9.7
Honduras	2.6	3.9	5.6
Nicaragua	3.2	9.3	4.4
Mexico	949.7	865.2	1 092.2
Totals	1008.1	954.2	1 169.9

Source: Immigration & Naturalization Service USA

The U.S. - Safe Third Country?

With the regular ebb and flow of an ocean tide, rumours about the imminent implementation of the safe third country provision of Canada's refugee law continue to come and go. And the country named as most likely to be designated as safe is the United States.

After all, the U.S. has a new set of asylum regulations, which even refugee rights advocates to the south admit are an improvement over past procedures. And last November, President George Bush signed into law a new Immigration Act that includes a general safe haven programme for asylum seekers who are in the U.S. and cannot return to their country of origin because of generalized violence or natural disaster, and who are judged not to fit the Convention definition of a refugee. But how safe are things, really?

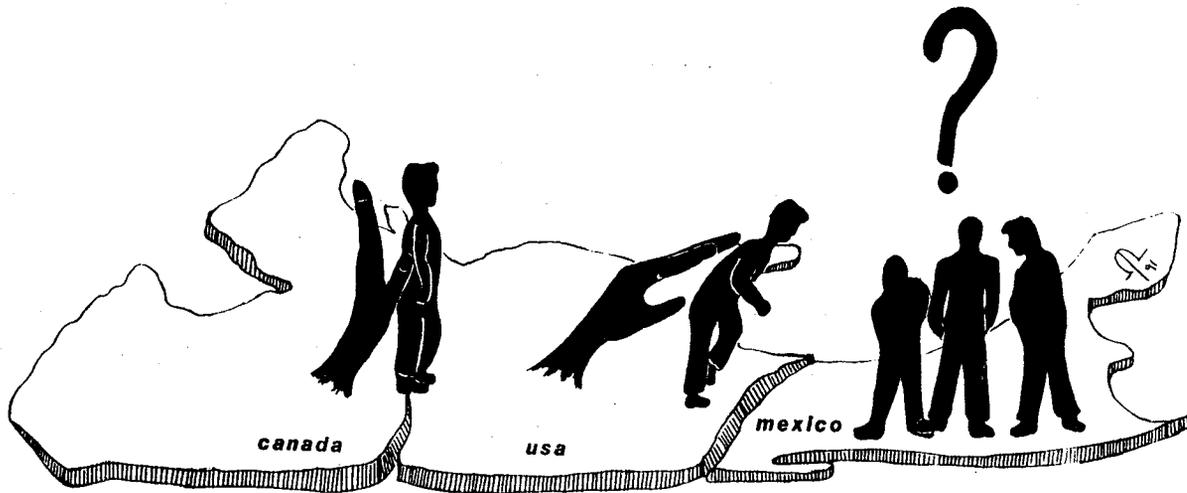
The New Asylum Regulations

Though U.S. refugee workers see in the new regulations improvements over the past, they are not entirely sanguine about the degree of protection the changes provide to genuine refugees. The regulations suffer from a number of gaps and unknowns.

The group of refugee determination officers continues to be part of the immigration service, and thus there will be no institutional independence of refugee determination from immigration enforcement. The right of claimants to benefit from representation in the course of their hearing is extremely limited, and claimants must bear the costs of counsel and interpretation. The State Department, responsible for U.S. foreign policy, still has the right to comment on each asylum request; thus, though other sources on country conditions are now available, foreign policy considerations will still play a role. This is all the more significant because one of the tests for establishing a well-founded fear of persecution is the situation of the country from which the claimant has fled. The regulations are silent on the substantive criteria of what constitutes a country condition that would support a well-founded fear of persecution. This silence leaves it to the discretion of the asylum officer or immigration judge, based on their interpretation of the country reports, including those from the State Department.

General Safe Haven for Salvadorans?

In the new Immigration Act, temporary protected status (TPS) for an eighteen month period was given to Salvadorans who had been in the U.S. on or before September 19, 1990. This is part of the general safe haven programme.



There are problems with and uncertainty about this programme, though. More than three months into it, and with only three more months to register for it, there are no regulations covering its implementation. Also, fees charged applicants are prohibitive and will deter Salvadorans from taking advantage of it. In short, it seems to have been designed to make it hard for people to have access to it or benefit from its protections. And once the programme expires, if it is not renewed the U.S. government would have information on all those who had registered for it, making any effort at deportation all the easier.

And as far as recently arrived asylum seekers from El Salvador (and elsewhere in Central America), the same old pattern is repeating itself: the claimants are being denied asylum and deported back to their home countries.

Though figures of apprehensions and deportations by U.S. immigration of Central Americans have declined in the last couple of years, this does not reflect a relaxation of past policy on the part of the United States towards Central Americans. Rather it mirrors the price the U.S. has exacted from Mexico for considering a free trade deal. A recent report from the U.S. Committee for Refugees, *Running the Gauntlet*, has documented the new and aggressive efforts of Mexican immigration officials at intercepting Central Americans travelling to the U.S. In two years, the arrest and deportation of Central Americans by the Mexican immigration service has increased by more than 1000%, from 14,000 a year in 1988 to around 160,000 in 1990. As part of this effort, U.S. immigration officials are providing training and other logistical support to their counterparts in Mexico.

Recently, the Commissioner of the U.S. Immigration and Naturalization Service, Gene McNary,

remarked publicly with great satisfaction on how the U.S. was helping the Mexicans implement their own refugee determination regulations, and on how *they've [the Mexicans] helped us in stopping illegals [Central Americans] on the way [to the U.S.]*.

The U.S. strategy is obvious: use Mexico's desire for a free trade agreement as leverage to get them to do immigration enforcement on behalf of the U.S. As far as Central Americans are concerned, the U.S. border is effectively being moved south to the Mexico-Guatemala border. The evidence is clear: from 1989 to 1990, U.S. arrest of Central Americans declined 21 percent while Mexican apprehensions in the same period increased by 26 percent.

Safe Third Country?

The new American asylum procedures and their tenuous independence from foreign policy and immigration considerations continue to undermine real protection for refugee claimants.

The new asylum regulations may be an improvement, but what they leave unsaid or vaguely said increases the risk of arbitrary decisions based on considerations other than the genuine protection needs of refugees.

And despite the temporary protected status programme for Salvadorans, all the evidence points to the U.S. continuing to be an unsafe country for Central American refugee seekers.

As the Canadian government considers implementing the safe third country provision, Canadian refugee rights activists and supporters will have to monitor very closely developments south of the border, and certainly not take for granted that the recent changes in the States mean things are improving there. It is precisely such complacency that the government would take advantage of to designate the U.S. as safe.

Refugee Participation Some Considerations

Are refugees involved in refugee work in Canada? This is not a new question. But it is one which deserves constant attention. As alliance and coalition building becomes increasingly important to political action in Canada, refugee rights activists need to take seriously the challenge of building bridges with refugee-based communities.

The recent experience within women, native and handicapped movements provide ample evidence that "doing for" is no longer acceptable and even maintains barriers which perpetuate exclusion. These are only some examples where "victims" have addressed this question of representation head-on. The costs in time, energy, and anguish spent breaking down internal inequalities and challenging traditional notions of representation have been great. But aside from the obvious assessment of concrete benefits, the justice implicit in empowering "victims" through real power sharing is unquestionable!

There are some historical factors to consider at the outset which help explain the cultural distance between refugee supporters and refugee communities. One is that although the conditions of refugeeship have existed throughout human history, "refugee" is a very recent term, the meaning of which is still weakly defined. As a result, refugee-based organizations have, naturally been more likely to identify themselves by ethno-cultural group or country, for instance, rather

than as refugees. At the same time, refugee supporters have seen themselves as defending not the rights of identifiable communities, but defending instead the rights of persons who appear to have no community at all.

We also have to acknowledge the legacy of colonialism in sowing racism in Canada. The invisibility imposed on non-French and non-Anglo immigrants, the abuses perpetrated against them and the denial of their contributions to Canada, has had a deep crippling effect on the development of solidarity between communities, including the dominant ones.

Another force which has impeded the development of ties between refugees and Canadian supporters of refugee rights, has been the treatment of refugees by Canada under immigration, rather than human rights policy. The defence of human rights is of course, at the root of most refugee-rights work in Canada. Yet, refugees in Canada receive no recognition for having defended human rights or for having escaped human rights abuse in their homeland. This critical obfuscation robs refugees of moral stature which they deserve, and inhibits their integration into social justice movements in Canada.

Then, when we get right up close to refugees in Canada, we find that the word refugee has conveyed a sense of homogeneity that simply does not exist. Refugees in Canada are communities of people from around the world which, like all communities, are internally quite diverse. Finally, a commitment to power sharing and alliance building in refugee rights work will place increased demands on all the actors currently involved. In our next issue we will begin to consider more specifically, why it is important to begin building links with these groups.

It makes a difference

by an anonymous poet

*As the old man walked
the beach at dawn,
he noticed a young man
ahead of him picking up
starfish and flinging them
into the sea.*

*Catching up with the youth,
he asked him
why he was doing this.*

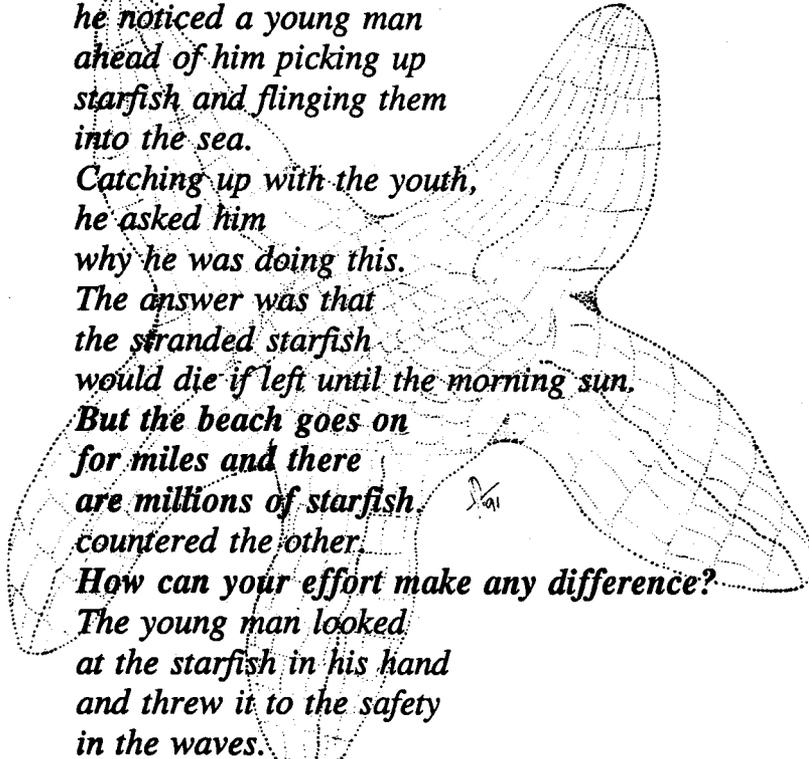
*The answer was that
the stranded starfish
would die if left until the morning sun.*

*But the beach goes on
for miles and there
are millions of starfish
countered the other.*

How can your effort make any difference?

*The young man looked
at the starfish in his hand
and threw it to the safety
in the waves.*

*It makes a difference to this one.
he said.*



Participation of Refugee Women

Sudha Coomarasamy has done research on the adaptation of Sri Lankan refugee women in Montreal. She has also been a member of the Canadian Council for Refugees' Working Group on Refugee Women since it's founding in 1986.

In my limited experience of settlement organizations and ethno specific organizations, the participation of refugee women has been, I must say, minimal. The majority of women involved in such work are persons with a second or third generation refugee experience. Involvement and active participation of refugee women who have been in the country for less than 5 years is almost non-existent.

There has been some success in mobilising the refugee women who are perceived as "victims", to initiate and organise support groups for themselves. Most of these groups function as a therapeutic forum, aimed at easing the pain of adaptation while providing support in bearing the burden of a traumatic refugee experience. In some instances such groups have evolved as tools that enable the women to gain familiarity with the struggle and to protect their rights in Canada.

In trying to analyze the poor representation of refugee women in the Canadian refugee rights movement, one can identify some forces that hinder their participation. First of all, most of the refugee women are struggling with a paradoxical role that has been thrust upon them; while they are called upon to maintain the cultural ties with their mother country, they are also expected to be the primary agents of change in adapting

to life in the country of resettlement. They are called upon to be the sole breadwinner and thereby assume the dual role of homemaker and breadwinner. Thus, in their day to day life, finding time to get involved in the refugee rights movement is almost an impossibility.

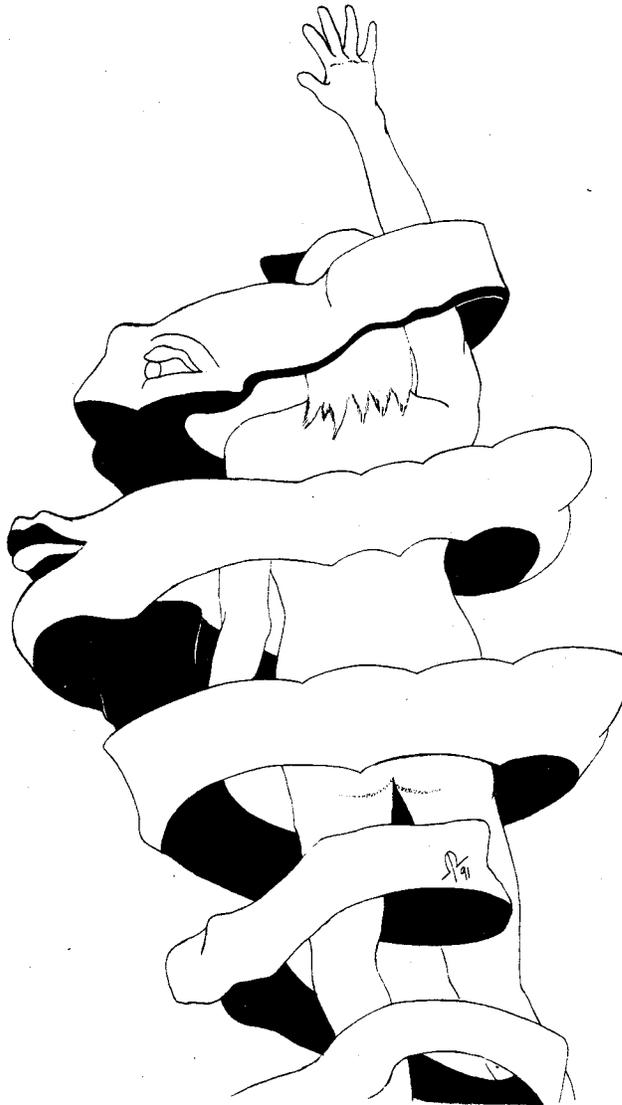
In our experience of trying to get the Sri Lankan community to participate in refugee rights or be vocal in human rights violations, we have had to face an unpleasant truth: the participation and involvement of Tamil women cannot take place as long as we maintain well defined gender roles and perception of women as homemakers and providers of nurturing to men who labour! So we encourage our menfolk to labour with refugee rights and human rights issues while we continue to labour and struggle at home.

Secondly, the Tamil community (and perhaps this is also true of other communities) does not take too kindly to women taking active part in any kind of social reform or advocacy work. One could say that it is perceived somewhat as "rocking the boat".

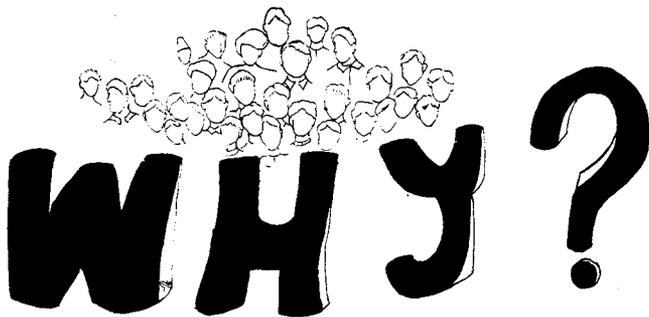
Thirdly, the majority of the refugee community are part of the backlog or in some stage of being processed and therefore, do not feel secure enough to actively participate in the refugee rights movement or to organise around Canadian

public policy issues. There is a genuine fear that their participation will jeopardise their acceptance as Convention refugees by Canadian Immigration.

Finally, the majority of the refugees are here seeking refuge as a result of their standing up for their rights in their places of origin which resulted in being uprooted, experiencing loss of life and dignity. Therefore, there is an understandable amount of reluctance among many refugees to get involved politically all over again - to stand up and fight for their rights when there appears to be so much at risk.



Analysis: The Kurdish Refugees



Now that the Gulf War is effectively over, peace has proved to be a real inferno for the Kurdish people. There are now at least 1 million Kurdish refugees in Iran, 550,000 in Turkey, and more than 700,000 still struggling to cross the Iraqi border. The refugee line which leads to the border is as long as 60 km. We are facing the most severe refugee tragedy of modern history. On the Turkish border alone, 1000 refugees are dying each day.

The Kurds are an ancient ethnic group whose roots originated from the dawn of Mesopotamian civilization in the 5th millennium B.C. They live a nomadic and peasant life with a competitive clan structure. This has inhibited their formation as a unified nation. They remain the largest nation without a country. It is estimated that between 14 to 28 million Kurds are living in a territory divided among five countries: Turkey 52%, Iran 24%, Iraq 18%, Syria 5%, USSR 1%.

The present tragedy is rooted in the Persian Gulf War. Saddam Hussein's southern push into Kuwait produced a power vacuum in Iraqi Kurdistan to the North. People revolted spontaneously. At the same time, George Bush publicly called upon the Iraqi people to topple Hussein. Within days, the dominant Kurdish political movements had mobilized people to fight against Saddam's army. They captured Iraqi arsenals and a number of Kurdish towns. Thousands of Kurds displaced in the south travelled north to reclaim their homes and lands.

Kurdish liberty was short-lived. The ceasefire in March put no conditions on Hussein within Iraq. Hussein quickly mobilised over 100,000 troops to put down the Kurdish rebellion. Helicopters and heavy artillery pounded Kurdish residential areas. The revolt was brutally suppressed and the massive exodus began.

The United Kingdom, Germany, and France had called for ceasefire conditions which would have

prevented Hussein from carrying out any further military actions within Iraq. This time President Bush said the US would not interfere with internal Iraqi affairs. This about-face sealed that fate of the Kurds and led to the exodus. It should be remembered however, that Great Britain had provided Iraq with equipment to build nuclear bombs, it was Germany which helped Iraq gain access to technology for the production of chemical weapons, and it was France which delivered Mirage jet fighters, tanks, and helicopters to Iraq. It seems it was much easier for the West to provide weapons to people than it was to provide protection.

The US relief operations have proved to be another manifestation of a double standard. Even after extensive media coverage of the Kurdish exodus began, the US remains apathetic to the refugees' need for relief. Stockpiles of US food, medicine, tents, and clothing were left at the Kuwaiti northern border.

Only when the American public began seeing the horrific television pictures of the Kurds and began questioning Bush's decision to leave Hussein in power after the ceasefire did Mr. Bush get involved in relief activities. But again the goal was laden with US self interest: not to aid the Kurds who had been betrayed, but to convince American viewers back home that Mr. Bush's war had indeed been a complete success.

Canadian relief operations also bought into US military objectives. Canada's first medical team sent into the camps was dispatched by National Defence and worked under the auspices of the US Army. Canada's promise of \$8.1 million to the Kurdish relief operations represents 1.3% of the \$600 million Canadian contribution to the Gulf War. The total Western commitment to the relief effort is less than \$90 million or about \$30 per refugee. There is no comparison of these figures to the \$100 billion total cost of the war. The militarization of relief activities has had hardly any objective other than to give a humanitarian image to an army recently involved in the bloodshed of thousands of innocent people.

The tragedy is now complete. Saddam Hussein continues to push hostile Kurds to the unfriendly states of Iran and Turkey. George Bush has reasserted US moral authority in the region and has distracted US attention from the real costs of the war. Arab countries - even those who opposed Hussein's occupation of Kuwait - are silent about the Kurds. Iran and Turkey made great gains with the West during the war and have consolidated those gains by handling the Kurds. They can look forward to organizing a Kurdish militia to topple Hussein in the future. Those who have lost and will continue to lose are the grass-root Kurdish refugees.

Media Attacks New Law for Wrong Reasons

Since its implementation on January 1, 1989, Canada's new refugee law has received very little media attention. After the two-year battle to get Bill C-55 through Parliament, the mainstream press basically backed off to wait and see if the new system would work. News about the new system which brought surprise to refugee supporters - the high acceptance rate, public access to the system's documentation network, increased budgets and staffing - were reported with hardly an editorial comment. While steady coverage has been given to the backlog, the new system has been left alone.

Now it appears the honeymoon is over. In late February, both the *Globe & Mail* and *MacLeans* magazine ran reports that Canada's refugee determination system is in a mess. The timing of the articles coincided with the second anniversary of the new system, increased reporting of refugee claimants overburdening social services, and rumours of a new Minister of Immigration.

The *Globe & Mail* ran a four day series entitled *Jammed at the Door*, followed by an editorial piece a few days later. The first two instalments dealt not with the new law, but with the backlog. One day focused on the failure of the Backlog Clearance Programme and presented arguments by refugee advocates in support of an amnesty. The next day focused on the trauma of being in the backlog.

Day three the new law was introduced as being, *similar to the backlog system, but having several more steps*. The image drawn is one of a highly compassionate system (eg. all claimants rejected at the final hearing ...*automatically get a final appeal*.) rapidly becoming overburdened by the numbers of people being processed. Day four, the last in the series, headlines *We Have Lost Control of Our Border, Critics Say*. The critics in this case, are Charles Campbell and Claude Isbister, two retired senior bureaucrats with the immigration department. Mr. Campbell is quoted as saying: *We're bringing in tens of thousands of people who are illiterate and denying people who are educated*. Mr Isbister advocates using the notwithstanding clause of the Charter of Rights to ignore the 1985 Supreme Court ruling which gave all refugee claimants the right to present their case. The article is nothing less than alarmist and racist.

But the worst appears in the *Globe's* editorial of March 1st. The article argues that *...The astonishingly high acceptance rate so far, 80 per cent, indicates that*

many more than true refugees are being admitted. This, while later the article states: *One saving grace is that the claimants are now coming from countries likely to produce refugees (Somalia, Sri Lanka, Lebanon, El Salvador, China),...* It declares: *In practice, the refugee determination system here has been clogged by people who want to jump the regular immigration queue, left their countries to seek economic opportunities, and know the wheels grind so slowly that there is almost no chance they will be sent home*. Neither logic nor the *Globe & Mail's* own research is permitted to get in the way of the alarmist position's of Mr. Campbell and Mr. Isbister.

Finally, in its March 4th issue, *MacLeans* published an article entitled *You Wouldn't Believe How The System Is Abused*. Racist and anti-refugee quotes abound while the quoted speakers remain unnamed. For example, with reference to Sri Lankans currently being accepted, an unnamed case-presenting officer in Toronto is quoted as saying, *We no longer protect refugees. We just let in any liar who comes along*.

Capitalising on Canada's mounting racism, the media is selling an image of the new refugee system as having failed. C-55's failure is due, in their eyes, not to its inefficiencies, which have created a "frontlog", or to its increasingly restricted access in the overseas selection of growing numbers of people facing persecution and situations of violence. The failure rests in the system's incapacity to vocalize more loudly its intended message - *Refugees Stay Away!*

In practice, the refugee determination system here has been clogged by people who want to jump the regular immigration queue, left their countries to seek economic opportunities, and know the wheels grind so slowly that there is almost no chance they will be sent home

Globe & Mail, March 1, 1991.

We no longer protect refugees. We just let in any liar who comes along.

MacLeans, March 4, 1991.

The Repatriation of Salvadoran Refugees: A Sign of Hope in a Nation At War

In the last issue of *Refugee Update*, it was suggested that recent mass repatriations to El Salvador might be used to justify current deportations from Canada to that country. While this is true, it is useful to take a closer look at these mass repatriations. A recent study by Jesuit Refugee Service says these movements are *a viable and durable solution to the problems of displacement, a solution created by the displaced themselves*.

Beginning in 1986, organized communities began to act on their desire to live and work in their place of origin. They formed representative popular organizations that denounced human rights abuses and brought a platform of their demands to the national political scene. International aid agencies were encouraged to participate in the formation of brigades to accompany the refugees in their repatriations, as well as finance the reconstruction of community infrastructure and services, which had been wiped out by the Army.

To date, thousands of refugees have returned from camps in Honduras, Panama, Nicaragua, as well as smaller groups of "silent repopulations" that have occurred all over the country.

The JRS study concludes that *the repopulations radically challenge the traditional political and social structures of Salvadoran rural society*. As opposed to the traditional elites of landowners and the military, the repopulated communities have organized local political structures regulated by elected community councils. As well, their own collective efforts and international assistance have enabled alternative development models based on collective ownership and cooperative management to be created.

The result is that social services in the repatriated communities already exceed those provided to the majority of the Salvadoran peasantry.

The above-mentioned JRS study concludes that the repopulation movement represents *a unique event in the history of Central America - perhaps unprecedented in modern history*. Commonly, refugees return to their places of origin when the war is over or they are resettled under clear control of one of the parties in the conflict. *The movement is significant because it offers a viable and durable solution to the problems of displacement, a solution created by the displaced themselves*.

Notwithstanding these achievements, the repatriated communities continue to suffer repression at the hands of the Salvadoran military. In July 1990, for example, the repopulated community of Guancorita, in the region of Chalatenango, was the target of an indiscriminate military attack. More recently, on March 30, 1991 a refugee who had just returned from a decade of exile in Honduras was shot and killed during a major military operation in northeastern Chalatenango.

Some refugee workers fear that immigration officers may use the example of successful repatriations to block Salvadoran refugee claimants, by arguing that if

some can go back, others do not have to leave. But the use of bad argumentation by officials can only be countered by refugee rights workers being familiar with the real situation in El Salvador.

There is little comparison between the needs of individual urban-based refugee claimants and these organized peasant communities. Canada must continue to accept refugees from El Salvador as long as the Armed Forces of that country continue to massively violate human rights. For those of us working with refugees and seeking to assist them in the most advantageous ways possible, support for, and defense of, the repopulation community in El Salvador is timely, instructive, and necessary.

Refugee Advocates Worst Fears Realized

In a meeting on April 17 with a CCR delegation from the working group on protection, the former Minister Barbara McDougall justified the increasing number of direct deportations to El Salvador by referring to mass repatriations from camps in the Central American region.

For more information concerning the repopulation movement, contact the **Central America Monitoring Group** (1 rue Nicholas, Suite 300, Ottawa, K1N 7B7), **Inter-Pares** (58 rue Arthur, Ottawa, K1R 7B9) and the **ICCHRLA** (Suite 201, 40 St. Clair Ave. E., Toronto, M4T 1M9).

Gathering of Grief

Before its Spring consultation in Victoria at the end of May, the CCR's Working Group on Overseas Protection will launch a task force on problems encountered by groups wishing to sponsor refugees. The project is a much needed effort to direct public attention to serious problems which have been largely unpublicized due to the substantial attention generated by the new inland system.

Interest generated through the task force will feed into the federal government's current review of sponsorship. Already there are indications that the government wants to cutback substantially on private sponsorships.

The task force will be led by lawyer David Matas, human rights expert Rabbi W. Gunther Plaut, and journalist Jean Claude Leclerc. They will be inviting sponsorship groups to share their experience and frustrations with the overseas system through written submissions and public hearings. **The public hearings will be taking place May 8th in Montreal, May 15th in Toronto, and May 21st in Vancouver.** A final report will be prepared and distributed through the CCR.

The task force will be seeking submissions by sponsoring groups on the following issues:

- * concerning decision-makers in visa posts: lack of independence and expertise in refugee law and country conditions.
- * no right to appeal for sponsoring groups;
- * no right to Canadian courts.
- * no right to counsel.
- * no right to an oral hearing for those applying abroad.
- * no right to make a refugee claim from abroad.
- * no right to an interpreter.
- * no right to reasons for refusal.
- * the fact that overseas applicant's must meet immigration criteria (eg. successful establishment and medical testing) in addition to refugee criteria.

For more information about the public hearings please contact CCR co-ordinator, Nancy Worsfold at (514) 939-2752.

If you are not able to attend one of the hearings, but would like to share your experience with the overseas selection process please contact David Matas, 205 Edmonton Street, Winnipeg, Manitoba, R3C 1R4, phone (204) 944-1831, fax (204) 956-2819.

Canadian Council for Refugees Spring Consultation

May 22 - 25, 1991.
University of Victoria

The Canadian Council for Refugees is committed to promoting the rights and well-being of refugees.

A non-profit, charitable organization, the CCR serves as an umbrella for over one hundred constituent member groups. The CCR undertakes a variety of activities including policy development and information exchange through its consultations and working groups; refugee protection through the innovative TRACE program; community outreach; public education; research; documentation; and government relations. It holds bi-annual conferences for member and non-member organisations to plan and consolidate nationwide strategies which promote justice for refugees.

Topics for Discussion

"Settlement Day"

Sponsorship Strategy

International Issues

Sponsorship Review

Agency Management

Claimant Issues

B.C. Protection Issues

Refugee Women

Government Funding

Working Group Meetings

&

General Meeting

Cross Country Checkup

Around the country refugee rights workers are daily fighting for justice for refugees. Every now and again it's important that we all connect to help remind us that we are not alone in our struggle.

British Columbia

Hooray!! Refugee claimants in this province have finally won the right to legal services under the provincial legal aid plan. The B.C. Court of Appeal has upheld a provincial Supreme Court ruling of 1989 that the provincial legal aid system must provide legal counsel to persons claiming refugee status. Though Bill C-55 granted the right to legal counsel to all claimants, the government of British Columbia had been denying service through its legal aid programme. Refugee advocates say the decision will ensure choice of counsel to claimants and will enable representation of claimants by lawyers with greater expertise in refugee law.

Saskatchewan

The small numbers of claimants are being processed smoothly and most are accepted. There is concern, however, over refusals and long delays in sponsorship and family reunification applications, especially for Salvadorans and Sri Lankans.

Manitoba

1000 refugees and their supporters recently demonstrated against cutbacks in federal Immigrant Settlement Assistance Programme funding. The Winnipeg based group also urges that letters be sent to the Minister criticizing the decision to close Winnipeg's Documentation Centre. For refugee claimants and lawyers service is now limited to a phone hook-up with the Calgary office.

Ontario

Advocates in London are requesting that people write letters to the Minister protesting the denial of landing applications to refugees who have been accepted under the backlog, but have been forced onto social assistance by the recession. Referring to a group of backlog decision-makers as the "slaughter-house-five", advocates are alarmed at the large numbers of cases being rejected. Reports from Kitchener indicate that direct appeals to the Minister's office are working in cases where strong claims have been rejected; Toronto is

having to face the question of how to support the growing numbers of people with good claims who, being rejected, are going underground rather than appearing for deportation. Refugee workers in Niagara Falls were impressed by Minister of Citizenship, Elaine Ziemba, who visited the area on April 19th. Ms. Ziemba was well informed on refugee policy and showed a real interest in defending refugee rights through her ministry. In other good news, the Ministry of Housing has announced that refugee claimants are now eligible to receive government assisted housing in Ontario.

Quebec

Community organisations in Montreal continue to organize against the backlog process, the increasing numbers of unjust deportations and inhumane detentions.

New Brunswick

Delays at different stages of processing are causing great hardships. Claimants are waiting up to three months in the USA before entering Canada for their first hearing. Sanctuary communities in Maine are finding it increasingly difficult to find housing and support for the claimants over such a long period of time.



Refugee Update

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