

# REFUGEE

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# C-86, ARRIVALS, IRB, ETC....

**R**efugee advocates along the border and in major urban centres will not be surprised to learn that the number of refugee claimants arriving in Canada this year has plummeted (chart on the right). Only 12,889 refugee claims were made in Canada from January to the end of September this year, compared to 26,337 for the same period last year.

Three factors have contributed to the sharp decline in arrivals. One is the "echo effect" as asylum seekers wait to see just how the new Bill C-86 measures brought in February will be applied. Already we can see the monthly rate slowly growing though it remains at less than half the rate of last year. Another contributing factor is the increasing control deterrent measures of immigration officers and airline staff against persons travelling on false documents. Finally, increasingly sophisticated security technology and vigilance against clandestine travellers are driving the price of such services further beyond the reach of asylum seekers. From 1982 to 1992 the cost of being brought from a Middle Eastern country to the West, for example, has risen from about \$1,000 to between \$7,000 and \$10,000.

### AT THE BORDER

The work of refugee advocacy groups is being greatly affected not just by the drastic decrease in arrivals, but also by changes under Bill C-86. Around Niagara Falls, for example, local advocates kept track of those arriving (meeting and giving them basic advice) by being on hand each morning at one immigration office where persons had to appear for their initial enquiry. With the initial enquiry gone under C-86, claimants are processed by immigration officers (SIO's) at any time of day and at any one of the three international bridges. As a result, advocates are losing track of people entering the country. Of even greater consequence is that far fewer claimants are receiving legal assistance in filling out their Personal Information Form (PIF).

### REFUGEE CLAIMS MADE AT BORDER POINTS AND INLAND OFFICES

MONTH	1992	1993
JAN	3845	1839*
FEB	3200	1339
MAR	29150	1339
APR	2554	1112
MAY	2427	1175
JUN	2582	1402
JUL	2620	1644
AUG	2777	1801
SEPT	3417	1597
OCT	3256	-
NOV	3822	-
DEC	4305	-
<b>TOTAL</b>	<b>37,720</b>	<b>12,889</b>

\* UNCONFIRMED, PRE C-86

SOURCE: CANADA IMMIGRATION.

The PIF must be completed by all claimants long before their hearing and includes questions about why the person has claimed refugee status. Any discrepancies between what is written in the PIF and the testimony at the hearing is typically used to discredit the entirety of the person's claim. Under the old system, a claimant was entitled to legal counsel in preparing for their initial enquiry and so most had legal assistance in filling out their PIF. Now with the initial enquiry gone so too is their

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right to have a lawyer assist them with their PIF.

### AT THE IMMIGRATION AND REFUGEE BOARD

On September 14, 1993, the Convention Refugee Determination Division of the Immigration and Refugee Board released its statistics for the year up to the end of June. The IRB press release says "After the new legislation created a single hearing...there was a significant drop in the rate at which new claims were referred to the CRDD." This would have us believe that the new system is achieving its stated objectives of increasing efficiency and curbing abuse. In fact, the sharp decline in the number of hearings at the CRDD is not due to any rejection of claimants before their hearing, but it is due rather to the drastic decrease in persons arriving to make refugee claims in Canada.

The total number of claims awaiting decisions from CRDD were 22,381 at the end of June 1993 compared with 13,603 claims pending on June 30, 1992 (65% increase). This is mainly due to the large number of claims made just prior to the implementation in February of Bill C-86. The average processing time for each claim is six months, unchanged from last year.

During the first half of this year, 13,856 claim were heard to completion of which the share of different regions was as follows:

ONTARIO	7853	56.7%	(OF TOTAL)
QUEBEC	4311	31.1	"
B.C.	617	4.4	"
OTTAWA	577	4.2	"
PRAIRIES	266	1.9	"
ATLANTIC	232	1.7	"

The proportion of claims under the "expedited" process - cases screened for less than a full hearing on the probability of acceptance - dropped to 25 per cent in the second quarter of 1993 compared with 37 per cent during the year 1992.

The major source countries continued to be Sri Lanka,

Somalia, CIS/USSR, Pakistan, Iran, Lebanon, China, India, Israel, and El Salvador. Since the end of 1992 Yugoslavia and Ghana have ceased to be among the 12 countries. They have been replaced by Peru and Guatemala. Other major refugee producing countries were Rumania with 305 claims, Haiti: 269, Ghana: 258, Bangladesh: 241, Zaire: 225, Nigeria: 207, and Sudan with 204 refugee claims concluded.

A conspicuous trend is the rise of CIS/USSR to the third rank with the total of 1243 claims concluded at the first half of 1993. Of this figure, 347 claims were made in the name of the USSR. The share of other countries emerging out of the collapse of the Soviet system were as follows: Russia 389 claims, Ukraine 186, Moldova 132, Estonia 83, Belarus 30, and Azerbaijan 21.

As can be seen from the table below, compared with the first half of 1992, the number of claims has been reduced by 21% and the number of people accepted has registered a 13 per cent decrease, while the respective proportions for withdrawals and rejections have been 7 and 10 per cent increase.

PERIOD: JAN 1 - JUNE 30				
	CLAIMS	ACCEPTED	REJECTED	WITHDRAWN
1992	17,249	9,710	5,425	1,797
1993	13,856	7,607	5,638	1,928

With the exception of Somalia, Peru, and the CIS/USSR, all top refugee producing countries have faced decreased rates of acceptance. Even a war-ravaged country like Sri Lanka has faced a 14% decrease from its acceptance rate in 1992. The percentage of decrease for other countries are as follows:

DECREASE IN ACCEPTANCE RATE FOR SAME PERIOD, 1992 TO 1993	
Pakistan 29%	India 1%
Iran 10%	Israel 10%
Lebanon 14%	Salvador 10%
China 2%	Guatemala 13%

These figures reflect in an overall reduction of the rate of acceptance from 57% in 1992 to 50% in the first half of 1993.

### TOP TWELVE COUNTRIES

(JANUARY 1 - JUNE 30, 1993)

1993 RANKING	1992	CLAIMS	WITHDRAWN*	HEARING REJECT*	HEARING ACCEPT*	ACCEPTANCE %	
						1992	1993
1. SRI LANKA	1	2,548	85	469	1,944	92	78
2. SOMALIA	2	1,559	64	49	1,516	91	93
3. CIS, USSR	6	1,243	207	406	628	51	51
4. PAKISTAN	3	655	148	401	200	56	27
5. IRAN	6	11	54	160	395	75	65
6. LEBANON	8	496	69	313	176	46	32
7. CHINA	4	448	49	453	103	19	17
8. INDIA	9	448	94	327	111	22	21
9. ISRAEL	12	379	106	158	77	33	23
10. ELSALVADOR	7	354	64	331	87	28	18
11. PERU	-	314	13	74	220	68	72
12. GUATEMALA	-	313	67	146	185	59	46
OTHERS	-	4,488	908	2,351	1,965	44	38
TOTAL	-	13,856	1,928	5,638	7,607	57	50

(\* INCLUDES CLAIMS MADE IN 1992 WHICH WERE AWAITING A DECISION AS OF JANUARY 1993.)

SOURCE: IMMIGRATION AND REFUGEE BOARD AS COMPILED BY JRS/CANADA.

# GOODBYE EMPLOYMENT AND IMMIGRATION, HELLO PUBLIC SECURITY

**W**hat's in a name, you say? Refugee protection advocates are asking themselves this question as they face the prospect of working under the shadow of the new Ministry of Public Security.

On June 15, Prime Minister Kim Campbell announced a major organizational shuffle of federal departments. One change is that the former home of most refugee policy matters, Canada Employment and Immigration, will be gone. The refugee portfolio will be split in two and it is interesting to note that the point of division is the protection decision. All matters **after** the protection decision (eg. settlement, language, training,) will be dealt with immigrant settlement and employment programs in a new "super" Ministry of Human Resources. Those matters **before** the protection decision (eg. overseas refugee selection, inland refugee determination) will be lumped with immigrant selection, prisons, criminal programs, and an on-coming border control program under Public Security.

The context for this reorganization has been the federal election and attempts by the Progressive Conservative Party to construct a new face to replace that of the unpopular Brian Mulroney. The Tory rationale is that Canadian support for the current large immigration program hinges on the ability to catch undesirables - i.e. criminals, terrorists, and those who would "abuse" the immigration system. The Liberal leader, Jean Chretien has publicly stated that the public security move is "a cynical, manipulative move" and will be reversed under a Liberal government. At the same time the Reform Party is gaining support despite its well-known policy against multiculturalism and immigration. And at the community level, immigration is the issue that everyone wants to talk about except the candidates. In any case, the reorganizational changes are underway. The new Minister for Public Security, Doug Lewis, has already met with the Canadian Council for Refugees and calls concerning protection matters are being handled by the new department.

So what will the name-change mean for refugee protection workers? Well, let's start with an assessment of the gains and losses for refugees under the old linkage to Employment and Immigration. It's worth remembering that before 1978 when the first formal refugee policy was enacted, Canada's refugee protection programs - the Hungarians in 1956, the Czechs in 1968, the Chileans in the 1970's - were extraordinary programs, falling somewhere between External Affairs and Immigration mandates. The decision of where to slot refugee policy could have gone differently back in '78. Sure, Immigration was an obvious candidate, but External Affairs could have been another. Or the government could have taken refugee protection, foreign aid, human rights, international relief and other social justice programs and lumped them into a distinct ministry.

The employment/immigration linkage concretized the policy assumption that Canada's immigration programs be tailored to fit national economic and employment objectives. But what were the implications for refugee protection? A few points stand out. On the positive side, because refugees in Canada are seen primarily as immigrants, they have not had to bear the burden of public accountability as refugees. Persons of colour and accent are commonly asked about "where do you come from?". If refugees were landed as refugees and not immigrants, then you might have refugees facing very painful and uncomfortable questions on the street about "so, what happened to you?" The immigrant label has enabled refugees to protect their personal history and identity as victims of persecution.

A negative outcome of the immigration/refugee focus is that the protection decision concerning refugees has been hidden from public consciousness. When a country decides to accept a



refugee it says in effect, "we are convinced that your life will be endangered if you are sent home, so we'll let you in and give you protection." Canadians should see their government doing this, giving protection. But as refugee policy has been organized under Employment and Immigration, the protection decision has been buried in immigration rhetoric about "selecting" and "accepting" refugees. The most common illustration of this is the persistent public confusion over the difference between "refugee" and "immigrant".

The immigration/employment linkage is also responsible for the hollow debate about refugees and their "contribution" to Canada. Obviously this was and remains to be an important

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terrain for immigration advocates. But at best this debate reminds Canadians that persons from every walk of life - the rich and skilled to the poor and unskilled - can become refugees. At its worst, the contribution rhetoric eclipses the central refugee realities of persecution and statelessness and places the refugee in a position of having to barter for their lives with Canada.

The immigration linkage has also been responsible for abuse and queue-jumping rhetoric which has had a devastating impact on public sympathy for asylum seekers. This rhetoric rests on the centrality of immigration programs. It pushes international refugee law, the Geneva Convention, and sympathy for victims right off the map. Currently in Canada, any refugee claimant who is not accepted by the Immigration and Refugee Board is deemed to have "abused" the system. It places the decision of the Immigration and Refugee Board above question and makes the asylum seeker guilty until proven innocent. Queue-jumping is based on the abdicated notion of denying the many distinct programs/criteria/doors under which different classes of immigrants enter Canada (eg. family class, investors, independents). It reduces the image of a country's many entry points to one door for all immigrants. Under this now-popular image, any refugee claimant who is accepted is understood not as a victim of persecution, but as someone who has successfully fooled the immigration system.

Once a refugee has been granted protection in Canada - selected overseas or accepted by the IRB - they will fall under the settlement mandate of Human Resources, and so their refugee

identity may remain shielded from public scrutiny. It's on the Public Security side of the equation - the getting to Canada and getting protection from Canada - that preoccupy refugee advocates. Aside from the obvious negative image generated by linking refugees and immigrants with criminality, the Public Security heading stands to lend legitimacy to recent refugee interdiction measures. Stepped-up scrutiny of travel documents and persons at airports and border points by airline and government officers is resulting in far fewer asylum seekers able to seek protection in countries like Canada. Granted these measures **may** deter drug dealers, criminals, etc. from getting to Canada, yet typically these people have the resources to equal or better the security measures of those who seek to catch them. (This explains why refugees will pay so much to smugglers to ferry them into countries). We do know for certain that increased security measures and secretly negotiated intergovernmental agreements on migration will catch refugees and prevent them from gaining protection in countries like Canada.

Perhaps the opportunity that the Public Security label holds for refugee advocacy is to clear away the distractions of the immigration label and place the security issue front and centre. But our question is whose security? If federal politicians are so keen to protect Canadians from criminal and other anti-social elements, then perhaps they and the public can be brought to an understanding that refugees seek the same protection. Only refugees, now numbering 18 million, lack the support of a state and so look to other nations like ours for that protection. **R**

## PRECIOUS LITTLE SUPPORT

**T**he issue of immigration is simmering hot on the backburner in this election. Everyone knows what Reform would do to multiculturalism and immigration. Voters on their doorsteps, from all communities, are asking why immigration levels are so high when the economy is so bad.

A sitting duck in all this is the inland refugee determination system. The Tories put up a Public Security sign to convince the public that criminal and security risks will be caught before entering Canada. But the residue of suspicion and frustration concerning refugee claimants coming unannounced to Canada continues to be voiced on the doorstep.

Will the winners in the election protect the feeble inland system against those who would shut it down? The inland system has precious little support out there and it is worthwhile remembering just how and why that support has sunk so low. The Backlog Clearance Program is at the centre of this story.

In its Annual Report for the year ending December 31, 1992, the Immigration and Refugee Board announced the completion of the Backlog Clearance Program. The special Backlog offices have been closed down, the staff persons re-assigned back to their



regular duties or laid-off. The legacy of the Backlog, however, is far from over.

The Backlog Clearance Program was designed in 1988 in response to the 96,000 refugee claims that remained undecided when a new refugee determination system was implemented on January 1, 1989. The idea was not to clog the new system with the still undecided claims and hence the special clearance program. This simple logic comes nowhere close to explaining why the Backlog will remain a lightning rod in the field of Canadian refugee work for years to come.

The key to understanding the backlog controversy is to consider the state of Canadian refugee protection at the time. In the early 1980's, Canada reaped great praise for the public's role in sponsoring Vietnamese boatpeople. But behind the scenes, in the obscure policy area of inland refugee determination, a problem grew. The mechanism to decide inland claims, designed to handle a few hundred claims each year, got swamped as hundreds became thousands as the 1980's progressed. The system collapsed to a point where by 1986 it took a year or more for a refugee claimant to get an initial decision.

The question that determined the nature of the Backlog Clearance Program was: did those persons have a legitimate claim to refugee status in Canada? Advocates said yes and pointed to the Geneva Convention which says all persons have a right to seek protection and to the fact that the great majority of cases were people fleeing recognized refugee-producing countries. Immigration and the Tories said no. They pointed to hopeful immigrants waiting overseas and to those in the backlog from non-refugee producing countries. The result was a battle for public opinion.

The government won. Media stories emerged about recent immigrants bitter about being separated from family members overseas while refugees "jumped the queue". Stories circulated about unscrupulous consultants counselling claimants to fabricate stories of persecution. The idea of abuse stuck in the public mind. Advocates had only the residual public goodwill left over from the Vietnamese refugee experience. Lawyers and leaders spoke out attempting to separate the refugee versus immigrant issues that were being tossed around, but ultimately, they failed. Our Waterloo came when the government successfully launched a National Emergency against refugee claimants when the now-famous Sikh boat arrived off Nova Scotia on July 12, 1987.

As in most conflicts, truth existed on both sides. Refugee advocates, however, are angry over the government's abuse of

power in designing the Clearance Program to reflect its claims about curbing abuse without considering that most in the Backlog were caught up in policies and politics beyond their control. Advocates felt bad for those non-refugees who had been duped out of huge sums of money by the consultants. Central to the lingering bitter memories of the backlog are the memories of refugee advocates counselling families, persons who had been waiting for four, five, six years in a suspended, alienated state of limbo; refugees in their basement apartments, saving every penny in case one day they faced refusal and had to flee again the threat of death in their country; refugees watching the TV call them liars,

abusers, queue jumpers, saying Canada should send them all back; hearing of suicides and domestic violence hushed up for fear the cases of remaining family members in the backlog would be threatened by such tragedies.

In the end, the program was almost a year late in getting started, and was extended twice after missing its deadline. The acceptance rate was 63%. But these were not accepted as Convention Refugee; they received "special landing". The government called this a "humanitarian" program, a lesser test than the Convention definition. Advocates called the denial of Convention status under the program a face-saving measure that denied the refugees rightful recognition. The program's "humanitarian" test only looked at immigrant criteria like whether the person had a job, and it ignored the issue of children born in Canada and the length of time the person had been waiting in Canada for a decision.

When the special Backlog offices were set up in 1989, notices were sent out telling claim-

ants not to contact the offices but to wait to be notified. When the program ended and the last offices were closed in December, 1992, Immigration issued only a legal notice in major newspapers informing persons not already contacted (2,741 cases) that the offices would be closed in less than one month.

In its 1992 annual report, the IRB boasted "from the perspective of the Board, it should be noted that the Backlog Clearance Program played a very important deterrent function. In signalling to the international community that Canada would not tolerate abuses of the refugee determination system, it protected the then-fledgling Immigration and Refugee Board from being overwhelmed by dubious claims and those who would use the refugee determination process as a way to circumvent regular immigration procedures." The Backlog, inflaming such a heated public debate five years earlier, ended without public debate. **R**

## BACKLOG STATISTICS

(JUNE 15, 1993)

<b>TOTAL BACKLOG</b>	<b>96,000</b>
<b>DECISIONS RENDERED</b>	<b>93,259</b>
<b>CASES ACCEPTED:</b>	
HUMANITARIAN INTERVIEW	20,283
HUMANITARIAN PAPER SCREEN	6,122
CREDIBLE HEARING	17,196
CREDIBLE PAPER SCREEN	15,403
<b>TOTAL CASES ACCEPTED</b>	<b>59,004</b>
<b>CASES REFUSED:</b>	
REMOVAL STREAM	11,012
DISAPPEARED	11,161
VOLUNTARY DEPARTURES	12,082
<b>TOTAL CASES REFUSED</b>	<b>34,255</b>
<b>DECISIONS PENDING</b>	<b>2,741</b>
<b>FINAL DISPOSITION OF CASES</b>	<b>83,756</b>
<b>ACCEPTED CASES LANDED</b>	<b>55,481</b>
<b>REJECTED CASES REMOVED</b>	<b>5,127</b>
<b>CONFIRMED VOLUNTARY DEPARTURES</b>	<b>11,987</b>
<b>ARREST WARRANTS ISSUED</b>	<b>11,161</b>
<b>ACCEPTANCE RATE</b>	<b>63%</b>

(SOURCE: COMPILED BY JRS/CANADA FROM CANADA IMMIGRATION STATISTICS)

# RETROACTIVE

BY GERALDINE SADOWAY

**U**nder Bill C-86, a small but very important change was made to Section 19(2)(a) of the Immigration Act which deals with inadmissible classes of persons.

Prior to the change wrought by this Bill, a person was "inadmissible", or not eligible to become an immigrant, if she or he had been convicted of an offence which may be prosecuted by way of indictment and for which a term of imprisonment of less than ten years may be imposed. An exception was possible if the person convinced the Minister of his or her rehabilitation and that 5 years elapsed since the completion of the sentence (2 years if the offence was committed before the person reached 21 years of age).

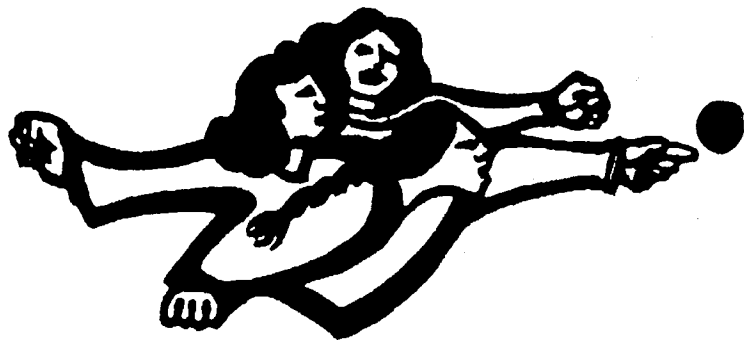
Bill C-86 changes this provision. A person is inadmissible if he or she is convicted of an indictable offence or for an offence for which the offender may be prosecuted by indictment **or for which the offender is prosecuted on summary conviction, that may be prosecuted by way of indictment** and for which a term of imprisonment of less than ten years may be imposed, except if they have satisfied the Minister that they have rehabilitated and that 5 years have elapsed since the completion of the sentence. (No special treatment for young offenders.)

In our Criminal Code, many offenses are called "hybrid" offenses, which means that they may be prosecuted by "indictment" (serious offence and more severe treatment) or "summarily" (less serious with less serious consequences). Under the changes to the Act all persons who are convicted of a "hybrid" offence, even if the Crown decided to prosecute summarily, and even if a suspended sentence or a very light penalty was imposed, are **inadmissible for immigrant status**. For example, a person convicted summarily of driving while impaired, is now inadmissible to Canada as an immigrant.

Many people in the Backlog who had such minor convictions and who were told previously that the convictions would not affect their application for landing, have now become inadmissible. If they did not receive their permanent resident status prior to February 1st, 1993, the new Act now applies. If they are ineligible for landing, they and their families must now proceed with the whole refugee hearing process, after five or six years of waiting.

The managers of the Backlog program have requested special directions from the Minister as to how to deal with these cases. They have already been waiting for several months for a decision.

This change in the law should not apply to members of the Refugee Backlog who had no control over the long delays in the processing of their cases. They have already suffered enough under this program. **R**



## THE RIGHT TO SEE OUR LOVED ONES

**N**azi is a refugee woman who fled Iran with two children in 1984 after her husband was killed in prison. She first went to Germany and stayed six years. In 1990 she came to Canada and was accepted as a refugee in that same year. Nazi had not seen her mother in Iran for six years. When the mother applied for a tourist visa to visit her daughter she was refused without any explanation. Nazi cannot return to see her mother in Iran, and now fears that she will never see her mother again.

It is a bitter reality that thousands of refugees like Nazi - accepted, landed and even with Canadian citizenship - are commonly denied the right to be visited by their relatives here in Canada. They are unable to go back to their countries of origin because, as refugees, they face a well-founded fear of persecution at home.

In Vancouver, a new coalition has formed to protest this situation. The Committee for Equality for Immigrants and New Canadians has organized public forums to hear the experience of refugees and immigrants whose families and loved ones abroad are systematically denied tourist visas to Canada. In its letters to both Ministers of Immigration and External Affairs, the Committee has expressed particular concern that most applications of their close relatives for visas are denied without explanation.

The following is taken from a letter sent to the Minister by the Committee on May 1, 1993: "We, Canadian immigrants or citizens, have the need and the right to see our loved ones at least for short periods; that is, we need to bring them here for a visit. Our right to enjoy the company of relatives and old friends, is, or should be, the same right that those born here have of being close to their families. Every time we are told 'no' by this country that we have chosen as our own, every time our relatives are treated with arrogance and even rudeness, we truly feel like second class citizens. This we will not accept. Unjustified denials of tourist visas to our guests is a violation of one of the most fundamental rights of the human person: the right to communicate freely with one's loved ones."

The Committee is making the following requests:

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# THE BIG "R" AND THE BIG "X"

The month of June 1993 witnessed unprovoked and racially motivated attacks against Sri Lankan Tamils in different parts of Metropolitan Toronto. These attacks, described by police as "hate crimes," resulted in the death of a young Tamil refugee on June 10th and life-long paralysis of another on June 20. A week later, on June 28, 1993, more than 3000 chanting demonstrators marched in a peaceful protest against racism in downtown Toronto. This rally was sponsored by more than 60 groups including labour, anti-racist, and community organization under the banner of Toronto Coalition Against Racism.

The tragic hate crimes of June 1993 were just the sporadic manifestation of bigger problems haunting our multi-cultural society: racism is on the rise and, as in other Western countries, it shows its ugly face through xenophobia. This is reminiscent of the classic example of NAZIS shouting slogans blaming Jews and Gypsies for all the problems in Germany during the 1930's.

Without removing responsibility from the hate groups, it is, nevertheless, within an atmosphere of racism in the broader society that racist gangs emerge and target refugees as well as other weak sectors of society. Racism does not spring from a handful of hate hooligans; it has its origins in powerful social forces in society - government, media, employers, corporations, military, police, etc. - which claim the **status quo** for themselves and cast all others as foreigners. Society's inherent shortcomings are blamed on those with less power, including refugees.

In this context, one should not forget the role and responsibility of the Canadian government in perpetuating racism. One can speak about a historical connection between the immigration and refugee policies of various Canadian governments and the prevalence of racism in our society. The roots of racism in the Canadian political system go back 500 years when European White settlers occupied the First Nations territories by force and referred to them as "barbarians." Only in 1968 did Canada replace it's explicitly racist immigrant selection criteria with the more benign point system.

In a most delicate and systematic way, the Conservative government has used its "credibility" to undermine that of refugee claimants seeking protection in Canada. Terms like "floods of refugee claimants" and "swamping the system" have been coined and used by government to win passage of recent amendments in

refugee policy (Bills C-55 and C-84 in 1988 and C-86 in 1992). The language of government, echoed in the media, has provoked a xenophobic attitude toward refugee claimants. The clearest example of this was the National Emergency launched against the boatload of Sikh refugees in 1987.

Former Minister of Employment and Immigration, Bernard Valcourt, made many public remarks against refugee claimants which can be described as racist, and yet he never was held accountable by his party or the media. He said refugee claimants "have no business in this Country", "why should Canada take them when we can send them back where they came from...", and "...they jump the queue ahead of hundreds of thousands of good



ILLUSTRATION BY MASOUD KERMANI.

GUNALAM MUTALINGAN WAS KILLED ON JUNE 10, 1993, IN A BRUTAL ATTACK BY UNKNOWN ASSAILANTS IN CABBAGETOWN AREA. MR. MUTALINGAN HAS LEFT BEHIND HIS WIFE AND TWO KIDS.

people who want to come here to contribute to our country."

The creation of the Ministry of Public Security has not diminished the impression that the Conservative government views refugee claimants and immigrants in xenophobic terms. The government's own rationale in announcing the reorganization is that the new portfolio "will address law and order issues, including the smuggling of goods and the entry into Canada of illegal immigrants..." Statistics on persons actually found to be security risks indicate that the new security focus grossly exaggerates the extent of the issue. All immigrants and refugees already undergo a security clearance before landing in Canada. So, again the government appears to be catering to and affirming blatant xenophobia.

Attempts by police forces across Canada to make a connection between crime and the ethnic origin of the criminal has led to such stereotypes as "Asian crime groups", "Sikh terrorism", "Somalian trouble makers", etc. These only fan the flames of xenophobia and racial prejudice against refugee communities in Canada.

The current economic recession draws particular racially-based discrimination and prejudice against refugees in the area of employment. Media sources commonly echo misdirected statements about refugees and immigrants taking jobs if they are not on welfare. This scapegoating is interpreted by refugees as

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racism, cruelty and vindictiveness, since of course the refugees and immigrants have no power in these matters. They look to the government for defence and hear only support for xenophobia.

The experience of racism leaves refugees with a bitter feeling of alienation and rejection. Refugee workers and social justice advocates around the analysis table at the Jesuit Centre shared their stories. A prominent member of the Analysis Group, who has been living in Canada for more than 5 years, still feels herself to be a refugee no matter what changes happen to her legal status. "If you are," she bitterly mentioned, "a person of colour, even if you are a 6th generation Canadian, they always ask "where are you from?"

Although refugees have been either champions or survivors of justice and human rights struggles, they are not in a position to lead social movements in Canada including that against racism. Most cannot speak publicly for fear of jeopardising their own and their family's status. The trauma of being a refugee can take generations to subside.

Tragically, in Toronto, it has taken the killing and beating of refugees by NAZI hate groups to bring together a coalition against racism which has placed refugee and immigration policy in the limelight. Such a movement that draws on the wisdom of refugees and links anti-racism with the fight against xenophobia is overdue. **R**

## SETTLEMENT MANAGEMENT INFORMATION SYSTEM (SMIS)

**A**gencies serving refugees across Canada are highly concerned about a proposal whereby the federal government will track all contact between newcomers and settlement services under a centralized computer data base called Settlement Management Information Systems (SMIS). The settlement bureaucracy, now organized under the Ministry of Human Resources, claims that information under the new system is designed to measure the efficiency of settlement services and clients satisfaction. The agencies argue the new system will violate the privacy of clients and that it will undermine their efforts to earn the trust of clients, especially refugees.

Under SMIS, all settlement agencies will be integrated on a common database linked to the federal government. Agencies will be expected to enter data concerning each client contact into the system. This system will track on a single database any and all contact between newcomers and service agencies.

Agencies are sceptical about the stated goals of the program. They argue that program efficiency and client satisfaction are already adequately measured under current accountability measures. Aggregate figures on clients seen and services provided are given to the government on a regular basis without disclosing clients' personal information.

At another level, SMIS is an example whereby new computer technology is enabling the state to directly monitor and control people's lives. It's disappointing that the government is willing to overlook the special privacy needs of refugees in the interest of greater social control. Indeed, the system infringes on their privacy and is an outright breach of confidentiality.

This obtrusive policy is unacceptable because it touches

refugees where they are most vulnerable - their ability to express themselves only to those people they most trust. Some groups amongst refugees, such as women and victims of torture, wish only to reveal past experiences from their country of origin to people close to them. Agencies establish this trust, governments do not. Settlement agencies keep information as individual checks for internal records and professional services. Due to the personal nature of their accounts, refugees trust that these agencies will not divulge this information to anyone. Without this trust, these organizations will lose their reason for being.

In response to the new initiative, settlement agencies are thinking of two options:

1. Advocacy, letter-writing campaign, meeting with the Minister, Press Conferences.
2. A combined non-cooperation movement.

Settlement agencies should counter SMIS with these

techniques. These acts will involve a firm resolve not to buckle under government's intrusive policy of prying into the details of refugees' lives. The agencies should continue to advocate on behalf of the rights of refugees, even if it is contrary to governments procedures.

If the government has the information to measure program efficiency, why does it want to probe deeper into the agency files of refugees? The hidden motive behind this attempt re-

mains unclear, especially when we consider that Human Resources also has access to refugees' personal information through Personal Information Forms (PIFs). Many settlement agencies believe that SMIS is a new endeavour to impose greater controls on refugees. **R**

**MANY SETTLEMENT AGENCIES BELIEVE THAT SMIS IS A NEW ENDEAVOUR TO IMPOSE GREATER CONTROLS ON REFUGEES.**





The following is the recollection of a girl escaped to Canada along with her parents at the age of three: "I remember very well the time when we, I and my cousin, went to visit our uncle in jail. We both had red skirts." Here's the testimony of an eleven-year-old boy who escaped to Canada along with his mother 7 years ago: "One night we went to the basement to escape bombs. Everybody was panicky. We were apprehensive that something terrible would come..." This boy is still frightened at any loud noise.

These are children who have escaped persecution along with one or both parents. This group of children carry with them the bitter experiences of fear, flight and the search for safe protection.

Another group of refugee children are Canadian-born children of refugees and refugee claimants. They are born into and share a family life dominated by the anguish, guilt and ambivalence of their parents. These children live the refugee experience through their parents. The psychological impact on the children is anybody's guess. Many seek to comfort their parents by taking on emotional responsibilities far beyond their development level. At the other extreme, there is rejection in which children feel emotionally abandoned and resent the "weakness" of their parent(s).

A third group is a tiny number of unaccompanied youths (minors) brought to Canada under government and private sponsorship programmes. Typically, between the ages 15 and 18, the youths have lost or become separated from their families. Many of the youngest ones end up in foster homes or on the street. There is no specific legislation - federal or provincial - on issues of adoption and custody for this vulnerable group. In other cases, young adults are sent by their families in refugee camps to establish roots in Canada and then rescue family members in the camp through sponsorship.

Refugee children face discrimination, exclusion, mockery, and harassment common to minorities in Canadian schools, playgrounds, and neighbourhoods. They are singled out due to their skin colour, appearance, name, accent, ethnic background, and parents' culture. "My classmates are teasing me," a refugee child explains at home, "and telling that my dad is ugly. I know this is not true. They don't like my dad because he doesn't look like their dads." These experiences make their own identity a



## REFUGEE CHILDREN IN CANADA

JRS STAFF PERSON, EZAT MOSSELLANEJAD, HAS STUDIED THE LIVES OF REFUGEES IN CANADA AND ABROAD. THE FOLLOWING ARE SOME OF HIS REFLECTIONS.

problem which they must worry about and deal with.

The following is an excerpt from a letter sent by a child in Canada to his father in a refugee camp: "Dad! My mummy is very busy working outside and inside the house. She puts me to bed before 8:00 at night. She has no time for me. Daddy! Please do come and tell me stories before I go to sleep. I still remember your sweet fairy tales. My teacher is going to teach me magic. If you don't come by Christmas, I'll do some *hocus pocus* and become a bird and come to you myself."

Family separation can easily lead to the alienation of refugee children from their parents. Long-term separation can lead to family breakdown even if reunification happens after a few years. Repulsed and rejected for years, refugee children and their parents, even in the case of reunification, are in danger of losing any kind of love and attachment to the society of their refuge.

I met two refugee sisters in Montreal, aged 10 and 12, fluent in four languages: Turkish, Persian, French, and English. They said, "we learn in French; we think in English; we fight in Turkish; we communicate in Persian, we want to serve Canada in all these 4 languages." A successful 17-year-old refugee girl said in Toronto: "I like to be a doctor. It's the best way to serve people. After becoming a doctor I'll join the Canadian branch of Doctors Without Borders (*Medcin sans Frontiers*). I'll go with them to the poorest countries of the world where people need medical cares desperately."

More recently, there is a new type of suffering imposed on refugee children in Canada. Persons rejected by the Immigration and Refugee Board, yet with Canadian-born children, are being told by Immigration that only they and not their children must leave. The unspoken message from Immigration is that they, the parents, must make the decision to take the children with them. The children, many 6, 7, 8 years old (especially in cases of the Backlog Clearance Program) feel a bitter privilege in having Canadian citizenship as they witness their parent's rejection.

"If my parents," said a 10-year-old refugee girl, "take me to their country, I'll come back. Because there are no marshmallows there. I love to barbecue marshmallows." Here is the argument of a 9-year-old refugee girl: "I feel more at home here because I was born here." R

# CHANGE OF CIRCUMSTANCE: THE SALVADORANS

**T**he Peace Accord signed in El Salvador in December 1991 has brought with it many unexpected changes for Salvadoran refugees in Canada. Throughout the 1980's, Salvadoran refugees faced a highly ambiguous reality. Brutal repression from the military government had precipitated an armed resistance movement that grew so that for the last half of the decade the country was in a civil war neither side could win. Over one million Salvadorans fled northward into the United States - the very country which was bankrolling the military repression in their homeland. In the United States, the Salvadorans fell victim not only to Ronald Reagan's ideological war in Central America, but they also fell victim to a highly political and discriminatory refugee determination process in the US. As a result, most of the five hundred thousand Salvadoran refugees remained illegally in the United States.

In Canada, the prospect of a far less discriminatory system, a high acceptance rate and even a special program for Salvadorans attracted many in the United States, but still only

a very small fraction, some 30,000 of the one million who had fled to Mexico and the US came to Canada.

No one had monitored the ten year Peace Process in El Salvador more closely than refugees outside the country. The December '91 Peace Accord brought the prospect of return and thousands did so. Early 1992 was a time of euphoria: peace after twenty years, family reunions, visits to regions unvisited in decades. But despite the peace there remained the enduring question of subsistence which had always been at the root of the conflict.

Many returning refugees soon realized that the remittances they had been sending during the war years to their families from "el norte" amounted to more than what was likely in the post-war job market in the country. And so the one-time refugees are fleeing again, many this time with their status as landed immigrants in Canada, but still refugees, victimized by the repression which once caused their flight. Only now they are trapped in exile by new economic realities.



Like the squirrel and the robin  
we built a cosy home in stages.  
What took us 20 years to build,  
was burnt down in 24 hours.

We walked, we ran  
and began to live out of suitcases.  
within assigned 6'x 10' rooms  
we paced, yearning for 'home'.

Like the monkey or the kangaroo  
I hopped from place to place,  
with my infants clutching at me  
Putting up and taking down our tents.  
Addressless, adrift,  
Our colour became a burden.  
In borrowed life-boats we floated.  
Then at last we saw land - our new home.

Land of Native Indians, Inuits and immigrants.  
Now I am one of you.  
O Canada! the North Star, let's together be  
the Sanctuary for the homeless and rootless.

**Sadha Coomarasamy**  
October, 1986, Montreal

The numbers alone are staggering: three years ago there were 15 million refugees, today 19 million. In the same period the budget of the Office of the United Nations High Commissioner for Refugees (UNHCR) has jumped from US\$ 544 million to US\$ 1.3 billion.

Behind the numbers, though, are scenes of terrible human tragedy the kind seen nightly on television from Bosnia or Somalia. Women and children, who make up almost 80% of the world's refugees, suffer the most.

There was an air of urgency, then, as the 44th Session of the Executive Committee of the UNHCR prepared to convene in the first week of October. An annual meeting of member countries to approve the High Commissioner's programme for the coming year, it is also an occasion for the international community to address the problems in protecting and finding solutions for refugees. Of particular concern this year was the further erosion of the system of asylum, as countries go to greater lengths to prevent refugees from reaching their borders to make a claim. Recently, for example, the U.S. intercepted Haitian asylum seekers in international waters and returned them to Haiti. Such actions strike at the heart of the protection system for refugees, the principle that refugees should not be returned (*non-refoulement*) to countries where they face persecution.

Both in a preparatory paper and in her address to the Executive Committee, the High Commissioner, Mrs. Sadako Ogata, reaffirmed in the strongest terms the principle of non-refoulement. It is the foundation of the protection system for refugees, and she called upon on all countries to observe it, ensuring that refugee claimants have a chance to seek asylum somewhere.

Disappointingly, then, Canada's statement at the Executive Committee failed to respond fully to this assault on the principle of asylum. While giving attention to protection, the Canadian approach encouraged the establishment of asylum systems that are rapid and efficient. Providing efficient protection mechanisms, Canada argued, is the best means for states to exercise greater control over the numbers.

While this may be true, and indeed important, as the central protection point for Canada to make, it was a limp response, given the international context. It betrayed the bureaucracy's ongoing preoccupation with control and management. Hardly the stuff of bold and imaginative thinking needed to deal with the seemingly intractable suffering of so many people around the world.

Canada's treatment of refugees and the safeguards it



## CALL FOR IMAGINATION

BY EDWARD M. HYLAND

One of the conclusions of the Executive Committee urged countries to develop guidelines for dealing with women asylum seekers, recognizing that they have specific protection needs.

Another key theme of the High Commissioner, picked up also by Canada in its statement, is the need for more comprehensive political and development assistance strategies in refugee source countries, to try to change the conditions that force people to flee. Part of this preventive strategy includes UNHCR working with internally displaced persons, providing them protection and humanitarian assistance until a political solution can be found.

With the possibility of a decline in financial support for UNHCR as well as the overall development aid cuts, Canada is undermining the very preventive strategies promoted by the High Commissioner and which it supports. As Mrs. Ogata pointed out, such cuts will fall disproportionately on women and children. Again, these are groups of people the government claims have priority in our development aid programs.

Canada could do more in promoting the protection of refugees. Certainly more is required. The moral urgency of responding to human suffering is at the heart of the political will to work concretely for the protection of human rights. Refugees have a special claim on the international community's sense of moral urgency because their own country has refused to protect them. It is time that Canada awakened to their call and responded more boldly to their needs.

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