

# REFUGEE

U P D A T E

ISSUE NO. 20

A PROJECT OF THE JESUIT REFUGEE SERVICE/CANADA

WINTER, 1994

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## THE PENDULUM SWINGS ... BUT THE CLOCK STILL TICKS AGAINST REFUGES

A N A L Y S I S :

**O**n Tuesday, early January, CNN broadcast a harrowing half hour documentary on refugees in Europe. Rarely have Canadians seen on television such graphic images of the insecurity and powerlessness that refugees hold in the face of cold, western policies of exclusion. No confusion here about the difference between immigrant and refugee. It was difficult for viewers to watch, far more so is it for the refugees to live.

Against a grim international backdrop of more refugees with fewer options for protection, there are sweet sounds from the new Liberal-led federal government. And less than three months after the election, positive action has followed positive statements. Has Mr. Marchi set out as David on the horse of compassion to take on the Goliath of Western xenophobia and denial? Let's look closer.

During the federal election last fall, immigration and refugee issues were on the lips of everyone, except the candidates! The Reform Party and its leader, Preston Manning, held the centre of gravity among party leaders on the question. Mr. Manning himself tried to deflect attention away from Reform's anti-refugee policy. [For example, Reform calls for use of the "notwithstanding" clause in the Canadian Charter of Rights and Freedom to get around Supreme Court rulings that entitle refugee claimants to certain rights in Canada.] There were many televised incidents of especially elderly, white Reformers railing against current immigration policy.

In more than one case, Mr. Manning had to publicly chastise and even expel candidates who damaged the party



image by being over zealous in defending its policy against refugees and immigrants.

All other parties lined up to the left of Reform. Rubbing shoulders to it were the Conservatives, whose last act toward refugees claimants was to symbolically throw them in jail under the short-lived Ministry of Public Security. Few asked the Bloc Quebecois or the NDP about their immigration, let alone their refugee policies. As many have said, the Liberals won the election by letting Conservative leader, Kim Campbell, self-destruct in the lime-light, appearing calmly prepared to govern with their plan, their Red Book. [see box: More Overseas Selection in Red Book]

Since the Liberal election victory, the pendulum of political culture concerning refugees has swung farther and faster than most would have imagined or been prepared for.

Mr. Marchi received the Immigration portfolio immediately proceeding the election and soon after spoke out concerning reforms to refugee and immigration policy. Some in the advocacy community gave little credence to what they were hearing and expected a less effusive Sergio Marchi to emerge after briefings and orientation with the notorious Immigration Department.

But not so. Mr. Marchi met in early December with key NGO representatives to discuss a wide range of refugee and immigration issues. On refugee issues, it was a love-in: clean house at the Immigration and Refugee Board (IRB), a meaningful appeal for rejected claimants, a real Humanitarian and Compassionate (H&C) review. It was a group of nodding heads. Then in the last days of December came news of 28 Tory appointments not renewed to the IRB and, in their place, an equal number of new appointments dominated by experienced refugee lawyers and longtime advocates. And in the works there are rumours of a new appeal and H&C proposals. With enemies like Mr. Marchi, who needs friends?

Clearly, the changes made so far will benefit refugee claimants arriving in Canada. But there are deeper changes and deeper challenges which will test the integrity of the new government on the refugee question. For example, the number two man in the Liberal caucus, Paul Martin, is a fiscal conservative. The only way Mr. Marchi will get support in the caucus is by proposing changes that do not affect the bottom line. And so far, his changes at the IRB illustrate the point: these people exchanged for those people with no cost added. Cost factors will be prominent in the acceptance or rejection of further reforms.

The Liberal caucus will also expect Mr. Marchi to keep in mind the public confusion and frustration with refugee and immigration matters. Individual MPs of all political stripes are fed-up with the overwhelming number of refugee

and immigration issues brought to them at the constituency level. Liberal MPs, like everyone else, are fed-up with poor service from the Immigration Department. These two realities might explain the impending proposals for a new appeal and H&C review within the system.

The Liberals are unlikely to ignore the anti-refugee, anti-immigrant sentiment heard before the election and heard most clearly in the Reform victories. Mr Marchi will want to go tough on some issues and already some of these are emerging. Before the election, Mr. Marchi had signalled his intent to further restrict family reunification. Already he is adopting some of the abuse rhetoric; for example, explaining his progressive IRB appointments by saying these people will be better qualified to determine "when someone is just spinning a yarn." Another area where we are unlikely to see a change in course is in removals. Any backtracking here might be a red flag in the face of Reform MPs.

In summary, there is clearly some good news in the Liberal victory, but there are also some complicated struggles ahead. Family separation is still the greatest misery that refugees face in Canada after being accepted. Positive change in the IRB is certainly welcome, but recent interdiction measures overseas have cut the number of refugee claimants arriving in Canada to less than half that of previous years. The international regime against migrants will have to make concessions to allow for asylum seekers to reach countries like Canada.

Finally, there is the question of how we treat those we remove. Already there is a high incidence of families cut off health and social benefits, being dumped penniless across borders, or removed directly back to war zones like Afghanistan and the Horn of Africa. They may not meet the Convention definition of a refugee, but does that mean we have no responsibility toward them?

## MORE OVERSEAS SELECTION IN RED BOOK

In the now-famous Red Book, the Liberals state that their preferred option in meeting Canada's international obligations toward refugees is through government and private sponsorship of refugee from abroad. It is easy to see how this position would appeal to Liberal candidates anxious not to enter too deeply into the labyrinth of refugee policy. But if there is conviction among the Liberals to re-invigorate the overseas system, then they can certainly expect applause and cooperation from sponsoring agencies.

The poor state of the overseas system has been well documented over the last few years. In 1992, the Canadian Council for Refugees released its comprehensive Task Force Report on the subject. Meanwhile, a federal government review of the program has been dragging on for the last three years with little result. The table below clearly illustrates the lack of political will behind the program in the last few years.

SPONSORSHIP	1990		1991		1992		1993	
	EST.	ACT.	EST.	ACT.	EST.	ACT.	EST.	ACT.
GOVT.	13,000	2,541	13,000	7,254	13,000	5,813	13,000	5,888*
PRIVATE	24,000	19,310	23,500	17,316	20,000	8,884	20,000	5,040*

\*1993 PROJECTED FROM APPROXIMATELY EIGHT MONTHS DATA.—SOURCE: IMMIGRATION CANADA ANNUAL REPORT TO PARLIAMENT, OCTOBER 1990; AND IMMIGRATION SUPPORT SERVICES, LANDED IMMIGRATION SUPPORT SERVICES.

A Liberal follow-through on their overseas refugee selection promise will be readily apparent if it happens: sponsored refugees will be arriving in Canada in numbers that at least meet the levels set by Canada. This will mean private sponsoring groups will see faster processing, better communication with the system, and greater accountability in terms of who gets selected, from what countries and why. The Liberals have raised some expectations. Now is the time to pressure for some action.

# US - CANADA SAFE COUNTRY AGREEMENT: DEAD IN THE WATER?

There are strong indications that a safe country agreement will not be signed between Canada and the United States in the near future. A draft Memorandum of Understanding (MOU) outlining the legal text of an agreement surfaced last summer at a parliamentary committee meeting. Official statements said the agreement would be announced last fall, though this never occurred.

The reason for an agreement not going ahead is that Canada, widely considered the initiator of the idea, has withdrawn its interest. The new Minister of Immigration, Sergio Marchi, has been widely quoted saying he will not sign such an agreement unless he can be convinced that US refugee processing meets Canadian standards.

Sources in the United States indicate that there appears to be some conviction behind Mr. Marchi's statement. Arthur Helton, of the US Lawyers Committee on Human Rights, confirms that Canada had been the driving force in achieving the agreement and that in recent months that pressure has diminished considerably. He says "without being pushed by the Canadians, [an agreement] is unlikely to go very far."

The Safe Country clause was a major point of contention in the struggle against Bill C-55 in 1987. The government made it clear it wanted to put the United States on

such a list. Under such an agreement, those refugee claimants coming to Canada through the United States (about 40%) would be turned back to have their claims heard in the United States. Advocates against the clause made considerable headway with the fact that Salvadoran and Guatemalan claimants in the US were having only about a 3-5% success rate compared to a 60-70% acceptance rate in Canada. The clause remained in the legislation that came in to effect on January 1, 1989, though no country was placed on the list to date.

Why has Canada pulled back? Besides the more humane orientation of the new Liberal government, there are some other factors to consider. One is that the current number of asylum seekers arriving in Canada is already less than one half of what it has been in recent years. So there is less need at the moment for safe country agreements which would further restrict access of refugees to Canada. Secondly, there was always the question of what the Americans would get out of such a deal. Some thought Canada would offer concessions under NAFTA, but this appears to have been unfounded. Finally, this latest pull back should not be interpreted as an end to the issue. The Safe Country idea is being implemented in Germany and France; it's still in the Canadian law and could very well be brought forward again in the future.

## ARRIVALS DOWN, REMOVALS UP

### ARRIVALS

The last three months of 1993 saw a steady rise in the number of refugee claims made in Canada, though still nowhere near the levels of the previous year. Only 20,472 refugee claims were made in Canada in 1993, compared to 37,720 for the year 1992. Refugee sources say the continuing recession and high unemployment rate combined with recent interdiction measures at airports are largely responsible for the decline (Chart on right).

The following table on page 4 top left shows the trend of the asylum claims over the period of past ten years. A conspicuous trend, as could be seen, is the sharp decline of the number of asylum claims (47%) for the year 1993.

The top right on page 4 table shows the ten western countries who received the highest number of refugee claims in 1993.

### REFUGEE CLAIMS MADE AT BORDERPOINTS AND INLAND OFFICES

MONTH	1992	1993
JAN	3845	3413
FEB	3200	980
MAR	2915	1339
APR	2554	1112
MAY	2427	1174
JUN	2582	1402
JUL	2620	1644
AUG	2777	1800
SEPT	3417	2021
OCT	3256	1856*
NOV	3822	1847*
DEC	4305	1884*
<b>TOTAL</b>	<b>37,720</b>	<b>20,472*</b>

\* UNCONFIRMED

SOURCE: CANADA IMMIGRATION.

## IRB ACCEPTANCE RATE FALLS TO 48%

The IRB acceptance rate continued to slide in figures released in December covering the first nine months of 1993. The acceptance rate has been on a continuous decline according to quarterly IRB figures since the second quarter of 1992. At that time the acceptance rate was 61%. The average time nation-wide for processing each claim is six months, unchanged from last year.

### ASYLUM CLAIMS IN CANADA \$1984 - 1993\*

YEAR	CLAIM	%INCREASE	%DECREASE
1984	7100	—	—
1985	8400	18%	
1986	23000	174%	
1987	35000	52%	
1988	45000	29%	
1989	20185	—	55%
1990	36180	79%	
1991	30515	—	16%
1992	37720	24%	
1993*	20472	—	47%

\* 1993 UNCONFIRMED.

SOURCE: IMMIGRATION CANADA AND IMMIGRATION SUPPORT SERVICES, FIELD OPERATIONAL SUPPORT SYSTEM (FOSS).

The figures below give the distribution of claims referred to the IRB among the regions of Canada. They demonstrate that Ontario and Quebec remain the key points of arrival for asylum seekers.

	NO. OF CLAIMS	PERCENT OF TOTAL
ONTARIO	11,757	57.9%
QUEBEC	6,191	30.5
B.C.	867	4.3
OTTAWA	800	3.9
PRAIRIES	428	2.1
ATLANTIC	271	1.3
TOTAL	20,314	100.0

The proportion of claims under the "expedited" process - cases screened for less than a full hearing on the probability of acceptance - dropped to 26 percent in the third quarter of 1993 compared with 37 percent during the year 1992.

The major source countries continued to be Sri Lanka, CIS/USSR, Somalia, Pakistan, Iran, Israel, Lebanon, India, China, and El Salvador. Since the end of 1992 Yugoslavia and Ghana have ceased to be among the 12 countries. They have been replaced by Romania and Peru.

### ASYLUM APPLICATIONS (1993)\*

GERMANY	327,600
U.S.A	150,000
SWEDEN	37,800
NETHERLANDS	37,200
BELGIUM	29,600
FRANCE	25,600
SWITZERLAND	24,200
U.K.	22,000
CANADA	22,000
NORWAY	20,600

\* 1993 PROJECTED FROM NINE MONTHS DATA.

SOURCE: INTER-GOVERNMENTAL CONSULTATIONS ON ASYLUM, REFUGEE, AND MIGRATION POLICIES, REFUGEE AFFAIRS BRANCH, OCTOBER 93.

Other major refugee producing countries were Guatemala with 411 claims, Bangladesh: 394, Ghana: 365, Haiti: 360, Zaire: 307, Nigeria: 285, Sudan: 257, Argentina: 247, Cuba: 234, Yugoslavia: 223, and Afghanistan with 206 refugee claims concluded.

A conspicuous trend is the rise of CIS/USSR to the second rank with the total of 2104 claims concluded at the first three quarters of 1993. Of this figure, 675 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 601 claims, Ukraine 319, Moldova 267, Estonia 106, Belarus 31, Azerbaijan 26, Latvia 21, Uzbekistan 18.

With the exception of Somalia, Romania, and Peru, all top refugee producing countries have faced decreased rates of acceptance. Even a war-ravaged country like Sri Lanka has faced an 18% decrease from its acceptance rate in the similar period of 1992. The percentage of decrease for other countries are as follows:

#### DECREASE IN ACCEPTANCE RATE FOR SAME PERIOD, 1992 TO 1993

PAKISTAN	33%	INDIA	4%
IRAN	12%	ISRAEL	17%
LEBANON	18%	SALVADOR	14%
CHINA	2%		

### REMOVALS

The removal of rejected refugee claimants will remain a challenge for advocates into the foreseeable future. In the last few years there has been a considerable increase in the number of removals from Canada. This upward trend is unlikely to decline especially if, as appears likely, a meaningful appeal system and Humanitarian and Compassionate (H&C) Review is implemented within the IRB. In that case, advocates will be without much cause to argue

against removals.

Points of concern which will likely remain for advocates include the following: what services are given to those facing removal? [Restrictions to legal representation, health care and social assistance are currently imposed on refugee claimants in most provinces]. Will rejectees be left penniless outside of Canada's borders or on their uncertain trip home? What provisions will be made for persons returned to countries and regions in conflict? Underlying these concerns is the fact that Canada still applies only the 1951 Geneva Convention definition in determining refugee claims. That definition is commonly considered outdated and too narrow. A new H&C review will hopefully address its limitations. The bottom left table tells us where Immigration Canada is going in its planning around removals. The first gives the planning figures for September '93 through to August '94. The second table gives a view to the recent trend in removals.

### REMOVALS 1989 TO 1993 BY TYPE OF CASE

YEAR	IRB	BACKLOG	TOTAL CLAIMANT	OTHERS	TOTAL REMOVALS
1989	349	36	385	1994	2379
1990	563	183	746	2293	3039
1991	1535	1272	2807	1601	4408
1992	2832	1840	4672	2466	7138
1993	4214	2191	6404	4449	10853
TOTAL	9493	5522	15014	12803	27817

\* 1993 PROJECTED FROM NINE MONTHS DATA.  
SOURCE: IMMIGRATION OPERATIONS - CONTROL & INTELLIGENCE.

### REMOVAL PROJECTIONS (ALL TYPES)

SEPTEMBER 1993 - AUGUST 1994

COUNTRY	REMOVALS
EL SALVADOR	700
USA	700
GHANA	610
USSR(EX)	540
LEBANON	440
BULGARIA	390
INDIA	370
PAKISTAN	350
ROMANIA	310
SRI LANKA	290
OTHERS	7000
TOTAL	11700

SOURCE: REFUGEE AFFAIRS BRANCH, OCT. 93.

The table on your left reveals that the removals of refugee claimants have increased 1663 percent since 1989. While 4672 refugee claimants were removed in 1992, their number increased to 6404 in 1993 (37 percent increase).

### TOP TWELVE COUNTRIES

JANUARY 1 - SEPTEMBER 30, 1993

1993 RANKING		1992 DEC 31	CLAIMS	WITHDRAWN ABANDONED*	HEARING REJECT*	HEARING ACCEPT*	% ACCEPTANCE DEC. 31 1992	SEP 30 1993
1.	SRI LANKA	1	3773	155	766	2917	92	76
2.	CIS/USSR	6	2104	337	727	971	51	48
3.	SOMALIA	2	1933	100	81	1873	91	91
4.	PAKISTAN	3	934	319	607	314	56	25
5.	IRAN	5	930	98	261	636	75	64
6.	ISRAEL	12	794	226	392	116	33	16
7.	LEBANON	8	695	94	451	255	46	32
8.	INDIA	9	692	161	496	157	22	19
9.	CHINA	4	612	80	592	134	19	17
10.	ROMANIA	-	477	45	229	208	43	43
11.	PERU	-	456	24	112	314	68	70
12.	EL SALVADOR	7	447	111	419	111	28	17
	OTHERS	-	6467	1770	3440	2942	44	36
	TOTAL	-	20314	3520	8573	10948	37	48

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

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



## REFUGEE PARTICIPATION: PROBLEMS AND PROSPECTS

Refugees are hesitant and fearful of entering into full involvement in the social life of their host country for many reasons. Refugees have experienced persecution, family separation, and the death or execution of their beloved ones. These events scar refugees for the rest of their lives. While they must adapt to their country of exile, refugees still have emotional, cultural, and family connections whence they came.

### PROBLEMS OF THE SYSTEM

Refugees resemble bereaved persons who have lost everything and need love, sympathy, and support in order to make their gradual re-entry into the life of the community. Unfortunately, in the early days of arrival, refugees face a bureaucratic system represented by immigration officers, overburdened welfare workers, and legal aid agents. Blind application of regulations with little, if any, humane consideration for specific problems of refugees results in a kind of unequal power relationship between refugees and officials, not unlike those they experienced back home.

### PROBLEMS ARISING FROM THE SOCIAL FABRIC

Like other countries, Canada is not free from racism. Racism in Canadian society is not the act of isolated groups or the

policy of a peculiar circle within the ruling elite. The whole social fabric systematically supports attitudes, practices, and systems of discrimination and inequality. Under these circumstances, refugees' job skills and experiences are not recognized; cultural differences become an issue; and language barriers are over-estimated as insurmountable. The experience of racism leaves refugees with a bitter feeling of estrangement and rejection in Canadian society.

In a society suffering from systemic racism and xenophobia, all sorts of stereotypes of refugee communities proliferate. Chilean, Pakistani, and Indian refugees are presented as economic migrants, Sikhs and Sri Lankans as terrorists, Iranians as drug traffickers, Chinese as criminals, and Somalians as trouble-makers. Such attempts to make a connection between crime and the ethnic origin of criminals have, from time to time, created a racial and xenophobic hysteria in the society that perpetuate racial prejudices, without helping to reduce crime. These connections have, more than anything else, marginalized the refugees who paid heavily for their struggles against tyranny. Their only wish has been to arrive in Canada to begin lives free from violence and injustice.

### ALIENATION

Marginalization as such can easily lead to alienation. Alienation is the person's mental and emotional reaction to oneself and one's place in the society. In this state, refugees feel that the most beloved components of their lives - names, experiences, educations, accents, originalities, personalities - act against them. This state produces alarm in themselves and their surroundings:

*Looking at her nails, she takes it for a sword.*

*Touching her eyelash, she takes it for a snake.*

*Seeing the twilight, she takes it for fire.*

Repulsed and rejected, refugees are in danger of losing any kind of love and attachment to their country of exile:

*This is a pretty home*

*But it is not mine*

*I am homeless,*

*This is a charming soil*

*But it is not my homeland.*

They seek to break the fetters of their helplessness and escape once more, this time to the farthest and most unknown corners of the globe.

*I go, I depart, I leave this world of ours*

*I journey beyond the furthest bounds of Chin*

*And, journeying ask Pilgrims about the Road*

*"Is this the end? Or must I journey on?"*

'However, they have no choice. Canada has become a *cul-de-sac* for them:

*Neither happy away from home*

*Nor welcome at home*

*Nor accepted anywhere*

*O' shame on this fate*

*That is my kismet.*

With no hope and ambition, they have to continue a vegetable life of survival:

*I burn, I melt  
There and here  
Far and nigh  
The pains of world  
Upon my heart  
A simple choice have I  
To suffer or to die.*

### **INFERIORITY AND SUPERIORITY COMPLEXES**

Alienation and rejection, if continued, can push refugees to accept humiliation. They may reconsider their traditions, values, norms, and the culture as a whole in comparison to those of the "civilized world." Refugees begin a process of artificial assimilation, or imitation, of the "superior culture."

By all practical purposes, this new cultural garb will end up in tatters. There is little, if any, place for a person suffering from a split personality. You can hardly contribute to the community at large when you tragically deny yourself, your community and cultural life.

In a desperate attempt to resolve this contradiction, the weakest section among refugees sink deeper and deeper in the abyss while others take another, more radical tack.

To cope with their alienation and self-alienation, some refugees develop a defence mechanism by magnifying their native cultures, traditions and values. Abject cynicism draws them to denial or degradation of all positive aspects of the Canadian values and traditions. This kind of cultural egotism, if not surpassed, leads to hatred and acts as an impassable barrier in the way of any kind of meaningful participation. In the process, frustrated "aliens" build an impassable wall between themselves and the Canadian society. These walls are erected even between themselves and those who have given them direct assistance.

### **IDENTITY CRISIS**

Humiliated by the atmosphere and by oneself, an "alien" reaches the point of unconditional denial of the positive aspects of all cultures. Cynicism is fatal because it denies the spiritual dignity of humanity and the standards of morality and justice elaborated by human culture.

The first victims of this crisis are refugees themselves. They ask: who are we, what is the philosophy of our lives, where is our place and position in the society and in the whole world, and why are we speaking out against injustices?

Identity crisis is a peculiar mental and psychological disorder that splits and, even worse, erases every shade of the personality. Louis Carroll illustrates this condition in his satirical masterpiece *Alice in Wonderland*. Alice is pretty sure that something terrible has happened to her, "I

cannot explain myself, I am afraid sir, because I am not myself."

Washington Irving is another Western writer who has depicted the story of a person who is going through this from awkward crisis:

*"God knows, I am not myself - I am somebody else - that's me yonder - no - that's somebody else got into my shoes. I was myself that night, but I fall asleep in the mountain, and they have changed my gun, and everything changed, and I am changed, and I can't tell what's my name, or who I am."*

Uneasiness, pessimism, lack of patience, and ambiguity about everything are only some symptoms of an identity crisis. Someone experiencing such a crisis feels as if he or she is going through a horrible metamorphosis. The person wanders aimlessly from place to place with a dreadful sorrow and agony, the nature of which is not self-evident:

*By day and night the desert is my home  
By day and night my eyes shed bitter tears  
No fever rocks me, I am not in pain  
All I know is that day and night I grieve.*

This is a dangerous stage in the odyssey of refugees which, if not overcome, could lead to irreparable mental damage and/or suicide.

### **TRANSCENDENCE**

Despite all difficulties, refugees are capable of skipping or transcending the dangerous barriers mentioned above. Key elements in acceleration of this process are attitudes and practices of people and institutions working with and for refugees. Refugee advocates protect refugees from the abuses of the system; they help with necessary settlement services; they support by providing proper and adequate education about Canadian society; they help overcome factionalism by accepting a progressive, open, and all-embracing agenda; and finally, they facilitate the endeavour to find trustful and durable friends.

Refugees can surpass the narrow-minded and arbitrary aspects of social conflict. They can integrate themselves in the totality of being by reiterating with the celebrated Indian poet and philosopher Rabindranath Tagore:

*My country is everywhere  
My home is everywhere  
In the remotest corner of the globe  
I find my closest kin.*

With the help of themselves and their Canadian advocates, refugees can get a new identity. Refugees are capable of transcending from nationalism to humanism, from faith to interfaith, from inferiority and superiority complexes to understanding, from apathy and hatred to mutual love, and from alienation and detachment to positive attachment.

At this phase of transcendence even structural racism and discriminations do not alienate them. These ills are considered parts of the common problem which should be fought by all.

# NEWS FROM THE UNHCR

The United Nations High Commission for Refugees has issued two very interesting documents at the close of 1993. They are *The State of the World's Refugees in 1993* and *Assessment of Global Resettlement Needs for Refugees in 1994*. These reports recognize the declining prospects refugees face in attempting to gain asylum and clearly admonish the industrialized world for its participation in this trend.

## 1994 RESETTLEMENT LEVELS: DOWN AGAIN

The Assessment of Global Resettlement Needs for Refugees in 1994 sets number of refugees needing resettlement overseas in 1994 at the 58,860. This figure amounts to less than one percent of the over 19 million refugees in the world. It also represents a 18% reduction from the 1993 figure of 72,000. The new low figure will be welcomed by western countries as means of lowering their own resettlement programs and in discrediting asylum seekers arriving at their borders. It is bad news for the millions of refugees who will not be allocated a resettlement place.

In the 1994 report, Iraqi refugees make up the largest group in the world needing resettlement. Refugees in Somalia and Kenya are the greatest in need of settlement, but the caseload of the Vietnamese in Southeast Asia has decreased. Projected needs for Latin America have been reduced, clearly reflecting the tendency to identify solutions within the region.

## A DIFFICULT SITUATION CLEARLY PRESENTED

Every few years or so, the United Nations High Commission for Refugees produces an overview of the international

refugee context. The latest such report entitled, *The State of the World's Refugees in 1993*, is a comprehensive and clearly stated account of how UNHCR views the current refugee crisis.

On issues of western refugee policy, the report is critical and detailed in its description of state policies which undermine the protection of refugees. For example, it cites the United States practice of interdicting and returning Haitian asylum seekers since 1990 as an example of how international protections are being undermined. Also, the Maastricht Treaty on European Union permits signatory states to impose visa restrictions to prevent the entry of asylum seekers from outside the Treaty territory.

The report is critical of countries for supporting the concept of a safe country. UNHCR sees this as attempts to shift the responsibility of examining applications and to deny asylum seekers the right to choose where they may seek protection. In particular, the report notes that insufficient concern is given to ensure that asylum seekers returned to safe countries will indeed be readmitted and given a hearing of their claim.

Among the report's many interesting tables and statistics is a chart which ranks the top 50 countries according to the ratio of refugee population to per capita gross national product. The findings indicate that countries such as Malawi, Pakistan, and Ethiopia ranked 1, 2, and 3 - sustain a greater population of refugees in relation to their GNP per capita than Germany, Canada, and the United States. The three latter countries are ranked 42, 46, and 49 respectively. Copies of the report are available from UNHCR offices.

## PILOT PROJECT FOR REFUGEE CLAIMANTS

The Ontario Legal Aid Plan (OLAP) is launching a three-year pilot project to deliver legal services directly to refugee claimants. The project is designed to achieve the joint goals of improving service delivery while decreasing costs. Considerable media attention was given to OLAP's expenditures for refugee claimant in 1992.

Refugee advocates are pleased with the appointment of lawyer, Jack Martin, as Director of the project. He has been an activist in the Law Union of Ontario and in the Toronto Refugee Lawyers Association. The project will be staffed by six lawyers and an equal number of para-legal workers. The program is slated for opening at the end of February. Only refugee claimants accepted under Legal Aid criteria will be eligible to use the new program. They will be informed of the new project as a service option in addition to the existing community legal clinics and the list of private lawyers serving refugee claimants.

Project staff will represent claimants to the Convention Refugee Determination Division (CRDD) of the IRB. Representation on judicial review will be limited to cases arising within the project and on a selective basis. Contact Jack Martin, Refugee Law Office, Ontario Legal Aid Plan, 481 University Ave., Toronto, M5G 2E9, or phone (416) 977-8111.

While the protection policies of nation-states gain regular public attention, another dimension of protecting refugees operates far from the public view. It is the ancient practice whereby family, neighbours and friends come to the aid of one who must get out of a town, region or country. Such a person must set out without rights, without protection of the authorities or the state. They must rely on their wits and luck. They frequently have no clear destination. The best that those around the unfortunate one(s) can do is provide money to assist in the journey.



## THE ECONOMY OF REFUGEE FLIGHT

B Y F A T A H N I W A N D

Our purpose here is to cast some light on the economic aspect of refugee flight, using data drawn from the experience of 115 refugees among Afghan refugees in Metro Toronto. In particular, this information is intended to dispel the notion that only wealthy persons wind up as refugees in Canada. For example, in the case of Afghanistan, most of the rich and royal families had already left Afghanistan for U.S.A. before the Soviets attack (during the Taraki and Amin regimes). In reality, the cost of refugee flight is another burden beyond that of having to leave in the first place, but it is a cost paid through the extraordinary commitment of friends, family and neighbours to the unfortunate ones who must leave.

The following information was given in confidence on the basis of significant trust in the researcher who is also Afghan. None of these respondents came to Canada directly from Afghanistan. All of them had a short or long period of stay in a neighbouring country like Iran, Pakistan, India or elsewhere.

In 1978, Afghanistan had a population of 15 million people. Today, almost 6 million Afghans live elsewhere as refugees. Within the country, most have been displaced, some two million have been killed, and another two million wounded. In 1979, the country became a battle ground between the super-powers of the former Soviet Union and the United States. Now the Soviets are gone, but so also is the country's strategic value to the United States. The country's political and social infrastructure is in ruins; Afghans live under the violent rule of competing warlords who buy arms on the international market.

The denial of basic human rights, even the right to live at home without political activity of any form, is rejected by those warlords. Women, men and whole families are com-

monly threatened and must flee.

The cost of flight is enormous. In present-day Afghanistan, one US dollar is equal to between 1100 and 1600 Afghani (currency). The average government salary for a middle civil officer is around Af. 7000 per month. In our research, the average expenditure for a trip to Canada in 1993 was U.S.\$9000, which was equal to 13 million Afghani.

How does a refugee get the money to flee?

In our research, 80% of respondents were helped by others and only 20% claimed self-help. The system is based

on a co-operative approach: members of a group assist those of the same group facing greater danger to leave the country. The group in this case may be an extended family or friends within a particular area, a village or region.

Afghans do not keep large amounts of cash on hand for several reasons. An amount equal to \$1000 U.S. in Afghan currency would be a pile of bills the size of an office table. And having such an amount on hand is not wise because any one of the groups and warlords which are controlling an area have the right and opportunity to search people's homes, to punish them and to take their money.

Banks in Afghanistan suffer from a chronic shortage of hard currency. It is common to have to wait weeks to obtain even small sums of cash. Except for a few international business firms, people are not interested in banking. Instead, most financial transactions including currency exchanges and fixing the value of the Afghani are done on the street. All these factors prevent people from having large amounts of cash in times of crisis when someone must quickly leave the country.

In the absence of a developed banking system, people put their money in land, precious metals and jewels, etc. When persons must flee the country, these valuables are often sold for less than their value because of the urgent need for cash. Both the receiver and lender are aware of this great sacrifice. In rural areas, property is often collectively owned among an extended family and so any loss due to sale is a loss for the whole group.

### WHY DO PEOPLE GIVE AND HELP EACH OTHER?

From a glance into the present calamities in the society and observing the stable ethnic and personal relationships among

the people (especially after these great human losses), it is possible that individuals help each other in the time of danger just to ensure that some one will remain alive. To assist someone in real danger to leave the country brings prestige to the lender.

The following is a list of factors which influence who is given assistance by others:

1. those who are more vulnerable to imminent danger;
2. those who are more aware of the journey abroad, and hence more likely to survive the journey;
3. those who had some ability to speak a foreign language;
4. those who are trusted to return what they received from others if it is possible;
5. those who had less family responsibilities.

The above qualities may explain that those who reach

Canada and claim refugee status are not economically rich people, but are trustworthy and more involved in activities against those forces which endanger basic human rights in the country.

In cases where a refugee claimant has been supported with financial aid from the home community, an eventual failure to gain refugee status is a tragedy of colossal proportion. Not only is the person unable to return for security reasons, but now the person has lost in the effort for which (s)he has borrowed so much. Even if they manage to survive in a neighbouring country, they feel ashamed and may not return even if the situation cools off in their homeland. These persons may or may not be Convention refugees, but the information presented in this case suggests that some consideration should be given to these unfortunates by countries who remove and deport rejected refugee claimants.

## CHIAPAS, MEXICO

The following information is taken from a news bulletin issued by Jesuit Refugee Service - Mexico on January 6, 1994

The recent outbursts of armed violence in Mexico's southeastern state of Chiapas, make us reflect on the consequences of the conflict for the Guatemalan refugees in our country.

The conflict will lead to an increase in the internally displaced population in Mexico. They will probably go to the neighbouring states of Campeche, Quintana Roo, Yucatan, Tabasco, Veracruz, Oaxaca, and Guerrero. It will be very difficult for the displaced people to obtain assistance, given that governments in the United States and Europe view Mexico as an ally.

With respect to the Guatemalan refugees in Mexico:

1. The refugee camps will definitely witness an increase in police and military vigilance and control. Already there is an increase in military reserves on highways of the four states bordering on Chiapas.

2. The Mexican government's vague and biased versions about causes of the conflict, may lead to the return of the charge that "every indigenous refugee is a guerilla".

3. Obstacles to the free movement of the refugees (eg, permits for transport, permits to work or attend training courses, etc.) have increased. It is expected that permits to leave the camps for work will be reduced or even withdrawn. This will lead to a decrease in resources and income.

4. It is to be expected that this conflict will cause delays in the return process. In that case, the need for human and economic assistance to the camps will grow.

5. It is probable that the scheduled returns to the

Chacula farm and to Santa Maria Tzeja in Guatemala will have to be postponed.

6. For the moment and due to the conflict situation, NGOs, the UNHCR and COMAR (Mexico's refugee agency) have no access to the refugee camps in Chiapas. In the short and medium term, more restrictions to the work of the already under-resourced NGOs may be expected.

7. The dispersed Guatemalan refugees, i.e. those not living in the camps, are now in an especially vulnerable position.

Recommendations to the international community and to the international assistance agencies:

1. Be aware that there are many Mexicos: one that appears in government speeches, and one that broke through to the international media with the outbreak of the Chiapan conflict.

2. Urge the Mexican government to assume responsibility for the performance of the Mexican army.

3. Urge the Mexican government to respect the human rights of the entire refugee population.

4. Urge the Mexican government, COMAR and UNHCR to respect the refugees' right to freedom in organizing and educational activities for the return of the Guatemalan refugees.

5. Urge COMAR and ACNUR to increase food, health-care and clothing assistance for all refugees in the camps in Chiapas, Campeche and Quintana Roo, while restrictions remain on people's freedom to leave the camps for work reasons.

6. Please take into account that the delay in the return process will require an increase in international economic, political and diplomatic support to the refugees.

# CALL TO BAN ANTI-PERSONNEL LAND-MINES

Jesuit Refugee Service/Asia Pacific has called upon the JRS international network for a "focused action and advocacy" on the issue of demining.

In the war-ravaged areas of the world today, unexploded mines are continuing to act as a lethal plague. Civilians in Afghanistan and Cambodia are suffering most, but mines take scores of lives each year in Mozambique, Burma, Somalia, Ethiopia, Angola, El Salvador, Guatemala, and Nicaragua. There are an estimated 10 million landmines in Afghanistan (one for each citizen) and 4 million in Cambodia (one for every two persons). Thirty five countries manufacture mines. Twenty-two countries, mostly in underprivileged areas, are severely polluted with landmines.

Technological advances have made mines much easier to hide than to find. Modern landmines are small (20-50 grammes) and can be scattered in thousands by rockets or planes. Non-metal mines are extremely difficult to detect.

The failure of the 1981 United Nations Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps or Other Devices has prompted some NGOs to initiate a global campaign for stopping the indiscriminate use of anti-personnel mines. A significant step was the NGO Working Conference on Landmines co-sponsored by Handicap International, Human Rights Watch, Mines Advisory Group, Medico International, Physicians for Human Rights, and the Vietnam Veterans of America Foundation. This Conference, held in London on 24-26 May 1993 and joined by 60 NGOs, came up with the following objectives:

1. To establish an international fund run by the U.N. to advance awareness of landmines worldwide. Ideally a country closely linked to the production and dispersal of mines should be the first to contribute to the fund.
2. To obtain a wider ratification of the Landmine Protocol and to seek a U.N. conference to review the terms of the Protocol - specifically the control aspects.
3. Pressure countries to implement a moratorium on

the manufacture and export of mines.

4. To collect as much information as possible on the companies involved in mine production.

The Conference considered general public awareness as a key element and the ban on the production, proliferation and use of landmines as its ultimate goal.

The Campaign against landmines has been taken up by some agencies in Canada including the Canadian Council for Refugees. In a resolution ratified on November 13, 1993, the CCR considered landmines as "an obstacle to the durable solution of voluntary repatriation for refugees."

It was resolved that the CCR would join a growing number of other organization in campaign against landmines and would call on the government of Canada "to support and promote an international ban on the use, production, stockpiling, and sale, transfer or export of anti-personnel mines."

The U.N. has recently set up a Cambodian Mines Action Centre (CMAC) with a remit to train Cambodian mine cleaners and to promote "mines awareness" in the population. CMAC has 50 teams and is benefitted by NGOs' participation with 10 NGOs teams among them. In its meeting of

September 15-17, 1993, in Phnom Penh, the NGO Forum on Cambodia (composed of over 85 NGOs in attendance) recognized the CMAC as "the central authority responsible for demining Cambodia." The Forum has called upon the new government of Cambodia and governments of member agencies of the Forum "to sign up to the UN Mines Protocol (1981) as soon as possible."

Refugee rights agencies and persons wishing to obtain more information on the campaign and to become involved in the network should contact: Ms. Jody Williams, Coordinator, Landmines Campaign, Vietnam Veterans of America Foundation (VVAFF), 2001 "S" Street, N.W., Suite 740, Washington D.C. 20009, U.S.A.; tel: +1-202 483 9222; fax: +1-202 483 9312.



## ECUMENICAL SPIRITUAL RETREAT

FOR REFUGEE WORKERS

FRIDAY MAY 13 - SUNDAY MAY 15

Co-sponsored by Refugee Assistance Organization of Fort Erie and The Jesuit Centre, 947 Queen Street East, Toronto, Ontario M4M 1J9 TEL. 416-469-1123 FAX 416-469-3579

# STATEMENT ON US POLICIES TOWARD HAITIAN ASYLUM SEEKERS

BERLIN, GERMANY 12 DECEMBER 1993

As representatives of Christian organizations working with refugees, internally displaced persons and migrants from all regions of the world, we express our dismay at the policies and practices of the US government towards Haitian asylum seekers. Meeting in Bad Sarrow, near Berlin, Germany from 10- 12 December 1993 to review the international refugee situation, we feel compelled to protest these US policies.

The interdiction of Haitians and their forced repatriation to Haiti without any examination of their request for safe haven is not only immoral, but in direct violation of the non- refoulement principle of the 1951 Geneva Convention and its 1967 Protocol.

We express our support for the churches and other organizations in the United States who are challenging their government to comply with the spirit as well as the letter of international law. We believe that it is absolutely necessary to defend the principle of non- refoulement and to guarantee asylum seekers the right to fair hearings. As people who work with refugees and asylum seekers worldwide, we are very much aware that these actions of the US government towards Haitian asylum seekers create an international precedent.

We hold the people and churches of Haiti in our prayers as they struggle to survive in an increasingly violent and desperate situation.

On behalf of the International Ecumenical Consultative Committee for Refugees:

Rev. Robert Vitillo  
Caritas Internationalis Co-convenor, IECCR  
Melaku Kifle World Council of Churches, Co-convenor, IECCR

Organizations participating in the meeting of the International Ecumenical Consultative Committee for Refugees:

Caritas Internationalis  
Lutheran World Federation  
World Council of Churches  
All Africa Conference of Churches  
Australian Council of Churches  
Caritas - Algeria  
Caritas - Berlin  
Caritas - Europe  
Caritas - Jerusalem  
Catholic Community Services, Miami, USA  
Centro de Coordinacion de Proyectos Ecumenicos - Mexico  
Christina Conference of Asia  
EKD, Evangelical Church of Germany  
Interchurch Committee for Refugees - Canada  
Jesuit Refugee Service  
Latin America Council of Churches  
Middle East Council of Churches  
National Council of the Churches of Christ in the USA  
Red Ecumenica para Refugiados y Migrantes (America del Sur)  
Servicio Ecumenico para la Dignidad Humana - Uruguay  
World Alliance of Reformed Churches

## REFUGEE UPDATE

is published quarterly by Jesuit Refugee Service/Canada a Project of the Jesuit Centre for Social Faith and Justice

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### SUBSCRIPTIONS:

1 year/4 issues: individuals \$10, institutions \$14  
2 years/8 issues: individuals \$20, institutions \$28, bulk (20 or more) - \$1/issue

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