

REFUGEE UPDATE

ISSUE NO. 49 A JOINT PROJECT OF FCJ HAMILTON HOUSE REFUGEE PROJECT AND THE CANADIAN COUNCIL FOR REFUGEES WINTER 2003

INSIDE:

CELEBRATING 25 YEARS OF
PRIVATE SPONSORSHIP
PAGES 4-9

REFUGEES IN
AUSTRALIA
PAGE 11

REFUGEES FROM GLOBALISM
PAGE 12

REFUGEES IN IRELAND
PAGE 14

UNHCR EXCOM
PAGE 15

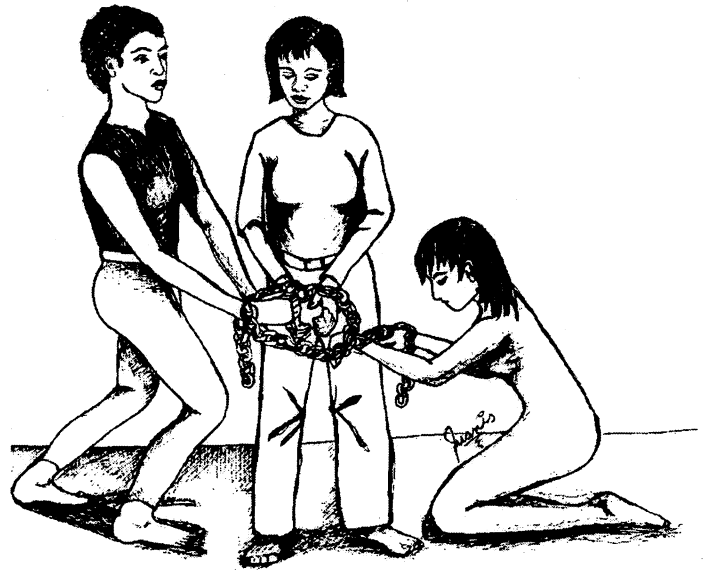
THE ANTI-IMMIGRANT BIAS WITHIN "ANTI-TRAFFICKING" MEASURES

BY NANDITA SHARMA

Introduction

In recent years, groups advocating with and for refugees have had to contend with the issue of "trafficking" in persons. The issues seem straightforward: many migrants face abuse and exploitation throughout their migration process: first in their attempts to exit countries, secondly in their migration journeys and thirdly as they try to make a life and livelihood in the places they end up living. Labeling as "victims of trafficking" those migrants who facing harrowing circumstances in their migration routes and who have been deceived in one way or another about the conditions of their life in their new homes therefore makes sense to many.

Over the years the definition of "trafficking" has expanded significantly. The term is now often used to describe all those who find themselves living outside of the community in which their migration journey began and who have faced abuse, exploitation and/or deception in their migration and re-settlement. "Trafficking" is now used to describe both undocumented movements of people as well as certain kinds of documented movements, such as those of temporary migrant workers or those of women who enter receiving countries as sponsored wives of male citizens. Indeed, much of the focus of "anti-trafficking" campaigns has been on migrating women and children, especially for work in the sex industries located in "receiving countries." Now, there is no doubt that the issues addressed by anti-trafficking campaigns are in urgent need of attention: unprecedented levels of migration, unsafe migration practices, the exploitation of migrants and the growing use



of migrants as unfree, indentured or even enslaved labour. However, there has been growing concern throughout the world that both the implications and consequences of "anti-trafficking" campaigns cause further harm to migrants themselves. In particular, a number of recent studies critically examining the ways that national governments as well as international bodies have responded to such campaigns show that anti-trafficking measures have failed

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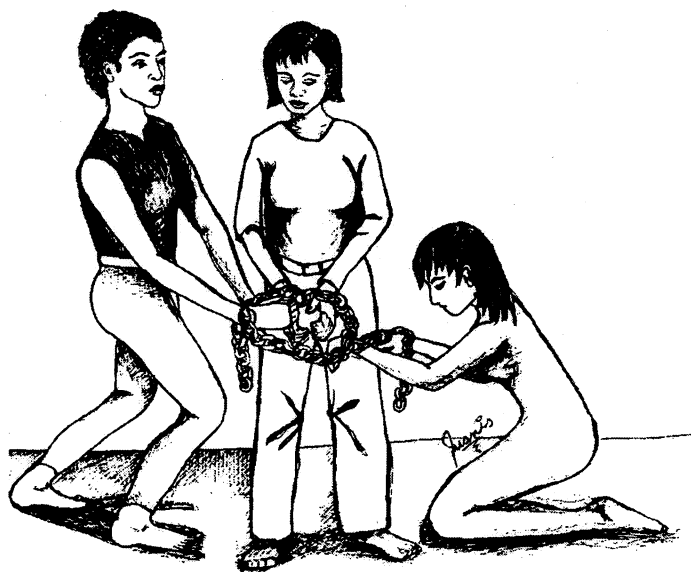
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countries of origin, readmission agreements with neighbouring countries that form a buffer zone, immigration intelligence sharing, reinforced border controls, armed interventions at sea and military interventions. Unsurprisingly, then, within the terms of its *Convention* (see article 18 of *Palermo Protocol Against Smuggling*), the UN's main concern is the return "without undue or unreasonable delay" of the so-called trafficked or smuggled migrant. Hence, assistance to national governments to 'reintegrate' (i.e. deport) supposed victims of trafficking to the countries they have left (paragraphs 70b and 96c) is their overarching concern.

Unlike many UN declarations and agreements, the ones addressing trafficking and smuggling have been integrated into many national states policies. Canada has included Article 6 of the *criminalization of smuggling activities of the Palermo Protocol* in its 2003 *Immigration and Refugee Protection Act*. This new Act provides the possibility of imprisonment for a maximum of two years on a summary conviction or fourteen years on indictment for smuggling less than ten persons and life imprisonment for smuggling a group of ten persons or more or for disembarking illegal migrants at sea.

Shockingly, the Canadian state does not have to prove that harm to persons or damage to property took place in order to secure a life sentence: the simple act of moving ten or more people across borders without state permission is sufficient. Indeed, immigration lawyers and other advocates for migrants are increasingly finding that the Canadian government is attempting to prosecute people for acts of smuggling (which includes the securing and passing of forged identity documents) engaged in by family members or NGOs. The state has made it clear that it can and will prosecute cases in which people were smuggled for humanitarian reasons under its new law.

Such a law and order approach to dealing with undocumented migrants is particularly odious for its hypocritical stance towards so-called "trafficked" people. The drafters portray the smuggled migrants as potential victims, not to actually assist them in their survival strategies but to garner legitimacy for the state's criminalization of migrants who use smugglers and the scapegoating of the latter as the *cause* of people's migrations. If certain migrants can be labeled as 'trafficked', it seems, then specific policy measures to initiate deportation measures can be mobilized with little outcry from the general population and even some (im)migrant advocates.

Such legitimization strategies are perhaps most evident in regards to women who are identified as 'victims of trafficking'. This is especially the case for women working in the sex industry. Deborah Brock argues that, "[b]y clamping down on prostitution involving migrant women, the police and the Canadian legal system are presented as actually working in the best interests of the women involved, by protecting them from traffickers." Kara

to take into account the experiences, the needs and the desires of migrants themselves. For instance, the various United Nations (UN) Conventions and Protocols signed in 2000 place the concern for migrants as their very lowest priority. Moreover, there is mounting evidence demonstrating that anti-trafficking measures have become yet another barrier to safe migration for the world's most vulnerable migrants - those who are denied "legal" entry and residence or who are denied permanent status in the "receiving countries."

It is therefore of utmost urgency that advocates for migrants re-evaluate the utility of anti-trafficking campaigns. In this article, I am going to focus my attention on how anti-trafficking campaigns and the policies they call for have led to the further criminalization - and therefore further victimization - of undocumented migrants. While there are a number of other issues in need of critical examination, I believe it is vital that we connect the demands of anti-trafficking campaigns with how their demands have been realized through the law.

Further Criminalizing Migration

Both national states in the Global North and international bodies, such as the European Union and the United Nations (UN) have rhetorically and legally associated trafficking with illegality and with organized crime. Borders have been presented as a site through which criminality is able to seep into the national state. As the President of the EU stated recently, "[b]etter management of the Union's external border controls will help in the fight against terrorism, illegal immigration networks and the trafficking in human beings". The implementation of border protection schemes has therefore been endorsed as a pivotal measure to regain 'control' over "our" space.

This is similar to the approach adopted by the UN. *It the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the 2000 Palermo Protocol Against the Smuggling of Migrants*, the issues facing undocumented migrants have been situated not within the apparatus dealing with issues of human rights but within the *Convention Against Transnational Organized Crime*. Rather than focusing on the concerns of migrants, then, the UN *Convention* with its two *Protocols*, are "...aimed at combating what all countries qualify as a 'plague': the uncontrolled immigration that is not selected according to the needs and interests of the receiving State..."

Indeed, such anti-trafficking and anti-smuggling agreements are a significant next step in the establishment of greater barriers to people's safe migration. As Francois Crepeau rightly notes, the UN *Convention* extends the border control projects of the Northern national states that have imposed visas for most, if not all, countries in the Global South and Eastern Europe, carrier sanctions, 'short stop operations', training of airport or border police personnel, lists of 'safe third countries', lists of 'safe

Gillies adds that, “[It is therefore of] ... great concern that... [recent] changes to immigration and refugee law make specific references to the trafficking of women and children for sexual purposes as part of the platform for why we need to tighten our borders. It seems to me a very deliberate ruse to garner support from otherwise liberal thinking people for an extremely [racialized] and regressive immigration policy.”

The priority of establishing law and order at the border evident within national and international practices further exacerbate the conditions that cause harm to undocumented migrants. Making it increasingly costly for smugglers to move people, by militarising and patrolling routes of clandestine migrations or by increasing the penalties for smuggling has not proven effective in stopping people's migrations. Instead, such measures only lead to higher fees being charged and to even more unsafe routes of migration. This is clearly evident on the US/Mexico border today as over 3,000 people have died since the Clinton Administration implemented Operation Gatekeeper in 1996 which re-routed undocumented migrants away from San Diego/Tijuana to the desert regions of California and Arizona. Likewise, in just the last eighteen months, 742 deaths have been official recorded as people attempt to enter the “Fortress Europe” of the European Union. Furthermore, by criminalizing any support offered to assist a person's undocumented movement across nationalized borders, the possibility of not-for-profit groups becoming involved in moving people also becomes highly fraught with danger.

By re-framing the worldwide crisis of displacement and the consequent increase in migration as a key survival strategy as a ‘problem’ of “trafficking” - and by describing “traffickers” as the main problem causing the abuse and exploitation of migrants - we fail to account for both the reality of how processes of capitalist globalization are leading to a crisis of displacement and the proliferation of ever-increasing restrictive immigration policies that prevent the majority of migrants from ever realizing full status in the countries and labour markets they migrate to. Moreover, the reality that aside from profit-making smuggling rings, there is very little ability for people to migrate is ignored. This works to conceal precisely those situations where we should insist on knowing why there is a lack of safe alternatives available to those needing to escape a number of (politically, economically and/or socially) violent situations.

As a result of the failure to address these systemic causes and effects, the actual lives of migrants are made unimportant. Indeed, it can be argued that anti-trafficking campaigns, by relying upon and further mobilizing

nationalist ideas of that “people are better off at home”, actually work to strengthen the state, strengthen nationalist ideas of entitlement for ‘citizens’ and punishment for ‘non-citizens’ and strengthen the profit-making capacities of capital investors. Through these efforts, legitimacy is gained for securing a growing group of people who through their classification as ‘illegals’ can be exploited precisely *because* of their lack of nationality status.

The narratives of victimization and criminality within the ideological framework of trafficking, then, organize a contemporary moral panic that discloses the dissymmetry of power relations within a system of Global Apartheid where membership in the North remains elusive for all but a few and are especially restrictive for the majority of people from the South.

This article, therefore asks whether it is possible that the actual intended utility of anti-trafficking measures is not to serve the interests of migrants but to function as an arm of border control? If so, the issue is really how it has chosen to represent its objectives as humanitarian, thereby sustaining support for an inherently oppressive project from many progressive people.

Conclusion:

To address these important issues, I argue that we need to jettison the anti-trafficking and the anti-smuggling discourse and the national and international governmental practices that such discourses organize. Anti-trafficking campaigns need to be replaced with a political practice that actually listens to and privileges the standpoint of undocumented migrants. Undocumented migrants the world over have some fairly uniform and well articulated demands: an end to practices of displacement, the opening of national border regimes and the labour markets organized through them and an end to discrimination based on one's nationality. These are precisely the politics that have been taken up by the growing group of No Borders activists in the Global North and South.

An approach that is grounded in the material lived realities of migrants makes for a far more transformative practice, I believe, than an emphasis on the abusive practices within criminalized networks of smuggling in persons. Rather than calling for an end to trafficking or smuggling, taking the standpoint of migrants compels us to deal with the reality that such illicit movements are the only ones available to the majority of the world's displaced



Prior to September 11, 2001, the 18 countries that have resettlement programs were together resettling up to 100,000 refugees each year. The largest number went to the United States which at that time was resettling around 70,000 refugees a year. (Following September 11, 2001 actual US arrivals fell to under 30,000 for both fiscal years 2002 and 2003. For 2004, the US is planning to resettle 50,000 refugees with another 20,000 reserve.) In comparison, Canada and Australia resettled around 10,000 each through their refugee and humanitarian resettlement programs. Together, these countries are the "big three" of resettlement. In comparison the involvement of other countries, while significant, is much smaller in scale. Norway and Sweden each resettle less than a thousand. Some are very small, such as Ireland which resettled 23 refugees last year. Thus, comparatively, the private sponsorship program provides durable solutions for more refugees than most resettlement countries, excluding the US, Australia and Canada.

The importance of the private sponsorship program is often overlooked both in Canada and internationally. After all, the 2,900 - 4,000 refugees resettled through this program make up a tiny portion of the immigrants and refugees who come to Canada each year. Internationally, the focus tends to be on Canada's government-assisted program and the importance of meeting its targets. Nevertheless, the size and scope of private sponsorship makes it not only unique but also significant in the context of global resettlement.

An additional but often under appreciated, result is the positive impact the program has on sponsors. Through their direct involvement in helping refugees, sponsors gain an understanding of the

Private sponsorship also has operational benefits for UNHCR. Private sponsorship provides an alternative complimentary mechanism for resettlement which does not require UNHCR referrals or resources. The program also develops a constituency for the Joint Assistance Sponsorship program - Canada's mechanism for integrating the vulnerable refugees referred by UNHCR.

With UNHCR staff focussing on the government-assisted targets, they often do not understand or fully appreciate the program. Nevertheless, private sponsorship is important to UNHCR for several reasons. Most obvious is that it provides more refugees with a durable solution. As Rudd Lubbers, the United Nations High Commissioner for Refugees, has explained, "...protection is not protection if there are no solutions." Private sponsorship provides lasting solutions.

Private sponsorship is also significant in terms of those eligible to benefit from it. The United States and Australia have programs through which refugees or members of humanitarian programs can be sponsored. However, their programs are either limited to a certain ethnicity and/or to refugees who have a family relation in the country of resettlement. In contrast, Canada's private sponsorship program is potentially available to any refugee in the world who is in need of resettlement.

PRIVATE SPONSORSHIP

BY MICHAEL CASSASOLA



Canada celebrates 25 years of Private Sponsorship. The following articles honour this achievement. This is also the theme of the Canadian Council for Refugees' consultation in Winnipeg, Nov. 19-22, 2003.

Nandita Sharma is an Assistant Professor in the Anthropology and Sociology Department at the University of British Columbia. She has been struggling for justice for

migrants for many years and is the co-founder of the group, Open the Borders! in Vancouver, BC.

people.

challenges faced by refugees and often, as a result, become advocates for refugees. This benefits not only the refugees they sponsored, but also the larger need of all refugees to find both protection and a durable solution.

Michael Casasola is a Resettlement Officer with UNHCR in Canada. Any views expressed are those of the author and do not necessarily reflect the views of UNHCR.



THE GIFT OF SPONSORSHIP

BY ELIZABETH MCSWEENEY

Refugee sponsorship is a deeply personal experience where people from vastly different worlds intersect in a life-changing, life-saving relationship. A refugee who calls me 'mother' once said that the gift of sponsorship not only saved his life and that of his wife and children, but also the generations who will come after him. How can I possibly measure the value of such a thing and how can I ever know how much it has also changed and guided my life too?

Refugee resettlement is about real people but too often we see refugees depersonalized and translated into statistics, trends, pools and flows. Our eyes glaze over at strange terminology and we conclude it is not relevant. In fact, the people who speak this language have the power to make decisions nationally and globally that affect the lives of individual refugees. Many of the decisions made at international meetings, academic research conferences and national consultations eventually unfold as Canadian refugee policy. One of our roles, as sponsors and non-governmental organizations is to remind the powerbrokers of the human faces and stories behind the statistics and acronyms.

discussion at the UNHCR Annual Tripartite Consultation on Resettlement. The abstract concept will play out over the next few years but we are seeing the impact of one initiative already.

Three communities of refugees, all long-stayers in refugee camps where they continue to face insecurity and harassment, were identified by the UNHCR as in need of resettlement and will be accepted by Canada through an accelerated processing of the whole group. Most will come government-assisted but some who are particularly vulnerable and have special needs will come through the Joint Assistance Sponsorship Program where private sponsors partner with the government to provide the care and settlement assistance.

Article IX of the U.S. Canada Safe Third Country Agreement, expected to be implemented in 2004, allows the U.S. or Canadian governments to refer up to 300 refugees per year to the other for resettlement. Therefore groups of refugees that the U.S. refuses to consider for resettlement can be referred to Canada



Sponsored refugees in Turkey who are not in the care of the UNHCR are being denied exit visas when they are ready to come to Canada and are being deported. In Kenya, refugees who do not live in the UNHCR refugee camps, many of whom are privately sponsored, were denied exit visas by the Kenyan authorities. Through intervention at the diplomatic level, the Kenyan policy has been temporarily suspended but no permanent solution has been found. In Turkey, even the diplomats have

few examples:
During this past year, the UNHCR Working Group on Resettlement, a gathering of UNHCR and the governments of the 18 resettlement countries, discussed and wrote learned papers on the 'strategic use of resettlement'. NGOs contributed to the

failed to succeed.

The new Canadian Immigration and Refugee Protection Act requires all refugees, with a few exceptions, to obtain a referral from either UNHCR, or a recognized referral organization, or obtain a private sponsorship. Refugees can no longer self-refer to a Canadian Mission abroad. At present there are no identified referral organizations so all refugees seeking resettlement must be referred by UNHCR or get a private sponsorship. Those who are not in the care of UNHCR and do not have a sponsor in Canada are not considered for resettlement by Canada. These are decisions that impact the refugees we sponsor. They set up mechanisms that sometimes bar

THROUGH THE EYES OF A NEWCOMER

BY GAIL HOLLAND

Elizabeth McWeeny is co-chair of the Canadian Council for Refugees' Working Group on Overseas Protection and Sponsorship

or, on occasion, facilitate the resettlement of refugees to Canada. They change lives. What can we do? We can become involved, support organizations such as the Canadian Council for Refugees who advocate to governments on these issues, inform our local M.P. organizations that speak to government - churches, ethnocultural associations, labour unions etc. Above all, remember the generational gift of future lives. Keep sponsoring refugees.

speaking obstetrician, she returned home, deeply troubled, and asked, "Is it true that in Canada people give their children away?" The obstetrician, noting her single state, had asked if she planned to keep her baby.

In a subway station, I was demonstrating how to open the barrier gate to get a stroller through when several police constables walked through the opening. I jokingly told them that I had been expecting them, and had opened it just for them. The refugees with me were astonished. "In Africa, we would never dare to speak to a policeman like that. They were so nice!"

The difference in these incidents, and many others, was the presence of private sponsors to discuss what happened, help to compare the situation in the refugees' home country with what happens in Canada, and perhaps to introduce a note of reality. Yes, the police in Toronto are usually polite and pleasant when you're not in trouble. But they are human beings, good and bad, with their own biases. The bottom line is, if a police constable stops you, be polite and cooperative, and don't run away, even if you're scared.

A private sponsor is a guide and interpreter for newcomers. They accompany the refugees for at

I remembered 20 year old Carine from Burundi, who never slept one night in the flat rented for her. It took her months to tell her sponsors that she was afraid to stay alone because she thought the police would raid her flat in the night, as had happened many times in Nairobi. "They ask for money, and if you don't have money, they ask for ... other things." she explained.

And there was Ligia, single and eight months pregnant when she arrived from Nicaragua. After a much overdue pre-natal appointment with a Spanish-face-to-face about his first year in Canada.

So I reflected on what it would be like for me to leave my culture, my language, my friends and family, everything that I know. What would it be like to move to a country where I knew no-one, where people are of a different race, speak a different language, socialize differently?

least a year, processing observations and discoveries. *When I arrived in December, I thought all the trees were dead. But in Spring they all grew new leaves again.* The private sponsor has the unique privilege of seeing Canada, good and bad, through the eyes of a newcomer, and sharing the joys and sorrows of their resettlement here.

Gail Holland is Primate's World Relief and Development Diocesan Refugee Coordinator (Toronto)



THE MYSTERY OF PRIVATE SPONSORSHIP

BY NORRIE DE VALENCIA

I am on my way to meet with a group who have decided to sponsor a refugee family under our Sponsorship Agreement. They are a community group that has gathered around one of our parishes and, while not all are active members of the church, all are committed to helping this refugee family whose lives are at risk in their current situation.

I have a long way to go on this late Fall evening and it is already 6:30p.m.. All of us will be gathering from different points of this sprawling city, arriving from diverse, active and busy lives. It has been a long day. And it has been many years, more than 15, since my first journey to meet a sponsoring group. Others, more weathered than I, can say it is 25 years since they first sponsored.

As a cloudburst hammers on the windshield I muse at the commitment of so many to this "calling". What is the source of the energy and renewed dedication? Nothing says we "have to", and there are many alternate routes of "faith into action". Yet, year after year, since the inception of the Private Sponsorship Program during the desperate flight of the Vietnamese "boat people", individuals and groups have chosen to dedicate time and resources to resettling some of the most vulnerable; to opening a door when all others had been closed.

Even after we have, on occasion, experienced almost impossible challenges to our "work", why do we go back and try again? Bluntly, why am I doing this? A busy intersection yanks my thoughts from this theme momentarily....

Apparently there are only 18 countries in the world

who "resettle" and, we are told, amongst them, our Private Sponsorship Program in Canada is unique.

What shall I say to the fired-up new group? They want to help and it appears they have "adopted" a family after hearing an emotional account from a relative who has managed to escape the same insufferable conditions and is already living here. I puzzle at how this particular case has popped to the surface when there are countless other voices crying out from every situation imaginable.

What shall I say? Of course I have my notes, carefully honed from previous similar meetings. Tell them they can save lives. That always "sells it". Wait. What am I "selling"? And what right do I have to be "selling it"? . . . (But remember when I came quietly to a previous meeting and was completely pre-empted by a person "selling" a walk-in centre for youth in the downtown core. Those energies and resources were allocated to "local needs". No refugee sponsorship from that group.)

This group seems pretty enthusiastic. Tell them about some of the realities. Tell them that "saving lives" may be over-stated and that just because the refugees arrive here they may not like our promised land, they may find it difficult to adjust, they may have trouble with the long winters, the competitive job market may be brutal, they will be welcomed by some but not others, they will be surrounded by fast food restaurants, a pervasive materialism, designer water my thoughts again trail off

Tell them that even though they are "helping" refugees, others - friends, family members,



And so, as I near the meeting place, my words begin to take form - "be gentle, be honest, be realistic", I tell myself. . . .

EPILOGUE

The Group had already decided. Perhaps my information was useful in guiding them through the processing. The sponsorship was approved. The family arrived within three months (after all, their lives were in danger). I received the NAT (Notice of Arrival) at my office since my home fax is somewhat unreliable and as I picked the NAT up from the fax machine some tears escaped and ran down my cheeks. Various co-workers looked on with surprise, puzzlement, compassion, curiosity, disdain, impatience. Hours later we met the family at the airport. They were absolutely exhausted (by travel? worry? prolonged hardship?). They brought little baggage. And in spite of everything, smiles stretched their gaunt faces . . .

Both parents had jobs within months and the children are outstanding students.

Within the first year, an accompanying parent (grandparent) in her fifties passed away of cancer which may or may not have been diagnosed before arrival. She died at home in a small apartment under medical care and was never interned in a hospital facility. Quiet burial rites were carried out within her own faith supported by a small local ethnic group as well as some of the sponsors.

The family recently bought a townhouse in an attractive neighbourhood.

We are in close touch with them and always will be.

Norie de Valencia is a member of the Anglican Refugee Network and lives in Vancouver.

neighbours - may not agree and may criticize them. Their commitment will be challenged.

Be realistic. Tell them that even though this appears to be a legitimate case, the family may not arrive anytime soon. But don't discourage them.

Tell them what you are supposed to tell them - that there are kits, guides, handbooks, website URLs (all to make it easier), the Agreement and contractual implications, the undertaking, forms, letter of authority, trust funds, reporting, IP3, OP4 (or is it 5?), IRPA (page 765 and forward), and, oh yes, the settlement plan, and communication benchmarks and, and, and

Tell them that the refugees' road does not end here, but begins all over again.

No, no, no, you've gone off the deep end. . . . Wait a moment . . .

This is what you will say: Tell them that through



sponsorship they will come into contact with some of the most remarkable people they could hope to know and work with, that they will learn things they never would have learned otherwise, that later they will not be able to imagine their lives without this experience, that when a sponsorship is successful it is the greatest single mechanism I know of to debunk stereotypes, change attitudes and broaden lives - both theirs and the refugees. Ask them, "Are you ready for it?"

LE PROGRAMME DE PARRAINAGE DE RÉFUGIÉS AU QUÉBEC

BY NATHALIE BLAIS

Summary in English of the article *Sponsorship program in Quebec*

The 70's were a golden era of sponsorship when parishes, professionals and settlement organisations signed sponsorships to welcome Vietnamese boat people. Today, the situation has changed. The government rarely refers cases to sponsors. In most cases, groups in Canada identify for themselves which refugees they would like to sponsor. Many social factors explain this shift, including the fact that the size and face of faith communities have changed. Also, more women are in the workforce. Groups have less time and resources to allocate. Most sponsorships are now done in collaboration with the refugees' family members that are already settled in Quebec. This new outlook broadens the criteria of family sponsorship, a last hope to support family members in need that have fled their country of origin.

Le programme de parrainage de réfugiés au Québec a connu son âge d'or à l'arrivée des *boat people* vietnamiens durant les années 70. À cette époque, tout le monde s'était mis de la partie pour soutenir ces familles éprouvées. Des paroisses, des professionnels, des organismes d'accueil avaient alors signé des parrainages. Cette générosité était d'autant plus désintéressée que les parrains ne connaissaient pas les parrainés. Aujourd'hui les choses ont bien changé. Seuls des cas d'exception sont soumis par le gouvernement à certains groupes parrains triés sur le volet.

Hormis ces cas d'exception, les groupes identifient eux-mêmes les personnes qu'ils veulent parrainer. Différents facteurs expliquent ce revirement de situation. D'abord l'Église catholique qui avait mis ses paroisses à contribution en 1970 n'a plus les mêmes moyens financiers et la même quantité de fidèles. Les familles qui pratiquent tous les dimanches et créent des comités de soutien à l'intérieur de leurs paroisses se font de plus en plus rare. Il n'y a donc plus de prise en charge communautaire des parrainages.

Parmi les fidèles les plus fervents, notamment à Montréal, beaucoup sont des immigrants qui n'ont ni les moyens, ni l'énergie de parrainer des inconnus alors que leurs propres membres de famille demeurés au pays sont dans le besoin. Les personnes qui sont nées au Québec depuis quelques générations ont de moins en moins de temps pour faire du bénévolat et offrir le support social nécessaire aux nouveaux arrivants. À l'époque de l'arrivée des vietnamiens plusieurs femmes n'étaient toujours pas sur le marché

du travail, mais aujourd'hui les couples qui travaillent vont consacrer le peu de temps libre à leurs propres enfants.

Dorénavant, la majorité des parrainages se fait donc par des membres de famille installés au Québec depuis un an ou plus. Ils souffrent d'avoir laissé des frères, des sœurs ou des parents réfugiés dans un pays frontalier à leur pays d'origine. De plus, certains d'entre eux ne peuvent faire vivre à long terme ces membres de leur famille demeurés dans un pays de refuge. Ils veulent les sortir de là et savent qu'ensuite ils pourront subvenir à leurs propres besoins. De plus, ils pourront à leur tour supporter d'autres membres de la famille qui ne peuvent quitter le pays comme par exemple les grands-parents.

Dans cette nouvelle perspective le programme de parrainage devient un moyen d'élargir les critères du parrainage familial pour les personnes qui se trouvent à l'extérieur de leur pays et qui ont besoin de protection. Il est pour plusieurs immigrants une ultime bouée de sauvetage pour soutenir des parents qui ont fui leurs pays et qui sont dans le besoin.

Nathalie Blais est la responsable du programme de parrainage de l'Archevêché de Montréal.

Welcoming Uprooted People Post 9-11

A resource booklet from KAIROS-Canadian Ecumenical Justice Initiatives

This 24 page booklet offers a series of exercises designed to challenge people's fears and dispel popular myths about refugees, migrants, immigrants and internally displaced people. With a focus on refugees, the workshop is designed to develop critical awareness and leadership in people involved in refugee issues.

The workshop:

Examines root causes of displacement

Through real stories, looks at the issues facing refugees in the post 9-11 period

Unpacks common myths about refugees and other newcomers

Offers action strategies to increase acceptance of refugees and immigrants.

One of the more compelling exercises is called "Are you on a hot seat?" Sitting in a circle, each participant is asked if they are sitting on a hot seat. The answer will lie under their seat. One by one participants check to see if there is a story taped to the bottom of their seat. Six participants will find a refugee's story under their seats. They must stand and read the story and the group is asked to find a remedy to the problems raised. The exercise is designed to help people understand the many reasons why people are forced to flee their countries as refugees, and to examine some of the protection options available, or not available to them. It also highlights the current refugee issues of concern that the group can take action on at the conclusion of the workshop.

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NEO-LIBERALISM AND THE "REFUGEE CHILL"

BY KEN LUCKHARDT

It has been said many times before: neo-liberalism ensures the flow of capital and commodities and restricts (and denies) the movement of people. It creates refugees, only to then reject them.

Figures from Citizenship and Immigration Canada (CIC) for the first half of 2003 document the extent of this "refugee chill": only 36% of the 2003 target of Government Assisted Refugee Landings had been met by the end of June. This compares with 44% and 55% landing levels for the two previous years over the first six months. In human terms, that means just short of 1200 fewer refugees arrived on Canadian soil in the same 6-month period in 2003 as compared with 2001.

Similarly, in Quebec, the percentages of provincial targets for the first six months of the most recent three years show the same trend: 2001(58%) compared with 2003 (41%). Privately-sponsored refugee landings offer no greater hope for refugees wanting to find refuge in Canada. 172 fewer refugees arrived between January-June

2003 than in the same period in 2001. In 2001, that represented 50% of the lower target range; in 2003, the level drops to 35% of the lower target range.

This reduction in refugee landing levels is not unique to Canada. In Britain, asylum applications fell by a third between April and June. This is consistent with Prime Minister Blair's threat to halve the number of applications by September 2003. Not surprisingly, deportation levels rise with each three-month period, as do detentions of refugee claimants already on British soil.

Finally, at the global level, the BBC reported in September that refugee applications in the richest, developed nations dropped by 12% in the second quarter of the year. The numbers for Europe and the European Union are the lowest since the UNHCR began collecting quarterly data in 1999. "Of the top

20 countries of origin, only four have shown a slight increase. All the others have decreased."

The conclusion is as obvious as it is cruel: refugees are now being prevented in an increasing variety of ways from seeking and finding refuge in the developed north. Instead, they are forced to survive in the southern cesspools of poverty, privatization and zones of conflict dictated by the Emperors of neo-liberalism and the corporations for whom they so proudly perform.

Someday it will be seen that the Emperors too, like the refugees, have no clothes.

Ken Luckhardt is National Representative of the International Department of the Canadian Auto Workers-Canada



BAXTER "BIRTHING ROOMS"

Contributed by Ken Luckhardt

Baxter is one of the infamous detention centres that make up the repressive Australian refugee system. Here are two comments on Baxter, the first in the form of a poem from June 2003 and the second from a newspaper report in October 2003.

Bringing her home....

She is our first born, and has changed our world for ever,
Hope infuses my spirit, as I feel her heart beat against mine.
Her pink hands and tiny fingers, are they for real?
She gurgles happily...was that a smile, meant for me?
After all the waiting, she arrived quite quickly -
On Sunday we went to the hospital, and on Monday she was here!
Phone calls, messages to happy grand-parents - it was all a whirl
Our lives upended - by this beautiful innocent girl!
Friends arriving with gifts, some brought decorations too;
To decorate the room where she will be -
Surrounded by our love, with hopes for a life so free....
Can we always surround her with affection?
When will she ask questions that we cannot answer?
Will she learn harsh words, and callous disregard?
These thoughts burn within me, as I make arrangements
To take my wife and our daughter, to our room -
Inside the Electric fences of Baxter.....

Dedicated especially to David, Ghazal & Camrod, born in Port Augusta Hospital, during recent weeks, and to all the innocent children incarcerated in 'The Lucky Country', and it's surrounding islands.

Excerpt from the "Sunday Mail" (October 19, 2003)

"A room of the Women's and Children's Hospital has been declared a temporary detention centre with 24-hour plainclothes guards to stop a Baxter detainee fleeing after giving birth....
Refugee advocates say Mazhar (the baby boy born October 15) became one of Australia's youngest detainees and will be denied citizenship because he was technically born in detention....
The Bakhtiyaris' five other children aged 6 to 15 were scanned by a hand-held metal detector before being allowed to visit their mother and new brother....
And they were banned from taking a camera into the room to record the new arrival...."



REFUGEES FROM GLOBALISM

BY A. SIVANANDAN

The distinction between political refugees and economic migrants is a bogus one - susceptible to different interpretations by different interests at different times. The West is quite happy to take in economic migrants if they are businessmen (with the requisite £250000), professionals, or technologically-skilled. It needs highly-skilled people, preferably ready-made. It welcomes the computer wizards of 'silicon valley' of Bangalore but does not want the persecuted peoples of Sri Lanka or the Punjab. And it is these it terms economic migrants - with all its connotations of scrounging and begging.

From industrial to global capitalism The West does not need, as it did in the immediate post-war era, a pool of unskilled labour on its doorstep. As economies move from the era of industrial capitalism into the era of global capitalism, businesses move their plants to other countries in search of the cheapest possible unskilled labour. But where they do need unskilled labour domestically - in the seasonal agricultural sector and the fluid service sector - they still require such labour to be temporary and cheap. And the rightless and the illegals fit the bill nicely.

Ironically, it is also globalism, with its demand for free markets and unfettered conditions of trade, which is eroding the distinction all over the world between the economic and the political realm. The nation state,

particularly in the Third World and the Eastern Bloc, the agent of global capital. It is capital which decides what to produce where, what to grow where, and how. And, through its aid and development agencies like the World Bank and International Monetary Fund and international trade agreements (such as GATT and NAFTA) and institutions like the WTO, it holds the poorer regimes in hock, and then insists that they accept austerity measures, through so-called Structural Adjustment Programmes that dictate drastic cuts in public spending, to pull them back from bankruptcy. The result is massive pauperisation, the erosion of educational, social and welfare provisions, the end of training and enterprise. There simply is no indigenous growth possible any longer, there is no future to look forward to which is not tied up with foreign powers and foreign capital. Hence resistance to economic immiseration is inseparable from resistance to political persecution. The economic migrant is also the political refugee.

That's a totally different world order from the one in which the politically persecuted refugee was defined in the UN Convention of 1951. Then, the political refugee was being defined in terms of the shame created by the annihilation of Europe's Jews and the fear engendered by Communist totalitarianism. But, already, a new category of political refugee was emerging in the newly independent states of the ex-colonies.

Colonialism and refugees

During the colonial period, Britain had collapsed diverse tribes, nationalities, ethnic groups and other geographical entities into unitary states for the purposes of easier administration and economic exploitation. In the first flush of Independence, these countries, ruled by progressive nationalist governments, attempted economic policies which they hoped would give them a measure of self-sufficiency and instituted educational and training schemes which would further their national aspirations. But as the West's neo-colonial project began to displace indigenous economic development, the nationalism which had cohered the state from Independence began to give way to ethnic and communal divisions. And governments turned to using the trappings of democracy, especially the voting system, to establish authoritarian, majoritarian states - which systematically discriminated against and persecuted minority groups such as Ibos in Nigeria, Tamils in Ceylon and Asians in Kenya and Uganda.

At first, these politically persecuted refugees were economically 'invisible'. In the immediate post-war period of the 1950s and 1960s, when Britain needed all the labour it could lay its hands on, it made no distinction between economic migrants and political refugees. It did not matter that the Punjabis were fleeing the political fall-out of Partition, what mattered was that the factories of Southall needed their labour. Political refugees and economic migrants were all the same: they were labour.

But, as Britain began to need less and less labour and its doors began to close, the claims of the persecuted came to be measured against the yardstick of economic pragmatism. The 'Kenyan Asian' episode of 1968, when Asians with British passports expelled by Kenya were refused automatic right of entry to Britain, indeed showed up the racism of Britain's immigration controls. But it was also the first clear indicator of Britain putting its economic interests before those of the politically persecuted - even when they were its own citizens. The definition, in other words, of political refugee and economic migrant became interchangeable. So that, just four years later, British Asians from Uganda were deemed acceptable as political refugees not only because Amin gave Britain little choice, but also because they, unlike the Kenyan Asians, belonged by and large to the entrepreneurial class and could contribute to Britain's coffers. 'British', 'alien', 'political', 'economic', 'bogus', 'bona fide' - governments choose their terminology as suits their larger economic, political or ideological purpose.

Roma - the outcasts of Europe

Nothing makes this clearer than the contemporary example of the Roma from eastern Europe. In many

ways, their experience in the countries of the former Soviet empire half a century ago parallels that of the minority groups displaced from newly independent states of the British empire. During the Communist era of centralisation, minority cultures and ethnic differences were suppressed. The Roma, although not allowed cultural expression and freedom of movement were, at least, part of the citizenry - an underclass maybe, but still part of a system. With the collapse of Communism, however, they became outcasts - without employment, without access to full rights, discriminated against by state agencies and persecuted by untamed populist racial terror. By any yardstick - ethnic, racial, economic, political - the Roma are a persecuted group like the Jews were earlier. And yet, when they seek refuge in western Europe, we reject them for the same reason that caused them to flee their country in the first place - that their culture and philosophy put them outside the pale of western European society. Once the underclass of Communist totalitarianism, they are today the outcasts of western democracy.

Life or livelihood?

Equally, the refugees who come from the Balkans are those, who have been displaced from their homes by Star Wars, waged ostensibly to save them from genocide, but in the event - because of the refusal to put troops on the ground - leading to the indiscriminate devastation of their country and, therefore, their displacement. The choice for those who face genocide appears to be either life or livelihood, but not both. And if they manage to get away with their lives and come over here, they are denied a livelihood, denied the dignity of work, and are stigmatised as beggars and scroungers, marked out this time not by the colour of their skin but by the worth of their vouchers.

As global capitalism spreads like an oil slick all over the world and Cold War ideological rivalries collapse, nation states in both the former 'black' colonies of the Third World and the former 'red' colonies of the eastern bloc are beginning to break up. While giant corporations, richer than whole continents and more powerful than nation states, try to cohere the world economically, more and more people are being displaced from their countries and their homes. Some countries are being economically devastated, in others there is genocide; some countries have old-style communal wars, in others new racisms are being unleashed. Political and economic categories have collapsed into each other, culture is becoming homogenised the world over and, increasingly, the values we live by are the values of the market place.

Globalisation reduces all human activity to the binary of buying and selling, and commercialises human

relationships. So that we judge our duties and responsibilities to others not by what is owed to them, but by what it costs us. Even the wars we enter to preserve civilisation from descending into barbarism are depersonalised wars which do not involve us personally. We do not put our lives on the line for the values we hold. So that the victims of war are not - even as an extension of the values we fought for - any longer our concern. For asylum-seekers, against globalism.

Globalisation fragments our consciousness and casts us into individual, single issue struggles which might bring about piecemeal reform, but not radical change. That is why it is essential that we see how each struggle - whether against institutional racism, asylum laws, arms sales or unequal trade agreements - connects with the other within the overall campaign against globalism. So that

BY FRANCISCO RICO-MARTINEZ

IRELAND AND SAINT PATRICK'S MODERN-DAY SUCCESSORS

In September 2003, the Irish Refugee Council (IRC) invited me to address its Annual General Meeting in Dublin, Ireland, as past president of the Canadian Council For Refugees. Afterward the IRC invited me to visit Limerick and Galway.

While I was there, I heard some thoughts that are still running around in my mind. Let me tell you just a few:

- Migration throughout the world is as old as human history.
- A country like Ireland, whose patron saint was a forced labour migrant, can ill afford to be intolerant of Saint Patrick's modern-day successors.
- The number of asylum seekers are considerably smaller than the figures for labour migration. Yet the media coverage's focus is usually unfavourable to asylum seekers.
- The lack of properly designed immigration policy in Ireland is itself one of the reasons why desperate people have taken the asylum route, in the knowledge that this country has need of their skills and determination.

Why are those thoughts still in my mind? Because they are so similar to thoughts that I have about Canada, even though these thoughts may come from a different reality. For instance, Canada won the UN "Nansen" medal for its work with refugees and is considered a world-leading

even when we agree with the free marketers that asylum-seekers should be allowed to work, we do so not because a free labour market is an imperative of globalism, but because it is globalism that deprived them of their livelihoods in the first place. Our fight should be for the asylum-seekers and therefore against globalism.

By the same token, any human rights convention that does not guarantee asylum-seekers the right to a livelihood is irrelevant to the condition of our times.

force in regards to refugee issues. Ireland does not have long history of asylum and refugee legislation - the first Refugee Act, which incorporates both the Convention and the Protocol into Irish law, was adopted in 1996 and has already been amended twice (in 1999 and in 2000).

On one hand, the issues and challenges that the refugee advocacy community faces there are similar to the ones that we face here in Canada, such as:

- ▶ The increase in the number of refugee claimants; serious concerns about resources for rejected refugees;
 - ▶ safe countries and the domino effect;
 - ▶ the lack of policy to protect separated children seeking asylum,
 - ▶ the barriers to education for asylum seekers,
 - ▶ the length of the refugee process,
 - ▶ carrier sanctions and interdiction.
- On the other hand, the differences between the two countries are profound. Let me just mention the ones that shocked me the most:

Currently in Ireland, approximately 5,000 people - of over 100 nationalities - are dispersed all over the country, in temporary communal accommodation in 84 centres in 24 counties, on full-board and reduced social

Editor's note: This article is taken from the website of the Institute of Race Relations (IRR):
<http://www.irr.org.uk/2000/august/ak000001.html>

welfare payment. Many of these larger centres are situated on the edge of towns or suburbs leaving asylum seekers segregated from mainstream society, both physically and emotionally. The policy was introduced nationwide under the Government's objective to definitively process all asylum applications within a 6-month period. However, there are currently asylum seekers who have been in such centres for more than 18 months. In Canada, we have the opposite: freedom of movement and the total absence of government-supported reception centres for refugee claimants.

For the next municipal election in Ireland, all residents of legal age for voting, without reference to status—including asylum seekers—will be entitled to vote for local and

municipal authorities, even though most of the asylum seekers are not entitled to work. In Canada we face the opposite: there is a total denial of the political and civil rights of refugee claimants, particularly their participation in any election. On the other hand, refugee claimants in Canada are given work permits.

Ireland and Canada. So similar, so different. The challenge for refugees and refugee advocates in both countries is how to get or to provide access.

Francisco Rico-Maritinez is Co-director of FCJ Hamilton House Refugee Project in Toronto and is past president of the Canadian Council for Refugees.



2003 SESSION OF UNHCR'S EXECUTIVE COMMITTEE (EXCOM)

BY ANDREW BROUWER

This year's UNHCR Executive Committee (ExCom) meetings in Geneva took place in the shadow of the bombing of UN headquarters in Baghdad and a number of other recent attacks against humanitarian workers. As the High Commissioner observed in his opening address, "The environment in which we operate is changing. ...For the first time, [the UN] has been declared a legitimate target by a terrorist group."

NGOs in their General Statement went further, pointing to a fundamental contradiction underlying the way the humanitarian actors are increasingly being perceived in some parts of the world: "Our neutral and impartial action is increasingly intertwined with the activities of political actors and the military. The large majority of humanitarian funding is provided by only a few donor governments. Yet many of those same governments are also playing a leading role in the war on terrorism. In such an environment, how can we ensure the impartiality and independence of humanitarian action?"

Of course, it is not just UNHCR and NGO staff who have come under attack in recent months; the security of refugees themselves is deteriorating in many regions of the world. In particular, states in the north have been increasing their efforts to block asylum-seekers from reaching their territory to seek protection. Two examples - interception and the so-called "UK Proposal" were particularly prominent in both formal and informal discussions at ExCom this year.

Interception was the subject of a controversial ExCom

Conclusion on "Protection Safeguards in Interception Measures". While the Conclusion includes some positive language acknowledging the rights of intercepted persons, other provisions seem designed to provide intercepting states with maximum opportunity to block access to asylum with impunity. Particularly disturbing to Canadian NGOs was the fact this conclusion was largely the work of the Canadian government. NGOs from around the world expressed their grave concerns about interception in their formal contributions to the ExCom debate. As well, CCR hosted an important meeting of NGOs to share information about interception and begin to build international strategies to challenge illegal interception practices by states. That meeting led to the launch of a new international interception discussion group.

Another topic much discussed at ExCom and Pre-ExCom was the UK's proposed "regional processing centres," by which the UK and other participating states would bar asylum-seekers from their territory and instead pay other states to detain them and process their refugee claims. NGOs are very concerned that this idea will be used to further cut off access to asylum in the industrialized countries of the world, locking down refugees in the south. Despite widespread criticism of the concept, it seems that several states and even UNHCR are exploring versions of the proposal.

Other ExCom Conclusions adopted this year included, *inter alia*, a general Conclusion on International Protection, a Conclusion on the Return of Persons Found

not to be in Need of International Protection, and a Conclusion on Protection from Sexual Abuse and Exploitation.

Andrew Brouwer is a member of the CCR's Executive Committee. He served as NGO representative on the Canadian Government delegation to ExCom.

For a more complete report on this year's ExCom and

Pre-ExCom meetings, visit the CCR website at www.web.net/~ccr. For the text of the ExCom conclusions go to <http://www.unhcr.ch/cgi-bin/taxis/vtx/home/.opendoc.pdf?tbl=EXCOM&id=3f8d0ad4&page=exec>.

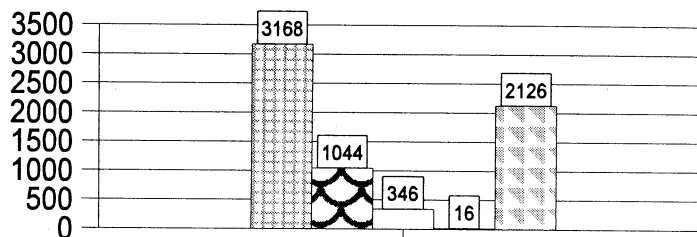
The text of the NGO statements can be found on the ICVA website at: <http://www.icva.ch/cgi-bin/browse.pl?doc=doc00000080>.

Canada-wide statistics for Pre-Removal Risk Assessment since implementation June 28, 2002 to September 5, 2003






PRRA decisions:

193 positive
6,044 negative
= 3% positive

PRRA Statistics



16,392 PRRAs.

-  waived pre-notification
-  waived post-notification
-  withdrawals
-  abandoned
-  did not apply

REFUGEE UPDATE

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