

REFUGEE UPDATE

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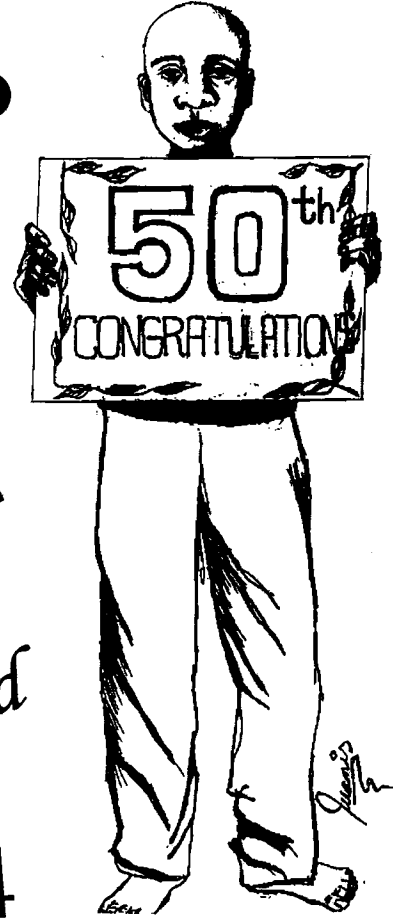
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THE 50TH ISSUE OF REFUGEE UPDATE: IT HAS BEEN A LIFETIME

BY FRANCISCO RICO-MARTINEZ

The first Refugee Update was printed in June, 1989, which makes this issue the 50th issue of its 15 years of existence. It seems like a lifetime. To my surprise, I realized that I have been involved in its production, in different capacities, since the 5th issue, produced at the beginning of 1990, which is the beginning of my life in Canada as well. Seven Immigration Ministers and five Citizenship and Immigration Canada (CIC) Director Generals have come and gone. Four Immigration and Refugee Board (IRB) chairpersons and six Canadian Council for Refugees (CCR) Presidents have come and gone (I myself being one of them). One new Immigration and Refugee Protection Act (IRPA) was partially implemented on June 2002.

In honor of its history, I went through 40 issues, starting in 1989 and finishing in the summer of 2000, with the analysis of Bill C-31: the Immigration and Refugee Protection Act.

The first Refugee Update (RU) in 1989 denounced to the world: "A Refugee is interrogated by Canadian Security and Intelligence Services (CSIS)." The main article of March 1989 was on "The Impact of the New Law" and the CCR alleged that "the new refugee law violated the Canadian Charter of Rights and Freedoms in at least 50 areas." You will agree with me that both quotations are still relevant today. Then, in June 1989, one article was related to "The Backlog", which in my opinion is a Canadian recurrent phenomenon that is now called "inventory of cases". In the same issue, the Minister Barbara McDougall announced that "there would be no amnesty for the backlog of 85,000 cases stuck in the old Refugee Determination System." As you can see, the government opposition to an amnesty is endemic. Three months later, in September, RU published that the "Overall acceptance rate from January to August 1989 is 80%," which is a dream in the current context. On the other hand, the same issue talks about "A young Guatemalan... had come through the United States to the Canadian border ... He wanted to claim refugee status but was sent back to the U.S." This sounds like direct backs to me--the struggle for access continues.

1990 started with the "New Law: Safe Third Country Rumors." Painfully, after a decade, this idea has not gone away and is very close to becoming a cruel reality this summer. In the Spring of 1990, the "CCR Executive Meets Minister." It works sometimes. Then, in the fall RU again reported "the Backlog: Cruel and Inhuman Treatment," and as if that was not

enough, in the same issue we reported: "Immigration authorities used drugs ... to implement deportation orders."

Of course, after the above-described incident of abuse, we started 1991 reporting: "Under the new law, Canada deported 1,128 people whose claims had been rejected". This number was just the start of a trend. For good or bad, "The Federal government has initiated the first comprehensive review of the refugee sponsorship program since the program began in 1978." Did this review result in the reduction of the numbers? A few months later on, the government informed us that it "is planning 8,000 fewer refugee landings than it had planned to make in 1992." On the other hand, "The fact is that Canada continues to recognize as refugees 71% of claimants." We finished the year by asking a very current question: "The U.S. - A Safe Third Country?"

1992 was a year full of apparently new topics. First, "Sign A Petition To End Family Separation for Refugee Claimants." We could use the same petition right now. Second, "Interdiction And Refugee Deterrence" in which Canada is now a leading force in the world. Three months later, we reported on "Refugees and Detention". We said that "warrants have been issued for 5,844 refugee claimants who had allegedly gone underground". Officially we still do not have non-status people in Canada. The following issue had a sentence that struck me: "Refugee Women: if we can not give her back her home, family and loved ones, can we, at the very least, not take away her dignity?" In the summer of 1992: "I Came Here As A Refugee With a Forged Passport".

In 1993, we made some statements and observations which are now more relevant than ever: First, "The U.S. as a Safe Country... coordination between the NGOs in our two countries will be more important than ever." Second, "Many NGOs have noted the apparent bias in the current review system caused by having the current post-claim conducted within the Enforcement Unit." Third, in regards to NAFTA, we expressed that "international refugee rights are a legal means for workers to escape free trade." Fourth, on the new IRB Guidelines on Gender, we stated that: "Hopefully these will prioritize women's refugee rights throughout the Canadian Immigration system and the systems of other countries into the 21st century." Fifth, "Refugee workers in Southern Ontario are preparing to offer sanctuary for 23

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refugees that the Canadian government has rejected...". Sixth, on refugees and the recession: "Protection means more than letting refugees in. It extends to making sure they can survive once they've arrived." Seventh, "Many settlement agencies believe that the Settlement Management Information System (SMIS) is a new endeavor to impose greater controls on refugees."

In 1994, we started with good news: "US-Canada Safe Country Agreement: Dead in the Water?" and "More Overseas Selection in Red Book". In spring, the good mood was over: The "IRB Acceptance Rate falls to 46%," but a tradition was getting stronger: "The Singh Decision..."

Each year refugee coalitions across Canada commemorate and celebrated April 4th as Refugee Rights Day." In the summer of 1994, the Davis-Walman study

(*Equality of Mercy*), was published. Our answer to the report: "Thus many issues remain to be addressed and resolved." What happened to the backlog? According to the government it "was completed with a total cost of \$142.3 million." Do you remember Bill C-44? "This Bill's purpose is to expand the denial of access to the refugee determination process...Bill C-44 should simply be withdrawn." Do you remember Immigration Sergio Marchi? Do you remember the honeymoon? He started an "Immigration Consultation," but we already knew that "the Department seems to be forcing Mr. Marchi to choose." Do you remember who won?

In 1995, Citizenship and Immigration Canada (CIC) announced the New Immigration Levels and a New Strategy. Among other things, CIC announced "landing fees, financial guarantees for sponsorship, mandatory medical testing, emphasis on enforcement, control and (more) interdiction." Now you understand why I asked who won. Of course, RU answered: "A return to the abhorrent head tax," which was abolished for refugees only a few years ago. We also denounced the "Celebrity Inn - Nothing to Celebrate" (This is a motel which houses the Immigration Holding Centre) which is going to be closed at the end of March this year. But they will open a new one; I wonder what the conditions are going to be. In the summer, the issue of ID for refugees is recorded: "The refusal to grant landing to some refugees who obviously cannot produce identity

documents is cruel." Is this issue resolved? Also, this year, RU recorded a discussion on unaccompanied minors and the IRB's guidelines and procedures, in which we said, "...should ensure that children are not further traumatized by the refugee hearing process." Are these guidelines doing the job?

1996 was another year of expanding the scope of the newsletter. We talked about "The backlash against immigrants in the USA." We also presented the head tax as "a by-product of the global economy." We also said "freedom of movement is a fundamental human right". In the summer issue, we discussed: "Social Welfare for Refugees in Canada: Obligation or Mercy?"

The IRB was very active during this time. We learned about the release of the IRB's Civil War guidelines, which "favors a non-comparative approach..."

Let us keep up the struggle

which emphasizes the issue of whether the person is a Convention Refugee, regardless of the fact of the civil war situation." On the other hand, the IRB's response to the Hathaway report on allegations that some Refugee Hearing Officers were discussing cases outside of the hearing with board members was to legalize that communication. Shame!

In the 1997 immigration levels, the "Liberal's pro-business philosophy" appeared very clear. The 1997 plan significantly decreased the family reunification target in favor of increased numbers of economic immigrants, and failed to increase the refugee numbers. In the Spring of 1997, the attack against Liberals continues by defining their policies as "illiberal immigration policies." In other words, Canada is shifting its responsibility. For instance, "carrier sanctions...as a means by which governments seek to avoid their obligations to protect refugees." The trend of reducing the number of refugees basically continues. By the summer, we denounced the "state-sanctioned inequality against migrants workers in Canada." Then in winter, we reflected on the "living with no status in Canada" and we defined it as "human rights underground". We also talked about the "persons who are deportable or detainable in the US are being temporarily returned to the US by CIC after having initiated a Refugee Claim at the Canadian border." We must hold our government accountable.

It was on Thursday, March 5, 1998, that I heard the sad news of Nancy Pocock's death. Yes, Nancy Pocock, the "beloved mother to refugees and the marginalized; we promised her 'not to give up'." Let me ask a question: What about limbo? Yes, limbo as a permanent state of mind. Do you remember Sami Durgun? ...his ten years in Canada have become something of a cruel joke, waiting while immigration officials take years to check on his security status. We faced Bill C-40, which introduced amendments to

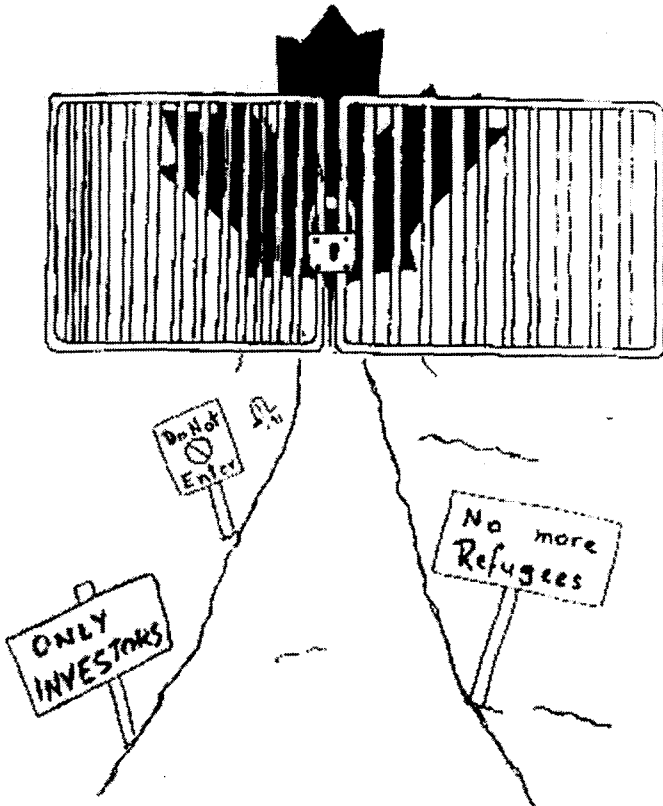
oh, by the way, where's your \$975 head tax?" Thank God this fee is abolished for refugees but, as we said in the article "there's more... the government is considering charging refugees and immigrants an extra \$40 to \$50 for a new permanent resident card..." The second article was "Torture at the end of the millennium." Is the expanded definition of the new law an answer to this article? To our advocacy? No doubt. By the end of 1999, we wrote on another 'forgotten' issue: "Canada and the Protection of Stateless People" but sadly, we have not moved forward on this. There is a lot to be done. We also talked about images that filled our television screens. On the one hand, "Kosovar Refugees: new directions for Canada's refugee programs." On the other hand, "the migrants who arrived by boat". The CCR requested an independent investigation on the allegation that some of them were denied the right to make a refugee claim. The exclusions were put aside.

2000 started with an analysis of "Canada's response to the marine arrivals from China's Fujian". Followed by "Colombian refugee levels - still far too low". In the summer, we analyzed Bill C-31: The Immigration and Refugee Protection Act. What can I say? You know what happen. You know what we managed to achieve. You know how painful and time consuming the whole process was. You know the issues, the risks, and the challenges that we are facing since its implementation.

Is the limbo situation solved? What about interdiction? Is the safe third country agreement only a nightmare? Are we bringing more refugees every year? Is interdiction banned by the UNHCR? Detention centres are an ugly part of Canadian history. Are the non-status migrants fully protected under our Charter of Rights? The answer is still no even though we have protected and saved a lot of lives.

It is fascinating to see how through all these years we dreamers have never given up on our main goal to preserve and improve the presence and the governing principal of justice in our Immigration and Refugee system, how we dreamers have never changed the core of our struggle which is the protection of human beings. Let us keep up the struggle.

Francisco Rico-Martinez is Co-Director of FCJ Hamilton House Refugee Project in Toronto and a member of the Refugee Update Editorial Board.



create a new Extradition Act. We saw "Extradition and Refugees, a Dangerous Precedent." Regarding the immigration levels, "the government is lowering their target for 1999 for refugees landed in Canada, but is maintaining privately sponsored levels." This was before 9/11. What was the excuse at that time?

In 1999, we started the year with something more to review. The Minister of Immigration had released a blueprint for future policy and legislative change called "Building on a Strong Foundation for the 21st Century." In summary, this document came up short in term of its objectives with regard to "respecting human rights, ensuring the due process and facilitating freedom of movement". In the summer, the front page of RU was "Welcome to Canada - and



PROTECTING REFUGEES IN THE 1990S WITH LAWS, COURTS AND POLITICS:

FROM "THINK GLOBALLY, ACT LOCALLY" TO "LEARN LOCALLY, ACT GLOBALLY"

BY TOM CLARK

THE WORLD

Refugee Update began as the world entered a decade of massive geopolitical change. In 1990, the Treaty of Paris ended the Cold War. To the surprise of some, international law protecting refugees survived the end of the cold war and was adopted by former Soviet republics in 1996. UNHCR transformed the scope of its work with NGOs by global "PARINAC" consultations, in which the Canadian Council for Refugees (CCR) participated, ending with the 1994 Oslo Plan of Action. 2001 was the 50th anniversary of the 1951 Convention Relating to the Status of Refugees, and UNHCR held "global consultations" ending with signatory States agreeing to the Agenda for Protection. However protection problems persist. Women refugees are at great risk, despite guidelines and handbooks on refugee women's protection needs. Agencies working in conflict zones seem in greater danger than ever.

The decade began with peace plans and solutions for refugees in Cambodia, Mozambique, Angola, South Africa. A Comprehensive Plan of Action ended automatic resettlement for Indo-Chinese refugees and a Concerted Plan of Action brought solutions for Central American refugees. East Europeans were no longer guaranteed refugee status. Sadako Ogata, then UN High Commissioner for Refugees, spoke about "prevention", "emergencies" and a "decade of repatriation."

Conflicts in the Balkans and former Soviet republics in the early 1990s led to large numbers of displaced persons on Europe's doorstep. Military intervention in Kosovo in 1999 ended the decade with a new wave of European refugees. People in Canada were called upon to sponsor them, albeit temporarily. Meanwhile, violent conflict, mass murder and ethnic cleansing appeared in the Great Lakes region of Africa. The massacre of Tutsis in Rwanda was followed by a huge exodus of Hutu refugees into Zaire in 1994. The serious problem of identifying and separating war criminals from refugee populations came to be an important issue in the last years of the 20th century.

Beginning a decade of good international case law on non-citizens rights in 1989, the European Court of Human Rights decided, in *Soering v. UK*, that a State expelling a foreigner to face the death penalty could

violate his or her right to protection from torture or cruel treatment.

The attacks on the United States on September 11, 2001 ushered in a new political era of counter-terrorism.

IN CANADA

Changes in Canada mirrored changes in global politics. At the beginning of the '80s Canada saw resettlement of refugees from abroad as its contribution to the world's refugees. NGOs argued Canada must also play a role in granting asylum. Between the end of the 1980s into the 1990s the annual number of asylum seekers grew from around 7,000 to over 25,000. NGOs had to deal with many of the consequences of the increase due to underfunding of legal aid and, outside Quebec, little provision for shelter, work and welfare. NGOs opened shelter spaces and provided housing for refugee claimants - often drawing on their own funds.

LEGISLATIVE CHANGES

In May 1987 the Mulroney government introduced Bill C55, proposing radical changes to refugee determination. The arrival of a boat of refugee claimants off Nova Scotia that Summer provoked a public outcry, and the Government recalled Parliament. An additional Bill C84 allowed detention and removal of asylum seekers deemed to pose a criminal or security risk; new penalties for smugglers; expanded search and seizure powers and increased penalties for transportation companies that brought persons lacking documentation. NGOs lobbied for equal access to refugee procedures and a meaningful appeal. NDP critic Dan Heap made his office a home for NGOs on Parliament Hill. The Bills passed in spite of massive opposition and a critical report from the Senate. They came into force 1 January, 1989. An Immigration and Refugee Board was created. On January 3 1989 the Canadian Council of Churches (CCC) launched a Court action, to challenge the constitutionality of the legislative changes, alleging the law undermined important rights of both refugees and those who tried to help them seek asylum.

In 1992 the Supreme Court ruled the CCC had legitimate concerns, but not the standing to proceed. Later that year the Court ruled in *Chiarelli* that the government was free to set standards for the entry and stay of non-citizens in Canada. In practical terms, this allowed the Government to deport Landed Immigrants with long term residency for criminality. It also declared that the Immigration Appeal Division hearing, which previously considered such matters as family rights, children's rights or possible torture, was not required by the Charter. Later in 1992 Bill C86 was introduced, restricting access to judicial review for asylum seekers and introducing the possibility of automatic return to a listed safe third country. NGOs lobbied to no effect.

By 1994, the Liberals were back in power and began consultations to reform the Immigration Act. In 1995 the Liberals introduced their own restrictions to the legislative legacy of the Tories. Their legislation, known as the "Just Desserts" law (created in response to a violent crime in a Toronto restaurant by that name), allowed the deportation of Permanent Residents from Canada on national security and criminal grounds with no hearing at the Immigration Appeal Division. The fact that the non-citizen accused in the Just Desserts shooting was subsequently acquitted by the courts made no difference.

Resettlement and private sponsorship levels fell slightly over the decade. Sponsorship arrangements became more managed by government domination of a new joint committee of officials and sponsoring NGOs. New sponsorship agreements were produced in which Sponsorship Agreement Holders got almost no concessions from government to meet their concerns, yet took on new responsibilities. They signed new deals to cooperate in processes over which they had little control. In 2003, as in 1988, church groups were complaining of high refusal rates on their requests to sponsor refugees, three-year delays and poor communication.

In the Summer of 1999, more than ten years after the arrival of the 1987 boat, a rusty ship carrying Chinese people appeared off British Columbia. Again there was a public outcry, and negative media coverage. Immigration Minister Eleanor Caplan maintained a tough stance but spoke of fairness. Some harsh treatment toward the Chinese nationals was documented by the UN Rapporteur on the Human Rights of Migrants during her visit to Canada in Summer 2000. Refugee advocates wrote to newspaper editors asking them not to encourage xenophobia.

Between 1994 and 2002, when the new *Immigration and Refugee Protection Act* was passed, NGOs were busy responding to government task forces and

hearings on immigration reform. NGOs voiced their concerns repeatedly to Parliament, Ministers, government officials and experts, but were mostly ignored. Over the decade Canada has proposed three versions of an asylum-sharing arrangement with the United States, while Canadian and US NGOs have consistently pointed out the flaws in these agreements. Regardless, the latest version has many of the same problems as the 1992 version. UNHCR has publicly expressed its own concerns.

Following the Supreme Court decisions on *Canadian Council of Churches* and *Chiarelli* in 1992 (para.8 above), the CCC and other NGOs turned to international human rights bodies.

ACTIVITY IN INTERNATIONAL ARENA

During the 1990s, NGOs participated regularly in the annual Geneva meeting of the UNHCR Executive Committee, which steers UNHCR's program. They lobbied the Canadian Government to take certain positions, and then learned to lobby other governments as well.

They also began to use human rights forums. In 1990 the CCC submitted a shadow report on Canada to the UN Human Rights Committee. In 1999, the Canadian Council for Refugees and the Inter-Church Committee for Refugees produced a joint report on Canada's treatment of refugees for the Human Rights Committee.

In 1996 NGOs managed to get a "general hearing" before the Inter-American Commission on Human Rights, on several individual complaints before the Commission. The Commission made a subsequent on-site visit to Canada in 1997. Refugees were able to speak to the Commission at hearings. In 2000 the Commission produced a report. It recommended more effective judicial remedies even when national security is invoked, absolute protection from deportation to torture, a norm of protection from deportation when family and children's rights, and appeal from a negative refugee status decision.

In 1990, it was not clear that Canada fell short of compliance with its international human rights undertakings. By 2000, the Commission and other human rights treaty bodies had pointed out shortcomings. The *Immigration and Refugee Protection Act 2002* makes reference to international rights and provides for an appeal. However, the meaningful appeal from a negative refugee decision has not been implemented, not everyone claiming to be a refugee gets the initial hearing and the decision-makers are still not independent and impartial.

New times call for new approaches. With migration

management globalized, there must be an international component to any response. UNHCR and states agreed to an Agenda for Protection in 2002. Cynically, this can be viewed as the gathering together and restating of old business long overdue. Positively, it does gather into one published package actions that States need to take. Protection is only part of UNHCR's mandate. UNHCR must also seek solutions with governments "for the problem of refugees." While UNHCR is the most important actor for the welfare of refugees, the international human rights system must not be forgotten. Its work on refugees and on-citizens must be supported.

NGOs have much work ahead to bring about a Canada that ensures rights for refugees and provides effective court remedies when those rights are

threatened. Part of the way forward will be creative challenges in international human rights forums for Canada (and the other Western governments that coordinate their refugee policies at the Geneva-based Inter-Governmental Consultation) to live up to their human rights obligations for refugees.

Tom Clark was national coordinator of the Inter-Church Committee for Refugees from 1983-2001. He was also member of the Canadian Council of Churches Human Rights Committee, and founding Coordinator for the Summer Course on Refugee Issues at the Centre for Refugee Studies, York University 1992-1997. He presently sits on the Editorial Board of Refugee Update.



POUR UNE VRAIE RECONNAISSANCE DU SECTEUR COMMUNAUTAIRE OEUVRANT AUPRÈS DES PERSONNES RÉFUGIÉES ET IMMIGRANTES AU QUÉBEC

BY STEPHAN REICHHOLD

FOR A REAL RECOGNITION OF THE COMMUNITY SECTOR WORKING WITH REFUGEES AND IMMIGRANTS IN QUEBEC

(Editor's note: This is a summary of the following article in French)

After 30 years of negotiations with the community section, in September 2001, the Quebec government has defined its policy entitled "Community Action: A crucial contribution to the exercise of citizenship and the social development of Quebec."

The policy designs an operational frame that permits to better manage and determine the interaction between the State and the community sector by defining the role and mission of both parties.

This policy lies on three fundamental principles.

- 1) The recognition and respect of the autonomy of the community sector;
- 2) The legitimacy and the necessity of the collective defense of rights and
- 3) The commitment of the State to insure core funding of the community groups' mission

The government recognizes and commits itself to finance the activities linked to non-partisan politics, mobilization and representation in the purpose to sensitize the State to its political and social problems.

Nevertheless, nothing can be considered established. We must never lose sight of her first mission that is to defend the rights and interests of refugees and immigrants. This should be at the centre of the mission that we collectively defend by defining our relation with the State as well as upholding our autonomy.

« Doter le Québec d'une politique gouvernementale de reconnaissance et de soutien de l'action communautaire, c'est situer sans équivoque les organismes communautaires au centre du renouvellement des pratiques sociales québécoises; c'est reconnaître pleinement leur rôle dans le développement social et économique du Québec.» C'est dans ces termes que le gouvernement du

Québec définit sa politique intitulée *L'action communautaire : Une contribution essentielle à l'exercice de la citoyenneté et au développement social du Québec.*

Adoptée par le gouvernement du Québec en septembre 2001, cette politique est le résultat de près de 30 ans de revendications de la part du mouvement

communautaire autonome, quel qu'ait été le parti au pouvoir. Au cours des 5 dernières années qui ont précédé son adoption, beaucoup d'efforts ont été déployés par le mouvement communautaire autonome pour négocier avec l'État, afin d'obtenir une politique qui nous ressemble et qui pouvait faire consensus au sein des différents secteurs communautaires aussi divers que la santé, les services sociaux, les femmes, les personnes réfugiées et immigrantes, l'environnement, l'éducation et d'autres.

Contrairement à l'Accord entre le gouvernement du Canada et le secteur bénévole et communautaire qui se limite à une déclaration de grands principes, la politique de l'action communautaire du Québec est un cadre opérationnel qui permet, de part et d'autre, de mieux gérer et de baliser l'interaction entre l'action communautaire et l'État en définissant avec précision le rôle et la raison d'être de chacun.

Alors que cette politique s'applique à l'ensemble des secteurs communautaires, il s'agit d'une reconnaissance sans précédent pour le secteur communautaire oeuvrant au soutien et à la défense des personnes réfugiées et immigrantes. Cette politique repose sur trois principes fondamentaux :

1. la reconnaissance et le respect de l'autonomie des organismes communautaires;
2. la légitimité et la nécessité de la défense collective des droits;
3. l'engagement de l'État à assurer un financement de base pour la mission des organismes.

Ainsi, les organismes communautaires autonomes tel

que définit dans la politique sont réputés être un « mouvement de participation aux pratiques citoyennes génératrices de liens sociaux et de cohésion sociale, issu de la société civile visant la solidarité sociale, la transformation des conditions de vie et des rapports sociaux et luttant contre la pauvreté et les discriminations ainsi que pour l'égalité des sexes ». À cet effet, la politique gouvernementale reconnaît et s'engage à financer des activités liées à l'action politique non partisane, à la mobilisation et à la représentation dans le but de le sensibiliser l'État à des problématiques politiques et sociales.

Cependant, rien ne peut être considéré pour acquis et nous savons tous que la reconnaissance de notre secteur est une lutte qui est loin d'être gagnée. Longtemps marginalisé et peu reconnu, le secteur communautaire de l'immigration et de l'intégration au Québec a réussi à obtenir des gains notables en matière de reconnaissance en s'alliant aux autres secteurs communautaires dans la démarche qui a mené à cette politique de reconnaissance de l'action communautaire. Sans minimiser l'importance et la nécessité de développer de meilleures pratiques et des services professionnels, nous ne devons jamais perdre de vue notre mission première qui est celle de la défense des droits et des intérêts des personnes réfugiées et immigrantes. Et c'est cette mission que nous devons défendre collectivement en définissant notre relation avec l'État tout en veillant au maintien de notre autonomie.

Stephan Reichhold est le Directeur Table de concertation des organismes au service des personnes réfugiées et immigrantes en Montreal.

Congratulations, Refugee Update, on your 50th. This anniversary is a testament to the hard work and dedication of those who have kept the update going for the past 15 years. Now, more than ever, it is important to keep Canadians informed on refugee issues. Hopefully, you can keep up the good work for another 15 years. Thank you.

Steve Foster, founding member

GIVING REFUGEES A SECOND CHANCE: A PERSONAL REFLECTION ON REFUGEE SPONSORSHIP

BY RIVKA AUGENFELD

I first got involved in refugee sponsorship in the 1970s, when I began working at Jewish Immigrant Aid Services of Canada (JIAS). We supported the arrival of immigrants from a number of countries, especially Morocco. The refugees we dealt with were from the Soviet Union and Eastern Europe. In those years, anyone who managed to leave an Eastern Bloc country was automatically eligible for selection, the forerunners of what became the "Eastern European Self-Exile Class" after the implementation of the new law in 1978.

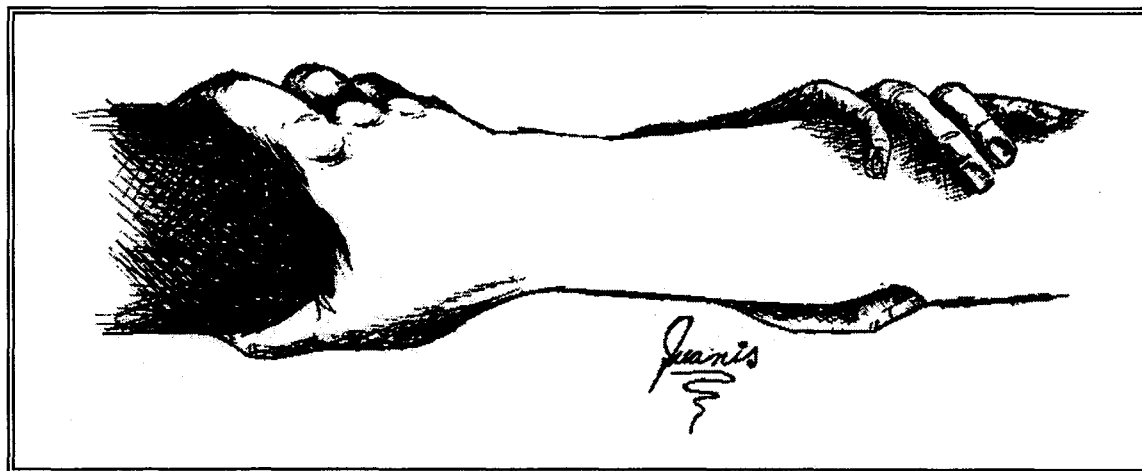
Canadian Embassies selected most people in this class, with no individual refugee status determination. The greatest number came as what would now be called Government Assisted Refugees. Others were either joint or private sponsorships, with very little red tape and only the occasional complication.

Our sister agency in Europe, HIAS, was one of a number of NGOs and church groups working closely with the Canadian and American governments - Caritas, the International Rescue Committee, the World Council of Churches and others. There was a certain kind of trust between governments and the NGOs supporting refugees. There was flexibility and compassion. It was a time when Canada did not insist on elderly parents being left behind to be sponsored by their children later on. Instead, Minister's Permits were used to bring these parents along with their government-sponsored children. Interviews were mostly conducted in a friendly fashion, to assess

admissibility and security concerns. Although there were suspicions that certain individuals might be spies or plants from the communist regimes they had fled, this did not seem to affect many people and rarely delayed processing.

South-East Asia

The South-East Asian refugee flow brought similar positive experiences. There was a strong political will to make the sponsorship of refugees a success. The newly-minted refugee sponsorship program was applied with great enthusiasm, and NGOs and many ad-hoc "groups of five" were treated with maximum flexibility. Again, the fact that these refugees were considered part of a Designated Class meant there were no status determinations, only admissibility interviews. (The recent group processing of identifiable at-risk Somali and Sudanese refugees from camps in Kenya seems to go back to accepting the idea of processing refugees based on pre-determined criteria, thus eliminating the need to re-interview everyone for eligibility.) One of the most important factors at that time was the huge publicity this group received in the media - day after day of stories and pictures of people in need, boats in peril on the high seas, tragic drowning, dramatic rescues. Government and media speaking the same language resulted in an outpouring of support from the public. The whole western world was talking the same language of taking responsibility and wanting to help - people on the other side of the world needed help and WE should help them.



There was even a pledging conference in Geneva in 1979 where western governments formally committed to how many refugees they were willing to take in. Canada pledged to bring in 16,000 South-East Asians, and launched a massive public awareness campaign and an appeal for sponsorships. As an incentive, the government promised to match the number of refugees brought in by private sponsors. It is clear that when the public was given information about a disaster, when the media played up the story day after day, when the government had a huge PR campaign to educate people about the problem and why they should help - the public responded in a positive way. They were offered a way to help, and the response was far beyond anyone's expectations.

Kosovo

This was also the case in 1999, when massive publicity about the plight of refugees from Kosovo brought another successful appeal to the public - people were asked to help and given several ways to participate. Canada's quick response in bringing in these refugees pushed aside any of the usual concerns about age, large family size, medical problems, criminality or security. True, the program began as an evacuation program, but quickly became a settlement program as soon as people began to arrive.

The examples of these three programs clearly prove that where there is political will, almost anything is possible. Unfortunately, over the years so many rules and regulations have been instituted by the government, that refugee sponsorship has become a very complicated affair. In the past, every NGO worker could pick up the phone and talk to a live immigration officer. We could go down to the CIC office for a chat and work out potential problems. Those days are long gone. Resources have been cut. Small problems become huge as the months pass. Files get tangled for years. The ad-hoc "group of five" had better be very brave and have endless reserves of patience if they attempt to sponsor a refugee. Since 9/11 security has grown into an even bigger issue than it had already become. True, none of us wants violence - we all want to be safe. But governments tend to exaggerate the security threat. There has to be a more rational way to handle real security threat issues. We must find a way to do security checks without creating obstacles to refugee

protection. Unnecessary delays cause hardship and harm to refugees; they are often the scapegoats as governments try to show how serious they are about security.

To be serious about its commitment to refugees, our government must increase the resources allocated to meet changing realities and needs. Resources are stretched, staff are not trained or monitored adequately. How can the program's objectives be met? The refugee target has not increased to reflect real needs in many years. Why has the target for refugees not gone up year by year by the same percentage as overall immigration levels?

We need to increase the number of refugees resettled in Canada - we know where the people are who need our help. It is ironic that, although refugees and immigrants have changed our country in countless positive ways, the Ministry that has the mandate to make this happen somehow never has the resources to do its job properly. It is crucial that there be a policy decision, at the highest level of government, to give Immigration (and other relevant ministries) the resources it needs, and to allocate resources to help the most vulnerable people. To get public support for such a program, we need better public education.

The government and the media cannot denigrate asylum seekers, labelling them as "suspected terrorists", "security risks", "illegals", "queue jumpers", etc., and then expect the public to be sympathetic to refugees, including sponsored refugees. Putting down one group of refugees or immigrants has negative repercussions for other refugees and immigrants. Canadian people have deep pockets, they are generous. But they want to know their help is going to the right place. Difficult as it may be, we must try to rebuild the government-media-NGO partnership which will allow us to help the many refugees waiting for our hand.

Rivka Augenfeld is President of the Table de concertation des organismes au service des personnes rééduquées et immigrantes.



The Lottery

She runs into my office
elated - bearing flowers
recognized as a Convention refugee
she and her girl child cease to live in fear

Another day - another hearing
- could have been expedited

He sits - burned, scared legs tucked beneath him
facing the small dark image on the video screen
his judge and his nemesis
As rules overtake compassion
expediency - justice
it becomes apparent to all
he has drawn the short straw

He answers with difficulty
stuttering over words failing conviction
- aftermath of electric shock
Surely as the black hood
technology screens the pain
The torturous interrogation continues
hour after hour
no benefit of doubt here
Failing literacy in two languages
the interpreter conveys words
falling on space
evidence is dismissed
truth is drawn and quartered
disbelief distorts fact to fiction
The faltering desperate voice is silenced
He awaits judgement

There is no pause between evidence and execution
dark diminutive figure looms large
as judgements falls
From the first - and only - lie
a story emerges from the member mind
The survivor sinks into himself as

the words find their target
liar, opportunist, fabricator, no weight, liar

Never pausing to look at the face of
suffering
face framed by technology
faceless in the system
humanity denied
Voice on the screen approaches
viciousness
twisting the blade, murdering truth
Time and distance dissolve
he is suspended, dangles helplessly
tortured - burning - unfathomable pain
of seared flesh
Virtual judgement is rendered
he ceases his struggle and hangs
limply
hope bleeds out
For ninety minutes the cold voice of
scepticism
drones on from the screen
on and on
and on....overkill

Then
With the push of the button
the image is gone
there is silence
And - since we are not the judged
we go home
safe in our democracy
- that silent consent to atrocity
trusting Rules to shield us
from ghosts of the persecuted

Janis Nickel, Winnipeg



REFUGEE RESETTLEMENT SUMMARY, 2003

There were 7,502 government assisted landings in 2003, just over the revised target of 7,500.

There were 3,247 privately sponsored refugee landings in 2003, representing 95% of the target of 3,420. This compares with 3,045 in 2002, 3,570 in 2001 and 2,914 in 2000.

Break down by geographic region:

| Region | Government Assisted | Private Sponsorship |
|--------------------|---------------------|---------------------|
| AFRICA/MIDDLE EAST | 3380 | 1,576 |
| WESTERN HEMISPHERE | 1,649 | 217 |
| ASIA/PACIFIC | 1,304 | 1,046 |
| EUROPE1,067 | 348 | |
| Non-Targeted | 102 | 60 |
| TOTAL | 7,502 | 3,247 |



A GOOD FACE

BY JOE GIBBONS

Despite depressing backgrounds and sparse living conditions for refugees who arrive at Casa el Norte in Fort Erie, there are memories and rewards aplenty for the occasional volunteer. From time to time I reflect on these memories, enjoying the humour and pathos of the refugee experience with insight and gratitude.

One morning I am making a pot of tea in the kitchen at Casa, when a young black man saunters past me. He wears an oversized bright red sweater with a huge letter T in black on top of a larger H from shoulder to waist. The significance of this goes over my head. So I ask "What's with the letters?" In petulant tones he replies "Tommy Hilfigger!" A little re-face, I mumble, "Oh". A minute later another black youth enters the kitchen, goes over to the toaster, passing the TH dude, they whisper "Whazzup!" as they glide past. I wonder how these guys can be so with it when I am the one washed over by the American culture. Later I learn that they had spent the last two years in Miami before arriving at Casa!

I have a missionary friend who spends much of his retirement years in El Salvador. He tells me that the people there are known for their work ethic. I learn about this firsthand while preparing Casa's garden for summer vegetables. As I am digging up the soil with my spade, a young lady from El Salvador asks if she can help. I nod to a spade for her. Ignoring that, she

falls to her knees and begins to break up the chunks of soil with her bare hands. I am humbled by her generosity and her care for our garden. My most memorable encounter with other cultures and religions centres on Hasan, a man from Turkey. Hasan was a contractor before he and his wife and son had to leave their homeland. He arrived at Casa el Norte just as we needed a man with his skills. Just prior to Hasan's arrival, Casa had won a prize from the Many Hands Project of Niagara college which involves one hundred volunteers descending on Casa to upgrade its facilities in a one-day blitz. For our part, we had to prepare our site in advance. Hasan was a practical man, knowing how to use sodcutters, post-hole diggers and all sorts of hand tools. After working with Hasan for two weeks, having dinner with him at the end of each day, he blesses me. In simple humility this man of action hands me this gem from his life, "It is very important for me to do good works, because when I die I want to meet Allah with a good face."

Aside from the frequent times when miracles pass through, the refugee setting at Casa el Norte is shook with moments alive with liberation and, I believe, redemption. For the occasional volunteer, it is time well spent.

Joe Gibbons is a volunteer living in Welland, Ontario

REFUGEE UPDATE

VIEW FROM AN NGO

BY JANIS NICKEL, WINNIPEG

In 1995 I began as a volunteer to work with refugee claimants at Manitoba Interfaith Immigration Council (MIIC), a non-governmental settlement agency. There was no funding for this position as settlement was federally funded and supporting claimants was considered a conflict of interest. When the funding shifted to the province I was put on payroll - one of the few areas of notable improvement over the years.

Initially I assisted claimants with the various forms required for their claims, work, permanent residence, etc. The staff lawyer at Legal Aid and several private lawyers represented the claimants. I also assisted some claimants in writing their narratives for the Personal Information Form. The fact that our agency offered some settlement services as well as the

paralegal service led to frequent client contact which enabled me to establish the level of trust needed to do the narratives effectively. The demand for this service increased when the Legal Aid lawyer stopped representing claimants and the low tariff discouraged private lawyers from investing the time. When I had clients who could not meet deadlines I simply requested, and was granted, an extension by the Immigration and Refugee Board (IRB) which at that time was reasonably flexible.

Advocacy work consisted primarily of providing referrals to services - medical, social assistance, legal, etc. The work was challenging but rewarding.

Nine years have passed. The Legal Aid tariff for

lawyers to represent claimants has not increased, so fewer competent lawyers are willing to work on claims, which has increased the demand on our services. Our current funders are pressuring us to extend our services to include representation at detention reviews and refugee hearings. At the same time, the process there has become more complex with the new *Immigration and Refugee Protection Act* and corresponding Rules. The IRB can now reject valuable information in a refugee claim if the timing or format of submissions do not comply with the Rules. Therefore the bulk of my work now focuses on the *form* of the claim rather than the *content*; this is particularly tragic as any omission or inconsistency in the content is increasingly deemed as evidence of lack of credibility. With the current situation of single Board members, inherent biases, hearings by videoconferencing, increasing participation by the

Minister's representative and absence of a meaningful appeal, even highly credible claims are at risk of being rejected. I spend considerable time on what I feel are virtually hopeless Pre Removal Risk Assessments and applications for landing on Humanitarian and Compassionate grounds, as well as referrals for Federal Court reviews.

The need for advocacy is critical. The steady drift to the political right in Canada has enhanced the view of claimants as undesirables.

Problems for claimants to access social and medical services combined with lengthy delays in obtaining work permits create endless hardships. Permanent residence is delayed due to security checks and can seemingly be withheld or terminated by the suspicions of a disgruntled immigration officer. The



frustration of claimants and advocates is heightened by the lack of access to meaningful information. It is easier to dial up a satellite than it is to access information via Immigration's 888 number.

Notable changes over the years include an increasing climate of intolerance, by the public in general and policy makers particular, a general mean-spiritedness within Citizenship and Immigration Canada, and an erosion of the sense of natural justice and generosity by the IRB with claimants being perceived more as a

security threat than persons seeking protection. Expediency is winning over fairness, and bureaucracy over compassion. All this is accompanied by a growing demand on NGOs to widen the range of services which, while well-intentioned, may be woefully inadequate.

Janis Nickel is a Refugee Claimant Advocate at Welcome Place, Winnipeg.



ON BEING A HYBRID TEENAGER

BY ANA TERESA RICO-BOLAÑOS

I am a mix of two cultures, the outcome of which is neither Salvadorian nor Canadian but a hybrid called Ana. I came to Canada from El Salvador when I was four. My only memories of the war are little snapshots that I cannot fully piece together without the help of my parents. War's after shock and the imprint that it left on my family have influenced the choices I make and path I choose.

Since I was little I have always felt a bit of an outcast. I have felt too old for my age. In grade nine most girls think about boys or girls, movies and parties. I, on the other hand, was involved in a roundtable and conference dealing with war-affected children in Winnipeg. When I was in class I would start up political arguments. The topics I chose for my assignments such as trafficking of women were not typical. In short it has been difficult being a kid and a teenager because I was not your typical kid or teenager. It was hard for me to hang out with people who I knew were bullies, racist and prejudiced against others. In a teen group they normally talk bad about someone or some other group. Many teens like

to go the mall but I was not interested in GAP clothing because they use sweatshop labour. There were always things that separated me from the rest of my peers. Of course that does not mean that I was completely isolated. It was just that I didn't feel like I completely belonged or wanted to belong.

It took me a while to understand that my hybridity was not something weird but a gift. The after shock has shaped me into being a strong believer of human rights and sensitive to things most do not notice. This imprint has led me to study Environmental Studies and Political Science. It has given me a voice that I sometimes think is not mine but is the voice of those who are voiceless. At the end of the day I look back and see that I am special and lucky that my family is with me. I am alive and so are they.

Ana Teresa Rico-Bolaños lives in Toronto and attends York University.



REFUGEE CLAIM STATISTICS, YEAR END 2003

Total number of claims: 31,837

53% of claims were made inland
34% of claims were made at the US-Canada border
13% of claims were made at an airport

Region where claims made:

70% in Ontario
23% in Quebec
5% in BC
2% in Prairies
0.1% in Atlantic

Top CIC offices where claims made:

Etobicoke - 32% of all claims
Fort Erie Peace Bridge - 17% of all claims
Montreal inland - 10% of all claims
Lacolle - 7% of all claims
Windsor Ambassador Bridge - 5% of all claims
Dorval Airport - 4% of all claims
Pearson International Airport, Terminal 3 - 4% of all claims
Vancouver inland - 3%
Pearson International Airport, Terminal 1 - 2% of all claims
(These 9 CIC offices represent 85% of the total claims)

Top 10 countries of citizenship:

| | | |
|-----------------------------|-------|-----------------|
| Pakistan | 3,943 | (12% of claims) |
| Mexico | 2600 | (8% of claims) |
| Colombia | 2008 | (6% of claims) |
| Costa Rica | 1834 | (6% of claims) |
| China, People's Republic of | 1739 | (5% of claims) |
| Sri Lanka | 1238 | (4% of claims) |
| India | 1113 | (3% of claims) |
| U.S.A | 1015 | (3% of claims)* |
| Bangladesh | 676 | (2% of claims) |
| Nigeria | 640 | (2% of claims) |

The top 10 countries represent 53% of all claims

* Note that a large proportion of the claims from US citizens are likely the young children of Pakistani and other claimants who had been in the US before making a claim in Canada.

Note: the above statistics are compiled from CIC statistics received over the year. Since CIC tends to adjust its statistics as various corrections are made, CIC's own year end statistics may differ slightly from the numbers above.

- The imperative for *Refugee Update* is as urgent today as when it was established 50 issues ago:
- ▶ the need for analysis of the national and international forces that drive people from their homes and their homelands;
 - ▶ the expression of indignation at the prejudice, mistrust and misinformation that make it so difficult for refugees to find refuge and welcome;
 - ▶ the inspiration and wonder at the courage and generosity of refugees and of those who unfailingly walk with them during their exile;
 - ▶ the demand for a more compelling and intellectually coherent expression of the rights of refugees as human rights;
 - ▶ the recognition that in the experience of the refugee is a spiritual quest and struggle that forces each of us to confront our own fears of what is other and different, as well as opening us up to the mystery of the other.

The vision of *Refugee Update* is, and must remain, one of addressing these, and other, features of our experience as a nation that is, at one and the same time, a place of welcome for refugees and complicit with the international forces that make life so terribly and tragically difficult for refugees.

-- Edward M. Hyland



REFUGEE UPDATE

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