

REFUGEE UPDATE

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U.N. GROUP IS GRAVELY CONCERNED ABOUT SOME IMMIGRATION DETENTION

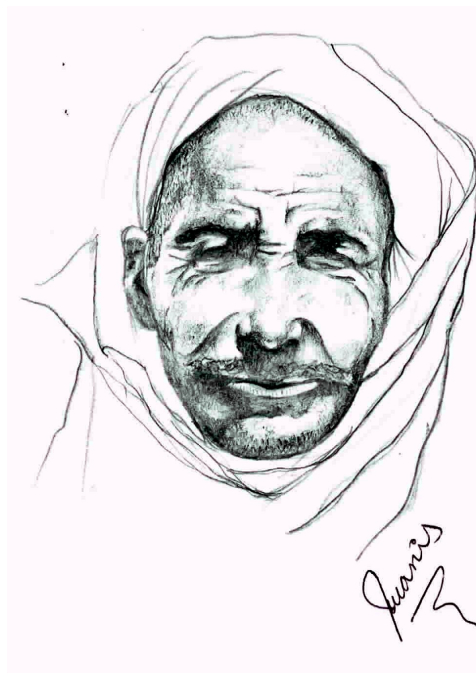
BY CATHERINE BALFOUR

According to Dennis Bueckert of Canadian Press, the UN Working Group on Arbitrary Detention is gravely concerned about Canada's system of jailing suspected terrorists without trial, using national security certificates. Persons detained under security certificates are denied the right to a fair hearing.

The UN Working Group spoke out at a press conference held on the 16th of June at the end of its 2005 visit this year. The committee will issue its report for the Spring 2006 session of the UN Commission on Human Rights in October 2005. Its findings do not have the force of Canadian law, but they affect Canada's international reputation.

The security certificates can be applied only to

non-citizens and are based on secret evidence. Even the suspect's lawyer is not allowed to see it. If the certificate is found to be reasonable by a court, the suspect is deported to his or her country of origin.



The Working Group noted that all four of the people currently detained under security certificates are Arab Muslims, and one of them has been detained for five years. All four of the suspects now in detention argue they face a risk of torture if returned to their homelands.

"We consider that these people are detained on the basis of suspicion", Working Group chairperson Leila Zerrougui reportedly told the news conference.

A fifth suspect, Adil Charkaoui, was released conditionally early in the year before the Working Group visit but must obey a curfew, wear an electronic tracking device, is banned from using a computer and can't leave the island of Montreal.

The conditions are more severe than those

imposed for the release of convicted Karla Homolka. The Working Group chair said it made her heartsick to visit the suspects in detention and talk to their families.

The chair is reported as saying: "All of them said, 'We accept that this would happen to us at home; we knew, we fled. But here?' They have high ideas of this country. We hope Canada will continue to protect its image and its place in the world for those concerned for the protection of human rights.

"The fear of terrorism should not make us forget our principles, the rule of law must be preserved. We can effectively fight terrorism with international instruments.

"We can't sacrifice democracy on the altar of the war on terrorism, otherwise we become like the terrorists."

Amnesty International has also expressed concern about the security certificates, saying they have

resulted in violations of fundamental human rights.

The certificates have been available under Canadian immigration law since 1991, and by 2003 had been used in 27 cases. But there has been growing controversy about their use.

Britain has a similar law but key provisions were struck down last year.

Justice Minister Irwin Cotler has said he is open to reviewing the security certificate process, but so far no action has been taken.

The CCR drew a number of other concerns about immigration detention to the attention of the Working Group in a brief presented during the June 2005 visit to Canada. For example, the CCR is concerned about the growth in immigration detention, about the use of discretionary requirements about establishing identity as a basis for detention, about detention of minors and stateless persons. The Working Group's report will hopefully encourage Canada to do more to avoid arbitrary detention in these areas.

Catherine Belfour is a member of the Editorial Board of Refugee Update.

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HOW FEW ARE TOO MANY?: A "MISSING PERSONS" REPORT

BY KEN LUCKHARDT AND FRANCISCO RICO

That is the fundamental question that informs our analysis of the Safe Third Country Agreement which went into effect at the end of December 2004.

The **Canadian Council of Refugees (CCR)** has concluded its review of the first six months of the Agreement as follows: "In a world that is increasingly hostile to refugees and other migrants, safe third represents a significant further retrenchment of the rights and respect that the privileged are prepared to accord to the least privileged." The CCR declares the Agreement a failure and calls for its cancellation in the report entitled "**Closing the Front Door on Refugees**" (August, 2005)

But of course to the "**deep integration**" protagonists (both those elected and the bureaucrats) who try to minimize Canadian sovereignty, the Agreement is far from a failure. This is true for a number

of reasons.

Firstly, it has already signalled to refugees and potential asylum seekers the world over that Canada is increasingly hostile to their claims for status here. By June 2005, refugee claims made at the border had declined by 50% from the same period in 2004. **In the lives of real human beings, this means that a potential 1,138 people didn't make a claim in Canada due to the existence of the Agreement.**

This precipitous decline by nationality is greatest for Colombian refugee claimants. At the current rate, only 30% of the claims made by Colombians in 2004 will be made in 2005. **Again, in human terms and in the context of the worsening human rights crisis under Uribe's rule in Colombia, we are talking about some 2,545 "missing" Colombians.**

CCR calculations suggest that the overall number of

refugee claimants in 2005 will not likely exceed 17,300, well below the average of 29,680 claims since the current system of refugee determination came into effect in 1989.

Secondly, it needs to be stated repeatedly that this Agreement was very much driven by Canadian policy makers and was not simply a consequence of US dictates. The Canadian Standing Committee on Citizenship and Immigration reminds us that there was a basic motive behind the Agreement. **“Officials ... informed the Committee that the purpose of the Agreement is to reduce the number of refugee claims being referred to the Immigration and Refugee Board”**.

Thirdly, and as a direct consequence of so many **“missing persons”**, it has become much more difficult for the human rights community to expose the inhumanity of the refugee system when the people are only theoretical, not physically present to see and to tell their stories. That too is intentional.

Fourthly, the “missing persons” do exist and we know where majority of them are located: they are stuck on the other side of the US border. There, a number of mean-spirited rules and procedures obtain. **Detention** is common for refugee claimants in the US and this lack of personal freedom minimizes the chance of making phone calls to get legal support; it also increases the chances of further physical and mental abuse to an already traumatized asylum seeker.

Failure to apply for refugee status within 12 months of being in the US deems the claimant automatically ineligible for consideration. **Racism** directed against persons of colour (e.g., Haitians) and Muslims is commonplace. New post 9/11 laws (for example, the Real ID Act) renders the Convention Refugee definition weaker as the ground (race, religion, political belief, etc.) must be the “central reason” for the persecution. Women are obviously primary victims of this law as violence against women is commonly attributed to a variety of (erroneous) reasons.

When we recall that the US was not safe for **Maher Arar** who had a Canadian passport, how safe can it be for asylum seekers without any such documentation? For those who still try to make it into Canada, the likelihood of having to resort to engage smugglers and traffickers with all the associated risks to personal safety is that much greater because of the Safe Third Agreement.

Fifthly, the Canadian government continues with what is known as its **“direct back”** policy. Although this policy is not part of the Agreement per se, refugee claimants at the Canadian border can be sent back to the U.S. with only an appointment date for a future hearing. Many of these people will be detained and even deported by US authorities. Effectively, in such cases Ottawa is allowing US officials to determine who gets in to Canada as a refugee. Statistics on the number of claimants directed back are also not available. (**The Inter-American Commission on Human Rights** is hearing a challenge to this policy on behalf of a number of US and Canadian petitioners, including the CCR, on October 17 in Washington.)

Finally, there is usually an underlying economic logic that accompanies patently unjust policy. For Canada, the number of refugee claims decline as desired by the Canadian state and as documented above. For the US, however, an additional benefit is derived from this Agreement: **more and more cheap and very exploitable labour**. Just consider the mass of human labour power that is available to bosses in a range of economic sectors, from the factories of downtown Babylon to the agricultural fields of the centre of Empire.

There is nothing “safe” about fleeing repression in a distant land when one has to traverse the USA as the “third country” in search of protection in Canada.

Ken Luckhardt is National Representative, International Department, CAW-Canada and a member of the Editorial Board of Refugee Update. Francisco Rico is the co-Director of the FCF Refugee Centre and member of the Editorial Board of Refugee Update.



AU NOM DE LA SÉCURITÉ

BY CATHERINE GAUVREAU

Le 5 septembre dernier, les agents de douane à travers tous les points d'entrée au Canada n'ont pas relevé de taxes. Cette grève du zèle a été déclarée après le refus du gouvernement actuel d'autoriser les agents de porter des armes à feu.

Depuis le 12 décembre 2003, notre frontière est gardée par des agents qui relèvent de l'Agence des services frontaliers du Canada, dont le mandat est le suivant :

«L'Agence est chargée de fournir des services frontaliers intégrés contribuant à la mise en œuvre des priorités en matière de sécurité nationale et de sécurité publique et facilitant le libre mouvement des personnes et des marchandises - notamment les animaux et les végétaux - qui respectent toutes les exigences imposées sous le régime de la législation frontalière.»

Dans le cadre de leurs fonctions, les agents peuvent porter des gilets anti-balles et ont à leur disposition des matraques et du poivre de cayenne. Néanmoins depuis plusieurs années, les agents revendiquent le droit de porter des armes à feu. Leur argument principal est que depuis 1998, ils ont l'autorité de procéder à des arrestations relativement à des infractions au *Code criminel*. Lors d'une entrevue à la radio de SRC le 6 septembre dernier, M. Jean-Pierre Fortin, le vice-président national d'Union Douanes et Accises, relate que présentement les agents ne sont pas outillés pour faire leur travail et qu'ils doivent contacter la police lorsqu'ils veulent appréhender un individu tel que prévu selon les dispositions du *Code criminel*. Dans certains postes isolés, le délai de réponse de la police peut être jusqu'à deux heures. Récemment, les agents qui attendaient des personnes présumées dangereuses à Fort Erie, se sont retirés de leur poste de travail. Ces derniers ont allégué que leur sécurité personnelle était mise en danger et qu'en conséquence, ils n'étaient pas en mesure d'exécuter leurs fonctions.

Plusieurs ont exprimé leur appui aux agents dans leur revendication, notamment la Gendarmerie royale du Canada, le parti Conservateur du Canada, le Nouveau Parti Démocratique et le Comité sénatorial sur la sécurité nationale et la défense. De plus en 2002, la firme *Modispec Risk Management Services* a effectué une analyse pour l'Agence des douanes et du revenu du Canada et celle-ci avait conclu à la nécessité de permettre les agents de douane de porter des armes à feu dans le cadre de leurs fonctions aux postes frontaliers.

Mme Janet Dench, directrice du Conseil canadien pour les réfugiés (CCR), a exprimé ses inquiétudes relative-

ment à l'image qui serait émise par des agents armés et à l'impact que celle-ci aurait sur les demandeurs d'asile qui se présentent à notre frontière. En effet, le port d'armes à feu indique que l'on considère les personnes qui désirent entrer au pays comme des menaces potentielles à la sécurité du Canada. Le CCR est d'autant plus préoccupé par le fait que le port d'armes à feu s'inscrirait dans le transfert de priorités qui veut que le mandat premier des agents est la protection du Canada vis-à-vis celle des demandeurs d'asile.

Les agents doivent dans le cadre de leurs fonctions interroger toutes personnes qui se présentent à notre frontière, incluant celles qui fuient la persécution. Le CCR a été informé du fait que certaines personnes n'ont pas demandé le statut à la frontière par crainte. Celle-ci sera d'autant plus élevée par le fait que des agents portent des armes à feu. Le fait de ne pas déclarer le réel motif de vouloir entrer au Canada peut avoir des conséquences néfastes sur leur dossier d'immigration.

En conclusion, cette question n'est pas encore réglée. Le débat devrait se poursuivre dans les mois qui suivent. À vous d'y participer!

IN THE NAME OF SECURITY SUMMARY

Following the present government's decision to deny border patrol the right to bear firearms, on September 5, duties were not collected throughout Canada.

Since 1998, the border patrol has been given the authority to place under arrest individuals that are presumed to have committed a criminal offence.

The principal argument of the border patrol is that they are not equipped to perform their duties, particularly in isolated border crossings. In some cases, they allege that their personal security could be put at risk.

Many parties and organisations have given their support to the right for border patrol to carry firearms.

Ms. Janet Dench, director of the Canadian Council for Refugees (CCR) mentioned that if we allow border patrol to bear firearms, we would send the message that individuals that want to enter Canada, such as refugee claimants, present a security threat to Canada.

According to their job description, border patrol interrogate individuals that enter Canada. It has been brought to the CCR's attention that some individuals that have fled persecution were too afraid to claim refugee status at the border. If border patrol were to carry firearms, this could further escalate their fears. Not declaring the valid reason for wanting to enter Canada may have detrimental consequences on their immigration file.

Finally, the debate continues. We invite you to participate in further discussions on this issue.

Catherine Gauvreau is a member of the Editorial Board of Refugee Update.

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LEGAL AID UPDATE FROM BRITISH COLUMBIA

BY NAOMI MINWALLA

Legal aid funding in British Columbia continues to be in serious jeopardy.

The legal aid crisis began in January, 2002, when the then British Columbia Attorney General, Geoff Plant, announced a radical 38.8% decrease to the overall provincial legal aid budget. About a year later, the legal aid budget for immigration and refugee matters plummeted from \$4.9 million to \$1.7 million per year. Provincial legislation was promptly passed to support the reductions. Each year thereafter, the government has threatened that legal aid funding for immigration and refugee law matters will terminate altogether.

The Legal Aid immigration and refugee law clinic which had been servicing refugee claimants was shut down. There is no funding for Pre-Removal Risk Assessments, admissibility hearings, and H & C applications. Funding for refugee hearing preparation is discretionary and limited. While the duty counsel programme continues for detained immigrants and refugees, it is limited to summary advice and 48-hour detention hearings only. There is no legal aid funding for 7-day and 30-day detention reviews. If a refugee claimant comes from a blacklist of approximately 72 countries, she will automatically be denied legal aid funding.

For those who are eligible for legal aid funding, access to essential disbursements such as psychological reports, medical reports and translations has been greatly reduced.

Efforts to lobby both the federal and provincial governments failed, as each level of government tossed responsibility for legal aid funding to the other. Lawyers have accordingly turned to the courts for direction.

In February, 2005, the B.C. Supreme Court declared in *Christie v. Attorneys General (B.C. and Canada)* that

the 7% provincial tax on private legal fees is unconstitutional to the extent that it applies to low income people. The 7% provincial tax on private legal fees was initially imposed in British Columbia with the purpose of using the tax revenues for legal aid. However, the tax revenues never went towards legal aid and, instead, they went into general revenues. As a result of the *Christie* case, the B.C. government can no longer impose the 7% provincial tax on legal fees for low income people, as it violates their right to access justice. The provincial government is currently appealing the *Christie* decision.



In June, 2005, the Canadian Bar Association (CBA) launched a major constitutional lawsuit against the federal government, the government of British Columbia, and the B.C. Legal Services Society, which manages legal aid funding. The lawsuit focuses on the inadequacy of civil legal aid funding for immigration and

refugee law matters, as well as family and poverty law matters.

It will, of course, take time for the CBA test case to make its way through the courts. In the meantime, legal aid for refugees in British Columbia remains in a critical state of abeyance.

Naomi Minwalla is an immigration and refugee lawyer in British Columbia. She is past Chair of the CBA-BC Refugee Lawyers Group and current Vice-Chair of the CBA-BC Immigration Section. www.naomiminwalla.com

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FAMILY REUNIFICATION

BY PAOLA GOMEZ

There are a lot of refugees that leave everything behind when they flee their countries; when a human being is forced to escape in order to save his or her life; there is much devastation around that unfortunate decision. Many people get affected by the fact that a person had to run in order to protect his own life.

I am a refugee and when I think how much I lost, when I fled my country; I understand that my loss is priceless: I did not only lose my dreams, my goals, part of my life, I also lost my family, being more specific I lost my child and he lost me.

Over three years have passed since I left my country and every single night I think on how my son might be doing; what new things he might have learned since the last time I saw him, when I assured him I was going to be home to have supper together. I have lost more than 1,430 of the suppers that I was supposed to be there for, with him. I was supposed to be his mother, helping him with his homework, giving him advise of how to do things, answering those tricky questions that a seven years old child does (just as my mom did with me when

I was my son's age). It is not just the time we have lost together. It is also the time that is going to pass (and the question is if) before I see him again.

My son is at risk in my country, not just because he and my family had to become invisible in the community where they live to avoid being harassed by my persecutors but also because the situation of my country affected directly my son. My son was kidnapped a couple of months ago, and he was returned after my family paid a certain amount of money. Unfortunately, I am not able to ask for permanent residence for him, because I did not finish my son's adoption. I did not do my son's adoption because I had to leave the country before I was legally able to adopt him.

Thinking of Santiago, my son, and of our difficult situation, I started thinking of other children's situations (others whose parents had to flee and are still waiting for their reunification). Those children should be here, in Canada, with their parents, protected by Canada as their parents are. Those children should not wait until the long process for Permanent Residence is completed.



A refugee, who fled for fear of losing his life, is afraid and concerned about his loved ones safety. The separation carries a huge psychological damage, but the physical risk is as large. In most of the refugees' cases, the persecutors take revenge on their loved ones. In some cases, like mine, although my persecutors were not after my child, he was kidnapped. My family was not able to denounce the situation so not to risk my child's life, but also because of the fear of being visible by my persecutors. One way or the other, they were affected by it.

A cruel man could say: "If you are that worried, then why don't you go back to be with him?" (This is not an imaginary question This is the answer a worried mother (refugee) received from an Immigration Officer when she called asking for help to bring her children to Canada, because they were at high risk in Colombia). Then the answer would be that some times in life there are no options. Going back to be with my child is not an option for me, and it is not an option for Claudia, the refugee mother that received that advice from an immigration officer.

If going back to be with our children is not an option for mothers and fathers that had to flee their country, then I wonder why isn't FAMILY REUNIFICATION implemented in real terms. I wonder why our children have to wait years to be with their parents again. Is it not enough the sufferings and the bad experiences these children have endured? Is it all the loss not enough? Is it not enough to know that the family of refugees that had to flee their country is at the same risk? Is it not absurd that a simple process is the obstacle for a family to be together again in a safe environment?

There should be a way of giving the same status to children of convention refugees and protected persons, because if their parents were declared as protected persons in Canada, then their children should be protected as well.

Paola Gomez is a staff person at FCJ Refugee Centre in Toronto.



CITIZENSHIP WEEK

The middle of October saw the celebration of Citizenship Week. As part of this year's activities, 19 Citation for Citizenship awards were presented in communities across Canada - two to Sponsorship Agreement Holders representatives.

The awards are presented every two years to honour Canadian individuals and organizations that have demonstrated exemplary citizenship in helping newcomers to successfully integrate into Canadian society.

A number of the citation recipients have been active in the Private Sponsorship of Refugees Program, but we want to specially congratulate Marianne Skoropad, volunteering as the coordinator for the Roman Catholic Archdiocese of Regina, and Leticia Adair, currently the representative for the Roman Catholic Diocese of Saint John. These are well-deserved citations!

For the full list and details: <http://www.cicgc.ca/english/press/05/0521-e.html>



WIDENING OUR TENTS

BY MARY CORKERY

With funding from the Canadian Auto Workers (CAW) and the Steelworkers, KAIROS: Canadian Ecumenical Justice Initiatives is implementing an exciting two-year project called Widening Our Tents. The project aims to strengthen networks and action across Canada that promote justice for refugees and migrants workers.

Refugee and Migration Program Coordinator Tanya Chute Molina, says: “This is an excellent opportunity to build collaboration between church and union based advocates. The churches have a strong history of advocacy for refugee rights. Unions have a key interest in promoting justice for migrant workers. Together, we can make a strong stand for a welcoming Canada, where refugees and migrant workers alike are guaranteed protection of their basic rights.”

Unions are already actively involved in the project. The CAW sits on an advisory committee for Beyond Borders, a KAIROS video about non-status people in Canada, to be released early in 2006. The Steelworkers are participating together with UFCW Canada on the steering committee for a national migrant justice gathering to be held in June of 2006.

A strong advocacy network is key in the current context. In recent years, the Canadian government’s agenda towards refugees and migrant workers has shifted significantly from a framework of humanitarian response to an approach strongly influenced by corporate labour supply concerns and U.S. fears for national security post 9/11. We see growing interest in programs that bring in temporary workers to fill labour gaps. At the same time, we see increased investment in border controls to keep out unsolicited migrants and asylum seekers.

Welcoming the Refugee

Since 9/11, both government policy statements and the mass media have frequently portrayed refugees, and especially refugee claimants, as a secu-

rity threat. KAIROS responded with a petition campaign, calling on government to stop fostering a climate hostile to refugees, and to implement the long-awaited Refugee Appeal Division. Last spring, four Members of Parliament, one from each of the major political parties, presented over 22 500 petition signatures in the House of Commons.

Minister Volpe responded to the petition presentations with a letter stating that “the system, even without an appeal, effectively provides protection to those who need it.” Later in the letter, he observes, “The government must find an appropriate balance with respect to integrity of the refugee determination system, public safety and national security.” KAIROS has written a letter to the Minister arguing that in fact the current system does not adequately protect refugee claimants and that it is unacceptable to profile asylum seekers as security threats.

Other activities include participating in campaigns against the Safe Third Country, designed to restrict access to the Canadian asylum system for refugee claimants traveling through the United States, and the security certificate process, by which non-citizens can be detained indefinitely on secret evidence withheld from them and from their lawyers. KAIROS insists that refugee rights to protection and due process are human rights that cannot be taken away in the name of national security.

Advocating for Migrant Rights

Temporary workers, whose status is dependent upon their employment, and undocumented migrants, are particularly vulnerable to exploitation and abuse by employers. For years, migrants have been troubled by systemic problems in the Live-In Caregiver Program and the Seasonal Agricultural Workers Program that violate the rights of workers. Affected communities, such as the Filipino and Mexican communities, are looking for solidarity from mainstream advocates to strengthen their advocacy efforts.

In May, KAIROS hosted a community dialogue with Mexican partner Miguel Pickard. Latin American community activists, settlement workers and researchers joined Miguel in a discussion of NAFTA, the destruction of livelihoods due to free trade, and the rapid growth of migration to the North. Later, with support from community partner Justicia for Migrant Workers, KAIROS joined Miguel in visiting a small group of Mexican farm workers near Pickering, Ontario to hear about their struggles for fair wages and dignified housing.

The Filipino community has advised KAIROS on a family reunification brief to the Standing Committee on Citizenship and Immigration, offered feedback on educational resources and played an active role in helping to shape the agenda for a national migrant justice gathering to be held next June. The goal of this gathering is to help strengthen the loose network of concerned researchers, unions, community groups and local churches into a stronger and more focused base for

advocacy on migrant rights. The national gathering will provide an opportunity for dialogue about key advocacy priorities and effective strategies for addressing issues of common concern.

Migrant issues already have a face in Canadian churches. Many migrant workers are themselves active churchgoers. Churches have provided assistance and even sanctuary to live-in caregivers fleeing abusive employers. Several church-based groups, particularly in the Leamington area, have been involved in efforts to integrate migrant agricultural workers into their communities. Yet much remains to be done in order to raise awareness of migrant justice issues in Canadian churches and to raise a strong ecumenical voice for migrant rights. If you would like to be involved in this work, please contact Tanya Chute Molina, Refugee and Migration Program Coordinator, at 1-877-403-8933 ext. 252 or 416-463-5312 ext. 252.

Mary Corkery is the Executive Director of KAIROS

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DROP THE FEE!

BY HEATHER LASH

Refugee issues have received massive amounts of attention in the media recently, and there has been quite a lot of talk about the theme of family reunification in particular. It's not shocking that family members sometimes become separated in the process of fleeing their homes. More shocking are the number of delays and obstacles they face trying to reunite and get settled in their new lives.

One such obstacle is the fee required to apply for permanent residence (what used to be called "landing"), which must be done in order to sponsor family members left behind, and which must be done within 6 months of receiving a positive decision at a refugee determination hearing. These fees of \$550 per adult and \$150 per child can be daunting, unless one has managed to secure a good job immediately after arrival; they are absolutely prohibitive if one is on welfare. (What's more, children who are accepted without their parents, or

have come alone, are considered "principal applicants", and as such are charged the full \$550.)

If a protected person could not afford to process their family members simultaneously, he or she has a one-year window of opportunity to file the application to bring them over. Many use this year to – no big surprise – raise the money they need to apply. If they are engaged with their communities enough to be aware of these options, for help people turn to voluntary organizations, such as Fee Assistance for Immigrants and Refugees (F.A.I.R.), and borrow from community groups such as Jeremiah's Field (a United Church project providing loans), or from family and friends. Like most people, individuals in this situation do not want to borrow money any more than they want to be on welfare. This unnecessary expense is also an unnecessary injury.

In any case, the whole enterprise of “processing fees” always seems a bit... arbitrary. Exactly how given amounts become set as fees is often a mystery, while the costs of administering some civic activities – such as filing a tax return – are absorbed by the government. Interestingly, there is no fee whatsoever charged to people making an application for protection at embassies overseas; to government-selected or privately sponsored refugees. It is only charged after a refugee determination hearing here.

Seen in the larger fiscal context, the argument to eliminate the fee becomes even more convincing. Even according to mainstream economic analysis, a commonly held ideal has to do with maximizing good, or benefits while minimizing cost, or effort. It is also commonly accepted that things represent different levels of good or cost to different people: if you give a sandwich to a homeless person, to you it may be pretty much “nothing”, while to the recipient it may be a fantastic and unexpected snack that meaningfully impacts their experience that day. The case of this processing fee is like the exact opposite: maximum pain, negligible gain.

“It’s such a cheap, mean barrier to family reunification”, says Geraldine Sadoway of Parkdale Community Legal Services. For the year 2004, the total revenue collected by the Canadian government for all immigration activity amounted to approximately \$122,725,000. The fee in question accounted for 0.34% of that number.

Citizenship and Immigration Canada (CIC) justifies charging the fee with the claim that it covers the Interim Federal Healthcare (IFH) for protected

persons, but applicants still have to pay for the mandatory medical tests of their family members abroad. CIC further presents these charges as necessary “cost recovery fees” by saying that the money is directed into settlement services. This is ironic in the extreme. Settlement services exist in order to effectively facilitate happy, healthy, timely settlement. And what sabotages that project more obviously than the fee in question?

The time is right to increase the pressure on the government to eliminate this fee. There is already some sympathy within CIC, and more and more people are informed about the issue every day. Parkdale Community Legal Services co-ordinates a Drop the Fee petition campaign, which asks that the Governor in Council waive the fee for protected persons and their families, and for applications for Permanent Residence on Humanitarian and Compassionate grounds that involve women and children in situations of family violence. There are six thousand signatures on this petition, including those of several members of Parliament. Get involved with collecting petition signatures in your community by emailing lash@silentspiral.com.

Eliminating the fee is a simple, concrete step we could take to actually provide a bit of protection to protected persons, and bring more meaning to the notion of welcoming people to Canada. Without impacting the financial reality of the government very much, it would make a world of difference to refugees.

Heather Lash is a staff member of the FCJ Refugee Centre.

KAIROS RESOURCES

“**God’s people: A people on the Move**” is a 10 part fact sheet series on globalization and migration. The series addresses such timely topics as Refugee Rights/Migrant Rights; Canada and Human Displacement; Living Without Status. Each fact sheet includes an easy-to-read introduction to a topic, a bible study guide, and action ideas. **Price: \$6.00.**

“**Beyond Borders**” is a short video on non-status people in Canada. Interviews with non-status people in Canadian cities. Expected release date: Winter/Spring 2006.

“**Welcoming the Uprooted People Post 9-11**” is a booklet of popular education exercises intended to raise awareness about the root causes of displacement, dispel common myths about refugees, and motivate action towards increasing acceptance of refugees and immigrants. **Price: \$9.00** (five or more, \$5.00).

To order KAIROS resources please telephone
1-877-403-8933 x 221 (Toronto, 416-463-5312 x 221)
or e-mail orders@kairoscanada.org

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WATCHDOG TRIES TO BRING CSIS TO HEEL

BY SUE MONTGOMERY

THE MONTREAL GAZETTE

Sunday, September 18, 2005

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The watchdog of Canada's spy agency has finally said what many—especially the five Muslim men held under security certificates—have known for some time. The Canadian Security Intelligence Service does shoddy work and for some strange reason known only to it, destroys key pieces of evidence such as tape recordings and notes.

In a secret report, obtained by news organizations last week, Paule Gauthier, former chairperson of the Security Intelligence Review Committee, slammed CSIS for a hasty, slipshod investigation and a “regrettable” attitude that people supporting Arab causes are suspect.

Her comments are the result of a complaint by Bhupinder S. Liddar, a Kenyan-born Sikh Canadian, whom CSIS declared a security risk after his diplomatic appointment to India. He ended up not getting the job. This week, Liddar was reinstated.

Gauthier said CSIS's investigation relied on uncorroborated and/or unreliable sources and destroyed its notes before the case could be reviewed.

It all sounds so familiar.

Adil Charkaoui, the Moroccan-born Montrealer Canada believes is a terrorist, has been trying to defend himself in a process shrouded with secrecy. And it's hardly a coincidence, in his post-9/11 era of paranoia, that the five people being held right now on such certificates are Muslims.

Disturbingly, Gauthier says that CSIS suspicions about Liddar arose mainly because of his support for Arab causes. She said this attitude and the “distorting effect on the interpretation of Mr. Liddar's actions, has persisted in to the present time.”

Charkaoui revealed on his citizenship application that he had traveled to Pakistan in 1998, setting off alarm bells. CSIS then got Ahmed Ressay to identify Charkaoui as being in a training camp in Afghanistan. But keep in mind that Ressay gave this information while awaiting sentencing for plotting to blow up Los Angeles Airport. Not exactly the most credible source.

And just like the Liddar case, CSIS destroyed the notes it took during interviews with Charkaoui. How can the judge, who has to decide whether the certificate is reasonable and will therefore result in deportation with no chance of appeal, possibly make a reasoned decision when key evidence has been destroyed? Instead, CSIS provides a report on the interview, which in the absence of tapes or notes could easily be doctored. In fact, says Gauthier, while investigating complaints about CSIS, they often hear that agents tend to distort interview material to take it out of context.

CSIS claim it's not a police force, so is under no obligation to collect evidence. Yet, it has enormous power to intrude on the privacy of individuals and influence the direction their lives might take. You'd think CSIS would have to provide some solid proof to do so.

Such shoddy work makes it a laughingstock. The agency erased hundred of hours of taped phone calls of the guy suspected of being the mastermind behind the Air India bombing; a move the judge in the case said showed “unacceptable negligence.” And south of the border, a judge in the trial of Ressay was perplexed as to why CSIS would destroy tape recordings of conversations among Ressay and other Algerians.

“Apparently, this is the Canadian way of doing things,” he said.

In her damning report, Gauthier said there is no reason why such notes could not be preserved for a reasonable period so they are available to the review committee. She said she was tired of seeing this happen.

The watchdog agency is meant to keep an eye on CSIS to make sure it doesn't abuse its power and trample on people's rights and freedoms. Maybe it should start by taking away the office shredder.

This article was taken from The Gazette newspaper.

V V V

CIVILIAN DEFENCE GROUP BEGINS CANADA-U.S. BORDER PATROL

BY LAUREN LA ROSE

TORONTO (CP) - A U.S. civilian border-watch group is expanding its operation to the 49th parallel.

For the month of October, the Minuteman Civil Defense Corps will take watch from their cars and lawn chairs, with binoculars at the ready, in eight northern U.S. states bordering seven Canadian provinces.

The volunteer group will have observers in Washington, Idaho, Montana, North Dakota, Maine, Vermont, New Hampshire and New York. Some posts will be on border watch 24/7.

The Minutemen report to border officials when they observe individuals trying to illegally enter the U.S.

Peter Buck of the Minutemen's New England chapter said the American government is failing to supply the manpower needed to secure the northern border.

"People may be aware of the problem in the southwest but not be aware that the largest non-militarized border in the world, the border between the United States and Canada . . . is completely open," he said in a phone interview from Massachusetts.

"Last year we had 3,000 (illegal immigrants) that got caught in New York and New England."

U.S. Customs and Border Protection apprehended 1.1 million people attempting to cross the border illegally last year, 600,000 in Arizona alone where the state borders with Mexico.

There are more than 11,000 border patrol agents in the U.S. with 1,000 stationed along the Canada-U.S. frontier.

Washington-based Minuteman Tom Williams spoke recently with a patrol agent who said the northern bor-

der Canada is just as vulnerable as anywhere else in the country.

"People still sneak across here all the time," Williams recounted. "They may not come in the hundreds, or in the thousands, but they still do come, and any one of them could be carrying a suitcase bomb for all we know."

Following the 9/11 terrorist attacks, the U.S. Department of Homeland Security pledged to beef up border security to prevent terrorists and illegal weapons from entering the country.

Focus groups held earlier this year by polling group Ekos Research Associates for Public Safety and Emergency Preparedness Canada surveyed U.S. residents on Canadian national security and found that they do believe Canada does take security seriously.

Those polled also believed terrorists were more likely to come from within the U.S. or through Mexico, and none cited Canada as a primary threat.

Those polled also believed terrorists were more likely to come from within the U.S. or through Mexico, and none cited Canada as a primary threat.

However, in recent months confidence in northern border security has been tested.

Three men from Surrey, B.C., were charged by Washington state officials last July with digging a tunnel roughly the length of a football field under the border to smuggle marijuana.

U.S. Customs spokesman Barry Morrissey says while he commends their passion, the Minutemen are interfering in work better handled by trained agents.

"We do ask for citizens to contact us with information



that might lead us to methods or areas of smuggling (but) we do not endorse or condone citizen volunteer groups actually go and patrol," Morrissey said.

"We do not see a place for them. We believe the job of securing the borders should be done by professional law enforcement."

Canadian officials agree that Minuteman-style groups would have no place north of the border.

"We certainly don't see any need for that kind of activity on the Canadian side. Our immigration officers are perfectly capable of ensuring people who come into Canada from the United States are probably vetted and if inappropriate aren't allowed in," said Alan Lennon,

national union representative for the Canada Employment and Immigration Union.

The CEIU represents 1,700 immigration border services officers.

Demonstrators gathered in Washington State over the weekend to protest the Minutemen's expanded border watch. "If there's a problem with the border and border issues we need to sit down together and talk about it, not walk around carrying guns or taking the law into our own hands," protester Rosalinda Guillen said.

Article taken from The Toronto Star, Sunday, 2 of October 2005.

V V V V V V

MINUTEMAN AND HIS POOCH VIGILANTE ON GUARD FOR U.S. OF A.

A FEW ADMINISTRATIVE SNAGS TO OVERCOME, SAYS WASHINGTON STATE LEADER

BY SALIM JIWA

A private army's plan to patrol the Canada-U.S. border fizzled into a one-man show yesterday.

Thirty observation posts were to be operating along the border in Washington State but only one was set up. And it was deserted.

The two members of the Washington detachment of the Minuteman Civil Defense Corps who were to man the post deserted it because a neighbour told them their presence was making them "feel uncomfortable," said Tom "Skipper" Williams, leader of the Washington detachment.

"We are having administrative problems with getting our ID cards printed and our radio relay sites set up," said Williams, holding his dog Vigilante as he stood on a metre wide patch of grass separating Zero Avenue near Aldergrove and Boundary Road in Washington State.

He vowed the observation posts will be manned soon, and said reinforcements are on the way.

The militia, described by U.S. President George Bush as "vigilantes", plans to monitor the boundary in eight northern U.S. states (Washington, Idaho, Montana, North Dakota, Maine, Vermont, New Hampshire and New York) bordering seven provinces.

The Minutemen say they will report to border officials when they see people trying to sneak into the U.S.

Washington State Democrats have already passed a resolution condemning the group's plan, saying an unregulated private army could jeopardize the safety of citizens on both sides of the border.

On Saturday, civil rights and immigrant groups held a vigil at Peace Arch Park to protest against the border patrol by a private army.

A B.C. refugee rights group which took part in the rally fears the thousands of refugees who come from the U.S. to Canada each year will get into a confrontation with armed militia members.

"Refugees are already vulnerable to various forms of abuse by governments, border services, law enforcement agencies and unscrupulous employers," said Amal Rana, an organizer with No One is Illegal group. "That they have to now deal with armed vigilantes on their way to Canada is a major concern of ours, to say the least."

Williams, who said he was not armed yesterday, was upbeat despite the "teething problems."

He said his pooch Vigilante "is armed to the teeth."

Article taken from The Province. Monday, 3 October 2005

Refugee Help in Refugee Hands
**A Resource Kit for the Refugee
Determination System in Canada**

Available from FCJ Refugee Centre
fcjrefugeecentre@on.aibn.com
Cost: \$15.00

**RESETTLEMENT STATISTICS,
PROVIDED BY CIC**

Government Assisted Refugees Target Range
(7300-7500)

Government Assisted Refugee Landings
As of the 1st of July 2005 there have been 3,448 (47% of the lower range target). Last year 2004 there were 3,650 landings (50% of lower range target).

Quebec Government Assisted Refugee Landings
There are currently 743 landings (41% of the provincial target). Last year 2004 there were 740 landings (41% of target).

Privately Sponsored Refugees Target Range
(3000-4000).

Privately Sponsored Refugee Landings
There are currently 1,287 landings (39% of the lower range). Last year there were 1,920 (58% of the lower range target).

**FIRST STATISTICS UNDER CANADA-U.S. SAFE THIRD
COUNTRY AGREEMENT SHOW DECLINE IN REFUGEE CLAIMANTS**

Citizenship and Immigration Canada's first statistics on the number of refugee protection claims made at Canada-U.S. land border points of entry show a 40 percent drop since the Canada-U.S. Safe Third Country Agreement came into effect on December 29, 2004. The statistics cover the period from December 29, 2004, to March 30, 2005.

This represents a significant decrease from the number of claimants who requested asylum in Canada during a similar period in the previous year. At the same time, there was also a 30 percent decrease in refugee claims made at other points of entry in Canada, such as airports, marine ports and inland offices that are not covered by the Agreement. This suggests that other factors affecting the global movement of refugees may be at play and that further analysis is necessary.

A mid-term review of the Canada - U.S. Safe Third Country Agreement will take place in Washington, D.C., on July 6, 2005. Officials from CIC, the United States and the United Nations High Commissioner for Refugees (UNHCR) will participate. UNHCR officials from both Ottawa and Washington who are responsible for monitoring the Agreement will report on the administration of the Agreement since it came into effect. Statistics on the number of refugee protection claims made on each side of the Canada-U.S. land border points of entry will also be presented and discussed.

Both Canada and the United States recognize the importance of providing effective protection opportunities for refugees fleeing persecution. Cooperation between our two countries through the Safe Third Country Agreement will enhance the orderly handling of refugee claims, strengthen public confidence in the integrity of our respective refugee systems and help reduce abuse of refugee programs.

**Canada–U.S. Safe Third Country Agreement
Number of refugee protection claims made from
December 29, 2004 to March 30, 2005 compared to
December 29, 2003 to March 30, 2004**

**Table 1
Land Border Offices**

Month	2004	2005	(reduction)
December 29, 03/04 – January 31, 04/05	669	360	(47%)
February	567	443	(20%)
March	530	256	(50%)
Total	1766	1059	(40%)

**Table 2
Inland and Airport Offices**

Month	2004	2005	(reduction)
December 29, 03/04 – January 31, 04/05	1674	1296	(22%)
February	1413	1128	(21%)
March	1591	1156	(28%)
Total	4678	3580	(23%)

IMMIGRATION AND REFUGEE BOARD STATISTICS JANUARY TO JUNE 2005

14,597 claims were finalized
6,164 (42%) were accepted
6,510 (45%) were rejected
995 (7%) were declared abandoned
928 (6%) withdrew or were otherwise resolved

The rate at which claims were finalized has declined. In 2004, the IRB finalized an average of 3,367 claims a month. From January to June 2005, the average is down to 2,432 a month.

The number of claims pending has been steadily declining:

30 June 2005: 22,068
End of 2004: 27,290
End of 2003: 41,575
End of 2002: 52,761

If the IRB continues at the same rate of finalization, it will take just over 9 months to finalize all the claims pending at the end of June 2005.

9,543 claims were referred to the Board from January to June 2005. This represents a continuing and accelerating decline in the numbers of claims referred since 2001. The effect of safe third country is clear.

2001: 44,038 claims referred
 2002: 39,498 (down 10% from 2001)
 2003: 31,937 (down 19% from 2002)
 2004: 25,750 (down 19% from 2003)
 2005 (Jan. - Jun.): 9,543 (down 26% from 2004 - looking at half of the year's total).

The acceptance rate has gone back to 42%, where it was in 2003 (in 2004 it went down to 40%). The percentage of abandoned and withdrawn has remained steady. Of cases that are decided at a hearing (i.e. excluding abandoned and withdrawn) 49% were accepted, up slightly from 45% in 2004.

Regional acceptance rates (as a percentage of claims finalized) for January- June 2005 were as follows:

Montréal	41% (in 2004: 41%)	Calgary	30% (in 2004: 27%)
Ottawa/Atlantic	60% (in 2004: 53%)	Vancouver	26% (in 2004: 24%)
Toronto	44% (in 2004: 40%)		

The acceptance rates in Jan.-June 2005, for the top 20 countries, by number of decisions finalized, were as follows:

Mexico	15% (25% in 2004)	Hungary	14% (11% in 2004)
Colombia	77% (81% in 2004)	Bangladesh	52% (52% in 2004)
Pakistan	40% (35% in 2004)	Costa Rica	17% (3% in 2004)
China	49% (52% in 2004)	Guyana	19% (24% in 2004)
India	22% (27% in 2004)	El Salvador	34% (20% in 2004)
Nigeria	43% (50% in 2004)	Somalia	86% (79% in 2004)
Sri Lanka	69% (64% in 2004)	Turkey	57% (63% in 2004)
Peru	40% (41% in 2004)	Congo, D.R.	62% (57% in 2004)
Albania	46% (40% in 2004)	Portugal	0% (0% in 2004)
Israel	26% (23% in 2004)		

Note in particular the increase in the acceptance rate for Costa Rica, from 3% to 17%. This is largely seen in Toronto, where the acceptance rate is actually close to 20%.

Compiled by CCR from IRB statistics.

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