



**Canadian Council for Refugees Fall 2008 Consultation  
“30 years of building a home of justice for refugees and immigrants”  
27-29 November 2008, Toronto  
Conference Report**

## **I. INTRODUCTION**

The Canadian Council for Refugees held a successful 2008 Fall Consultation, 27-29 November at the Holiday Inn on King in Toronto. The Consultation was attended by 475 participants from all over Canada. As 2008 marks the 30<sup>th</sup> anniversary of the CCR, the theme of the Consultation was “30 years of building a home of justice for refugees and immigrants”.

Participants at the Toronto Consultation came from all regions of Canada and included refugees, immigrants, staff and volunteers at organizations serving newcomers and ethnocultural organizations, youth, students, private sponsors of refugees, representatives of various levels of government and of UNHCR, lawyers, academics and others involved in refugee and immigrant issues.

The 2008 Fall Consultation provided an opportunity for training and networking, information-exchange among people involved in the immigrant and refugee serving sector from across Canada, policy discussions and prioritizing of issues among government and non-governmental representatives. With respect to settlement and integration, the Consultation also provided a unique opportunity to identify and develop responses to gaps and emerging issues; and to focus attention on the diversity of newcomers and the promotion of strategies for more effective responses to those newcomers whose needs are not adequately met.

28 sessions were offered during the three days of the consultation, including two plenary sessions, three working group meetings, 22 workshops and training sessions, and the Annual General Meeting. The program included three or four concurrent workshops on issues related to settlement and protection. Half of the sessions offered simultaneous translation between English and French, which enhanced francophone participation. Workshops offered a participatory format which was highly rated by participants who described the consultation as very inclusive. Moderators encouraged participation, especially from those who are new to Canada and new to the CCR. In workshop introductions, they mentioned that the CCR is committed to providing an environment that is free of racism, sexism, discrimination and bias, where all individuals are treated with respect and dignity.

Workshop topics were chosen during the CCR’s September Working Group meetings, in which participants identified relevant issues and selected volunteers to plan the workshops. The resource persons speaking at Consultation sessions represented different perspectives: service providers, refugee advocates, UNHCR, government, lawyers, youth, refugees, etc. They were chosen by taking into consideration different factors: participation of refugees; gender balance; regional diversity; representation of local resource people; a youth perspective, and experience and knowledge of the issues.

The Working Group meetings held during the Consultation gave participants the opportunity to discuss emerging issues and share information, best practices and initiatives with others from across Canada. They also offered an opportunity to prepare resolutions to be presented at the General Meeting, and to follow up on action items. Gender-based and anti-racist perspectives were included in discussions about the direction of future work.

Participants' oral and written evaluations were overall extremely positive, as much in terms of the smooth running and organizing of the Consultation, as in terms of the content of the workshops and the quality and diversity of presentations. The main positive factor mentioned in the evaluations is the networking opportunities offered by the conference.

The success of the Consultation was made possible thanks to the very efficient work of the local organizing committee, made up of staff from organizations in Toronto. Participants were also very fortunate to be welcomed by a wonderful team of more than 40 volunteers, who contributed to the friendly atmosphere of the event.

## **II. SUMMARY OF THE PLENARY DISCUSSIONS**

### **Opening plenary**

This session served as an introduction to the consultation and provided an opportunity to hear from a range of speakers on recent developments.

#### **Speakers:**

The Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism

Liz McWeeny, CCR President

Loly Rico, Co-Director, FCJ Refugee Centre

Moderators: Roberto Jovel, CCR Vice-President and Jamila Aman, CCR Treasurer

The Minister spoke on the theme of "Canada's commitment to refugees: Celebrating successes and reflecting on the challenges ahead". His remarks can be found at:

<http://www.cic.gc.ca/english/department/media/speeches/2008/2008-11-27.asp>.

Liz McWeeny welcomed the Minister to the consultation and outlined some of the CCR's key concerns. She also highlighted the CCR's 30<sup>th</sup> anniversary. Her remarks can be found at:

<http://www.ccrweb.ca/documents/presidentnov08.htm>

Loly Rico spoke about the importance of refugee women taking on leadership in the efforts to achieve rights for refugees and highlighted the CCR's historical commitment to gender justice.

### **Friday Plenary Session**

This session offered a creative presentation on promoting recruitment of new members to the CCR, as well as an opportunity to give input into the development of the CCR Anti-Oppression policy. The draft policy presented takes note that many issues that impact the lives of the people CCR and its members work with are in fact issues of an imbalance of power and the discriminatory treatment that can result from that imbalance. The persecution and oppression generated by this imbalance of power forces people to flee their country of origin, seeking protection elsewhere. Furthermore, power and privilege are part of the social structures in which

we all participate, and we all are at times advantaged or disadvantaged by these power imbalances. When newcomers seek to make their way in Canadian society, they are often confronted with oppressive realities that impede their ability to realize their potential.

The draft policy was developed to assist the CCR and its members in efforts to address the imbalances of power that affect refugees and immigrants.

Participants made a number of comments on the draft, including recommending inclusion of reference to First Nations people, economic class and more specific mention of youth.

The CCR ad hoc group working on the policy will develop another draft. The policy is to be presented to the membership for adoption in May 2009.

Moderators: Liz McWeeny and Roberto Jovel

### **Annual General Meeting**

The Consultation concluded with the CCR's Annual General Meeting. Elections were held for the CCR Executive Committee. A total of 8 resolutions were adopted. The resolutions can be found at <http://www.ccrweb.ca/documents/resnov08.htm>

## **III. SYNTHESIS OF WORKSHOPS**

### **Refugee and Immigrant Women as Leaders**

This informal session allowed refugee and immigrant women to get to know each other and strategize about their involvement in the consultation, in the CCR and in their local communities. Several issues related to immigrant and refugee women were discussed. The workshop covered resiliency for women from motherhood, sisterhood, wives, partners who struggle in a new country and how to overcome the barriers and challenges in order to excel and become a leader. A woman has to juggle career, home, family and fight everyday in order to accomplish her goals.

Leadership was discussed in great detail as leadership does not have to be at a high hierarchy level only but with small steps all women can accomplish and reach a good level. Women can start leadership at all level, by being positive, having positive people in their life and having role models to look up to. Coaching and mentoring of women were discussed and the following was suggested: empower each other; lead each other; guide each other and be a positive role model.

The CCR's Amina Malko fund was presented as an opportunity for financial assistance to attend the CCR conferences and give back to the communities. The CCR elections and nomination process were also presented as most participants had questions on how they could get involved with the CCR.

Participants offered the following suggestions:

1. The Gender Core Group should consider programs and services regarding violence against women. In order to develop women's resiliency, women have to be in good spirits to participate. For example, women coming from war torn countries may have

waited 5 to 6 years for their application to be processed. Their wounds are not healed because they are busy with this process and by the time everything is done, things have bottled up and then explode. These women have mental health needs and the government should have specific mental health programs and services for refugee women.

2. Find help for mothers with five children or more, who cannot manage time as they have to work two or more jobs to support their family and take care of the children, but yet in all this they forget about themselves and their well being.
3. Immigrants' degrees and education is not acknowledged and recognized in the Canadian system and women who come with great credentials from abroad face the system's many barriers and challenges, even if they go back to school and invest in themselves.
4. The federal government should extend eligibility criteria for women who came as immigrants or refugees. Because of circumstances, they are sometimes forced to wait until they go back to school but do not qualify if they have passed the 3 years.
5. Trauma of people fleeing their country and lack of services available. CCR should advocate for mental health services for refugees providing childcare priority for immigrant and refugee women.
6. The government should recognize professions from abroad and make it possible for women to be active and engaged in their fields. For example, the Canadian Centre for Victims of Torture is partnering with Atkins University and York University, making it possible for women who have worked with victims of torture, to gain more skills and experiences and qualify for a better job in Canada.

Moderators: Jamila Aman and Zulekha Suni, Northwood Neighbourhood Services

### **Refugees in Security Limbo**

This workshop presented the situation of refugees forced into long-term limbo because of Canada's broad and unfair rules on security inadmissibility. Presenters reviewed the issue of persons accepted as refugees but not able to get permanent status because of security issues. Several examples were given of these situations and of their impact on the person and his/her family.

In the second part, participants discussed possible next steps, such as forming a national organization of affected persons, and explored the possibility of new initiatives which would allow them to obtain permanent residence.

Resource persons:

Andrew Brouwer, lawyer

Ezat Mossallanejad, Canadian Centre for Victims of Torture

A refugee in security limbo

Leigh Salsberg, lawyer

Moderator: Nick Summers, former CCR President

### **Left Behind – What happens to those who are not resettled?**

In the context of the upcoming High Commissioner’s Dialogue on Protracted Refugee Situations, this session looked at different aspects of what happens to those who are left behind when others are resettled. Various perspectives were explored including family reunification, remittances, safety and security of persons who are left behind in the country of first asylum as well as the country of origin, and, in the group resettlement context, looking at what happens to “residual populations”.

Michael Casasola spoke about the UNHCR’s plan for addressing Protracted Refugee Situations and then focused on lessons learned in particular with the group resettlement of the Karen from Thailand. He relied on a June 2008 report by Dr. Susan Banki on the impacts of resettlement on the remaining populations and the host community.

Gilbert Iyamuremye focused on the impact of prolonged family separation when persons are resettled, in particular those excluded under the IRPA provision 117 9(d). The participants completed a group activity and proposed suggestions for how to go forward to achieve the withdrawal of 117 9(d).

Oscar Ordonez, a recently resettled refugee from Colombia told his own story but also in the context of his work in Colombia for the rights of aboriginal peoples. Not only has he been separated from his extended family and community but the aboriginal peoples have lost a great advocate for their cause.

Outcomes of workshop:

A draft resolution was developed and will be reviewed and revised prior to the next Working Group meeting.

Participants submitted written suggestions regarding 117 9(d):

- The use of visa officers’ discretionary power needs a mechanism that makes sure this power is used where it is needed.
- More flexibility in bureaucracy and take away the fear that adding information on files will move them to the bottom of the pile or cause denial.
- Remove the phrase “you did not declare your family members overseas” from the law.
- Change to IRPA 117(9)d; easier access of applicants after interview; greater use of discretion; overseas NGOs assist applicants at every stage.
- Relax regulations that govern family reunification.
- Flexible policy for genuine refugees, CIC to be more responsible about family information before moving refugees and defuse misinformation about family reunification.
- CIC staff training for attitudes’ change.

Resource persons:

Michael Casasola, UNHCR

Gilbert Iyamuremye, Diocese of London

Oscar Ordonez, film maker and recently arrived refugee from Colombia

Moderator: Liz McWeeny

## **Settlement Services: Funding Practices**

The Blue Ribbon Panel, established in 2006 as part of the Federal Accountability Action Plan, issued recommendations on simplifying administration of grants and contributions programs at the federal level. This session focused on how these recommendations are applied by the federal government and their impact on the settlement sector.

The representative of the Treasury Board of Canada spoke about how the government is implementing the Action Plan to reform Administration of grants and contributions.

The perspective of the settlement sector was then presented, including the recommendations made by the CCR to the Blue Ribbon Panel.

The workshop provided good information for the sector to understand the relationship between the Treasury Board and CIC. A concrete suggestion was made regarding the need for CIC's contribution agreement / grants to have a dispute resolution process.

Resource Persons:

John Walker, Treasury Board of Canada  
Roberto Jovel, OCASI

Moderator: Sherman Chan, MOSAIC, Vancouver

## **Networking with researchers**

NGOs and researchers have many concerns in common: this workshop explored ways of reinforcing constructive collaboration. Participants heard about the Canadian Refugee Research Network (CRRN) and the recently launched Canadian Association for Refugee and Forced Migration Studies. Discussion focused on opportunities for NGO involvement in both initiatives.

Resource persons:

Susan McGrath, Centre for Refugee Studies, lead for the SSHRC Research Cluster grant, A Canadian Refugee Research Network (CRRN): Globalizing Knowledge  
Sasha Baglay, University of Ontario Institute of Technology, CARFMS Executive Committee  
Gerald Kernerman, York University, CARFMS Executive Committee

Moderator: Sharry Aiken, Queen's University, former CCR President

## **Providing Services to Trafficked Persons**

This workshop offered participants an opportunity to discuss the challenge of providing appropriate services to trafficked persons. Participants shared information about experiences across Canada, including models from Edmonton, BC and Ottawa. Participants were also asked to contribute ideas about "best practices" and about the "ideal or desired practices" that we should aim for. There was also a presentation from Payohe, a program from Belgium which presents an integrated form of services to trafficked persons.

Participants discussed the gap in the definition of trafficking in the criminal code, especially the definition of exploitation. Two resolutions were prepared in the workshop for adoption at the General Meeting, addressing protection and services for trafficked persons and the definition of trafficking.

Resource persons:

Christina Harrison-Baird, PACT Ottawa

Loly Rico, FCJ Refugee Centre, Toronto

Andrea Burkhardt, Changing Together, Edmonton

Pytor Hodgson, “The Students Commission” project, Centre of Excellence for Youth Engagement

### **Psychosocial interventions for torture survivors from refugee determination to family reunification**

This workshop explored interventions with refugees who have experienced torture or other situations of extreme powerlessness, in ways that support the gradual regaining of confidence, in oneself and in others, and the sense of being able to act. The pros and cons of the paradigms of help and empowerment were also discussed.

A refugee presented his perspective about interventions throughout the refugee determination process and his first encounters in Canada (with CIC, social services, a community housing resource, a lawyer and a psychologist). Coming from a situation of extreme disempowerment i.e. organized violence, the importance of respect for human dignity, a welcoming attitude and viewing empowerment as a dialectic process were discussed.

Discussions underlined the need to train CIC and CBSA agents in basic social skills and the need for continuing education for all workers intervening with refugees, such as church groups. The value of continuing education for all those working with refugees was highlighted.

Resource persons: Alpha Osako Longondjo, Montreal

Presenter and moderator: Sylvie Laurion, RIVO, Montreal

### **Poverty Among Refugees and Immigrants: What Kind of Approach Do We Need?**

Racism has a significant impact on the economic situation of refugees and immigrants. This workshop aimed to increase understanding and awareness of how race factors shape the face of Canada's poor.

The workshop addressed what poverty is, its characteristics, what it looks like, feels like, and what parts of the population are overrepresented among the poor. Poverty was identified as a human rights issue. It represents a structural problem and will take a long time to fix.

The workshop also focused on how poverty is experienced differently by different groups of people in society, particularly how racialized poor are differently vulnerable in a disproportionate way. We need to look at who is poor and who is consistently poor. Also, why are single women and people with disability particularly vulnerable to poverty?

It emphasized that poverty is something beyond a limited income level – it is also about exclusion from social participation, from the rest of the population; it is also best thought of as a relational situation. Unless we do not understand these factors thoroughly, strategies cannot be adequately developed.

Racism in Canada is very subtle; Canadians are in deep denial of this issue. In Canada racist attitudes can be very subtle. Power and control form the subtext to racist attitudes and maintain those who are discriminated against in their state of poverty. In addition to its obvious financial dimension, poverty also has an ‘emotional’ dimension.

The workshop also touched on some research findings, such as:

- Poverty is 3 times higher among immigrants than in the Canadian population.
- 40% of the people who are poor are working poor.
- Women, aboriginal, non status individuals and immigrants are particularly and disproportionately vulnerable to poverty.

The following suggestions were identified as possible next steps:

- Organize meetings in which people who are experiencing poverty can talk about the situation they find themselves in.
- Create a safe place so that everyone can participate. Encourage all to ask questions, so that knowledge and expertise can be shared.
- Encourage CCR members to get involved in the ‘Colour of poverty’ campaign – try to organize dialogues in communities of colour, share expertise and suggest strategies that we can develop towards policy development and implementation.
- Support initiatives to provide childcare for women so that they can go back to school or work.
- Support measures that improve access to labour market (employment equity).
- Support strategies towards affordable housing.
- Support women so they do not feel that they should accept everything. Empower them to say ‘no’ to abusive employment situations!
- Focus on the effectiveness of the education system, especially in regard to the Somali community.
- Suggestion that CCR consider developing an anti-poverty campaign.
- Minimum wages should be increased.

Resource Persons:

Grace-Edward Galabuzi, Colour of Change Network, Toronto

Mary Fiakpui, Catholic Social Services, Edmonton

Moderators: Roberto Jovel, OCASI and Yasmine Dossal, COSTI Immigrant Services



## **Newcomer youth and gang involvement: Local and national strategies for action**

Resource persons from cities across Canada described local efforts to address youth involvement in gangs and responded to the questions: 'How is violence affecting communities?' and 'What is being done to address the issue?' Presentations on local strategies were followed by a discussion on strategies to be followed at the national level: what policy changes are necessary to support youth and communities in addressing the root causes of youth becoming involved in gangs?

Resource Persons:

Leonel Vela, Community Solution to Gang Violence, Edmonton

Abdikheir Ahmed, IRCOM House, Winnipeg

Monica Carreon-Diez and Duberlis Ramos, Hispanic Development Council, Toronto

Moderator: Muuxi Adam, NEEDS Centre, Winnipeg and Stephan Reichhold, TCRI, Montréal

## **Everybody's Children: Unaccompanied minors in Canada**

The film *Everybody's Children* portrays a year in the lives of two African youth seeking asylum in Canada: Sallieu and Joyce. Fleeing the Democratic Republic of the Congo and Sierra Leone, they arrive, at the ages of 16 and 17, traumatized and alone in a country completely alien to them. After watching the film, participants had a passionate and animated discussion on how to better provide for unaccompanied minors in Canada.

Resource Persons:

Sallieu Dainkey, Minor featured in film

Monika Delmos, Film Director

Donna Cowan, National Film Board

Moderator: Anne Woolger-Bell, Matthew House, Toronto

## **Working with local media**

This workshop looked at ways to bring national campaigns to local communities and to engage local media effectively. Using concrete examples of successful national campaigns that have achieved local media coverage, workshop participants came away with a list of tips and tricks for working with media in local communities to raise the profile of refugee and immigrant rights. Some of these ideas included:

- Get to know local media well in advance of needing them to cover an event
  - o Know what stories journalists are interested in
  - o Learn how to present your story so that it interests journalists
  - o Learn what types of stories interest which media outlets and programs in your community
- Partner up with other local organizations. This lends greater credibility to your issue, is more appealing to journalists, allows you to pool ideas and resources with other organizations, prevents 'competing' with other organizations promoting similar issues for limited media attention.
- Use a recognizable, commemorative 'day' to raise a particular issue; Awards ceremonies are also good media attention-getters.
- Use high-profile, local spokespeople to give your issue stature and credibility

- Look for existing opportunities to ‘insert’ your message. Make broad issues of concern specific to your issue. For example, if there is a media story on personal debt in your local newspaper, write a letter to the editor about the burden of transportation loans for resettled refugees.
- Create ‘new’ information:
  - o Use polls, statistics and academic allies to support your arguments/your issue
  - o Link local events to a national or international event
  - o Tell a person’s individual story that highlights a need or a particular issue
- Make it easy for journalists to tell the story. Provide them with fact sheets, media ‘kits’, independent sources, spokespeople
- Use online media:
  - o Submit articles to online, alternative news sources like: [www.rabble.ca](http://www.rabble.ca)
  - o Use the comments sections for mainstream newspapers that publish articles online
  - o Submit short, punchy letters to the editor by email and encourage others in your online network to do the same. The more letters received in response to a particular story or issue, the more likely that the opinion editors will publish one or two of them.
  - o Use blogs to get your message out
  - o Create interviews (written or audio – podcasts) for publishing on the websites of allies
- Don’t get discouraged! It could take a number of attempts before your efforts pay off with effective media coverage. Be persistent with your ideas.
- Remember:
  - o What is your goal? (in getting media coverage)
  - o Who are your allies?
  - o What information is needed? (to reach your audience; to convince them; to get journalists interested)

Resource Persons:

Beth Berton-Hunter, Amnesty International media network  
 Adiat Junaid, Communications Coordinator, KAIROS Canada  
 Stewart Trew, Regional Organizer, Council for Canadians

Moderator: Colleen French, CCR Communication and Networking Coordinator

**Combating racism: Accessing services**

This interactive workshop aimed at identifying and understanding systemic barriers that prevent refugees and immigrants from racialized (non-white) communities from getting full access to services. Resource persons spoke about the systemic barriers confronting refugees and immigrants and presented case studies. They also discussed how service providers, volunteers or community members can develop strategies to improve access and to dismantle barriers.

Resource Persons:

Kemi Jacobs, Toronto Community Housing, Toronto  
 Jean-Marie Mousenga, RÉCOPAC, Montreal

## **Power plays: power relations between ourselves and those we serve**

This workshop explored the inequities or power struggles in the helping relationships as immigrants and refugees begin new lives in Canada. Participants examined the personal, systemic and cultural oppression potential in claimant and settlement processes. There was a presentation by a refugee claimant with a briefing from a psycho-social worker on the power dynamics at play. The overarching principle for the presentation was the tendency of service providers (legal, psycho-social, settlement, sponsors) to fall into a father (mother) son (daughter) relationship as opposed to empowerment for independence.

Group discussions on power followed. Feedback from these discussions included:

- Sponsorship: Power is behind generosity (or charity) in providing information. Power tensions can arise between privately sponsored refugees and family members already in Canada. Right to privacy comes into tension with responsibility/power to respond to family problems. Code of ethics came up.

- Settlement:

Struggle to empower to make choices/decisions. Need for training but training in language alone is not enough

- Awareness of trauma and how to respond – self care for helpers
- Cultural diversity
- Empower newcomers to stand up for themselves (pick battles dealing with discrimination, refugee experience is about persecution for standing up)
- Awareness of power imbalances

Privileges/self care

- In theory the law brings rights with some responsibilities, but expectations need to be tempered with knowledge of the local realities here
- Need for training: hell is full of good intentions; self care is important and debriefing.

- Subtle power: language, body language, cultural knowledge, community support, family support, strength of position of title.

- Care with language/terminology, e.g. “us”
- Companion, alongside, together
- Safe places to learn
- Provide opportunities to give back
- Set boundaries – friendly vs friendship – and set goals
- Try to give power to newcomers – but danger of offering a rod, but no hook, for fishing – system has taken away main tool
- Working through tensions between formulae and newcomer wishes for education vs work

- Reinforced empower to choose

- Stakeholders to give confidence
- Limited time disempowers
- Potential to slide into abuse

- Policies: anti-oppression/codes of ethics help
- Intervention - self realization
- Victim has power to move us/make us think/move

- Power is focused in information and communications. Power limited by time available and resources. Legal and ethical limits can pose power tensions (eg. Rights of child to health care or to no physical punishment and obligation on agency vs wishes/ awareness of parent)

- Emerging Issues

- Need for a Possible Code of Ethics/Set of Principles
- Need for Training

Elements for a Code of Ethics/Set of Principles

- Be aware of power
- Provide space for discussion of conflicting views
- Best interests of those served
- Information to allow informed consent on any actions/goals set
- Confidentiality – personal information and files
- Impartiality among those served
- Awareness of competence level and willingness to alert client and to refer to professionals
- Challenging system and barriers may be an aspect requiring careful explanations and advice.

Resource Persons:

Alpha Osako Logondjo, Montreal

Sherman Chan, MOSAIC, Vancouver

Tom Clark, Toronto

Heather Macdonald, Anglican United Refugee Alliance, Vancouver

Moderator: Sylvie Laurion

### **Canada's Compliance with the Convention on the Rights of the Child with respect to Refugee and Immigrant Children**

In January 2009 Canada's third report to the UN Committee on the Rights of the Child (CRC) is due; following which Canada will be examined by the Committee. This workshop outlined the CCR's major areas of concern with respect to Convention obligations towards non-citizen children. Participants were invited to brainstorm strategies and materials, especially using new communication technologies, to address rights gaps for children.

The first presentation covered the previous reports of CRC on Canada's compliance, the most important parts of CRC with respect to immigrant and refugee children, and the Canadian Coalition for the Rights of the Child's strategy for using the upcoming report to press the government on a number of key issues. Geri Sadoway, with student Dumo (who provided a real life account of inadequacy of services in Ontario) discussed key refugee/immigration issues,

including family reunification delays, lack of policy on separated children, family separation due to deportation of parent(s).

Two resolutions were proposed, on the establishment of children's commissioner and on the processing of H & C where the best interest of the child is invoked. The following action items were also proposed: that the CCR rejoin Canadian Coalition for the Rights of Children and that the CCR request a hearing before the Standing Committee on Citizenship and Immigration regarding Canada's non response to the Committee on the Rights of the Child's 2003 report on Canada.

Resource persons:

Kathy Vandergrift, Canadian Coalition for the Rights of Children, Ottawa  
Geri Sadoway, Parkdale Community Legal Services, Toronto  
Dumo Siziba, student who arrived in Canada as a separated child refugee

Moderators: Marian Shermarke, PRAIDA and Rick Goldman, Committee to Aid Refugees

### **Roundtable on Temporary Workers' Rights**

This roundtable session featured representatives from government, NGOs and the labour movement and focused on how to ensure that the rights of temporary workers are protected in Canada. The workshop was conducted under the Chatham House Rule: "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed".

As a consequence, this report is edited to include only those items that can be reported without being inadvertently linked to any of the speakers.

Each speaker made a brief presentation on her or his area of responsibility and expertise, and shared anecdotal information and personal observations about the temporary foreign worker program. They ranged from commentary about the provisions (law, regulation, policy and practice) of the Temporary Foreign Worker (TFW) program, jurisdiction regarding workers rights, practices of third-party contractors, including domestic and foreign temporary help agencies, statistical reporting on the program, strategies and actions by organized labour groups such as unions and by community-based organizations and groups including service providers, and the lived experience of workers. The following key points, contributed by both speakers and participants, emerged from the presentations and the discussion that followed:

- Some workers are arbitrarily fired from the job after a few months of arrival in Canada. They then have little or no recourse, and some are in Canada without a legal work permit for several months while they attempt to meet the requirements of the program to find and secure a new employer. One of the barriers is already identified through a CCR resolution, calling on CIC to allow workers to transfer a work permit from one employer to another, without having to start the process from the beginning including seeking a labour market opinion for a new employer.

- Workers' access to justice while on the job depends on the strength of employment standards legislation in each province or territory and the extent to which that is enforced. Some provinces have weak employment standards and weak or almost non-existent workplace inspection and standards enforcement. This includes weak workplace health and safety standards and lack of enforcement of these elements. This is a concern for many provincial governments as well as for community and labour organizations.
- Another concern for provincial governments, service providers and labour organizations is whether the employer is adhering to the labour market opinion (LMO), including in wage issues. Lack of information and reporting from CIC and from HRSDC regarding the LMO, such as what are the provisions of the LMO, who is applying (what sectors), and who is issued an LMO (what sectors, what employers), who is working for which employer, is a definite barrier in trying to track the experience of workers and whether the TFW program is functioning in the intended manner.
- TFW's right to unionize varies across the provinces and territories. There is no consistency.
- Access to settlement services for TFWs varies across provinces and territories.
- Many TFWs are crossing provincial and territorial lines to seek new employment in other areas when they have lost their jobs with the original employer.
- TFWs' access to permanent residency also varies across provinces and territories. Manitoba allows TFW to apply for permanent status but many provinces do not have this option.
- A common concern is the activities of third party recruiters or agencies, both domestic, foreign and international. Concerns include charging the worker with a huge fee to access the TFW program, and charging additional fees and controlling the worker's documentation and access to services and information after arrival (some employers too are doing this). The International Organization for Migration was named as a particularly problematic third-party agent.
- The biggest concern pertained to the fact that repatriation (or deportation) was used by recruiters and employers as a threat to ensure that the worker is compliant despite abuse, ranging from degrading and dangerous working conditions to under-paying or not paying the worker.
- TFWs are now being used to systemically eliminate unionized workers in the same workplace. This is an attack on workers who choose to organize themselves to defend their rights, and an attack on worker solidarity by creating tensions between the unionized workers and TFWs – thereby weakening the rights of all the workers.
- Different governments and government departments at the federal and provincial levels are exploring ways in which TFWs could be better protected. But this does not include letting those workers become eligible for permanent residency (except with the new Canadian Experience Class which is not inclusive and Manitoba that is looking at ideas to give temporary workers access to permanent residence). Some of these include measures to prevent trafficking, enforce employment standards and address abuse by third-party recruiters.
- The majority of TFWs are racialized and we need to apply a sound race analysis when we look at the elements of the program and its outcomes, including the experience of workers.
- The overall concern with TFW is that it is moving Canada towards creating a temporary, transient population with limited rights and protections, rather than focusing on building a permanent population base. At present, any employer can access the TFWP for any job, which raises concerns about what would happen to workers, both those who are already residents of Canada, and those who do not have residency status but should. There was a

related concern about what would happen to TFW's who are laid off because of the recession.

### **Action**

- The CCR was asked to specifically undertake research on the IOM role and activities as a third-party recruiter of foreign workers, both in practice and in dialogue with governments and the corporate sector, in Canada and in the US.

Resource persons:

Anton Suphal, Program Consultant, Citizenship and Immigration Canada

Rob Bray, Manager of Children and Family Services programs at Calgary Catholic Immigration Society, Calgary, Alberta

Karen Sharma, Acting Manager for Labour Coordination, Manitoba Ministry of Labour and Immigration, Winnipeg, Manitoba

Jeff Cowling, Manager of Temporary Foreign Worker Advisory Office, Alberta Ministry of Labour, Calgary, Alberta

Karl Flecker, National Director of Human Rights at the Canadian Labour Congress, Ottawa, Ontario

Chris Ramsaroop, Community Legal Worker at Parkdale Community Legal Services and member of Justicia for Migrant Workers, Toronto, Ontario

\* Chris was accompanied by two temporary foreign workers, and one shared his personal experience with the program during the discussion that followed the presentations

Moderator, Debbie Douglas, OCASI

### **Forgotten refugee groups/Protracted refugee situations**

This session focussed on forgotten refugee groups and protracted refugee situations and presented the perspectives of the Canadian government, the UNHCR and a CCR member returning from a trip to Syria. Participants first heard about the Government of Canada's efforts to resolve such situations. The representative of the Department of Foreign Affairs and International Trade invited feedback in the search for solutions to protracted refugee situations. She also spoke about the interdepartmental approach and the tool kit employed by Canada.

Participants then had an opportunity to learn about protracted refugee situations identified by the UNHCR as priorities for attention. The UNHCR representative gave the definition of protracted refugee situations and spoke about the High Commissioner's Dialogue.

Participants then heard about the desperate situation of Palestinians forced out of Iraq and stranded in three camps along the border between Syria and Iraq. Returning from a visit to these camps, Gloria Nafziger made a presentation on the plight of Palestinian refugees displaced from Iraq and offered items for advocacy, such as a petition. A slide show of her presentation can be viewed at <http://ccrweb.ca/en/view/palestinians>.

Discussions focused on how NGOs can support these efforts. Outcomes of the workshop include:

- Advocacy/Action requested by Amnesty International

- Continued dialogue with DFAIT/NGOs to increase resettlement for PRS and engage the diaspora in consultations led by DFAIT to do advocacy for PRS

Resource persons:

Gloria Nafziger, Amnesty International, recently returned from delegation to Syria representing CCR

Abraham Abraham, UNHCR representative in Canada

Leslie Norton, Director, Humanitarian Affairs and Disaster Response Group, Department of Foreign Affairs and International Trade

Moderators: Oana Grigorescu and Fikre Tsehai

### **H&C applications – strategies**

This workshop provided a training opportunity for people working on humanitarian and compassionate applications. Resource persons discussed strategies on such questions as the best interests of the child, alleging risk in H&C, as well as establishment criteria and lastly inadmissibility – with a particular focus on medical issues.

Reference was given to case law, CIC policy manuals, and the “Drop the fee” campaign. Reference was made to a court challenge to the requirement of fees for H&C applications.

Resource persons:

Peter Shams, lawyer, Montreal

Geri Sadoway, Parkdale Community Legal Services, Toronto

Hilary Evans Cameron, Downtown Legal Services, University of Toronto

Moderator: Kristin Marshall, Parkdale Community Legal Services, Toronto

### **Somalia: Defending Human Rights**

This workshop presented an opportunity to learn about the current situation of human rights in Somalia, with the participation of a Somali rights activist visiting Canada as a part of a global tour organized by Amnesty International. She spoke to the realities of living in Somalia today, the current human rights situation and how Canadians can support Somalia. Participants also heard about the work of the Somali community in Canada and the challenges this community faces in supporting and assisting family in Somalia today.

A resolution was proposed on government assistance to Somalia and resettlement.

Resource persons:

Zam Sam Abdullahi Abdi, woman’s rights activist, Somalia

Mahad Yusuf, Executive Director, Midyanta Community Services Toronto

Moderator: Gloria Nafziger



### **Sexual Education Issues for Refugee and Immigrant Youth**

The CCR Youth Network has identified the lack of sexual education opportunities as an important gap affecting refugee and immigrant youth. This workshop looked at existing resources and offered an opportunity for participants to strategize in view of ensuring supports in the field.

Participants heard about Planned Parenthood Toronto's approach to sexual health education, including peer to peer education and workshops models. Responses from community consultations were presented and the SHARP model on sexual health was explained. Participants also discussed working with newcomer youth and identified the major obstacles.

Discussions outlined the need to have sexual education programs like Planned Parenthood Toronto's program appropriated, adapted and delivered by ethnic communities.

Resource Person:

Rhobyn James, Planned Parenthood Toronto

Moderators: Leo Zuniga, Thorncliffe Neighbourhood Office and Nicholas Dubé, WUSC

### **Transgender Refugees and Immigrants: Realities, Challenges and Needs**

This session was a "101" type of workshop, offering participants basic understanding of transgender issues, and anchoring the discussion on refugee and immigrant issues. The workshop started off with an introduction to basic concepts and issues related to gender identity and expression, as opposed to sexual orientation. Transgender refugees' and immigrants' realities were addressed by way of examples related to refugee protection, situations at point of entry and under detention, and settlement and integration needs.

The workshop was educational in nature, including about mechanisms of oppression that marginalize transgender refugees and immigrants and the kinds of responses these communities develop for their survival. Participants included everyone from those who were less familiar with the topic and the issues to those who have been developing supports for transgender refugees and immigrants over the years. There was an acute sense of the barriers and systemic issues affecting the populations at stake.

As an outcome of the workshop, a resolution was approved at the AGM asking CCR to always include gender identity and expression issues when it advocates for change around LGBTQ immigrants and refugees, particularly in the field of sensitization and capacity building for IRB members and CBSA staff.

One of the next steps identified is that the CCR Executive will work with trans refugee and immigrant leaders in developing a list of actionable items that respond to key challenges faced by trans refugees and immigrants in Canada.

Resource person:

Diego Macias, 519 Church Street Community Centre, Toronto

Moderator: Roberto Jovel, CCR Vice-President

## **War Resisters as Convention Refugees**

This workshop aimed at helping participants understand how US war resisters and military war resisters from other countries can be considered as Convention Refugees in Canada.

Sean Rehaag explained how compulsory military service and voluntary military service can come within the Refugee Convention – in the latter situation, if a specific military action or conflict is condemned by the international community and if the actions are contrary to international humanitarian law, then punishment for “desertion” can be considered persecution.

Michelle Robidoux spoke about the opposition to the Iraq war and how the same anti-war group became involved in helping resisters who had fled to Canada. She also described important political actions such as the motion supported by a majority in the House of Commons last June – that war resisters should be permitted to remain in Canada and make applications on humanitarian grounds and not be removed until their applications were dealt with.

Charles “Chuck” Wiley described his experience in the military – he had achieved a fairly high rank after so many years. He discovered that the Geneva Conventions were not being followed with regard to the bombing raids on Iraq – no effort was made to ensure that civilians were not targeted. He attempted to complain and was relieved of mission but then was re-deployed to Iraq. At that point he chose to leave, despite the fact that he was near to receiving his full retirement, pension and honours. He never wants to leave Canada. His presentation was very moving and prompted some strong support from the audience.

Alyssa Manning began working on war resisters cases while articling at Parkdale Community Legal Services in 2007 - 2008, and now is handling about 20 U.S. war resister cases. She has obtained three stays of removal and clear statements from the Federal Court that war resisters who speak out against the U.S. military and the war in Iraq receive a “differential”, more severe treatment even if they return voluntarily: Chuck Wiley would be facing 3 to 5 years in military prison if returned to the US.

Outcomes of workshop: participants agreed that the CCR should endorse the position taken by the opposition members of the House of Commons, in support of war resisters, last June.

It was also noted that members need to recognize that the election of Obama will not mean very much to these U.S. war resisters. They would be sent back to their own military units and punished by the military. The cases are on-going: Joshua Key’s case will be re-heard by the RPD on January 30, 2009. Alyssa is arguing the Hinzman judicial review of his H&C in January 2009. Participants were asked to keep tuned in and check the War Resisters Support Campaign website ([www.resisters.ca](http://www.resisters.ca)) for more actions and details of what is happening.

Resource persons:

Alyssa Manning, lawyer, Toronto

Charles (“Chuck”) Wiley, a 17 year veteran who deserted the U.S. military on grounds of conscience

Sean Rehaag, Assistant Professor, Osgoode Hall Law School, York University

Michelle Robidoux, organizer with the War Resisters Support Campaign

Moderator: Geri Sadoway

## **Non-status women**

This workshop focused on the situation of women made vulnerable by their lack of official status. The challenges and realities of non-status women were presented from the perspective of two organizations working for/serving women and non-status women. The presentation focused on what it means to be without status, who non-status women are, how women become non-status and what happens to their rights. Participants heard about actions undertaken on these issues and discussed what needs be done for non status women.

It was suggested to plan a workshop for next CCR Consultation on non-status people and services, with a focus on women. Several recommendations were made that will go to the Gender Core Group in preparation for the next CCR Consultation.

### Resources Persons:

Sadeqa Siddiqui, South Asian Women Community Centre, Montreal

Samia Saad, Rights of Non-Status Women's Network, Toronto

Moderator: Jeannethe Lara, PWRDF, Toronto