



## ABOUT THE CANADIAN COUNCIL FOR REFUGEES

### MANDATE

Established in 1978, the Canadian Council for Refugees (CCR) is a non-profit umbrella organization committed to the rights and protection of refugees in Canada and around the world and to the settlement of refugees and immigrants in Canada. The membership is made up of over 180 organizations involved in refugee sponsorship and protection and in newcomer settlement. The CCR serves the networking, information-exchange and advocacy needs of its membership.

The CCR has been the national voice on refugee protection and newcomer settlement in Canada for over twenty-five years, educating the public and putting issues onto the agenda of the various players in immigration and refugee law and policy in Canada, including parliamentarians, Citizenship and Immigration Canada, Canada Border Services Agency, and the Immigration and Refugee Board.

### KEY CURRENT ISSUES

- ◆ Safe Third Country Agreement with the U.S.
- ◆ Refugee families separated for prolonged periods
- ◆ Lack of appeal for refugees
- ◆ Delays in processing privately sponsored refugees

### SCOPE OF CONCERNS

The CCR has a wide range of concerns relating to immigrants and refugees. These include:

- ◆ Trafficking in women and girls
- ◆ Impact of the security agenda
- ◆ Refugee determination system
- ◆ Refugee resettlement
- ◆ Immigration detention
- ◆ Integration of immigrants and refugees
- ◆ Newcomers' access to services
- ◆ People without status
- ◆ Family reunification
- ◆ Rights of children
- ◆ Anti-racism
- ◆ Survivors of torture

### CCR CONSULTATIONS

CCR members and others interested meet twice a year at consultations, held in late spring and late fall, in different locations. The consultations provide an excellent opportunity for networking and information-exchange and allow the CCR to develop its policy positions. Media representatives are welcome at the consultations. Consult the *Meetings* page on the CCR website at <http://www.ccrweb.ca/eng/about/meetings.htm> for details on upcoming consultations.

*See next page*

## **MEDIA RELEASES**

For a list of CCR media releases, visit our virtual Media Room at <http://www.ccrweb.ca/eng/media/mediaroom.htm> To receive our media releases send an email to [media@ccrweb.ca](mailto:media@ccrweb.ca)

## **CCR CONTACTS**

The chief spokespersons for the CCR are Wanda Yamamoto, President, and Janet Dench, Executive Director.

## **CONTACT INFO**

For information contact Colleen French, Communication and Networking Coordinator, by telephone at (514) 277-7223, extension 1 or [cfrench@ccrweb.ca](mailto:cfrench@ccrweb.ca)



# Canadian Council for Refugees Conseil canadien pour les réfugiés

## Annual Report 2008-2009

### Mission Statement

The Canadian Council for Refugees (CCR) is a non-profit umbrella organization committed to the rights and protection of refugees in Canada and around the world and to the settlement of refugees and immigrants in Canada. The membership is made up of organizations involved in the settlement, sponsorship and protection of refugees and immigrants. The Council serves the networking, information exchange and advocacy needs of its membership.

### Executive Committee

**President** - Elizabeth McWeeny, Thunder Bay

**Vice-President** - Roberto Jovel, Toronto

**Treasurer** - Yasmine Dossal, Toronto

**Secretary** - Lisa Wyndels, Toronto

**Counsellors** - Muuxi Adam, Winnipeg;

Mary Fiakpui, Edmonton; Oana

Grigorescu, Ottawa; Deborah Isaacs,

Vancouver; Anne-Marie Kabongo,

Montréal; Gloria Nafziger, Toronto;

Jeremias Tecu, Fredericton; Wanda

Yamamoto, Winnipeg.

### Working Group Chairs

**Immigration & Settlement** - Sherman Chan, Vancouver & Debbie Douglas, Toronto

**Inland Protection** - Rick Goldman,

Montréal & Debbie Hill-Corrigan, Toronto

**Overseas Protection & Sponsorship** -

Heather Macdonald, Vancouver & Mary Purkey, Sherbrooke

### Staff

**Executive Director** - Janet Dench

**Office Manager** - Guadalupe Macias

**Settlement Policy Director** - Meissoon Azzaria

**Communication and Networking**

**Coordinator** - Colleen French

**Policy and Program Assistant** - Varka Kalaydzhieva

**Office Assistant** - Rosamaria Castro / Jasmine Minassian

### From Elizabeth McWeeny, CCR President

This year marks the 40th anniversary of Canada's signing of the United Nations Convention relating to the Status of Refugees. Since 1969, Canada has gained the enviable reputation of being a world leader in protecting refugees. The CCR has been active this past year in celebrating our country's successes, as well as drawing attention to the shortcomings that call for action. Regrettably, the year has also seen a dilution of Canada's commitment to refugee protection, in the context of rhetoric from politicians and the media that is creating a new wave of xenophobia against both refugees and immigrants.

40 years ago, Canada had no refugee determination system. Today, Canada recognizes in law and policies that all refugees, without discrimination, have the right to protection in Canada and are accorded basic rights under the Canadian Charter of Rights and Freedoms. Our system is seen as a model around the world, especially in the use of decision-making by an independent quasi-judicial tribunal, the Immigration and Refugee Board. Canada has also been a leader in recognizing protection needs based on gender and sexual orientation and has broadened the definition of those needing protection to cover those facing return to torture or a risk to life.

Today, our refugee protection system is under threat. Proposed legislative changes promise to undermine a fair refugee determination process, by doing away with strong first level decision-making by the Immigration and Refugee Board and giving only second-tier protections to some refugees, based on nationality. These proposals, coupled with new visa requirements and expanded Safe Third Country exclusions, represent a weakening of Canada's commitment to the Refugee Convention. The CCR is committed to working to achieve a refugee determination system with equal access for all, a strong first level decision by an independent body and an appeal process on the merits.

Sadly, Canada is still ineffective in reuniting families and CCR has continued to work hard on this issue. Family members, especially children, are left in precarious, unsafe conditions for years. Processing of applications is often intolerably slow, especially in some regions of the world, notably Africa. Moreover, demands for expensive DNA tests or exceptions for children who are not included under the law stretch processing times still further.

Canadian immigration policy has seen a recent shift to temporary migration, which marks a dramatic change in policy for which there has been little public debate. For a country built on immigration, large-scale temporary migration has significant social, political and human implications. The CCR and its members have been raising concerns over this trend, as well as standing up for the rights of temporary workers.



Continued on page 2 >>>

**Continued from page 1 >>>**

Increasing rates of poverty among newcomers to Canada is a key concern for the CCR. The impacts of discrimination, homelessness, increasing difficulties in the job market, and lack of access to services have been keenly felt in 2009 and remain priorities.

On a positive note, more than half a million refugees have been resettled to Canada over the past 40 years. 200,000 of them have been resettled thanks to the direct support of Canadians through the Private Sponsorship of Refugees Program. But Canada could and should do more. Since 2000, fewer than 11,000 refugees have on average been resettled to Canada each year, compared to an annual average of 18,000 in the 1980s and 1990s.

In the midst of these continuing challenges, the CCR remains committed to the rights and protection of refugees and the settlement of refugees and immigrants in Canada, through dialogue with government, increased public education, outreach to traditional and non-traditional partners in other sectors and a firm spirit of solidarity with refugees who rely on us.

## Highlights of Activities 2008 - 2009



Vicente and his family were featured in a CCR publication highlighting why refugees need fair treatment. Photo submitted.

> **Children:** Through workshops, resolutions, reports and dialogue with government, we have been focusing on the impacts of policies on children. The CCR has been urging Citizenship and Immigration Canada and the Canada Border Services Agency to make the best interests of children a primary consideration, as required by the Convention on the Rights of the Child. The CCR has highlighted numerous cases where children's interests are neglected, in the areas of family separation, detention and humanitarian and compassionate consideration.

> **Refugee determination system:** Plans to change the refugee determination system were announced by the Minister of Citizenship and Immigration at the CCR's Fall 2008 Consultation. The CCR has been actively pressing for changes to preserve and build on the strengths of the current system. Unfortunately, despite repeated requests, the Minister declined to consult with the CCR. In the meantime, the CCR continued to support the implementation of the Refugee Appeal Division.



The CCR has launched a postcard campaign as part of efforts to have the Canadian government absorb the costs of transportation loans for refugees.

> **Refugee transportation loans campaign:** The CCR has shared widely what it has learned about the devastating impact on refugees of the heavy burden of the transportation loan (resettled refugees have to pay for their travel to Canada). The concern has been picked up in the media and by a range of organizations in different parts of the country.

> **Refugees in Guantanamo:** The CCR supported members who have submitted private sponsorship applications on behalf of refugees detained in Guantanamo, who are not accused of any crime but need a home where they can live in freedom and safety.

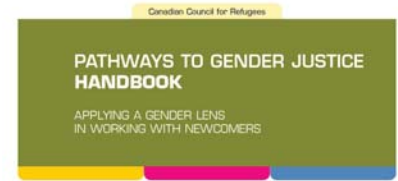


Djamel Ameziane is one of several refugees at Guantanamo sponsored for resettlement to Canada. Credit: Center for Constitutional Rights.

## Highlights of Activities 2008 - 2009

> **Anti-oppression policy:** In May 2009, after a long process of reflection, the CCR members adopted an Anti-Oppression Policy, committing the organization to anti-oppression in all areas of our work, externally and internally.

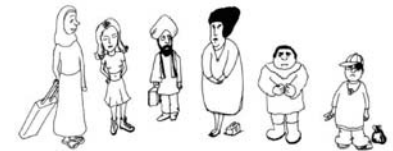
> **Pathways to Gender Justice Handbook:** Following up on previous work on bringing a gender-based approach to settlement services, the CCR



Lisa and Jordan were reunited with their mother in Canada this July after seven years, including 5 years of processing.

developed the Pathways to Gender Justice Handbook. This tool is a practical guide designed for organizations that serve refugees and immigrants.

> **Long delays at visa offices:** The CCR focused attention on the long processing times at some visa offices for privately sponsored refugees and dependants of refugees. Delays are particularly acute in Africa, especially at the Nairobi visa office. These concerns led to the development of a report, *Nairobi: Protection Delayed, Protection denied*.



> **Temporary workers:** The growing number of non-citizens admitted to Canada on temporary work visas continued to preoccupy the CCR. A pamphlet was produced to educate the public about the dramatic shift in Canada's policy – a shift that has not been publicly discussed.

The Pathways to Gender Justice Handbook helps organizations to use a gender-based approach in their work with newcomers.

> **Palestinian refugees:** The CCR joined with NGOs in other countries in a campaign to seek resettlement for Palestinian refugees forced out of Iraq and stuck in unsafe camps in border zones. Gloria Nafziger represented the CCR on an international delegation to visit the camps.



The CCR has published a new pamphlet to raise awareness about the growing number of people on temporary work visas.



Palestinian children playing at Al-Hol refugee camp in Syria. Gloria Nafziger represented the CCR on a fact-finding trip in November 2008. Credit: Gloria Nafziger.

> **Safe third country:** The CCR's efforts to challenge through the courts the designation of the US as a safe country for refugees suffered a very disappointing setback when the Supreme Court of Canada declined to hear an appeal of the case.

> **30th anniversary gala:** The celebration of the CCR's 30th anniversary concluded with an extremely successful gala dinner, held in Toronto in November 2008. The event highlighted the strong reputation that the CCR has won for itself through 30 years of tireless work in favour of refugee and immigrant rights.

## Report from Yasmine Dossal, CCR Treasurer

The CCR would like to thank all its donors, members, and supporters for their unflagging support. It has helped us continue our work, with conviction, in protecting the rights of refugees in Canada and around the world.

In order for the CCR's voice to continue to be a strong and respected one, we turn to our communities for support in meeting our financial needs.

The CCR does not receive any core funding from governments and hence relies on its friends, donors and supporters to provide financial assistance. Presently, CCR staff and board members are developing a plan to address the financial challenges that the organization faces. This plan will look at how CCR can expand its membership and donor base, how it can diversify its sources of funding, and obtain the necessary resources to cover operational costs relating to the work we do.

In order for this financial plan to succeed, we are reaching out to all of you who know the CCR and who support the CCR for the work we do.

Please come forward and assist by:

- > Encouraging your organization and others you work with to become CCR members.
- > Identifying organizations who would be happy to sponsor events like CCR consultations.
- > Making either one-time or periodic charitable donations (you will receive a receipt for tax purposes).
- > Participating at CCR consultations.
- > Volunteering time towards CCR activities, at any of the CCR's member organizations.

Your contributions, in any form, go a long way towards helping CCR achieve its goal and making Canada a welcoming place for refugees and newcomers.

The Canadian Council for Refugees is a non-profit charitable organization. Business number: 11883 0470RR 0001. Donations are tax-deductible.

## Audited Financial Report for Year Ended August 31, 2009

	2009	2008
	\$	\$
<b>Revenues</b>		
Grants		
Government	128,323	90,514
Others	8,010	51,936
Donations	162,852	122,926
Events -fundraising	32,357	600
Conference registrations	72,815	51,945
Membership fees	57,198	57,130
Publications	1,943	2,049
Interest	3,618	4,331
	<u>467,116</u>	<u>381,431</u>
<b>Expenses</b>		
Salaries	190,029	178,108
Conference expenses	91,345	52,897
Executive committee	13,918	11,788
Working Group expenses	28,079	14,016
Networking and public education	50,968	47,430
Administration expenses	44,686	43,589
Fundraising	43,870	15,805
	<u>462,895</u>	<u>363,633</u>
<b>Excess of revenue over expenses</b>	4,221	17,798
<b>Balance Sheet as at August 31, 2009</b>		
<b>Assets</b>		
Current Assets		
Cash	13,701	16,055
Investments maturing in the coming year	88,341	98,715
Accounts receivable	53,393	41,376
Prepaid expenses	3,222	1,687
	<u>158,657</u>	<u>157,833</u>
Investments	40,000	40,000
	<u>198,657</u>	<u>197,833</u>
<b>Liabilities</b>		
Current Liabilities		
Accounts payable	15,302	14,822
Deferred contributions	52,897	56,774
	<u>68,199</u>	<u>71,596</u>
<b>Net Assets</b>		
Restricted to income stabilization fund	20,000	20,000
Unrestricted	110,458	106,237
	<u>130,458</u>	<u>126,237</u>
	<u>198,657</u>	<u>197,833</u>

The above is a summary. Copies of full audited statements, including notes, are available from the CCR office.

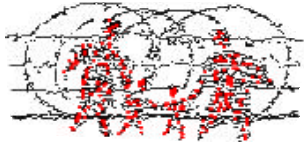
### CANADIAN COUNCIL FOR REFUGEES

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## Talking About Refugees and Immigrants: A Glossary Of Terms

Many different terms are used to describe refugees and immigrants, some with particular legal meanings, some with offensive associations. Using terms properly is an important way of treating people with respect and advancing an informed debate on the issues.

### REFUGEE TERMS

**Refugee** – a person who is forced to flee from persecution.

**Convention refugee** – a person who meets the refugee definition in the 1951 Geneva Convention relating to the Status of Refugees. This definition is used in Canadian law and is widely accepted internationally. To meet the definition, a person must be outside their country of origin and have a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

**Asylum-seeker** – a person who is seeking asylum. Until a determination is made, it is impossible to say whether the asylum-seeker is a refugee or not.

**Refugee claimant** – a person who has made a claim for protection as a refugee. This term is more or less equivalent to asylum-seeker and is standard in Canada, while asylum-seeker is the term more often used internationally.

**Resettled refugee** – a refugee who has been offered a permanent home in a country while still outside that country. Refugees resettled to Canada are determined to be refugees by the Canadian government before they arrive in Canada (whereas refugee claimants receive a determination in Canada).

**Protected person** – according to Canada's *Immigration and Refugee Protection Act*, a person who has been determined by Canada to be either (a) a Convention Refugee or (b) a person in need of protection (i.e. a person who may not meet the Convention definition

but is in a refugee-like situation defined in Canadian law as deserving of protection, for example because they are in danger of being tortured.

**Internally displaced person** – a person who has been forcibly displaced but is still within the borders of their home country.

**Stateless person** – a person who is not recognized as a citizen by any state. Some refugees may be stateless but not all are, and similarly not all stateless people are refugees.

**You may also hear... Political refugee and Economic refugee** – these terms have no meaning in law, and can be confusing as they incorrectly suggest that there are different categories of refugees.



## TERMS FOR IMMIGRANTS

**Immigrant** – a person who has settled permanently in another country. Immigrants choose to move, whereas refugees are forced to flee.

**Permanent resident** – a person who has been granted permanent resident status in Canada. The person may have come to Canada as an immigrant or as a refugee. Permanent residents who become Canadian citizens are no longer permanent residents.

**Landed immigrant** – this term, still sometimes used, has officially been replaced by the term “permanent resident.”

### Other terms for people outside their home country

**Foreign national** - a person who is neither a Canadian citizen nor a permanent resident (according to Canada's *Immigration and Refugee Protection Act*).

**Temporary resident** – a person who has permission to remain in Canada on a temporary basis (the main categories are students, temporary workers and visitors).

**Migrant** – a person who is outside their country of origin. Occasionally this term is used to cover everyone outside their country of birth (including people who have been Canadian citizens for decades). More often, it is used for people currently on the move or people with temporary status or no status at all in the country where they live. It tends to be applied to people at the bottom of the economic ladder. For example, we don't often hear of migrant businessmen.

**Economic migrant** – a person who moves countries in order to take up a job or seek a better economic future. The term is correctly used for people whose motivations are entirely economic. However, migrants' motivations are often complex and may not be immediately obvious, so it is dangerous to apply the “economic” label too quickly to an individual or group of migrants.

**Person without status/ Undocumented** – a person who has not been granted permission to stay in the country, or has overstayed their visa. The term can cover a person who falls between the cracks of the system, such as a refugee claimant who is refused refugee status but not removed from Canada because of a situation of generalized risk in the country of origin. The term “undocumented” can be confusing, because it is also used in Canada to refer to refugees who lack identity documents from their country of origin.



### YOU MAY ALSO HEAR:

**Illegal migrant/illegal immigrant** – these terms are considered problematic because they criminalize the person, rather than the act of entering or remaining irregularly in a country. Using the term can also have the disadvantage of prejudging the status of the person. If a person is fleeing as a refugee, international law recognizes that they may need to enter a country without authorization and it would therefore be misleading to describe them as an “illegal migrant”. Similarly, a person irregularly in the country may have been coerced by traffickers: such a person should be recognized as a victim of crime, not a wrong-doer.

**Illegal** – this term is similarly problematic, because it transfers the illegality from the status to the person. Its use has provoked as a response the slogan “no one is illegal.”

**Alien** – this term is used in some countries, notably the US, to designate non-citizens. Many people find the term dehumanizing.

**Worth thinking about...** Refugees and migrants seem to attract water imagery. We hear of refugee flows, floods of migrants, pools of refugees... What impact do these images have on our attitudes to the people under discussion?

For more information or to arrange for a media interview, please contact:

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**X** Canada respects the rights of all refugees and immigrants living in Canada.

✓ Canadians are rightly proud of our Charter of Rights and Freedoms and our human rights commitments, but our record is not spotless. For example, Canada has been criticized by the United Nations Committee against Torture and the UN Human Rights Committee for not recognizing our responsibility as a signatory to the Convention against Torture not to return a person to a country where there is a risk of torture, without exception.<sup>18</sup>

✓ The UN Committee on the Rights of the Child has repeatedly criticized Canada for its slowness in reuniting refugee families, in violation of the Convention on the Rights of the Child which requires States to deal expeditiously with requests for family reunification.<sup>19</sup>

✓ In 2000, the Inter-American Commission on Human Rights identified a series of flaws in Canada's refugee determination system, including the lack of appeal.<sup>20</sup> Many of these flaws have not been addressed, as is shown in the finding of the UN Committee against Torture in the case of Mr. Falcon Rios. The Committee found that the Canadian refugee claim process had not been effective in assessing his risk of torture.<sup>21</sup>

## ? References and Additional Resources:

<sup>1</sup>Convention Relating to the Status of Refugees, Article 33. Available at: [www.ohchr.org](http://www.ohchr.org). Convention against Torture, Article 3. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>2</sup>Singh v. Minister of Employment and Immigration. [1985] 1 SCR 177.

<sup>3</sup>Convention Relating to the Status of Refugees, Article 31. This is reflected in Canada's Immigration and Refugee Protection Act (s. 133) which exempts refugees from prosecution for using false documents.

<sup>4</sup>UNHCR. Identity Documents for Refugees. Document EC/SCP/33.

<sup>5</sup>Claimants can seek judicial review at the Federal Court of a negative determination, but only with leave (or permission) and the Federal Court can only correct certain types of error. This means that the refugee determination may be wrong, but it still not be overturned by the Federal Court. The other recourses available to refugee claimants are not reviews of the initial determination: the Pre-Removal Risk Assessment (PRRA) will only consider new evidence; and the Humanitarian and Compassionate application will not revisit the refugee determination (and the claimant may be deported while the application is pending). For more details, see: CCR. *The Refugee Appeal: Is no one listening?* March 2005.

[www.ccrweb.ca/RADpage/RADpage.htm](http://www.ccrweb.ca/RADpage/RADpage.htm)

## ? References and Additional Resources (continued):

<sup>6</sup>Immigration and Refugee Board of Canada. *Report on Plans and Priorities 2006-07*. Available at: [www.tbs-sct.gc.ca/rpp/0607/IRB-CISR/irb-cisr02\\_e.asp#rp](http://www.tbs-sct.gc.ca/rpp/0607/IRB-CISR/irb-cisr02_e.asp#rp)

<sup>7</sup>According to the US Committee for Refugees and Immigrants (USCRI), countries with per capita incomes over \$10,000 US (Canada included) host a mere 4% of the world's refugees. USCRI. *World Refugee Survey 2006*. p.14, Table 13.

<sup>8</sup>USCRI. *World Refugee Survey 2006*. p. 14 (Table 13)

<sup>9</sup>USCRI. *World Refugee Survey 2006*. p. 4 (Table 3)

<sup>10</sup>UNHCR. *Refugees*. 2005. posters. Available at: <http://www.unhcr.org/help/4083de384.html>; US Committee for Refugees (USCRI). *World Refugee Survey 2006*. p. 15 (Table 15).

<sup>11</sup>USCRI. *World Refugee Survey 2006*. p. 15 (Table 14).

<sup>12</sup>For the years 2003-2006, only 7 out of a total of 99,980 claims were found ineligible on grounds of security. Calculated by the Canadian Council for Refugees from statistics provided by Citizenship and Immigration Canada.

<sup>13</sup>Terence Corcoran. "Immigration report worth ignoring". *The National Post*. 14 March 2006.

<sup>14</sup>Longitudinal Survey of Immigrants to Canada (LSIC): Process, progress and prospects. 4 Sept. 2003. p. 35. Available at: [www.statcan.ca/english/dai-quo/](http://www.statcan.ca/english/dai-quo/).

<sup>15</sup>Picot, Garnett, Feng Hou and Simon Coulombe. *Chronic Low Income and Low-income Dynamics Among Recent Immigrants*. Statistics Canada Analytical Studies Branch Paper Series. Volume 2007, Number 294, pp. 7, 24. Available at: [www.statcan.ca/english/research/11F0019MIE/11F0019MIE2007294.pdf](http://www.statcan.ca/english/research/11F0019MIE/11F0019MIE2007294.pdf)

<sup>16</sup>Frank Oliver, House of Commons Debates, 12 April 1901. Frank Oliver went on to become the immigration minister.

<sup>17</sup>"Address by the Prime Minister at the World Urban Forum", 19 June 2006. Available at: [www.pm.gc.ca/eng/media.asp?id=1212](http://www.pm.gc.ca/eng/media.asp?id=1212)

<sup>18</sup>Office of the High Commissioner for Human Rights (OHCHR). *Conclusions and recommendations of the Committee against Torture: Canada*. CAT/C/CR/34/CAN. 7 July 2005, para.s 5 (a) and (b); OHCHR. *Consideration of Reports Submitted by States Parties under Article 19 of the Convention: Conclusions and recommendations of the Committee against Torture*. CAT/C/CO/34/CAN, para. 4(a); OHCHR. *Conclusions and recommendations of the Committee for Human Rights: Canada*. CCPR/C/CAN/CO/5, para. 15. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>19</sup>Committee on the Rights of the Child. *Concluding observations of the Committee on the Rights of the Child : Canada*. CRC/C/15/Add.37, para.s 15, 24.; *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Canada*. CRC/C/15/Add.215, para. 47. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>20</sup>Inter-American Commission on Human Rights. *Report on the situation of human rights of asylum seekers within the Canadian refugee determination system*. OEA/Ser.LV/II.106, Doc. 40; Committee against Torture (CAT). *Case No. 133/1999: Falcon Rios v. Canada*. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>21</sup>CAT. *Case No. 133/1999: Falcon Rios v. Canada*. Available at: [www.ohchr.org](http://www.ohchr.org)

More information available at:  
[www.ccrweb.ca](http://www.ccrweb.ca)

# Facing Facts

## Myths and misconceptions about refugees and immigrants in Canada



**X** Real refugees are those who wait in refugee camps overseas. Those who make a claim in Canada jump the line and are not as deserving.

✓ Refugees are people who have been forced from their homes by human rights abuses. All refugees have a right to protection, wherever they are. Saying that some refugees are more deserving than others is the same as saying that some human beings are of less value than others.

✓ Canada has legal obligations towards refugees in Canada under the *Convention Relating to the Status of Refugees* and the *Convention against Torture*.<sup>1</sup> The Supreme Court of Canada has also confirmed that the Canadian Charter of Rights and Freedoms guarantees the right of asylum seekers to fundamental justice.<sup>2</sup> Not everyone who makes a claim in Canada will be found to be a refugee, but all need to be heard to ensure that no one is sent back to face persecution or torture. Canada does not have the same legal obligations towards refugees outside Canada who apply for resettlement.

✓ We should not expect refugees to wait passively for someone to help them. Refugees do what they can to save their lives and the lives of their families. Refugees are survivors – and of those who make it to Canada, most have already survived a lot!

## **X** Real refugees don't travel on false documents.

✓ **O**n the contrary, international law recognizes that refugees often have no choice but to enter a country of asylum illegally. The Refugee Convention therefore prohibits governments from penalizing refugees who enter or remain illegally in their territory.<sup>3</sup>

✓ **I**nterdiction measures include visa requirements and identity checks by airlines and other carriers. They are used by many governments, including the Canadian government, to prevent people from arriving on their territory and force refugees to use smugglers and false documents to reach safety.

✓ **M**any Jews fleeing Nazi persecution in the first half of the twentieth century used false documents to reach safety and were later recognized as refugees.

✓ **F**or many refugees fleeing persecution, a false travel document is the only means of escape. Repressive governments often refuse to issue passports to known political dissidents – or imprison them if they apply. Sometimes refugees are stripped of their identification as they flee from conflict or have no time to collect their documents before fleeing for safety.

“ Due to the circumstances in which they are sometimes forced to leave their home country, refugees are perhaps more likely than other aliens to find themselves without identity documents.”

– Office of the United Nations High Commissioner for Refugees (UNHCR)

## **X** Canada's refugee determination system needs reform to become faster.

✓ **R**efugee status determination is an inherently difficult process. Placing speed above other criteria in the process leads to poor decisions.

✓ **U**nlike other countries with a refugee determination system, including the United States, the United Kingdom, France, the Netherlands, and South Africa, Canada does not give refused claimants an appeal on the merits of their case, even though a refugee appeal was legislated in the 2001 *Immigration and Refugee Protection Act*. As a result, wrong decisions in Canada often go uncorrected and refugees face forced return to persecution.<sup>5</sup>

✓ **R**efugee status determination processing times are determined by how effectively the government manages the process. One cause of increased processing times is government failure to make timely appointments of members to the Immigration and Refugee Board. In 2006, the Immigration and Refugee Board projected a 12% decrease in the number of cases finalized<sup>6</sup> due to a shortage of board members.

## **X** Canada does more than its share to assist refugees and asylum seekers when compared to other countries.

✓ **O**nly a small minority of refugees and asylum seekers make claims in the world's richest countries, including Canada.<sup>7</sup> In 2005, Tanzania alone hosted more refugees than Canada, Germany, the United States, the United Kingdom, France, Italy and Japan combined.<sup>8</sup> While Chad, Kenya, Thailand, China, Iran and Jordan each hosted more than 250,000 refugees in 2005, Canada hosted only 39,500.<sup>9</sup>

✓ **C**anada donates far less per capita in support for refugees abroad than Luxembourg, Norway, Sweden, Denmark, the Netherlands and Ireland. For example, in 2005 Norway donated nearly 14 times more money per capita than Canada to international refugee aid agencies.<sup>10</sup> Per capita, Canada was only the fourteenth largest donor to international refugee aid agencies in 2005.<sup>11</sup>

## **X** Refugee claimants pose threats to Canada's security.

✓ **R**efugee claimants are not threats to security – they are seeking security and protection from threats to their own lives.

✓ **R**efugee claimants all go through a front-end security screening, in place since November 2001. Through this process, the Canadian Security Intelligence Service (CSIS) checks all refugee claimants on arrival in Canada. Since the screening was put in place, the number of claimants found to represent any kind of security concern has been statistically insignificant.<sup>12</sup>

✓ **I**t is far more difficult to enter Canada as a refugee than as a visitor, because the refugee determination process involves security checks by CSIS and the RCMP, fingerprinting and interviews. It is not likely that a person intending to commit a violent act would expose themselves to such detailed examinations.

✓ **T**he *Immigration and Refugee Protection Act* excludes refugee claimants if they are found to be inadmissible on the basis of security, serious criminality, organized criminality or human rights violations.

“ We may need a policy to deal with terrorism, but it does not follow that immigration or refugee determination is the place to start.”

– Terence Corcoran, *The National Post*

## **X** Family class immigrants contribute less to Canada than economic immigrants.

✓ **F**amilies make significant positive contributions to Canadian society. The Longitudinal Survey of Immigrants to Canada (2003) found that immigrants tend to establish themselves more easily if they are supported by their families.<sup>14</sup>

✓ **A**ccording to a 2007 Statistics Canada study, family class immigrants are less likely to be low-income than skilled workers immediately after they arrive in Canada.<sup>15</sup>

✓ **P**eople contribute to society in many ways. We make a fundamental error if we rank the value of one's contribution, whether immigrant or native born, purely in economic terms. People contribute in many other ways, as caregivers, leaders, artists, community workers and elders.

## **X** Canada has more difficulty integrating newcomers today than a century ago. Immigrants are now more diverse.

✓ **F**ears about immigrant integration are not new. Generation after generation, people have worried about whether the most recent immigrants will integrate as well as previous immigrants.

✓ **A** hundred years ago, Canada was actually quite diverse, with First Nations peoples, a significant Chinese population especially in the West, African Canadians who had been living in Canada for generations, in addition to people of different European heritages. Due to racism this diversity was denied and has tended to be forgotten. Among the early immigrants arriving in large numbers, some European groups were seen as big challenges to integration. Ukrainians, for example, were seen by many as alien because of perceived differences in race (Slav), language, religion (Orthodox) and customs. In 1901 a Member of Parliament told the House of Commons that the assimilation of Ukrainians “means the intermarriage of your sons and daughters with those who are of an alien race and of alien ideas.”<sup>16</sup>

✓ **D**iversity is not something to be feared: diversity is Canada's strength.

“ Canada's diversity, properly nurtured, is our great strength...”

– Stephen Harper, Prime Minister



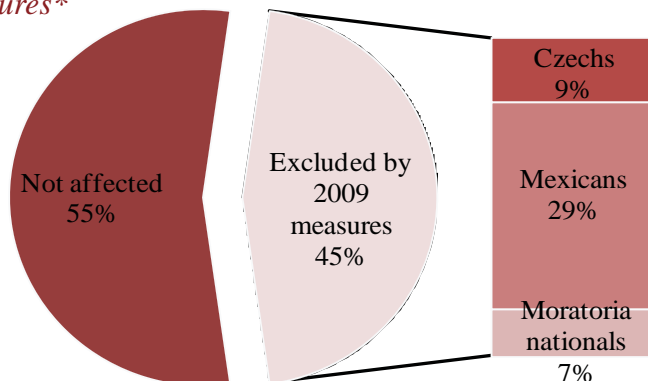
# Canadian Council for Refugees Conseil canadien pour les réfugiés

## A Year in Review: Concerns in 2009

### Closing Canada's Doors to Refugees

In the summer of 2009, the Canadian government dramatically closed the door on people seeking Canada's protection, by imposing visa requirements on the Czech Republic and Mexico (despite the serious human rights abuses occurring in those countries), and by turning back nationals of moratoria countries (Afghanistan, the Democratic Republic of the Congo, Haiti, Iraq and Zimbabwe) who make claims at the US-Canada border. Many of these people would have been recognized as refugees in Canada, but now risk being deported by the US.

#### *Claimants shut out by 2009 measures\**



\* Based on January - June 2009 claimant numbers



Nuemi and Bebe, refused protection in Canada and deported to Mexico. They survived but Bebe's sister was murdered by the people they had originally fled.  
Credit: David Cooper/GetStock.com

The Minister of Citizenship and Immigration also announced plans for changes to Canada's refugee determination system that would make it less fair, including the introduction of a two-tier system with lesser protections for some claimants based on country of origin, and a lower quality first-level decision. These changes increase the risk that Canada will send refugees back to persecution, in violation of our legal obligations.



Vicente and his family, profiled by the CCR in 2009.

### Erosion of Government Commitment to Refugee Rights

Refugees have also been hurt by the highly negative language used to discuss them publicly. References by representatives of the federal government to "bogus" claimants and similar misleading and disparaging terms have been widely repeated in the media. Government discourse has fostered hostility towards refugees, making them feel less welcome in Canada and undermining public support for refugee protection. The negative rhetoric has also fed into more general xenophobia and racism, affecting not only refugees, but also immigrants and racialized minorities.

Minister of Citizenship and Immigration Jason Kenney also suggested that refugee claimants in Canada are "fake" and that "real refugees" are overseas. The CCR totally rejects the notion that "real" refugees are only to be found overseas. Whether they are in Canada or overseas, refugees have the same right to and need of protection.

Under the UN Convention relating to the Status of Refugees, Canada has legal obligations towards people in Canada who claim our protection. 2009 is the 40th anniversary of Canada's signature of this fundamental instrument of refugee protection.

## Overseas Processing Delays: Protection delayed, protection denied

Long delays are a well-known feature of Canadian immigration processing, but the Nairobi visa office stands out for its extraordinarily long processing times.

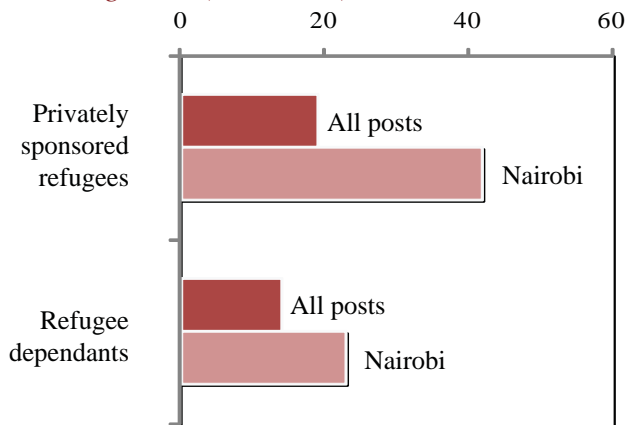
In 2009 processing times got slower at Nairobi. In 2008, half of privately sponsored refugees waited more than 40 months. As of mid-2009 the visa processing time was up to 42 months (3½ years). Nairobi is by far the slowest visa office for privately sponsored refugees.

Family members of refugees in Canada also face excruciatingly long waits if their case is being processed in Nairobi.



Jordan and Lisa with their mother. Processing of their family reunification applications at Nairobi took over 5 years.

### Processing times (in months)\*



\*Data for July 2008 to June 2009

The Nairobi visa office serves a huge area (18 countries and nearly 7 million km<sup>2</sup>), processes a large number of applications and is under-resourced for the task it faces. The area covered by the Nairobi visa office is also one that hosts a very large number of refugees, many of them in need of resettlement.

The extremely long processing times are unacceptable. The disproportionately long times for Africans processed through Nairobi is discriminatory in effect, even if not in intention.

## Children's Rights in Focus

2009 marked the 20th anniversary of the signing of the UN Convention on the Rights of the Child. Non-citizen children, along with aboriginal children, continue to suffer the most serious breaches of Canada's obligations towards children's rights.

### > Children in detention

Children should rarely, if ever, be held in immigration detention. According to Canadian law, children are to be detained only as a measure of last resort. Despite this, children are regularly detained in Canada, sometimes for many weeks, and not only in exceptional circumstances.



Akin and his mother. They were detained for 49 days.



Ummi shows her Canadian-born son his sister, whom he has never seen. Ummi applied for reunification with her daughter in 2005 and is still waiting. Credit: Settlement Arts/Anna Hill.

### > Reuniting children with their family: delays and barriers

Children need to be with their parents – Canada is falling down on its obligation under the Convention on the Rights of the Child to ensure that children are reunited as quickly as possible with their parents. In some cases, children are separated from both parents and left in the care of elderly family members or neighbours. It is intolerable that two years should be the norm for processing at some visa posts such as Nairobi (many children wait much, much longer than two years).

These long waits have especially dramatic impacts on children abroad who remain at risk. The psychological, financial and social impacts have long-term negative consequences for success in school, work and life in Canada.



Guatemalan migrant worker on a farm in Quebec.  
Credit: canadabrian/GetStock.com

Temporary status means that workers' rights are not fully protected. In her fall 2009 report, the Auditor General of Canada raised concerns that Temporary Foreign Workers are vulnerable to abuse.

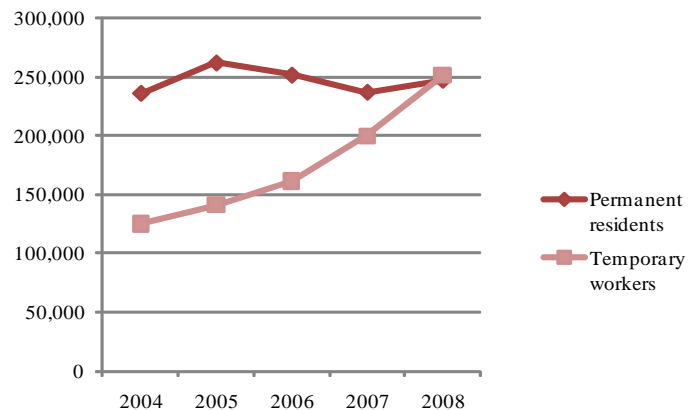
In October 2009, the federal government proposed changes to the Temporary Foreign Workers Program, intended to address rising concerns for the fair treatment of these workers. However, the proposals do more to penalize than to protect Temporary Foreign Workers. The proposals also fail to challenge the basic policy of relying on temporary migration to fill employers' demand for labour.

## Temporary workers: Canada's dramatic shift in policy

Canada has been bringing in more and more workers on temporary work permits, rather than as permanent residents. In recent years, the number of people in Canada as temporary foreign workers more than doubled.

Traditionally Canada has welcomed immigrants on a permanent basis, with most becoming citizens. The recent shift to temporary migration marks a dramatic change in policy, yet there has been little public debate.

### *Comparison of new permanent residents and temporary workers, 2004-2008*

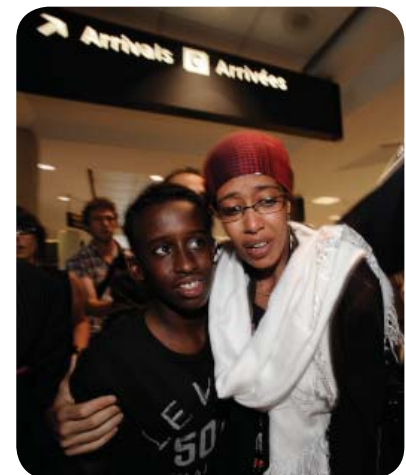


Source: Citizenship and Immigration Canada, Facts and Figures 2008

## Two-tier citizenship called into question

2009 saw increasing concerns that not all Canadian citizens are considered equal.

Changes to the Citizenship Act took effect in April 2009, with significant impacts on who can inherit Canadian citizenship from their parent. The changes effectively create two classes of citizenship, with a lower class that has no right to pass on their Canadian citizenship to their children (natural born or adopted). As a result, there is a new risk that children of Canadian citizens will be stateless.



Suaad Haji Mohamud reunited with her son.  
Credit: Lucas Oleniuk/GetStock.com



Abdullah Almalki. Credit: Wikipedia/Joshua Sherurcij

The cases of Suaad Haji Mohamud, a Canadian citizen of Somali origin stranded in Nairobi, and Abousfian Abdelrazik, stuck in limbo at the Canadian Embassy in Khartoum, highlighted the fact that some citizens, based on race and religion, are denied the rights, freedoms and protections that should be guaranteed to all citizens. The problem was dramatically illustrated at a CCR workshop on the topic by the absence of one speaker, Abdullah Almalki, a Canadian tortured in Syria, who was prevented from boarding a flight to Windsor from Ottawa.

## Parliament and courts fail refugees

The year began and ended with significant blows to refugees, delivered by Canada's institutions.

In February, the Supreme Court of Canada refused to hear an appeal of the safe third country legal challenge, leaving in place the lower court ruling that allowed the government to send refugees back to the US whether or not that country is safe. The Federal Court of Appeal had ruled that the fact "that the US does not 'actually' comply [with its obligations to refugees] is irrelevant."

In December, the House of Commons defeated at third reading a bill to force implementation of the Refugee Appeal Division. Refugee claimants in Canada have been denied the appeal that Parliament granted them in the 2001 *Immigration and Refugee Protection Act*. As a result refugees' fate will continue to be determined by a single decision maker, without appeal on the merits to correct errors.



Supreme Court of Canada.

## Government to reduce refugee and family numbers

The government's 2010 immigration plan maintains the same total number of immigrants, but reduces the numbers of refugees and Family Class immigrants. The government plans that, of new permanent residents in 2010, only 8% will be refugees. This is the lowest proportion given to refugees in at least 20 years (down from an average of 12% in the past two decades).

Immigration plan (lower end range)				
	2009	%	2010	%
Economic	140,300	58	156,300	65
Family	68,000	28	57,000	24
Refugee	23,600	10	19,600	8
Other	8,100	3	7,100	3
<b>Total</b>	<b>240,000</b>		<b>240,000</b>	



John Chol, featured in a Winnipeg Free Press article on refugee transportation loans. Credit: Winnipeg Free Press/Boris Minkevich

## Transportation Loans: Heavy burdens in tough economic times

There were increasing calls in 2009 for the Canadian government to absorb the costs of transportation loans for refugees and refugee families. Media across the country have depicted the dramatic impacts of the transportation debt on resettled refugees and their families. Various actors, including educators, healthcare professionals and municipal governments, have taken up the issue and are calling on the government to change its policy.



## 40th Anniversary of Canada signing the Refugee Convention

2009 marked the 40th anniversary of Canada's signing of the Convention relating to the Status of Refugees, 18 years after it was adopted by the United Nations.

CCR members used the opportunity to highlight Canada's actions towards refugees using the theme 'Recognizing Successes, Acting for Change'.



WANT TO KNOW MORE?

Visit the CCR's website:

[www.ccrweb.ca/concerns2009](http://www.ccrweb.ca/concerns2009)

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December 2009



## PUBLICATIONS LIST - December 2009

Most documents below, and many others, are available on the CCR website: [www.ccrweb.ca](http://www.ccrweb.ca)

\*Also available in hard copy and can be ordered from the CCR office (see order form for \* prices).

Order forms are available at: <http://www.ccrweb.ca/documents/publicationsorderform.pdf>

### CCR Public Education Resources

#### Refugee and Immigrant Rights in Canada

- ✓ \*Lives in the Balance: Understanding current challenges to the refugee claim process, *Booklet*, 05/2009
- ✓ \*40<sup>th</sup> anniversary of Canada signing the Refugee Convention, 1969-2009. Recognizing Successes, Acting for Change, *Pamphlet, Display board*, 03/2009.
- ✓ \*State of Refugees in Canada: An introduction to refugee and immigration issues in Canada, *Booklet*, 10/2008
- ✓ \*Justice for Refugees and Immigrants: Some key issues, *pamphlet*, 06/2008
- ✓ Refugee Claimants in Canada: Some facts, *Factsheet* 10/2007
- ✓ \*Being Welcome is a Part of Belonging, *DVD (90 seconds)*, 05/2007
- ✓ \*Facing Facts : Myths and misconceptions about refugees and immigrants in Canada, *Pamphlet & Powerpoint presentation* 03/2007
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- ✓ Ten Reasons Why Safe Third Country is a Bad Deal, *Pamphlet* 03/2005
- ✓ Safe Third Country Agreement: Impact on Refugee Claimants, Frequently Asked Questions, *Factsheet*, 01/2005

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#### Lives on Hold: Nationals of moratoria countries living in limbo

- ✓ Lives on Hold: The faces behind humanitarian and compassionate applications, *Factsheets and profiles*, 03/2007
- ✓ \*Lives on Hold , *DVD (10 mins) and Video Study Guide*, 05/2006

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- ✓ \*Nairobi : Protection delayed, protection denied, *Booklet*, 10/2009

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- ✓ \*Protecting for Trafficked Persons in Canada, *Pamphlet*, 11/2007
- ✓ \*Proposal for Legislative Amendment to Protect Trafficked Persons: Frequently Asked Questions, 11/2007
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#### Proud to Aid and Abet Refugees

- ✓ \*Proud to aid and abet refugees, *Buttons and stickers*
- ✓ Petition to the House of Commons

#### Refugee Appeal Division

- ✓ Call to implement the Refugee Appeal Division, *Factsheets and speaking notes for meetings*, 10/2009

#### Refugee Resettlement

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- ✓ Feeling the Chill: Discrimination against Arabs and Muslims in Canada, *Pamphlet*, 10/2004
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#### Statelessness

- ✓ \*Statelessness and Canada: An introduction, *Booklet*, 03/2009

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- ✓ \*From Permanent to Temporary Migration, *Pamphlet*, 10/2009

#### Transportation Loans for Refugees

- ✓ \*End the Burden of Transportation Loans, *Postcards*, 07/2009
- ✓ End the Burden of Transportation Loans, *Factsheets and profiles*, 10/2008
- ✓ \*Hidden Costs: Paying back refugee transportation loans, *DVD (10 mins)*, 09/2008

*Reports, research, toolkits*

### **Refugee and Immigrant Rights in Canada**

- ✓ Report on Systemic Racism and Discrimination in Canadian Refugee and Immigration Policies, 11/2000

### **Canada-US Safe Third Country Agreement**

- ✓ Supplementary submission to Cabinet with respect to the designation of the U.S. as a safe third country for refugees, 04/2007
- ✓ Safe Third Country: Briefing to the Standing Committee on Citizenship and Immigration, 02/2007
- ✓ Less Safe Than Ever: Challenging the designation of the US as a safe third country, 11/2006
- ✓ Closing the Front Door on Refugees: Report on the first year of the Safe Third Country Agreement, 12/2005

### **Detention Issues**

- ✓ Detention and Best Interests of the Child, 11/2009

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- ✓ Submission on Excluded Family Members, Regulation 117(9)(d), 06/2007
- ✓ More than a Nightmare: Delays in family reunification, 11/2004
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- ✓ From Fast Death to Slow Death: Palestinian refugees from Iraq trapped on the Syria-Iraq border, 11/2008
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- ✓ Canada Urged to Respond to Iraqi Refugees, 04/2007
- ✓ Analysis of Refusals of Iraqi Private Sponsorship Applications at Damascus, 12/2006

### **Lives on Hold: Nationals of moratoria countries living in limbo**

- ✓ Lives on Hold: The limits of H&C, 09/2006
- ✓ Lives on Hold: Nationals of moratorium countries living in limbo, 07/2005

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- ✓ The Private Sponsorship of Refugee Program: Current challenges and opportunities, 04/2006

- ✓ No Faster Way: Private sponsorship delays, 10/2004

### **Protection for Trafficked Persons**

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- ✓ The Refugee Appeal: Is no one listening?, 03/2005

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- ✓ 'Security' certificates: Next steps, 04/2007

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### **Family Reunification and Separated Children**

- ✓ Strategies for Intervening in Family Reunification Cases: Practical Guide, *Factsheet*, 02/2008

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- ✓ Factsheet for nationals of moratoria countries without permanent status in Canada, *Factsheet*, 07/2007

### *About the CCR*

- ✓ \*Canadian Council for Refugees: Working together on behalf of refugees and immigrants, *Pamphlet, Powerpoint presentation, Display board*
- ✓ \*CCR Resolutions Book, *Adopted CCR resolutions and notes on progress*