

Nairobi:

Are we being fair?

Canada's visa office in Nairobi has some of the slowest processing times of all Canadian visa offices. The delays at Nairobi leave vulnerable refugees, as well as children of refugees, in dangerous situations for years.

Speed up processing in Nairobi. Resettle more refugees through the Nairobi visa office.

Proposal for Conditional Permanent Residence: A step backwards

In March 2011, notice was given in the Canada Gazette of a proposal to introduce a conditional permanent residence period of two years or more for sponsored spouses and partners who have been in a relationship of two years or less with their sponsors. If implemented, this proposal will increase inequalities in relationships between spouses and put women in particular at heightened risk of violence.

Oppose spousal abuse. Oppose the proposal for Conditional Permanent Residence.

Bill C-4: An unprecedented attack on the rights of refugees

On 16 June 2011, the government reintroduced Bill C-4, the Preventing Human Smugglers from Abusing Canada's Immigration System Act (formerly Bill C-49). Despite the title, most of the provisions in the bill punish refugees, not smugglers. The people who will suffer if this bill is passed are people fleeing persecution, including children.

Bill C-4 must be defeated or withdrawn. The government should address the problem of smuggling in ways that do not punish refugees.



Canadian Council for Refugees
Conseil canadien pour les réfugiés
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October 2011



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Nairobi: Are we being fair?

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Very long processing times at Nairobi for refugees being resettled to Canada

Processing times for refugees are extremely slow at Nairobi. Government assisted refugees referred by the UNHCR regularly wait more than two years to be resettled. Most privately sponsored refugees must wait over three years.

Thousands of refugees in many different countries are affected by the long delays at Canada's Nairobi office

Canada's visa office in Nairobi covers 18 countries in East and Central Africa. These countries host hundreds of thousands of refugees, including Somalis, Eritreans, Ethiopians, Congolese, Sudanese, Rwandans and Burundians. Many have already been waiting years for a durable solution, barely surviving in wretched camps or in precarious situations in the cities.

Canada has the capacity to resettle more refugees from this African region

There are many Canadians ready and waiting to welcome refugees from this part of the world. However, rather than increasing the numbers of African refugees to be admitted, the Canadian government has asked private sponsors to submit fewer applications at the Nairobi office. The government has also asked the UN High Commissioner for Refugees to stop referring refugees in this region, because of the large backlog.

Long delays for refugee family reunification at Nairobi visa office

The Nairobi office is also one of the slowest in the world for family members of refugees. African children regularly wait more than two years to be reunited with their parents, after their parents have already been accepted as refugees in Canada. These children must often stay in unsafe situations while they wait to join their parents in Canada.

Refugee dependants	Half the cases take more than:
Nairobi	23 months
All posts	12 months

Privately sponsored refugees	Half the cases take more than:
Nairobi	38 months
All posts	19 months

Data to end 2010

Nairobi is very slow for Family Class too

The Nairobi office is the slowest in the world for Family Class. According to the government website, a dependent child can expect to wait 32 months for processing at Nairobi.

Solutions:

- > **Speed up processing in Nairobi**
- > **Resettle more refugees through the Nairobi visa office**

For more information: ccrweb.ca/en/nairobi



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Proposal for Conditional Permanent Residence: A Step Backwards



In March 2011, the federal government published in the *Canada Gazette* a proposal to introduce a conditional permanent residence period of two years or more for sponsored spouses and partners who have been in a relationship of two years or less with their sponsors. According to the proposal, if the sponsored spouse or partner does not remain in a bona fide relationship with their sponsor during the conditional period, their permanent residence could be revoked, and they would be deported.

If implemented, this proposal will increase inequalities in relationships between spouses and put women in particular at heightened risk of violence.

Spousal Abuse – impact on women and children

- > Making permanent residency for the sponsored partners conditional puts all the power into the hands of the sponsor, who can use the precarity of the partner's status as a tool for manipulation – at any time, the sponsor can declare the spouse fraudulent. This can be a constant threat and source of fear for the sponsored person, who faces the risk of being deported.
- > This power imbalance affects all sponsored partners, regardless of the “genuineness” of relationship, and reinforces unequal gendered power dynamics.
- > Making permanent residency conditional on staying in the marriage for two years traps women in abusive relationships for fear of losing their status. Children will also be hurt when they remain with their parent in an abusive home, or if they face being separated from one parent if the sponsored parent is removed from Canada.

- > Having exceptions for cases of spousal abuse will not solve the problem. Many sponsored immigrants speak neither official language and are unaware of their rights: they are likely to remain in an abusive situation because they are unaware that an exception applies to their situation.

The proposal unfairly treats immigrants as fraudulent and insincere

- > Many genuine relationships break down in the course of two years: it is unfair to treat them as necessarily “fraudulent”.
- > The federal government's suggestion that some cases would be “targeted for fraud” raises fears of possible racial, national or ethnic stereotyping and discrimination, and of malicious denunciations.
- > No evidence has been presented to suggest that this proposal is addressing a widespread problem. The immigration law already has provisions to deal with any people who commit misrepresentation, including through engaging in “marriages of convenience.”

Oppose spousal abuse.

Oppose the proposal for Conditional Permanent Residence.

For more information: ccrweb.ca/en/conditional-permanent-residence



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Bill C-4: An unprecedented attack on the rights of refugees



On 16 June 2011, the government reintroduced Bill C-4, the Preventing Human Smugglers from Abusing Canada's Immigration System Act (formerly Bill C-49).

Despite the title, most of the provisions in the bill punish refugees, not smugglers. The people who will suffer if this bill is passed are people fleeing persecution, including children.

Bill C-4 jails refugees for a year

Under Bill C-4, some refugees will face mandatory detention for one year, without review. Children will be among those jailed. Detention without review is arbitrary detention, which is contrary to the Canadian Charter of Rights and Freedoms and to international law.

Bill C-4 keeps refugees separated from their families

Under Bill C-4, some refugees will be denied permanent residence for five years, even after they are recognized as refugees. This prevents them from reuniting with their children, in violation of the Convention on the Rights of the Child. Children left behind overseas are at risk while waiting to be reunited with their parents who are refugees in Canada.

Bill C-4 violates the Charter and Canada's international human rights obligations

The bill violates numerous rights protected by the Canadian Charter of Rights and Freedoms and by international conventions to which Canada is signatory, including the Convention relating to the Status of Refugees and the Convention on the Rights of the Child.

Punishing refugees through detention and temporary status does not work as a deterrence

The deterrence measures in Bill C-4 have been tried by Australia – and they failed. The policies resulted in refugees, including many children, being traumatized by their experiences in detention. There is no empirical evidence that detention deters arrivals. Australia acknowledged in 2008 that imposing temporary status on refugees “did not have any deterrent effect.”

The costs of Bill C-4 will be huge

If passed, Bill C-4 will be extremely costly, in terms of tax dollars, in terms of human suffering and in terms of Canada's credibility internationally. Jail costs are high, as are the long-term health and social costs of imprisoning traumatized people and keeping refugees separated from their families. After adopting a law that violates refugee rights, Canada will lack the moral authority to play a leadership role internationally in efforts to find solutions to the problems faced by refugees.

Bill C-4 must be defeated or withdrawn.

The government should address the problem of smuggling in ways that do not punish refugees.

For more information: ccrweb.ca/en/c4



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