

# **RESOLUTIONS BOOK**

**Canadian Council for Refugees**



**May 2011**

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## INTRODUCTION

This booklet contains summaries of most resolutions adopted since 1992 and follow up to these resolutions. They are divided by Working Group, and further by topic within each Working Group area. Consult the *Table of Contents* to find the topic area you are seeking, or use the *Index*.

In the interests of brevity, some resolutions and responses have been omitted, especially where they are no longer relevant.

May 2011

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## MISSION STATEMENT

The Canadian Council for Refugees 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.

### **The mandate of the Canadian Council for Refugees is rooted in the belief that:**

- \* Everyone has the right to seek and enjoy in other countries asylum from persecution; (Universal Declaration of Human Rights, article 14.1)
- \* Refugees, refugee claimants, displaced persons and immigrants have the right to a dignified life and the rights and protections laid out in national and international agreements and conventions concerning human rights;
- \* Canada and Canadians have responsibilities for the protection and resettlement of refugees from around the world;
- \* Settlement services to refugees and immigrants are fundamental to participation in Canadian life;
- \* National and international refugee and immigration policies must accord special consideration to the experience of refugee and immigrant women and children and to the effect of racism.

### **The Canadian Council for Refugees is guided by the following organizational principles:**

- \* The membership of the Canadian Council for Refugees reflects the diversity of those concerned with refugee and settlement issues and includes refugees and other interested people in all regions of Canada;
- \* The work of the Council is democratic and collaborative;
- \* Our work is national and international in scope.

### **The Canadian Council for Refugees fulfils its mission by:**

- \* Providing opportunities for networking and professional development through conferences, working groups, publications and meetings;
- \* Working in cooperation with other networks to strengthen the defence of refugee rights;
- \* Advancing policy analysis and information-exchange on refugee and related issues;
- \* Advocating for the rights of refugees and immigrants through media relations, government relations, research and public education.

Adopted by the membership November 13, 1993.

# I. GENERAL

## REFUGEE PARTICIPATION POLICY - Res. 23 - May 92

**BE IT RESOLVED** that the CCR endorse a policy on refugee participation.

**COMMENTS:** For text, see page 47.

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## REFUGEE PARTICIPATION - Res. 1 - Nov. 92

**SUMMARY** The CCR encourages refugee participation but barriers exist.

**BE IT RESOLVED:** CCR members encourage those who have refugee experience to participate in the CCR by (i) developing a directory of refugee-based organizations in Canada; (ii) inviting refugees to participate in their communities and within their organizations; (iii) establishing regional information meetings to encourage participation; (iv) the CCR explore ways of promoting refugee participation and schedule a workshop on refugee participation for the next conference of the CCR.

**COMMENTS:** See also Res. 2, Jun. 96 (this page).

~~~~~

## RESOLUTIONS PROCEDURES - Res. 1 - May 95

**SUMMARY** A clear and participatory process is needed for the adoption of CCR resolutions.

**BE IT RESOLVED** that the CCR adopt a process for bringing forward resolutions to the general meetings.

**COMMENTS:** For text, see page 47.

~~~~~

## AMENDMENT TO RESOLUTIONS PROCEDURES - Res. 1 - June 96

**BE IT RESOLVED:** The CCR amend the Resolutions Process to provide for exceptions to the submission procedure in the case of an emergency resolution. Emergency resolutions must be based on information available after the resolution submission deadline and before debate they must be accepted by vote by the membership.

~~~~~

## REFUGEE PARTICIPATION - Res. 2 - June 96

**SUMMARY** The Anti-Racism Core Group recognizes the CCR has worked to increase refugee participation.

**BE IT RESOLVED:** The CCR Executive be responsible for redoubling such efforts and will name members to operationalize and report on refugee participation and will develop plans with the Anti-Racism Core group to encourage participation. The Anti-Racism Core group will have a representative on the nominating committee which will focus on refugee participation. The Executive Finance Committee will include refugee participation in financial planning.

**COMMENT:** A refugee participation fund has been created and people are funded each year to attend CCR meetings. See also Res. 5, June 2000 (page ?) and Res. 17, December 2000 (page 16).

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## BILINGUALISM - Res. 5 - Jun. 06

**BE IT RESOLVED** that the CCR include, as far as it is possible, at least one panelist intervening in French and offer simultaneous translation for each panel.

~~~~~

## AMENDMENT TO RESOLUTIONS RESOLUTION - Res. 1 - Nov. 07

**SUMMARY:** Resolutions should be framed as statements of policy position, not specific actions. As far as possible, they should state general policies, rather than fact-specific positions.

**BE IT RESOLVED** the resolution on procedures for resolutions be amended at 1b) to state "a policy position is stated", replacing existing text "proposed actions are clear and practicable."

~~~~~

## PARTICIPATION IN WORKING GROUP MEETINGS - Res. 2 - Nov. 07

**SUMMARY:** Working group members need a secure environment in which to discuss issues. Historical and current practice is that government officials are excluded from working group meetings, but exceptions have been made in particular cases.

**BE IT RESOLVED** that: 1) working group meetings are closed to anyone employed by government; 2) Exceptions to this rule can be made by chairs, in consultation with Working Group members.

~~~~~

## PROCEDURES FOR LODGING A COMPLAINT OF HARASSMENT OR DISCRIMINATION AND PROCESS FOR ENQUIRY AND RESOLUTION - Res. 1 - May 08

**BE IT RESOLVED** that 1) the CCR membership adopts the "Procedures for lodging a complaint of harassment or discrimination and Process for enquiry and Resolution" approved by the CCR Executive for immediate implementation; 2) this document replaces the Complaints Procedure in the Anti-Racism Policy.

**COMMENT:** [ccrweb.ca/en/complaints-procedures](http://ccrweb.ca/en/complaints-procedures).

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## ANTI-OPPRESSION POLICY - Res. 1 - May 09

**BE IT RESOLVED** that the CCR adopt the Anti-Oppression Policy: <http://www.ccrweb.ca/documents/aopolicy.htm>

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## GENDER AND ANTI-RACISM CORE GROUPS - Res. 1 - Dec. 09

**SUMMARY:** The structure of the Gender and Anti-Racism Core Groups no longer meets the needs of the CCR membership. The May 2009 Anti-Oppression Policy addresses a range of forms of oppression.

**BE IT RESOLVED** that: 1) the Gender and Anti-Racism Core Groups cease to exist; 2) the Executive, in consultation with current core group members, core group candidates, Working Group chairs and other members interested, develop a proposal for new structures to address anti-oppression issues, and that this proposal be submitted to the membership at the Spring General Meeting. In the meantime the Executive will have responsibility for ensuring gender and anti-racism issues are addressed.

## II. IMMIGRATION AND SETTLEMENT

### FAMILY REUNIFICATION

**BONDS** - Res. 4 - Nov. 94

**SUMMARY** Bonds would create an insurmountable barrier to family sponsorship for sponsors.

**BE IT RESOLVED** that the CCR adopt as its position that no form of bonds should be considered for ensuring compliance in sponsorship agreements.

**COMMENTS:** Bonds have not been implemented but other financial barriers have been introduced. Under IRPA those on social assistance are barred from family sponsorship.

~~~~~

**FAMILY REUNIFICATION** - Res. 1 - Jun. 97

**SUMMARY** Changes to the Family Class regulations (March 1997) have created further delays and barriers. Québec has tightened the financial requirements and implemented a repayment program for defaulting sponsors.

**BE IT RESOLVED:** That the CCR call on 1) the federal gov't (i) to repeal the March 18 amendments; (ii) consult with CCR and concerned communities to revise the regulations consistent with international human rights obligations; (iii) recognize in law and policy implementation that family reunification is cornerstone of effective settlement; (iv) ensure that all policy decisions consider effect on vulnerable groups. 2) the gov't of Qc to review its policy on defaulting sponsorships.

~~~~~

**DELAYS** - Res. 3 - May 01

**BE IT RESOLVED:** The CCR contact the Minister of C& I and urge that CIC be resourced to supply sufficient support staff to provide for expeditious processing of family reunification, private sponsorships and other matters that require avoidance of delays and backlogs which cause pain and anxiety to refugees.

~~~~~

**RIGHT TO ESTABLISH RELATIONSHIPS** - Res. 3 - May 03

**BE IT RESOLVED** that the CCR advocate for a class through which permanent residents, protected persons and citizens have the right to sponsor their partner and children in Canada, regardless of their status.

**COMMENT:** In Feb. 2005, the government extended the in-Canada spousal class to include partners in Canada who do not have any status.

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**LEAVING NEWBORN CHILDREN IN CAMPS** - Res. 2 - May 04

**SUMMARY:** Some sponsored refugees are leaving newborn children behind, based on information circulating in-country that reporting these newborns will result in their travel arrangements being cancelled.

**BE IT RESOLVED** that the CCR urge CIC to i) develop a policy which clearly states that reporting newborn children will not jeopardize a family's passage to Canada; ii) communicate this policy to all embassies and UNHCR requiring that this policy be broadcast throughout the refugee population; iii) distribute this policy to refugee support systems in Canada for dissemination in ethnocultural communities; iv) facilitate a variety of avenues in which to report

newborn children and ensure that applicants receive such information.

**COMMENT:** See also Res. 12, June 2005 on Excluded Family Members (Regulation 117(9)(d)), page 38.

~~~~~

**ASSISTED RELATIVES** - Res. 2, Nov. 04

**BE IT RESOLVED** that the CCR write to the Minister of Citizenship and Immigration and the Ministre des Relations avec les citoyens et de l'Immigration requesting that the Assisted Relative class be reinstated.

~~~~~

**SIBLING SPONSORSHIP OF PARENTS/GRANDPARENTS AND OTHER MEMBERS OF THE FAMILY CLASS** - Res. 1 - May 07

**SUMMARY:** IRPA and the Québec immigration regulations currently prohibit siblings from combining their income in order to sponsor their parents or grandparents and other members of the Family Class.

**BE IT RESOLVED** that the CCR request a change in the *Immigration and Refugee Protection Regulations*, as well as the Québec *Regulation respecting the Selection of Foreign Nationals* to allow the combining of siblings' income to meet the qualifying income level to sponsor parents or grandparents and other members of the Family Class.

**RESPONSE:** Letter from Minister of Citizenship and Immigration, 7 Sept. 2007: This was allowed under previous legislation, but was changed in 1997. Research showed that co-sponsorships had significantly higher default rates. In light of these concerns, CIC does not plan to revisit the issue.

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**SEE ALSO** the section on Family Reunification under Inland Protection, page 38 and Res. 14, Nov. 96, *Family Sponsorship*, page 18.

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### RIGHTS: CITIZENSHIP, IMMIGRATION, ETC

**CHILDREN'S CITIZENSHIP RIGHTS** - Res. 3 - June 96

**BE IT RESOLVED:** CCR urge the Gov't to preserve the citizenship rights of all children born in Canada and not to amend the Citizenship Act to endanger these rights.

**COMMENT:** Over 230 groups signed on to letter opposing change. The government did not include the proposal in new citizenship bills.

~~~~~

**PERMANENT RESIDENT CARD** - Res. 6 - Nov 02

**SUMMARY:** The new permanent resident card costs each immigrant from \$50 to \$300 and agency staff spend inordinate amounts of time in completing these applications.

**BE IT RESOLVED** that CCR request CIC and, where appropriate, the provinces to facilitate this process as mandated under IRPA by providing adequate funding to agencies to assist in completing the forms and engage notary publics, lawyers or commissioners to administer statutory declarations in support of permanent resident card applications at no cost to the immigrant. CCR also asks CIC to amend the regulations to simplify the requirements.

IMMIGRATION AND SETTLEMENT

SOCIAL INSURANCE NUMBERS - Res. 6 - Nov. 03

**SUMMARY:** HRDC will not issue Social Insurance Numbers without immigration documents and CIC will not issue permanent residence cards without a Social Insurance Number.

**BE IT RESOLVED** that the CCR: i) urge HRDC to set up a process to work with homeless and other vulnerable immigrants to obtain Social Insurance Numbers, ii) urge CIC to extend the deadline for permanent resident cards until Dec. 2004, iii) urge HRDC to set up a process to work with homeless and other vulnerable immigrants to obtain Social Insurance Numbers.

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**SEE ALSO** resolutions on Canadian citizens abroad, Res. 25, Nov 03 (page 44) and Res. 8, May 09 (page 26)

**NON-STATUS**

STATUS - Res. 1 - Nov 02

**SUMMARY:** Canada is home to many immigrants and refugees who do not have permanent status. An increasingly restrictive Canadian immigration policy screens out all but a select few.

**BE IT RESOLVED** that the CCR i) continue to raise the level of awareness of the needs of non-status immigrants and refugees; ii) advocate for the rights of non-status immigrants and refugees in Canada; iii) raise the issue of regularization of these people with the Minister, C&I and iv) support campaigns working for the rights of non-status immigrants and refugees in Canada, consistent with CCR policies.

~~~~~

NON-STATUS IMMIGRANTS - Res. 1 - May 2003

**SUMMARY:** A solution is needed for immigrants living and contributing to Canadian society who have no status in Canada.

**BE IT RESOLVED** that the CCR advocate together with other organizations for the development of a process to allow those without status the opportunity to have their status regularized in Canada.

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**SEE ALSO** Proposal for regularization, see page 42. The text of the adopted proposal is found at page 49. Also People without Status, p. 42

**CIC SERVICES**

OPPOSITION TO CENTRALIZED MAIL-IN SERVICES IN VEGREVILLE - Res. 1 - May 93

**SUMMARY** Proposed mail-in service will impose stress on clients and ISAP agencies.

**BE IT RESOLVED** that the CCR (i) attempt to form a joint stand on above concerns with CEIU and (ii) arrange a press conference in response to the Minister's letter.

~~~~~

CIC DOWNSIZING - Res. 6 - Nov. 96

**SUMMARY** There is continual downsizing of access to CIC offices and staff causing a significant decrease in access to services, information and support and in the quality of service as well as an increase in the workload of NGOs and community support.

**BE IT RESOLVED:** That the CCR (i) express our concerns to the Minister, C&I, about the deleterious effects of downsizing and request a freeze on downsizing of CIC staff providing direct client service; (ii) request a user evaluation be done of mail-in services and use of local and 1-888 tele-centres; (iii) request that CIC work with the CCR to develop a process ensuring the quality of, and access to, CIC services.

**ACCESS TO SERVICES FOR ALL**

ACCESS TO SERVICES FOR ALL - Res. 4 - Nov. 93

**SUMMARY** Refugee claimants have basic human needs and rights recognized internationally and by Canada.

**BE IT RESOLVED** that the CCR advocate to the Min. C&I and the Provincial premiers for (i) equality with Canadian citizens of access to health, education, shelter and social services for refugee claimants; (ii) the guarantee of the provisions and access to rights and freedoms as outlined in the Canadian Charter of Rights and Freedoms to all persons in Canada regardless of their citizenship or status.

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ACCESS TO BENEFITS FOR PERSONS ON MINISTER'S PERMITS - Res. 2 - May 01

**SUMMARY:** People on Minister's Permits are not eligible for benefits available to resettled refugees and permanent residents.

**BE IT RESOLVED** that the CCR contact the Minister of C&I and request that families and individuals granted Minister's Permits for permanent admission to Canada be given equivalent benefits to resettled refugees and permanent residents.

**COMMENT:** Under IRPA, Minister's Permits are replaced by temporary resident permits.

~~~~~

CHILDREN'S ID AND DATES OF BIRTH - Res. 3 - May 08

**SUMMARY:** Children's entitlement to education, protective services, and other supports is determined by age so it is important that CIC issued documentation is correct.

**BE IT RESOLVED** that the CCR requests CIC to review the process for changing data on ID documents, with a view to making the process much faster and less difficult for children.

**RESPONSE:** 19 March 2009, email from CIC: CIC recognizes that errors in dates of birth on identity documents can have important implications for children (e.g. to enrol children in school and determine access to other age-specific supports). There are situation-specific procedures for all persons, including children, that need their amended documents quickly (e.g. where there is potential harm to the applicant). There are non-exhaustive guidelines re. who qualifies for expedited processing. Requests are assessed on a case-by-case basis. Applicants should provide any additional information which can assist in determining the urgency of the application. CIC's goal is to process

## IMMIGRATION AND SETTLEMENT

expedited applications as quickly as possible. The current processing time for regular stream applications to amend a Record of Landing or Confirmation of Permanent Residence document is 25 weeks.

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**SEE ALSO** following sections for many resolutions addressing different aspects of access issues.

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### YOUTH

#### **PRIORITY FOR PROGRAMS TO INTEGRATE ADOLESCENT NEWCOMERS** - Res. 2 - Nov. 94

**BE IT RESOLVED** that the CCR write to Ministers of HRD and C&I calling for immigrant and refugee youth to be accorded a high priority in federal gov't programme development and funding.

~~~~~

#### **YOUTH** - Res. 1 - May 02

**BE IT RESOLVED** that the CCR 1) raise the level of awareness of the needs of immigrant and refugee youth through CCR networks and consultations and 2) advocate for the rights of immigrant and refugee youth in Canada.

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#### **YOUTH REPRESENTATION WITHIN CCR** - Res. 5 - May 03

**BE IT RESOLVED** that the CCR actively promote youth participation at all levels of the organization by: 1. Having at least one youth workshop organized by youth for youth at CCR consultations; 2. Finding ways to increase/encourage youth attendance at consultations; 3. Exploring ways of linking and encouraging dialogue amongst youth that are interested in refugee and immigrant issues.

~~~~~

#### **YOUTH INCLUSION** - Res. 1 - Nov. 06

**BE IT RESOLVED** that the CCR 1) Support the development of the CCR Youth Network and increasing meaningful youth engagement and leadership within the CCR; 2) Add youth to the list of factors to be taken into account by the members of the CCR in the election of Executive Committee members.

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### EDUCATION

#### **CHILDREN'S EDUCATION** - Res. 1 - Nov. 97

**BE IT RESOLVED** that the CCR i) adopt the policy that education is a right of all minors regardless of immigration status; ii) urge Provincial Ministers of Education to adopt the above policy by law or comply with their legislation; iii) urge CIC to issue the interim letters of no objection to the children of refugee claimants prior to determination of eligibility.

**COMMENT:** IRPA does not require student authorizations for children, except children of temporary residents without permits. See also Res. 30, Nov. 03 (page 40).

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#### **ACCESS TO HIGHER EDUCATION FOR REFUGEES IN LIMBO** - Res. 6 - Nov. 98

**SUMMARY** Convention refugees who have not been landed need access to higher education.

**BE IT RESOLVED** that the CCR 1) write to the minister of HRDC urging him to amend the Canada Student Loans Act to include Convention Refugees in their eligibility criteria; 2) Urge its members to raise this issue with their local Members of Parliament; 3) encourage provincial gov'ts to: a) advocate this change with the Federal gov't; b) make the same change in their provincial legislation.

**COMMENT:** Access to student loans was extended to refugees in the February 2003 federal budget.

~~~~~

#### **EDUCATIONAL NEEDS OF NEWCOMER YOUTH IN THE ATLANTIC** - Res. 6. - June 05

**SUMMARY:** There are inadequate resources for newcomer youth in the Atlantic despite the goals of the governments of the region to attract and retain immigrants.

**BE IT RESOLVED** that the CCR advocate on behalf of the Atlantic region for the required resources to support the educational needs of newcomer youth in the region.

~~~~~

#### **EDUCATIONAL STANDARDS** - Res. 3 - May 07

**SUMMARY:** There are no minimum standards or process to address the educational gaps of refugee children and youth.

**BE IT RESOLVED** that the CCR advocate for: 1) An education policy/strategy to address the gaps for refugee children and youth. 2) A compulsory course in cross-cultural education for teachers in consultation with the CCR and service providers. 3) Adequate funding for educating children and youth who have interrupted schooling.

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#### **MIGRATION CURRICULUM** - Res. 2 - Dec. 09

**SUMMARY:** Schools are central to inculcating citizenship values among all Canadian youth.

**BE IT RESOLVED** that the CCR promote the expansion of core curriculum strategies and resources for the entire student population to address the lived experiences and continuing realities of immigrants and refugees in our modern multicultural Canadian society through collaborative engagement between provincial ministries of education, settlement agencies and other relevant partners and stakeholders.

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**SEE ALSO** Res. 13, Nov. 04, *Post-secondary education for children of refugee claimants*, page 40.

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### ACCESS TO EMPLOYMENT

#### **EMPLOYMENT EQUITY** - Res. 2 - May 93

**BE IT RESOLVED** that the CCR urges Min. E&I to institute a full employment equity policy and programme for EIC in all programmes in all provinces.

IMMIGRATION AND SETTLEMENT

**EMPLOYMENT FOR REFUGEES AND IMMIGRANTS** - Res. 5 - Jun 96

**BE IT RESOLVED** that the CCR call on CIC to discuss with Human Resources Development the establishment of training for immigrants and refugees who are currently ineligible as a national priority.

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**PROFESSIONAL AND TRADE QUALIFICATIONS** - Res.4 - Nov. 98

**BE IT RESOLVED** that the CCR call on fed. and provincial gov'ts to ensure that there is a fair process for newcomers to gain recognition of their skills have access to training to meet Canadian standards and a right of appeal from denial of such recognition or access.

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**HRDC PRIORITIES** - Res. 2 - Nov 02

**SUMMARY:** The current HRDC funding priorities do not provide resources for full participation for wcomers to Canada.

**BE IT RESOLVED** that the CCR urge the HRDC recognize as a priority group newcomers to Canada to ensure their full participation into the Canadian labour market.

~~~~~

**RECOGNITION OF FOREIGN CREDENTIALS** - Res. 4 - Nov 02

**SUMMARY:** CIC, HRDC, Industry Canada and Canadian Heritage plan to improve the process for recognizing foreign credentials.

**BE IT RESOLVED** that the CCR advocate that i) those working toward the recognition of foreign trained professionals be involved in the process from beginning to end and ii) evaluation of the outcomes be based on detailed demographic indicators.

~~~~~

**HRDC FUNDING FOR AGENCIES** - Res. 5 - Nov 02

**SUMMARY:** It is necessary to integrate the skills of immigrants into the labour market and HRDC is encouraging the development of cross-sectoral partnerships to facilitate this.

**BE IT RESOLVED** that the CCR advocate with HRDC for the allocation of funding to enable immigrant serving agencies to increase their capacity and facilitate te development of appropriate cross-sectoral partnership to address local needs.

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**ELIGIBILITY FOR HRSDC PROGRAMMING** - Res. 4 - May 04

**BE IT RESOLVED** that the CCR write to the Minister of HRSDC urging that under-employed newcomers be eligible for employment services regardless of the number of hours' work per week if they are working outside of their sphere of expertise.

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**LIVING WAGES** - Res. 4 - Nov. 05

**SUMMARY:** Refugees and immigrants on minimum wage are forced to live in poverty.

**BE IT RESOLVED** that the CCR call on the federal government in all of its contracts to ensure a living wage that at least meets the low income cut-off (LICO) or 60% of the average industrial wage, whichever is higher.

**HEALTH ISSUES**

**IMMIGRANT AND REFUGEE MENTAL HEALTH** - Res. 8 - June 94

**BE IT RESOLVED** that the CCR urge Human Resources, CIC, Canadian Heritage, and Health to i) implement recommendations in "After the Door has been Opened"; ii) pay attention to the mental health effects of their policies and iii) urge provincial ministries of health to cover costs of cross-cultural mental health counselling.

~~~~~

**ACCESS TO HEALTH CARE SERVICES FOR REFUGEE CLAIMANTS** - Res. 9 - Jun 94

**SUMMARY** The new Interim Federal Health Program requires claimants to answer a question about coverage of medical cost.

**BE IT RESOLVED:** The CCR i) urge the Immigration Dep't to consider removing eligibility criteria to be asked of claimants; ii) request that health services be made available unconditionally to all claimants; iii) urge the Department to remove the mandatory condition requiring claimants to sign the declaration of eligibility.

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**HIV TESTING** - Res. 18 - Dec. 00 [Joint with OPS]

**SUMMARY** Mandatory HIV testing for all prospective immigrants would be discriminatory. Testing could harm HIV positive people in countries with coercive laws or practice.

**BE IT RESOLVED** that the CCR oppose mandatory HIV testing for prospective immigrants and raise its opposition with CIC.

**COMMENT:** CCR prepared a paper on the subject in Jan. 2001. Mandatory HIV testing was introduced with IRPA.

~~~~~

**SECOND MEDICALS FOR REFUGEES RECOGNIZED IN CANADA** - Res. 3 - Nov 02

**SUMMARY:** Requiring a second medical for refugees after 12 months is arbitrary, inefficient and discriminatory.

**BE IT RESOLVED** that the CCR reject CIC's interpretation of this policy and oppose a mandatory second medical for refugees who make their application for permanent residence.

~~~~~

**SEE ALSO** Section on IFH, page 22, Res. 12, Nov. 04, *Access to health*, page 45, and Res. 22, Nov. 02, *Mental Health*, page 44.

**HOUSING**

**HOMELESSNESS** - Res. 4 - Dec. 99

**BE IT RESOLVED** that the CCR i) write to the Federal Coordinator on Homelessness urging her to pay particular attention to the challenges facing homeless newcomers and especially newcomer families; ii) communicate with the Cooperative Housing Federation of Canada and join with them in calling on the federal and provincial gov'ts to immediately start increasing the supply of social housing; iii) write to CIC urging that as part of the national strategy on homelessness: a) they implement information referral services at ports of entry to ensure that refugee claimants are not entering the homeless shelter system without appropriate resources to access the system and to ensure that a claimant's early months in Canada are the least traumatic possible and to ensure that they have an appropriate place to go when they leave the port of entry; b) they extend eligibility for ISAP services to refugee claimants; iv) write to provincial gov'ts urging them to raise social assistance rates.

~~~~~

**NEWCOMERS AND HOUSING** - Res. 8 - Dec 01

**SUMMARY:** The National Housing and Homelessness Network is raising awareness of discrimination and human rights violations confronting newcomers and all Canadians seeking housing.

**BE IT RESOLVED** that the CCR join the National Housing and Homelessness Network and the Urban Core Support Network to persuade federal, provincial and territorial gov'ts to support the one percent solution and that specific amounts of all new funding be identified for housing for newcomers.

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**THE RIGHT TO ACCESS TO SAFE, SECURE AND AFFORDABLE HOUSING** - Res. 5 - Nov. 05

**SUMMARY:** Immigrants and refugees are facing absolute and hidden homelessness problems in Canada

**BE IT RESOLVED** that the CCR i) write to all levels of government responsible for housing and immigration settlement to allocate more resources for affordable housing and to review the provision of adequate income and social assistance levels to facilitate access to safe, secure and affordable housing; and ii) promote the best service guidelines in the area of housing developed by the UNHCR, ensuring that governments and service providers commit to the housing guidelines, and provide the support and resources needed to enable those guidelines to be maintained.

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**SETTLEMENT MANDATE WITHIN THE CCR**

**CCR SETTLEMENT MANDATE** - Res. 20 - May 92

**SUMMARY** The CCR has historically had a settlement membership; the Settlement Working Group was created in May 1991; the CCR is undertaking a strategic planning process.

**BE IT RESOLVED** that the CCR is to (i) discuss the Settlement Mandate; (ii) refine the mandate through a discussion paper, to be distributed before the November 1992 AGM; (iii) revitalize mission statement and an expanded mandate.

**COMMENTS:** Discussion paper circulated, leading to formation of Settlement Core Group. CCR mandate clarified as including concerns

for the settlement of refugees and immigrants, and defined as such in mission statement (see Contents page). The Working Group terms of reference were amended in May 2001, including to change the name to "Immigration and Settlement".

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**SETTLEMENT SERVICES**

**SCOPE OF SETTLEMENT AND INTEGRATION SERVICES** - Res. 2 - Jun 94

**BE IT RESOLVED** that the CCR communicate to the gov't that i) settlement services should not be restricted to a limited period after arrival; ii) immigrant serving agencies are qualified to offer a wide range of specialized services; iii) immigrant serving agencies should have equal access to funding to meet unmet needs of the communities they serve.

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**SETTLEMENT SERVICES TO LESBIANS, GAYS, BISEXUAL AND TRANSGENDERED REFUGEES AND IMMIGRANTS** -

Res. 4 - May 98

**SUMMARY** Gay men, lesbians, bisexual and transgendered individuals are a part of the immigrant and refugee communities as they part of every community. Settlement agencies have the responsibility to provide relevant, effective and appropriate services to these further marginalized immigrant and refugee communities.

**BE IT RESOLVED:** that the CCR proactively support the rights of gay, lesbian, bisexual and transgendered immigrants and refugees by: 1) becoming familiar with the agencies providing specialized services to these communities, and with the immigration options available to them; 2) providing training opportunities at conferences for settlement staff to begin to challenge attitudes with discriminate; 3) developing internal policies that affirm the rights of individuals; 4) applying inclusive hiring practices that encourage the employment of staff from these communities; 5) encourage its members to provide appropriate settlement services to these communities.

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**CIC ELIGIBILITY CRITERIA VIS-A-VIS REFUGEE CLAIMANTS** - Res. 2 - May 99

**BE IT RESOLVED** that the CCR urge that i) refugee claimants be recognized as legitimate recipients of settlement services in all Canada; ii) additional funds be made available for settlement agencies to provide appropriate levels of services to this client group; iii) the provinces that receive fewer numbers of refugee claimants not be financially penalized by this reality.

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**FUNDING SETTLEMENT SERVICES** - Res. 2 - Dec. 99

**BE IT RESOLVED** that the CCR write to the Prime Minister and the Minister of Finance asking them to raise their level of investment in settlement services with the intention of raising the investment up to a level comparable to other support services.

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## IMMIGRATION AND SETTLEMENT

### SETTLEMENT IN CANADA OF REFUGEES FROM KOSOVO - Res. 7 - May 99

**BE IT RESOLVED** that the CCR adopt the position paper *Settlement in Canada of Refugees from Kosovo* and request CIC that it be considered and its implications discussed with members of the CCR.

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### PRE-DEPARTURE ORIENTATION - Res. 14 - Dec. 00 [+ OPS]

**SUMMARY** Overseas pre-departure orientation is of demonstrated benefit, but offered only to some refugees destined to Canada.

**BE IT RESOLVED** that the CCR urge CIC and le Ministère de Relations avec les Citoyens et de l'Immigration to expand the Canadian and Québec Orientation Abroad Program to all of the refugee processing posts.

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### IMPLEMENTATION OF THE NATIONAL SETTLEMENT SERVICE STANDARDS FRAMEWORK - Res. 15 - Dec. 00

**SUMMARY** A National Settlement Service Standards (NSSS) Framework was developed by the CCR and adopted in principle in June 2000 (Res. 1, Jun. 00); and the Steering Committee was asked to develop a plan to implement this framework across Canada.

**BE IT RESOLVED** that the CCR seek funding to enable the Steering Committee to: i) Develop tools to assist workers and agencies in adopting and using the NSSS framework; ii) research and develop a peer review support model for agencies using the NSSS framework; iii) explore the concept of a national registry of settlement agencies having successfully completed a peer review process.

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### ISAP SERVICES - Res. 5 - Dec 01

**BE IT RESOLVED** that the CCR urge CIC to undertake a review of the ISAP program, to (a) examine what services are needed to help immigrants and refugees settle successfully; (b) define outcomes and standards for those services; (c) review reasonable case loads to assure an appropriate level of service; (d) significantly raise the level of funding to settlement services in Canada.

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### INCREASED SETTLEMENT FUNDING - Res. 4 - May 03

**SUMMARY:** The numbers of immigrants and costs of offering services have gone up.

**BE IT RESOLVED** that the CCR ask CIC to: 1) Provide a copy of the report prepared by the consultant on the national funding allocation formula; 2) Share their vision/action plan for providing necessary sustainable funding to address service needs as well as organizations' operational needs.

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### CLIENT CODE OF SERVICE RIGHTS - Res. 5 - Nov. 03

**BE IT RESOLVED** that the CCR endorse the following Code and encourage its use by CCR members: i) you have the right to receive services in a trusting, respectful and supportive environment free of any form of discrimination or harassment, ii) you have the right of privacy and confidentiality and to disclose only what you believe is necessary at any given time, iii) staff limits of confidentiality include: the requirement to report incidents of child abuse, to comply with a court

ordered subpoena and to prevent harm, iv) the file is the property of [Agency name] and you have the right to review it and make comments if you disagree with the contents of the file, v) you make decisions about your needs and goals, vi) you have the right to refuse services at any time or to request service from an alternate person, vii) you have the right to receive accurate, complete and timely information, viii) you have the right to a safe, fair and transparent complaint process when you feel that your rights have been violated.

**COMMENT:** Available at [ccrweb.ca/en/client-code-service-rights](http://ccrweb.ca/en/client-code-service-rights)

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### WORK PERMITS - Res. 9 - Nov. 03

**SUMMARY:** People living on temporary work permits are often in precarious and unstable situations.

**BE IT RESOLVED** that the CCR: i) urge CIC to expand eligibility to settlement services to those living on work permits, ii) urge CIC to expand eligibility to settlement services to those living on work permits, iii) undertake to examine the issues of, needs of and work being done with people living on temporary work permits.

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### SPECIAL NEEDS REFUGEES - Res. 3. - May 04

**BE IT RESOLVED** that the CCR urge CIC and MRCI to i) recognize the extent of these special needs and reflect this in the training and resourcing of settlement service providers; ii) together with other relevant federal departments, provincial counterparts and educational institutions training health care providers, to seek ways to address the training needs of health providers with respect to refugee trauma and torture and cross-cultural awareness; iii) review the current RAP allocation model and upgrade dollars and timeframes to better support these special needs.

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### PROVINCIAL DEVOLUTION - Res. 2 - June 05

**SUMMARY:** CIC has a responsibility to ensure comparable and accountable services to all immigrants and refugees across the country. Policy and management in BC are moving in a different direction from CIC.

**BE IT RESOLVED** that the CCR work strategically to ensure CIC exercises its responsibility towards comparable and accountable services across the country, with particular reference to provinces where devolution agreement exist.

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### JUMELAGE (HOST)/CANADA-QUÉBEC ACCORD - Res. 5 - June 05

**SUMMARY:** The Québec gov't has decided to abolish its twinning program by eliminating the specific funding for the twinning (Host) activities of settlement and integration organizations.

**BE IT RESOLVED** that the CCR 1) write to federal and provincial departments expressing concern about suppression of funds for twinning; 2) ask the Joint Committee on the Accord to address this loss; 3) ask federal and provincial governments to account publicly for the funds transferred since 2000 for settlement and integration; ask Québec government to report on the allocation of additional \$20 million from federal gov this year.

## IMMIGRATION AND SETTLEMENT

### **RESETTLEMENT ASSISTANCE PROGRAM (RAP)**

#### **SUGGESTED CHANGES FROM AAP TO RAP** - Res. 3 - Nov. 97

**BE IT RESOLVED** that the CCR urge that i) gov't funding for AAP services be based on delivery of needed services and contracted on a global basis for agreed services; ii) meaningful consultation take place between service delivery NGOs and CIC before final decisions.

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#### **AAP ALLOCATIONS FOR BLENDED SPONSORSHIP PROGRAMS** - Res. 4 - Nov. 97

**SUMMARY** AAP/RAP allocations will be limited to the major urban centres, excluding the possibility of blended sponsorship programs in smaller urban centres and rural communities.

**BE IT RESOLVED** that the CCR urge the CIC to ensure the availability and administration of AAP/RAP allocations in all communities where sponsorship groups wish to assist refugees to resettle under Joint Assistance or other blended Programs.

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#### **RESETTLEMENT ASSISTANCE PROGRAM** - Res. 5 - May 98

**BE IT RESOLVED:** That the CCR 1) reaffirm its call for RAP services to be contracted on a "global" basis - both temporary accommodation and services while maintaining the financial contribution to existing reception centres at the 1997-98 level; 2) note that "independence" for resettled refugees is best achieved through timely, holistic, effective and appropriate services; 3) call on CIC to review the proposed RAP implementation and develop national standards, in consultation with NGOs delivering the services and with resettled refugees, and to hold a national meeting for this consultation.

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#### **POVERTY CIRCUMSTANCES OF GOVERNMENT-ASSISTED REFUGEES** - Res. 2 - Nov. 05

**SUMMARY:** Government-assisted refugees under the Resettlement Assistance Program (RAP) are forced into poverty.

**BE IT RESOLVED** that the CCR urge the federal and Québec governments to raise the RAP rates to at least the low income cut-off (LICO) rate to bring the government-assisted refugees out of poverty.

**RESPONSE:** CIC, 20 Feb. 06: CIC acknowledges the need to address the settlement needs of refugees, and concerns with amount of assistance under RAP and availability of affordable housing. CIC is working with provinces and territories to identify gaps between income and services available to refugees and immigrants versus Canadian citizens. CIC is also working to explore how best to implement a case management approach to settlement assistance for all immigrants, including refugees. CIC is also exploring and costing out the possibility of enhanced orientation and support services to all refugees for a longer period of time and increasing the length of RAP income support for some GARs with higher needs. CIC is working internally to find ways of reducing transportation loans. In 2005, CIC increased the budget allocated for contributions under RAP transportation fund.

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#### **NEW RAP FINANCIAL STREAM** - Res. 3 - Nov. 05

**SUMMARY:** A significant percentage of refugees arriving under the regular GAR stream are special needs cases.

**BE IT RESOLVED** that the CCR call upon CIC and the Québec government to establish a new GAR stream that would provide 2 year financial support to regular GARs with longer-term integration issues: medical problems, single mothers, those with little or no education. The other 2 streams would remain as is.

**RESPONSE:** See response to Res. 2, Nov. 05, above.

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**SEE ALSO** section on Resettlement Levels, page 17.

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### **SETTLEMENT SERVICE DELIVERY**

#### **CONFIDENTIALITY** - Res. 3 - Nov. 92

**SUMMARY** Client confidentiality is necessary for ethical social service delivery.

**BE IT RESOLVED** that the CCR (i) oppose the release of personal information that could identify clients and urges members to do the same; (ii) consult with various relevant associations on confidentiality; (iii) request the CEIC to provide information on SMIS and will meet with CEIC officials to express our concerns.

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#### **ELIGIBILITY FOR SETTLEMENT FUNDING** - Res. 5 - Nov. 92

**BE IT RESOLVED** that CCR will communicate to EIC (i) support for community-based services for refugees; (ii) concern over apparent shift in allocation of funds to for-profit mainstream and traditional service providers; (iii) our recommendation that funds to for-profit mainstream and traditional organizations not take away from funding for community-based organizations.

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#### **SETTLEMENT WORKER RECOGNITION** - Res. 11 - June 94

**BE IT RESOLVED** that the CCR urge Min. C&I to recognize settlement workers' skills by providing funds for adequate salaries and benefit packages.

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#### **FUNDING FOR ADMINISTRATIVE SUPPORT** - Res. 12 - Jun 94

**BE IT RESOLVED** that the CCR bring to the attention of funders the need to recognize and provide administrative support costs to their funding programs.

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#### **COLLABORATIVE FUNDING EFFORTS** - Res. 13 - Jun 94

**BE IT RESOLVED** that the CCR i) bring to the attention of funders the need to allocate funds for the development process of forging collaborative efforts; ii) call on mainstream organizations to help to make the development process a reality.

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#### **CONTRACTING RELATIONSHIP BETWEEN CIC AND SETTLEMENT AGENCIES** - Res. 3 - May 99

**BE IT RESOLVED** that the CCR urge CIC to review the manner in which CIC contracts with agencies in order to improve the possible services for clients and to have a more efficient and effective agency

IMMIGRATION AND SETTLEMENT

management. The major issues are the following: a) the independence of agencies b) the importance of client confidentiality; c) the fact that rigid enforcement of ISAP eligibility rules undermines the ability of agencies to offer services in a welcoming and client centered manner; d) agencies' need to respect employment standards and human rights legislation; e) the provision of reasonable and consistent administrative and overhead costs and the practice of insisting that agencies subsidize ISAP services through private fund-raising and funds from other institutional funders; f) the need for a reasonable balance between CIC's different tasks; g) the use of three month contracts with long established partners.

**FUNDING FORMULA** - Res. 1 - Dec. 99

**SUMMARY** The new National Funding Formula has led to marked reductions in settlement funds for some provinces most notably Nova Scotia and Saskatchewan.

**BE IT RESOLVED** that CIC be requested to re-evaluate the reductions targeted for various provinces, specifically Nova Scotia and Saskatchewan, taking into consideration the consequences of such reductions.

**ACCOUNTABILITY** - Res. 16 - Dec. 00

**SUMMARY** The federal gov't is developing an accountability framework for settlement services to fulfill new Treasury Board guidelines. Resolution 4, May 1999 addressed this issue but unfortunately the LINC study seems not to have been distributed as indicated would happen in the August 18, 1999 letter from CIC.

**BE IT RESOLVED** that the CCR encourage CIC to: i) develop the framework in a transparent, accountable manner by: a) engaging in meaningful two-way consultations; b) ensuring benefits from frontline and academic expertise in the provision of adult education, employment and settlement services; c) conducting business in an open and transparent manner, including posting on the internet such documents as studies, reports and meeting minutes; holding regional meetings with open invitations to contract holders; and reporting to all relevant umbrella groups; ii) develop the framework in such a manner as to strengthen, facilitate and improve service delivery; iii) develop the framework acknowledging the complexities of managing both large and small NGOs and with the intent of facilitating sound, efficient management thereof; iv) clarify the distinctions and interconnections between: performance measurement/ program evaluation; outputs/outcomes and quantitative/qualitative indicators.

**ACCOUNTABILITY FRAMEWORK** - Res. 1 - May 01

**SUMMARY:** The CCR reaffirms Res. 3, Nov. 92 and 16, Dec. 00.

**BE IT RESOLVED** that the CCR i) verify with the Privacy Commissioner and the CHRC and seek independent legal advice on the ethics of: a) agencies releasing client information without explicit, voluntary, informed client consent; b) having newcomers sign blanket release of information forms upon arrival; ii) request that CIC do a cost-benefit analysis of moving from aggregate data collection to individual data collection; iii) urge CIC to heed the suggestions in the Kathleen Stevenson report; iv) urge CIC to discuss with the sector about the desired outcomes of settlement services and base the performance measurement and program evaluation framework on these outcomes.

**SETTLEMENT SECTOR WORKING CONDITIONS** - Res. 4 - May 01

**BE IT RESOLVED** that the CCR: i) call on CIC to do a survey of working conditions in the sector and act to improve funding levels to allow agencies to provide reasonable working conditions; ii) investigate disparities in salary contributions in agreements with, inter alia, HRDC and Health Canada, with the objective of making a human rights complaint on discrimination in contracting.

**CASHFLOW** - Res. 6 - May 01

**BE IT RESOLVED:** that the CCR call on CIC to be accountable to the service providers and newcomers by implementing timely application and approval target dates to ensure that new contribution agreements are signed and new year advances are released before existing contribution agreements end.

**"ENHANCED RELIABILITY" CLEARANCES FOR SETTLEMENT AGENCY STAFF** - Res. 4 - Dec 01

**SUMMARY:** Settlement agencies received a memo indicating that "Enhanced Reliability" clearances on staff will be a requirement.

**BE IT RESOLVED** that the CCR i) request clarification from CIC on the memo; ii) Urge the Prime Minister to address this issue as an example of systemic racism and the targeting of immigrants by the federal gov't; iii) Examine the Human Rights implications of this matter with the Human Rights Commission; iv) Explore the possibility of a charter challenge on this issue; v) Bring the issue to the attention of the Canadian Race Relations Foundation.

**RESPONSE:** CIC invited CCR to conduct a survey of service provider organizations on the issue. CIC then brought in its measures which responded to many of the CCR concerns.

**THREAT OF OPEN TENDERING** - Res. 3 - Nov. 03

**SUMMARY:** BC is preparing a system of "open tendering".

**BE IT RESOLVED** that the CCR express to CIC-NHQ (Integration), CIC BC Region and the BC Ministry of Community, Aboriginal and Women's Services concerns about the threat posed to service quality, accessibility, professionalism and community connectedness by 'Open tendering' and the potential transfer of settlement services away from the current network of community-based agencies.

**DOUBLE/TRIPLE REPORTING - ARS AND ICAMS** - Res. 7 - Nov. 03

**SUMMARY:** LINC and ISAP providers in Ontario are being forced into double and triple reporting.

**BE IT RESOLVED** that CCR write to Treasury Board and CIC urging them to: i) stop the implementation of iCAMs until the issues between CIC national and CIC region have been resolved, ii) review the iCAMs system in light of the new Voluntary Sector agreement to ensure that it conforms with the Code of Good Practices on Funding, iii) Take into consideration CCR's previous resolutions from May 2001 (Res. 1), Dec. 2000 (Res. 16) and May 1999 (Res. 4).

## IMMIGRATION AND SETTLEMENT

### SETTLEMENT FUNDING ALLOCATION - Res. 8 - Nov. 03

**SUMMARY:** The need for language training increases in communities affected by secondary migration.

**BE IT RESOLVED** that the CCR urge CIC to: i) increase the overall amount of money available for immigrant services, ii) include a consideration of secondary migration in the calculation of the funding allocation formula.

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### IMPROVING ICAMS - Res. 6 - May 04

**BE IT RESOLVED** that the CCR write to the Minister insisting that CIC i) dedicate the necessary resources to bring the iCAMS system up to modern standards, so that a) it will support database to database transfers, and b) allow for local reports production; ii) adjust the data collection points in consultation with the sector to bring them in line with the Accountability Framework, and to make the system's use less burdensome for agencies.

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### PROFESSIONALISM - Res. 7 - May 04

**BE IT RESOLVED** that the CCR, in collaboration with other sector organizations, seek funding from appropriate sources and contingent upon securing appropriate resources, undertake a feasibility study on Professional Certification within the settlement sector.

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### SETTLEMENT ALLOCATION MODEL - Res. 4 - June 05

**SUMMARY:** The Settlement Allocation Model has proven problematic.

**BE IT RESOLVED** that the CCR 1) ask CIC to allocate new funds following three principles:  
a) that small centres, particularly those with a high proportion of refugees to their total immigration, receive sufficient funding to maintain capacity to meet the demand;  
b) centres experiencing substantial secondary migration arrivals need to receive sufficient funding to meet the resulting service demands;  
c) that the current 2-tiered (large region/small region) model be discontinued.  
2) Request consultations between CIC and the sector in view of model reform/replacement.

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### BLUE RIBBON REPORT - Res. 4 - May 07

**SUMMARY:** Treasury Board of Canada released a Blue Ribbon Report in February 2007 recommending fundamental change and simplified administration.

**BE IT RESOLVED** that the CCR urge the Treasury Board of Canada to: 1) Direct CIC to adhere to the Blue Ribbon Report recommendations and to be the first tier of government departments to implement recommended changes. 2) Ensure that the recommended changes are implemented in all government departments.

## LANGUAGE TRAINING

### EQUAL ACCESS FOR CITIZENS - Res. 2 - May 92

**BE IT RESOLVED** that the CCR recommends access to LINC and LMLT (language) programmes for Canadian citizens.

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### LANGUAGE TRAINING OFFERED BY FOR-PROFIT COMPANIES - Res. 6 - Nov. 92

**SUMMARY** CEIC is making available public funds to for-profit companies to provide language training.

**BE IT RESOLVED** that the CCR oppose the use and allocation of public funds to for-profit companies concerning language training.

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### ESL LITERACY PROGRAMMING - Res. 5 - May 04

That the CCR request CIC to i) increase the hours of LINC eligibility for low literacy clients; ii) provide additional supports for programming targeting such clients over and above standard ESL provisions in the same manner as that for skilled immigrants under the ELT stream.

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### DISABILITY - Res. 1 - June 05

**SUMMARY:** Language training in the form of sign language training is not provided consistently across the country to newcomers who are hearing impaired.

**BE IT RESOLVED** that the CCR write to CIC, Manitoba, BC and Québec requesting they ensure that sign language training and services are available for hearing impaired persons that qualify for language training.

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**SEE ALSO** Res. 4, May 99 (page ?) and Res. 16, Dec. 00 (page 10) regarding LINC accountability and evaluation.

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## SETTLEMENT RENEWAL

### SETTLEMENT RENEWAL - Res. 3 - May 95

**BE IT RESOLVED** that the CCR ask the Minister to establish a National Working Group with participation of NGOs including CCR, and with a mandate including a) ensuring presently existing settlement dollars go to settlement services; b) accountability mechanisms without SMIS or a breach of agency and client confidentiality; c) definition of settlement services as a fully recognized social service.

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### SETTLEMENT RENEWAL - Res. 2 - Nov. 95

**BE IT RESOLVED** that the Settlement core group monitor the Settlement Renewal process and continue to develop principles and standards for the process; and that once this document is complete it be given to the Minister of Citizenship and Immigration for inclusion in relevant agreements as well as to all participants in the settlement renewal workshop. National Principles were adopted. For full text, see page 49.

## IMMIGRATION AND SETTLEMENT

### SETTLEMENT RENEWAL - Res. 4 - June 96

**SUMMARY** The gov't has indicated that it will develop the definitions, indicators and standards of service of the transfer model of settlement program administration through a process excluding service providers.

**BE IT RESOLVED** that the CCR urge that: (i) representatives of service providing organizations be invited to participate in the development of national definitions, indicators and standards for settlement and integration services; (ii) the gov't hold its administrative partners accountable for ensuring services meet national standards and policies; (iii) the federal gov't establish a national advisory group to ensure administrative partners adhere to national standards and principles. The CCR will communicate these requests to the provincial gov'ts.

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### SETTLEMENT RENEWAL - Res. 4 - Nov. 96

**BE IT RESOLVED:** That the CCR reaffirm its resolutions on Settlement Renewal and call on the Government of Canada to (i) establish a National Working Group on issues related to Settlement Renewal; (ii) maintain its primary responsibility for the settlement of immigrants and refugees; (iii) work with existing authorities to ensure services meet provincial and regional needs; (iv) in conjunction with stakeholders, build on the experience and knowledge gained through the Settlement Renewal process to improve systems and to develop principles and standards for the funding, administration and delivery of settlement services; (v) maintain and enhance the integrity of settlement services by ensuring current funding is not reduced; (vi) work towards partnerships which recognize and respect community agencies delivering settlement services; and (vii) commit to recognizing the interdependence of the above points and to implementing them all.

**COMMENT:** Agreements signed with BC (May 1998) and Manitoba (June 1998). Settlement Renewal closed March 1999.

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## GOVERNMENT ASSISTED REFUGEES

### REDUCTIONS IN GARs - Res. 1, Nov. 04

**SUMMARY:** CIC has begun selecting refugees based on need and has suggested that the best way to respond to the needs is to reduce numbers.

**BE IT RESOLVED** that the CCR write to the Minister of Citizenship and Immigration underlining our commitment to Government Assisted Refugees, and the principle of selection based on need, and requesting that the number of GARs NOT be reduced under any circumstances.

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## TEMPORARY WORKERS

### TEMPORARY WORK PERMITS – TERMS AND CONDITIONS - Res. 3, Nov. 04

**SUMMARY:** CIC regularly changes the terms & conditions for temporary work permits and does not inform NGOs of the changes.

**BE IT RESOLVED** that the CCR demand that CIC make any change in terms and conditions publicly available as soon as changes are made.

### TEMPORARY WORK PERMITS – RIGHTS OF WORKERS - Res. 4, Nov. 04

**BE IT RESOLVED** that the CCR demand that CIC and HRSDC:  
1) Ensure that temporary workers are fully informed of their rights under the program before or when they enter Canada; 2) Ensure that temporary workers are given control of their own papers.

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### MIGRANT AND TEMPORARY WORKERS - Res. 6 - Nov. 05

**SUMMARY:** Seasonal agricultural workers and foreign temporary workers the right to apply for permanent residence status.

**BE IT RESOLVED** that the CCR demand: i) access to secure permanent resident status for these workers and their families; ii) improved working and housing conditions for these workers; that provincial governments enforce the rights guaranteed to migrant workers under provincial employment and human right laws, rather than abdicating this responsibility to foreign governments.

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### MIGRANT AGRICULTURAL WORKERS AND OTHER TEMPORARY WORK PERMIT HOLDERS - Res. 6 - Nov. 06 [adopted through IP]

**SUMMARY:** Temporary migrant workers do not have effective recourse to justice and are often deported before they can seek a legal recourse when they suffered an injustice.

**BE IT RESOLVED** that the CCR demand that the status of worker be maintained during the period necessary to seize a tribunal of the matter and to await its resolution.

**SEE ALSO** Res. 9, Nov. 03, *Work Permits*, page 8.

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### RIGHT TO PERMANENT RESIDENCE FOR MIGRANT WORKERS - Res. 4 - Nov. 07

**SUMMARY:** Emphasis on temporary rather than permanent migration creates a class of vulnerable and disposable workers.

**BE IT RESOLVED** that the CCR demand that all those with temporary work permits, in all the different classes, have the right to apply for permanent resident status at the same time as they apply for the work permit, and should have the right to bring family members as is currently being done in Ontario for the Provincial Nominee Program.

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### CANADIAN EXPERIENCE CLASS – Res. 2 – May 08

**SUMMARY:** CIC will implement a new Canadian Experience Class which will be restricted to highly skilled workers.

**BE IT RESOLVED** that the CCR 1) express to CIC that this class be open to all applicants regardless of skill level; 2) express to the Quebec government that it should to give temporary foreign workers access to permanent residence class without regard to skill levels; 3) formally adopts the position paper prepared for the consultation with CIC on the proposed class.

**RESPONSE:** Jason Kenney, Minister of C&I, 16 Dec. 2008: The Canadian Experience Class was conceived to attract and retain more skilled temporary foreign workers and international students and to

## IMMIGRATION AND SETTLEMENT

make it easier for skilled tradespersons to qualify for permanent residence. Regarding two year work requirement before applying and potential abuse, "applicants do not need to be employed with a single employer, employment does not need to be continuous and applicants do not need to be employed at the time of application." Lower-skilled workers are not eligible because many are filling temporary needs. The Provincial Nominee Program can respond to those lower-skilled workers that are filling permanent jobs.

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### **TEMPORARY FOREIGN WORKERS** – Res. 4 – May 08

**SUMMARY:** The greatly expanded Temporary Foreign Worker program suffers from numerous incidents of worker abuse and exploitation. Furthermore, when families accompany Temporary Foreign Workers, there are very limited options for them.

**BE IT RESOLVED** that the CCR request CIC to stop restricting Temporary Foreign Workers to specific named employers, giving them the same rights to labour mobility as other Canadian workers; 2) issue work permits to accompanying spouses and children of Temporary Foreign Workers.

**COMMENT:** New regulations introduced August 2009.

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### **TEMPORARY FOREIGN WORKERS AND WELCOMING COMMUNITIES INITIATIVE** - Res. 3 - Dec. 09

**SUMMARY:** The federal Temporary Foreign Workers Program frustrates the attempts of communities to attract and retain population permanently, and contradicts the goals of CIC's Welcoming Communities Initiative and similar initiatives of other jurisdictions.

**BE IT RESOLVED** that CCR advocate for the federal Temporary Foreign Workers Program to be brought into alignment with the Welcoming Communities Initiative's and similar initiatives of other jurisdictions goals of cohesiveness, social inclusiveness and retention of population permanently.

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### **NO TO THE CHANGES ON TIMELINES IN TEMPORARY FOREIGN WORKERS PROGRAM** – Res. 2 – Nov. 10

**SUMMARY:** Changes to the Temporary Foreign Workers Program due April 2011 will impose a 4 year limit on the stay of TFWs and a 4 year delay before they are able to participate again in the program.

**BE IT RESOLVED** that the CCR oppose the limit on duration of Temporary Foreign Workers' stay and the imposed time period to re-apply for the program.

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### **MANDATORY MONITORING SYSTEM ON TEMPORARY FOREIGN WORKERS** – Res. 3 – Nov. 10

**SUMMARY:** The monitoring system the Temporary Foreign Workers Program is voluntary and abuses of Temporary Foreign Workers by employers are widespread and well documented.

**BE IT RESOLVED** that the CCR advocate that the federal government enforce a mandatory monitoring system for the employers of Temporary Foreign Workers.

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### **EQUITABLE ENFORCEMENT** – Res. 4 – Nov. 10

**SUMMARY:** There are limited or no resources for mandatory monitoring and enforcement of rules regarding TFW. When there is no system of enforcement, Temporary Foreign Workers are the ones penalized for contraventions, resulting in further victimization.

**BE IT RESOLVED** that the CCR: 1) Advocate for provincial governments to protect Temporary Foreign Workers' rights through workplace audits and enforcement of appropriate legislation, including criminal, against employers and recruiters, and 2) Advocate that the federal government: a) Prosecute recruiters and employers who contravene IRPA; b) Put in place a mechanism and systems to protect rather than penalize Temporary Foreign Workers who have contravened IRPA as a result of victimization by recruiters and employers; c) Enter into international agreements whereby Canada and the source countries of Temporary Foreign Workers agree to prohibit the charging to the workers of recruitment and placement fees.

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## TRAFFICKING

### **TRAFFICKING IN WOMEN** - Res. 1 - Dec 01

**BE IT RESOLVED** that the CCR call on its members to sensitize themselves to trafficking issues and consider adapting their services or their mandates, to respond to the needs of trafficked persons.

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### **BEST PRACTICES FOR SERVICE DELIVERY TO TRAFFICKED PERSONS** – Res. 1 – Nov. 08

**SUMMARY** The UN protocol on trafficking in persons calls for assistance to trafficked persons..

**BE IT RESOLVED** that the CCR urge the government of Canada to initiate a national strategy for the coordination and implementation of best practices in services to persons trafficked into and within Canada, including all federally funded settlement services.

**RESPONSE:** D. Tunis, DG, Integration, CIC, 26 April 2009: CIC has guidelines for issuance of TRPs to victims of trafficking. Social service delivery of victims of trafficking is the responsibility of provincial governments. Not all follow the same model. Services can include shelter and housing, legal advice and income assistance. Services may be provided by provinces, municipalities or NGOs (e.g. Red Cross, Salvation Army). In most provinces, there is a protocol with CIC for referring victims. The CIC Settlement Program's terms and conditions establish eligibility for services: permanent residents, protected persons and those selected to become permanent residents.

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**SEE ALSO** section on trafficking under Inland Protection, page 39.

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## ANTI-OPPRESSION

### **ANTI-OPPRESSION ANALYTICAL FRAMEWORK** - Res. 3 - Nov. 07

**SUMMARY:** CCR believes in and promotes a full, comprehensive and integrated anti-oppression framework of analysis that includes race, gender (including gender identity and expression), class, ability, sexuality (including sexual orientation), ethnicity, religion, age, nationality and immigration status.

## IMMIGRATION AND SETTLEMENT

**BE IT RESOLVED** that the CCR 1) Urge CIC and the IRB to work with CCR to: a) expand their existing gender-based tools and guidelines to a full, comprehensive and integrated anti-oppression framework of analysis and apply it to policies, programs and services; b) Conduct training for their staff; 2) Urge CIC and IRB to report periodically on the use of the tool, guidelines and training programs.

**RESPONSE:** Letter from Brian Goodman, Chairperson of the IRB, 4 March 2008. The tools already at the Board's disposal, such as the Guidelines on Women Refugee Claimants and Vulnerable Persons, are adequate to fulfill its mission. It would not be an efficient use of the Board's resources to develop a framework of the type proposed.

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### HOMOPHOBIA, HETEROSEXISM AND TRANSPHOBIA

**COMBATTING HOMOPHOBIA AND HETEROSEXISM** - Res. 19 - Dec. 00

**SUMMARY** CCR members have acknowledged the negative impact of homophobia and heterosexism within our sector and membership.

**BE IT RESOLVED** that a task group be struck to i) facilitate information-sharing on pro-LGBTQ practices and policies within the immigration and refugee sector; ii) suggest amendments to existing settlement standards to include LGBTQ issues; iii) urge CCR members to implement mandatory training and education within their agencies on unlearning homophobia and heterosexism; iv) gather evidence about the refusal rate, processes and practices of the IRB in relation to claims based on sexual orientation.

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**ANTI-HOMOPHOBIA AND ANTI-HETEROSEXISM POLICY** - Res 1 - May 04

**SUMMARY:** CCR passed Res. 19, Dec. 00 on combating homophobia and heterosexism and Res. 4, May 98 on the need to develop internal policies that affirm the rights of individuals and should lead by example in combating homophobia and heterosexism.

**BE IT RESOLVED** that the CCR i) develop an anti-homophobia and anti-heterosexism policy for endorsement at the Fall 04 consultation; ii) ensure that this new policy and the existing anti-racism policy incorporate an integrated approach in implementation.

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**POLICY ON ANTI-HOMOPHOBIA** - Res. 1 - Nov. 05

**SUMMARY:** The CCR has been discussing issues of homophobia and heterosexism since 1996.

**BE IT RESOLVED** that the CCR i) Accept the Draft Preamble and Application of the Policy, as amended, for full implementation; ii) Commit to maintaining public education within its membership; iii) Compile a Glossary of Terms.

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**ADVOCACY AND TRAINING RE. TRANS ISSUES** – Res.8 – Nov. 08

**SUMMARY** CCR Resolution 16, Nov 94 (page 30) on education and guidelines on sexual orientation for the IRB, does not address training specifically re.. trans communities, nor does it recognize education and training for CIC and CBSA employees

**BE IT RESOLVED** that the CCR i) ensure from now on that all CCR policies regarding sexual orientation reflect the diverse lesbian, gay, bisexual, transgender, transsexual, queer, questioning and intersex communitie, ii) advocate with the IRB, CIC and CBSA to include education and training on trans specific, transphobia and homophobia issues.

**RESPONSE:** R. Fadden, CIC Deputy Minister, 30 March 2009: Current CIC training focuses on acceptance of all kinds of diversity. Although not specific on transsexual and transgender issues, the training is positive, inclusive and diversified in approach.

Brian Goodman, IRB Chairperson, 19 March 2009: New RPD members and Tribunal Officers receive a paper by Nicole Lavolette "Sexual Orientation and the Refugee Determination Process" (copy attached). While the paper mentions transgender and transsexual persons, it does not address issues particular to them. I have spoken internally about further incorporating issues relating to transgender and transsexual persons in the training. We would welcome CCR sharing relevant materials.

Stephen Rigby, CBSA President, 31 March 2009: CBSA has a Diversity Training Strategy. All CBSA employees participate in the online Diversity and Race Relations course, which introduces key concepts re. diversity (although it does not expressly discuss GLBT issues. CBSA is building an online Diversity Resource Library. CBSA is planning classroom training for Border Services Officers: these sessions are expected to address diversity issues and will offer practical solutions that take account of GLBT communities. CBSA is exploring partnerships with Canadian Police Knowledge Network. We are evaluating their online learning product: Lesbian, Gay, Bisexual and Transgendered Issues.

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**SEE ALSO** Res. 4, May 98, *Settlement services to lesbians, gays, bisexual and transgendered refugees and immigrants*, page 7, and Res. 17, Nov. 04, *Sexual Minorities*, page 43.

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### ANTI-RACISM

**ANTI-RACISM POLICY** - Res. 1 - Nov. 96

**SUMMARY** The CCR is committed to building structures to promote anti-racism within the CCR and among member organizations.

**BE IT RESOLVED:** That the CCR (i) endorse the Anti-racism policy developed by the Anti-Racism Core Group; and (ii) accept it as one of the organization's operational policies.

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**RACISM: MEDIA PORTRAYAL** - Res. 7 - June 94

**BE IT RESOLVED:** The CCR encourage its member organizations to monitor and respond to the media portrayal of refugees and immigrants and to advocate for more balanced coverage of immigrants and refugees; and that CCR members with expertise in media make this know to CCR for sharing among members.

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**CONVENTION RELATING TO THE ANTI-RACISM POLICY** - Res. 1 - May 98

**BE IT RESOLVED:** That the CCR urge its members to adopt the following convention to 1) commit themselves to facilitating the elimination of racism and all forms of discrimination; 2) commit

## IMMIGRATION AND SETTLEMENT

themselves to ensuring that the principles of equality, equities are reflected in the organization's policies, procedures and relations with staff, member and the society; 3) Undertake to develop and implement an anti-racism policy; 4) Foster an environment where all individuals are treated with respect and dignity; 5) Seek opportunities for training and education in anti-racism for our staff, volunteers and Board; 6) Provide opportunities for refugees, immigrants and people of color to represent the organization at meetings; 7) Recognize the importance of public education about why Canada must protect refugees and welcome immigrants.

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### ANTI-RACIST ANALYTICAL FRAMEWORK - Res. 2 - May 02

**SUMMARY:** There are no existing instruments to measure and remedy the differential impacts gov't policies have on racialized communities.

**BE IT RESOLVED** that the CCR call on the federal gov't to 1) create an inter-departmental working group to develop an anti-racist analytical framework in consultation with appropriate NGOs and 2) establish a process for implementation, monitoring and reporting back to civil society on an annual basis.

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### BACKLASH AGAINST MUSLIM AND ARAB COMMUNITIES - Res. 13 - May 2003

**SUMMARY:** Arabs and Muslims are facing increased discrimination, harassment and racialization.

**BE IT RESOLVED** that the CCR to identify and promote existing materials and work with other groups in facilitating the development of an educational component for public awareness, including the possibility of producing a video, focusing on post- September 11 targeting and profiling of Arabs and Muslims in our communities.

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### EMPLOYMENT EQUITY AT CIC AND CBSA - Res. 5, Nov. 04

**SUMMARY:** CIC and CBSA staff do not seem to reflect the diverse population they serve.

**BE IT RESOLVED** that CCR request the Public Service Commission to conduct an employment equity audit for CIC and CBSA.

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### RACISM AND XENOPHOBIA - Res. 2, May 07

**SUMMARY:** Racism and xenophobia towards immigrants and refugees are manifested through legislation, policy and practice and has a brutal and lasting impact on immigrants and refugees;

**BE IT RESOLVED** that the CCR: Ask the government to 1) report periodically on how it is countering racism and xenophobia with specific attention to the impact on immigrants and refugees; 2) establish an independent review body to review, with respect to racism and xenophobia, programs and policies that have a bearing on refugees and immigrants; 3) implement mandatory anti-racism training for all their employees (federal and provincial governments).

## PUBLIC EDUCATION

### MYTHS AND PUBLIC EDUCATION - Res. 3 - Nov. 94

**BE IT RESOLVED** that the CCR urge i) the gov't to play a leadership role in public education and provide increased resources to NGOs to dispel the negative myths; ii) the media to be fair and balanced in their coverage of refugee issues.

## RESEARCH

### RESEARCH - Res. 10 - June 1994

**BE IT RESOLVED** that the CCR i) call on funders to recognize the value of community-based research; ii) call on funders to provide financial resources for community-based organizations for research; iii) continue to provide a forum at the semi-annual consultation for discussion on research activities.

## MISCELLANEOUS

### FEMALE GENITAL MUTILATION - Res. 4 - June 94

**SUMMARY** Female Genital Mutilation (FGM) is the injury to, or removal of, any part of the female genital organ and affects over 114 million women and girls in the world. It is without religious or spiritual basis, has serious effects on health, is child abuse and a violation of women's human rights.

**BE IT RESOLVED:** The CCR i) recommend that the UNCHR recognize FGM as a human rights issue; ii) request that the Criminal Code be amended to identify FGM as a criminal act; iii) urge federal and provincial ministries to appropriate funds for counselling and support groups, and for education; iv) continue to pursue the issue; v) explore the inclusion of FGM within the Beijing conference; vi) urge Canada to give protection to women and their daughters fleeing FGM.

**COMMENTS:** A law identifying FGM as a criminal act was passed April 1997.

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### SETTLEMENT IN SOCIAL WORK - Res. 40 - Jun 94

**BE IT RESOLVED** that the CCR request that the Canadian Association of Schools of Social Work include a section on refugees as a mandatory component in their curriculum.

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### GENDER ANALYSIS - Res. 2 - May 98

**BE IT RESOLVED:** That the CCR call on CIC to establish a gender policy advisor.

**COMMENT:** A gender coordinator was appointed in spring 2000. There is now a Gender-Based Unit at CIC. See also Res. 24, Nov. 02, *Gender Based Analysis Accountability* (page 40).

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### CIVIC PARTICIPATION - Res. 1 - Nov. 98

**BE IT RESOLVED** that CCR urge its members to 1) actively encourage more civic participation by newcomers; 2) explore the development of programming to facilitate this goal.

**IMMIGRATION AND SETTLEMENT**

**REFUGEE WOMEN AS LEADERS** - Res. 17 - Dec. 00

**BE IT RESOLVED** that the CCR i) provide space at CCR conferences for refugee women, with a priority to outreach to informally organized refugee women; ii) ensure refugee women as a priority in the nominations for positions to the CCR Executive and Working Group Chairs, similar to the refugee participation policy; iii) identify better strategies in the promotion of the Refugee Participation Fund to include better methods of ensuring continuity, support and orientation for participants, e.g. mentoring; iv) strongly encourage members to facilitate support of the participation of refugee women through the Refugee Participation Fund and to provide resources and support to develop and maintain networks at local levels.

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**INTERPRETATION OF CHARITIES ACT** - Res. 2 - Dec 01

**BE IT RESOLVED** that the CCR work with the Charities Branch to make policy changes to the interpretation of the Charities Act so that these organizations are recognized as part of general society; and that advocacy is recognized as an essential tool for democratic participation and that the work of these groups is recognized as beneficial to society.

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**NATIONAL POPULATION STRATEGY** - Res. 7 - Dec 01

**BE IT RESOLVED** that the CCR call on the Government of Canada to i) tell the people of Canada about the potential impacts that demographics can have and ii) devise a long-term strategy for increasing immigration as a response to the demographic challenges.

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**DESTINING** - Res. 7 - Nov 02

**SUMMARY:** The gov't is now contemplating the use of temporary work permits to attract new immigrants to settle in smaller communities.

**BE IT RESOLVED** that the CCR request CIC to i) desist from implementing any re-population strategy for smaller communities that involves immigration without consulting stakeholders and ensuring that these communities have the supports necessary to welcome new immigrants; and ii) refrain from extending the program which uses temporary permits as a pre-condition to obtaining the right to apply for permanent residence status at the end of a specified time period.

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**RELATIONS WITH FIRST NATIONS COMMUNITIES** - Res. 1 - Nov. 03

**SUMMARY:** The immigrant and refugee sector has made little attempt to create meaningful linkages with Canada's First Nation communities.

**BE IT RESOLVED:** that the CCR call on its members to sensitize themselves on the issues facing First Nations communities and explore ways of having meaningful dialogue with these communities.

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**FRANCOPHONE IMMIGRATION OUTSIDE OF QUEBEC** - Res. 1 - Nov. 10

**SUMMARY:** Canada has a "Strategic Framework to Foster Immigration to Francophone Minority Communities". Recruitment of francophone immigrants abroad is mostly targeted at francophone

countries in Europe. Francophone immigrants, mostly racialized, face differential treatment and experience poor outcomes in the Canadian labour market and other areas of Canadian life. Yearly targets for francophone immigration outside of Québec are below the levels needed to ensure the demographic viability of francophone communities.

**BE IT RESOLVED** that the CCR: 1) engage with the federal and provincial governments as appropriate to ensure: a) Fair, culturally adapted recruitment practices in francophone countries outside of Europe; b) An increase in yearly target levels for francophone immigration so the demographic goals of Canada's strategy for francophone immigration are met; c) That the implementation of Canada's strategic framework for francophone immigration outside of Québec seeks concrete results of fair and equitable integration of francophone newcomers; and 2) offer its member organizations tools and opportunities to be sensitized to and understand the specific challenges facing francophone immigrants outside of Québec.

### III. OVERSEAS PROTECTION AND SPONSORSHIP

#### RESETTLEMENT LEVELS

##### ANNUAL CONSULTATIONS ON LEVELS - Res. 9 - May 93

**SUMMARY** No oral consultations took place on 1993 government-assisted refugee levels. Recent consultations on the 5-year plan were by invitation only.

**BE IT RESOLVED** that the CCR (i) oppose closed or invitation only consultations on immigration levels; (ii) call on the gov't to ensure a means for open, direct oral consultation on numbers of immigrants with all interested NGOs, in addition to written submissions.

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##### GOVERNMENT-ASSISTED REFUGEE LEVELS - Res. 2 - Nov. 93

**SUMMARY** Levels for government-assisted refugees are not being met, partly because there are insufficient funds in AAP.

**BE IT RESOLVED** that the CCR request that (i) the government-assisted refugees level be restored to 13,000 and that this level be met; (ii) AAP programme be provided with funds to meet this level; (iii) the immediate families of accepted refugees be accepted to meet the 1993 level; (iv) if levels are not met, the balance of the quota be carried through to the following year.

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##### GENDER PROPORTIONALITY IN REFUGEE RESETTLEMENT - Res. 16 - June 94

**SUMMARY** Overseas acceptance levels are not gender-proportional and use inappropriate criteria to assess successful establishment.

**BE IT RESOLVED:** The CCR urge the Minister of Citizenship and Immigration to (i) develop with NGOs a 5 year plan to enable the enactment of a quota of a minimum 50% women as principal applicants; (ii) establish immediately a minimum level for the Women at Risk programme (including CR1 and CR5 cases) and enabling access to the 20% of 1994 AAP monies originally designated for indigent immigrants.

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##### GOVERNMENT COMMITMENT TO RESETTLEMENT - Res. 7 - Nov. 94

**SUMMARY** There is concern that the Canadian gov't may reduce its historic commitment to the resettlement of refugees from abroad through the government-assisted programme.

**BE IT RESOLVED** that the CCR call upon the Canadian gov't to honour and respect its commitment to the humanitarian resettlement of refugees from abroad, independent of the voluntary sector response.

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##### REFUGEE RESETTLEMENT LEVELS - Res. 6 - Dec. 99

**SUMMARY** The public process relating to the setting of resettlement levels has virtually disappeared.

**BE IT RESOLVED** that the CCR encourage the Minister to undertake a more thorough consultation process in preparation for the refugee resettlement levels for 2001.

##### REFUGEE RESETTLEMENT TARGETS - Res. 14 - Nov. 03

**BE IT RESOLVED** that the CCR: i) urge the Canadian Government to set resettlement targets at a minimum of 8% of overall immigration targets, while respecting the private sponsorship principle of additionality; ii) work together with the SAH representatives to the NGO-Government Committee on the Private Sponsorship of Refugees to negotiate annual private sponsorship targets with CIC.

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##### INCREASED REFUGEE RESETTLEMENT - Res. 8 - May 07

**BE IT RESOLVED** that the CCR request that the Canadian government increase the overall numbers of refugees to be resettled in Canada, and that, within this increase, special consideration be given to increasing the number of Iraqis to be resettled.

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##### VISA OFFICE REFERRED CASES - Res.5 - Nov. 08

**SUMMARY** In November 2006, the upper limit for privately sponsored refugee was increased to 4,500, to allow for flexibility for responses to visa office referred cases without decreasing the number of sponsor referred cases processed.

**BE IT RESOLVED** that the CCR call for visa office referred cases to be processed in addition to the established targets of both GARs and PSRs at all visa posts.

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##### COMMITMENT TO ASYLUM - Res. 6 - May 09

**SUMMARY:** The right to access asylum in Canada is a legal international obligation. Resettlement, although not an obligation, is a demonstration of responsibility sharing and commitment to refugees.

**BE IT RESOLVED** that the CCR call on the government of Canada to 1) reiterate and increase its commitment to continue to resettle refugees from abroad, and at the same time ensure that refugee resettlement numbers overall are not conditional on the number of persons accepted as refugees in Canada; 2) comply with its obligations under the Convention to ensure access to fair and efficient status determination for all persons seeking asylum at the Canadian borders and in Canada regardless of the numbers admitted under its resettlement from abroad program.

**SEE ALSO** Res. 1, Nov. 04, *Reduction in GARs*, page 12, Res. 10, Nov. 04, *Overseas Processing and Targets*, page 21 and Res. 11 June 2005, *Immigration levels*, page 38.

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#### RESETTLEMENT POLICY

##### SEPARATION OF REFUGEE PROGRAMMES, POLICY AND BUDGET FROM IMMIGRATION PROGRAMMES, POLICY AND BUDGET - Res. 18 - June 94

**BE IT RESOLVED** that the CCR recommends to Citizenship and Immigration that refugee programs, policy and budget be separated from immigration programmes, policy and budget. This process should be undertaken in conjunction with stakeholders.

**COMMENTS:** Efforts have been made to distinguish refugee protection from immigration: IRPA has a separate part for refugees (although many refugee-related aspects are dealt with under the "immigration" part).

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OVERSEAS PROTECTION AND SPONSORSHIP

**RESETTLEMENT FROM ABROAD CLASS** - Res. 7 - May 95

**BE IT RESOLVED** that the CCR urge the Government of Canada to allow the resettlement of all RAC categories within the government-assisted numbers.

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**FAMILY SPONSORSHIP** - Res. 14 - Nov. 96

**BE IT RESOLVED** that the CCR urge CIC to (i) process the immediate family of refugees selected overseas simultaneously; (ii) stop advising refugees granted status not to include their immediate family on their permanent residence application; and (iii) ensure no financial requirements are demanded of refugees who have become permanent residents or Canadian citizens and who are seeking to sponsor their immediate family.

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**BEST INTERESTS** - Res. 5 - Jun. 97

**SUMMARY** International instruments require that children's best interests be given primary consideration. However there are no IRB guidelines to this effect.

**BE IT RESOLVED:** That the CCR (i) encourage the IRB to develop guidelines for IAD and CRDD on best interests of the child in light of principle of family reunification and international obligations; (ii) urge the Min. of C & I to adopt and implement the guidelines for inland and visa office cases.

**SEE ALSO** Res. 18, Nov. 02, *Best Interests of the Child*, page 40.

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**THE ABILITY TO REFER REFUGEES FOR CONSIDERATION UNDER THE JOINT ASSISTANCE SPONSORSHIP PROGRAM**

- Res. 7 - Nov. 97

**SUMMARY** Sponsors referring cases for joint assistance will need to sign a CR3 undertaking.

**BE IT RESOLVED** that the CCR i) urge CIC to allow private sponsors in Canada to identify and refer refugees considered for resettlement to Canada as CR5s under the Joint Assistance and Women at Risk Programs and not oblige private sponsors to provide a CR3 undertaking at the time of referral; ii) request the NGO-Government Committee on the Private Sponsorship of Refugees to support this resolution; iii) request CIC to enter into consultation with private sponsors and other stakeholders to address issues of concern on referral of refugees under the CR5 Program.

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**RESETTLEMENT FROM SIGNATORY STATES** - Res. 5 - Dec. 99

**SUMMARY** There are wide differences in countries' interpretation of the Refugee Convention and CIC is inconsistent in its policy in interpreting what constitutes a durable solution.

**BE IT RESOLVED** that the CCR i) affirm that persons in signatory states, including states with refugee determination systems, should continue to be eligible for consideration for refugee resettlement to Canada, regardless of the status or result of the refugee application; ii) write to the Minister of C&I requesting that the Regulations be amended to specify that temporary protection and eligibility for future refugee determination do not constitute a durable solution and that a

policy directive be issued in the interim stating that "durable solution" be interpreted in this way.

**SEE ALSO** Res. 9, May 04, *Resettlement, Durable Solutions and Signatory Countries*, page 18.

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**ORPHANS OF WAR** - Res. 6 - Dec. 00

**BE IT RESOLVED** that the CCR request the Minister of Citizenship and Immigration to expand Canada's ability to provide private and government sponsorships of refugee orphaned minors.

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**STATELESSNESS** - Res. 12 - Nov. 03

**SUMMARY:** IRPA does not specify stateless persons as a group needing protection or eligible for landing on H&C grounds.

**BE IT RESOLVED** that the CCR: i) strongly urge the Minister to amend IRPA to include statelessness as a ground for protection (both in Canada and for resettlement), ii) in the alternative, use the authority of subsection 25(1) to establish "protection of stateless persons" as a public policy category for permanent residence and amend the Immigration and Refugee Protection Regulations to include statelessness as a ground for resettlement to Canada; iii) as an interim measure urge CIC to amend the Immigration Manual, Chapter IP5, to include statelessness as a factor for landing in H&C applications. ID requirements and establishment requirements should be waived in view of the special hardships faced by stateless persons.

**SEE ALSO** section on statelessness in **Inland Protection**, page 39.

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**RESETTLEMENT, DURABLE SOLUTIONS AND SIGNATORY COUNTRIES** - Res. 9 - May 04

**SUMMARY:** The CCR adopted Res. 5, Dec. 99 drawing CIC's attention to the inconsistency of interpretation of 'durable solution'. The language in OP5 doesn't conform to the regulatory provisions in IRPA.

**BE IT RESOLVED** that the CCR i) urge CIC to abandon the use of concepts of 'signatory countries' and 'fair and effective protection regimes' and focus its attention on the availability of a durable solution for the individual applicant; ii) urge that OP5 be amended to conform to IRPA and to set out that there is no reasonable prospect of a durable solution in all those situations where it has been improperly applied, and in particular, those situations where a) a refugee claim has been made in the country where the person is located and rejected; b) the determination of a refugee claim in the country where the person is located is subject to undue delays; c) a refugee claim is pending in the country where the person is located and likely to be rejected for the reason that the concept of protection is applied more narrowly by that country than by Canada; d) the person has been denied access to the local refugee determination regime because of the person's own prior irrevocable waiver of the right to access the refugee determination system; iii) request that CIC a) make it clear to sponsors and the applicant when CIC believes that applicants are in a country where local integration may represent a durable solution; b) indicate concretely what the proposed durable solution is; c) allow the sponsors and the applicant to rebut that presumption; iv) urge its members to litigate failed resettlement cases involving 'signatory country'.

**COMMENT:** See CCR Policy Position: *Resettlement, Durable Solutions and Signatory Countries*, 30 June 2004.

## OVERSEAS PROTECTION AND SPONSORSHIP

### CANADA'S GLOBAL RESETTLEMENT PROGRAM - Res. 6 - Nov. 07

**SUMMARY:** Canada is directing resources to its group processing initiatives at the expense of its global program for refugees.

**BE IT RESOLVED** that the CCR urge the Canadian government to commit to maintain global access to resettlement and increase the resources to make that access effective.

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### **REFERRAL ORGANIZATIONS**

#### NGOS AS OVERSEAS SERVICE PARTNERS - Res. 10 - Nov. 98

**BE IT RESOLVED** that: The CCR adopt as its position its paper *Conditions for the Involvement of NGOs as Overseas Service Partners*.

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#### REFERRAL AGENTS AS ACCESS CONTROL MECHANISMS FOR REFUGEE RESETTLEMENT - Res. 18 - May 02

**SUMMARY:** CIC is committed to implementing a model for refugee referral agencies as one of the access control mechanisms.

**BE IT RESOLVED** that the CCR request CIC to implement a process for dialogue with CCR and CIC's resettlement partners in creating effective, fair and accessible models for referral agencies.

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#### REFERRAL ORGANIZATIONS - Res. 10 - Nov 02

**SUMMARY:** New regulations require government assisted refugees to have a referral from a designated referral organization but no referral organizations, other than UNHCR, have been designated.

**BE IT RESOLVED** that the CCR urge the Government to enhance the ability of UNHCR to refer cases for resettlement until other viable referral mechanisms are put into place and to make greater use of IRPR 150 of to allow direct access for refugees seeking resettlement.

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#### COST RECOVERY MECHANISMS FOR REFERRALS - Res. 9 - May 2003

**BE IT RESOLVED** that the CCR 1. Reiterate its condemnation of the charging of application and/or processing fees and oppose the application of any new charges to refugees resettled to Canada, based on the resettlement referral; 2.Call on CIC to ensure that sufficient funds are available through its own program budget funding to facilitate the applications, referrals and processing of all refugees abroad accepted for permanent residence.

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### **SECURITY INADMISSIBILITY**

#### INADMISSIBILITY AND NATIONAL SECURITY - Res. 8 - May 95

**SUMMARY** Many refugees found ineligible for government or private sponsorship because of unreasonable decisions re. S. 19 (1)(e) and S. 19 (1)(f),(k) and (l) of the Immigration Act.

**BE IT RESOLVED** that the CCR call on the Minister to 1) establish a fair procedure to determine if the applicant has met the exceptions set out in the law; 2) define "detrimental to the national interest"; 3) allow a review of these decisions by an independent and impartial tribunal such as the IRB.

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#### MINISTERIAL RELIEF - Res. 13 - Nov. 03

**SUMMARY:** Refugees need to specifically request relief to be considered for exemption from inadmissibility, pursuant to s. 34(2) of IRPA, on the grounds that it would not be detrimental to Canada's national interest to admit them to Canada.

**BE IT RESOLVED** that the CCR: i) urge the Canadian Government to require that visa officers advise refugees and other applicants for permanent residence of the option to apply for Ministerial Relief pursuant to s. 34(2) in cases where they are considering rejection of their case pursuant to s. 34(1); ii) write to the Minister of Citizenship and Immigration about the significance of Ministerial Relief and ask the Minister to act more generously in issuing Ministerial Relief.

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**SEE ALSO** section on security in **Inland Protection**, page 37.

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### **WOMEN AT RISK**

#### WOMEN AT RISK - Res. 16 - May 92

**BE IT RESOLVED** that the CCR request gov't to (i) increase the numbers of women refugees accepted; (ii) give the program priority and speed up processing; (iii) initiate mechanism to measure success of program.

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#### ACCEPTANCE OF WOMEN AT RISK REFERRALS - Res. 17 - Jun 94

**BE IT RESOLVED** that the CCR request that the Minister of Citizenship and Immigration direct visa officers to accept and process expeditiously UNHCR and NGO referrals of Women at Risk cases without interviews on the details of the persecution experience.

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#### ELIGIBILITY AND ADMISSIBILITY CRITERIA CHANGES FOR REFUGEE RESETTLEMENT - Res. 19 - June 94

**SUMMARY** The criteria currently used to determine refugee resettlement are gender-biased, unfairly penalizing female refugees. The criteria have prevented the Women at Risk programme from meeting its goals of protecting women.

**BE IT RESOLVED** that the CCR strongly urge the Minister to (i) revise the eligibility criteria for refugee resettlement with special changes to the Women at Risk program; ii) eliminate the successful establishment component of the admissibility criteria for refugees in urgent need of protection, esp. refugee women.

**COMMENT:** Under IRPA the gov't retains the "successful establishment" criterion for most refugees but tries to make it more flexible.

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OVERSEAS PROTECTION AND SPONSORSHIP

WOMEN AT RISK RECOMMENDATIONS - Res. 6 - Nov. 94

**BE IT RESOLVED** that the CCR adopt in principle the report "Women at Risk: Developing Recommendations" and promote the recommendations contained within.

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WOMEN AT RISK - Res. 11 - Nov. 95

**SUMMARY** An unknown number of potential Stream A women at risk cases are processed as CR1. AWR programme review has not been adequately followed up.

**BE IT RESOLVED:** That the CCR i) expresses its disappointment in lack of attention to reform of AWR; ii) urge the Department to distinguish between stream A and B cases; to process stream A cases as CR1s but categorize them as AWR; and to continue to process stream B cases under the Joint Assistance Initiative; and iii) reaffirms its recommendations regarding Women at Risk.

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REFUGEE WOMEN AT RISK - Res. 6 - May 2003

**BE IT RESOLVED** that the CCR 1) urge the Gov't of Canada to assign more officers to African visa posts, particularly Accra, Abidjan and Nairobi, with a mandate to process women at risk files, and to ensure expedited processing by waiving interviews where UNHCR records are clear and complete to allow for in-Canada security and medicals where the woman and her dependant children's well-being is in doubt; 2) urge UNHCR to send additional resettlement officers to Africa for the identification and selection of women at risk; 3) urge CIDA to increase funding for the identification and protection of refugee women at risk and their children; 4) urge the Minister to direct visa officers to comply with their own overseas protection guidelines in processing vulnerable and at risk refugee cases (3 to 6 months).

**RESETTLEMENT PROCESSING**

TASK FORCE ON OVERSEAS PROTECTION - Res. 16 - Nov. 92

**BE IT RESOLVED** that the CCR (i) endorse in principle the TF on Overseas Protection; (ii) urge members to study the report; (iii) urge members to raise recommendations in correspondence with the gov't.

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SPONSORSHIPS FOLLOWING CHANGE IN CIRCUMSTANCES - Res. 11 - May 93

**SUMMARY** Sponsoring groups are not in a position to evaluate a refugee's need for protection following a change in circumstances.

**BE IT RESOLVED** that the CCR request that the Department of Immigration not require withdrawal of sponsorships following an apparent change in circumstances.

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OVERSEAS REFUSALS - Res. 9 - May 98

**BE IT RESOLVED:** That the CCR 1) obtain from the Minister, C&I, broad-based statistical information on refusals of privately sponsored applications; 2) request that the Minister put in place a policy requiring visa posts to give sponsoring groups and refugee applicants detailed reasons for the refusal of an application.

PENDING CASES - Res. 12 - Nov. 98

**SUMMARY** Visa officers defer to refugee determination by other countries. There is no meaningful review of negative decisions.

**BE IT RESOLVED** that the CCR i) call on the gov't to a) remind visa offices of the Canadian interpretation; b) consider the Asylum Class before refusing private sponsorship applications; c) strengthen consultation between visa offices and local and Canadian NGOs; d) establish and implement a meaningful review of negative decisions on resettlement cases similar to that recently adopted by US INS; ii) call on the Gov't to play a prominent role in convincing other gov'ts to interpret the Convention in a broad manner; iii) and to urge other gov'ts to allow applicants for resettlement in Canada to remain in their countries pending determination of their applications by Canada.

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DELAYS - Res. 3 - May 01 (Immigration & Settlement resolution)

**BE IT RESOLVED:** The CCR contact the Minister of C&I and urge that CIC be resourced to supply sufficient support staff to provide for expeditious processing of family reunification, private sponsorships and other matters that require avoidance of delays and backlogs which cause pain and anxiety to refugees.

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PRIORITIZING REFUGEE PROCESSING - Res. 14 - May 02

**SUMMARY:** There is no consistently applied gov't policy prioritizing refugee processing.

**BE IT RESOLVED** that the CCR write to the Min. C&I and request a consistent application for all posts of the policy prioritizing refugees.

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RESETTLEMENT STATISTICS - Res. 8 - Nov 02

**SUMMARY:** CIC has engaged in a process of revitalizing the private sponsorship program. CIC consistently informed Sponsorship Agreement Holders that there are limited resources for processing applications overseas and reports that the high backlog is due to a high number of cases which do not fit eligibility criteria.

**BE IT RESOLVED** that the CCR write to International Region to request a statistical breakdown for the years 2000, 2001 and 2002 and annually thereafter of total private sponsorship undertakings submitted by post by year and total private sponsorship undertakings refused by post by year, and to separate applications and refusals by Groups of Five and SAH undertakings in order to better understand and address the causes of this backlog.

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LONG PROCESSING TIMES - Res. 13 - Nov 02

**SUMMARY:** The overseas processing time for refugees is disgracefully long. The overseas delays make it increasingly difficult to sustain the interest of sponsors in the private sponsorship program.

**BE IT RESOLVED** that the CCR repeatedly challenge the Government, the Minister and senior gov't officials directly, and through the media, to increase visa post staffing so refugees can be processed expeditiously and in greater numbers.

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## OVERSEAS PROTECTION AND SPONSORSHIP

### SLOW PROCESSING TIMES - Res. 10 - May 04

**BE IT RESOLVED** urge CIC to simplify the overseas refugee determination process, and to eliminate the perennial backlog by not re-interviewing UNHCR referred GARs, and through temporary staff re-deployments.

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### OVERSEAS PROCESSING AND TARGETS - Res. 10, Nov. 04

**BE IT RESOLVED** that the CCR to 1) Urge the Government to review the 60/40 ratio in order to increase the numbers of Humanitarian class cases being processed. 2) Urge the Government to establish and implement service standards for all immigration categories which are simple, fast (in less than 8-12 months) and accessible. 3) Reaffirm a consistent application for all posts of the policy prioritizing refugees.

**COMMENT:** See also Res. 11 June 2005, *Immigration levels*, page 38.

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### ENHANCING THE ROLE OF NGOS IN GROUP PROCESSING OF REFUGEES TO CANADA - Res. 7 - June 05

**SUMMARY:** Greater involvement of NGOs in group processing could improve the initiative and is encouraged by UNHCR.

**BE IT RESOLVED** that the CCR 1) request CIC to consult with partners and stakeholders on the benefits of including NGO personnel in all phases of group resettlement initiatives; 2) encourage CIC to invite CCR (SAHs and settlement agencies) to pilot the inclusion of NGO personnel in forthcoming group processing initiatives and 3) urge CIC to ensure that CCR (SAHs and settlement agencies) and community partners in destination have sufficient, timely information to plan how to meet needs, including by CIC placing Canadian NGO personnel in countries of asylum in view of linkages between asylum countries and destination communities.

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### INTERPRETERS AT VISA OFFICES - Res. 2 - Nov. 06

**SUMMARY:** Recent information suggests that some visa refusals may be due to interpretation.

**BE IT RESOLVED** that the CCR urge CIC to review increasingly serious concerns around interpretation at interviews, including allegations of bias, and ask that standards be adopted to ensure quality of interpretation.

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### AFRICAN REFUGEES - Res.7 - May 07

**SUMMARY:** There are disparities in processing of African refugees' files in terms of waiting times, refusal rates and systematic DNA testing, in comparison to other regions.

**BE IT RESOLVED** that the CCR 1) Request gov't of Canada establish an NGO-Government Committee on African refugee and immigrant issues to further monitor and document the situation and propose viable solutions; 2) Seek collaboration on these issues with Canadian Council on International Cooperation (CCIC), especially the CCIC Africa Group; 3) Once again request to be involved meaningfully in the Annual Levels Consultation process.

**RESPONSE:** Letter, Minister of Citizenship and Immigration, 28 Sept. 2007. CIC is moving into Multi-year Levels Planning. This will ensure

better coordination between national, regional and local efforts. Visa officers in Africa are as committed to the correct application of IRPA and the protection of refugees as their colleagues elsewhere in the world. Agree that there are significant challenges in processing refugee applications throughout Africa. Perhaps unique to Africa is the vastness of the territory to be covered, + significantly more complex variety of refugee situations in any one country. Area travel can be problematic for security reasons and may not be as regular as desired. E.g. Nairobi covers 17 countries. Even with an area trip per month, staff can travel to each area less than once a year. This affects processing times. The lack of reliable documentation poses significant problems in many African countries. Given the nature of the conflicts, officers must conduct extensive and time-consuming background checks. The need to address medical issues is more prevalent to Africa than some other areas. DNA testing is only requested as a last resort. Two committees currently exist to deal with refugee issues as part of the larger CCR Roundtable. In addition, the NGO-Government Committee and the Sub-Committee on the Private Sponsorship of Refugees Program were established. CIC is willing to re-evaluate the terms of reference of these existing committees.

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### EQUITABLE ACCESS IN AFRICA - Res. 1 - June 10

**SUMMARY:** Processing times for refugees to Canada from Africa are unacceptably long because the number of visa offices processing permanent residence applications in Africa is shockingly inadequate.

**BE IT RESOLVED** that the CCR call on the government of Canada to provide sufficient visa offices in Africa to ensure adequate access and sufficient resources to ensure timely processing times for refugee and family class applications in Africa.

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## LOANS

### NON-RECOVERABLE LOANS - Res. 9 - June 96

**SUMMARY** CIC has proposed that funds be set aside annually as a non-recoverable loan fund to allow the resettlement of special needs refugees in Canada.

**BE IT RESOLVED** that CCR welcomes this proposal and proposes that (i) the fund be accessible to special needs refugees with priority for AWR and that (ii) CCR be consulted in the development of a mechanism to ensure the most beneficial disbursement of the fund.

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### REFUGEE LOANS AND INTEREST - Res. 11 - Nov. 98

**BE IT RESOLVED** that the CCR i) continue to call for a repeal of the Right of Landing Fee for all newcomers accepted for landing in Canada; ii) insist that no interest be charged on any immigration loans; iii) urge the gov't, pending legislation to repeal interest charges, to charge no more than the prime rate.

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### TRAVEL LOANS - Res. 10 - May 98

**SUMMARY** Groups applying for Joint Assistance Sponsorship for Women at Risk can face unexpected requests for travel costs in addition to the resettlement support they promised.

**BE IT RESOLVED:** That the CCR urge the Minister, C&I to 1) ensure that Canada's response to its international obligations to

## OVERSEAS PROTECTION AND SPONSORSHIP

refugees is unambiguous and independent of voluntary cash contributions; 2) clarify refugee resettlement programs so that Canadians who come forward to assist the gov't can predict the costs before they begin and do not suddenly face requests for cash contributions for travel costs.

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### IMMIGRATION LOANS PROGRAM – Res. 5 – May 08

**SUMMARY:** Resettled refugees and dependants abroad of protected persons are required to repay the costs of medical exams, IOM processing charges, and travel costs.

**BE IT RESOLVED** that the CCR calls upon the Governments of Canada and Quebec to absorb the costs of the transportation and overseas medical expenses for resettled refugees and dependants abroad of protected persons, without reducing the total number of resettled refugees.

**COMMENT:** See [ccrweb.ca/transportationloans.htm](http://ccrweb.ca/transportationloans.htm)

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### **INTERIM FEDERAL HEALTH (IFH)**

#### INTERIM FEDERAL HEALTH PROGRAM - Res. 17 - May 02

**BE IT RESOLVED** that the CCR request CIC to conduct and make public a client service survey of the health service providers delivering and of refugee clients accessing the IFH to assess the systemic, policy, and operational barriers and limitations existing for refugees and health service providers.

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#### INTERIM FEDERAL HEALTH ISSUES - Res. 11 - May 04

**SUMMARY:** The problems with the IFH program have been mounting and the IFH Advisory Committee has become inactive.

**BE IT RESOLVED** that the CCR urge Medical Services Branch to mobilize the IFH Advisory Committee to develop solutions to a) registration problems; b) the complex claim process; c) the slow reimbursement scheme; d) inadequate resources for increasing special needs.

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### **PRIVATE SPONSORSHIP**

#### PRINCIPLES OF PRIVATE SPONSORSHIP - Res. 13 - Nov. 96

**SUMMARY** NGOs agreed to participate in the resettlement of refugees through the Private Sponsorship of Refugees Programme on the condition that the three principles of partnership, additionality and naming were guaranteed. The Government of Canada regularly attempts to dilute these principles.

**BE IT RESOLVED:** That the CCR write to the Government of Canada reiterating the principles of the Private Sponsorship Programme and expressing concern over CIC's attempts to dilute or discard these principles.

### **NGO-GOVERNMENT COMMITTEE**

#### JOINT SPONSORSHIP COMMITTEE - Res. 17 - Nov. 93

**SUMMARY** There is an urgent need for better communication between private sponsoring organizations and the gov't.

**BE IT RESOLVED** that the CCR urge the creation of a joint government-NGO committee to plan the direction of the programme (without replacing communications with sponsors). The CCR to coordinate the selection of the NGO representatives.

**COMMENTS:** The NGO-Government Committee on the Private Sponsorship of Refugees was formed.

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### **SOURCE COUNTRY**

#### PROCESSING UNDER SOURCE COUNTRY CLASS - SUDAN - Res. 7 - Dec. 99

**BE IT RESOLVED** that the CCR strongly urge CIC to immediately put in place the resources and logistical support to effectively process Sudanese under the Source Country Class.

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#### SOURCE COUNTRY CLASS - Res. 4 - Dec. 00

**SUMMARY** Conflict between Ethiopia and Eritrea has rendered many people effectively stateless, unwelcome and persecuted. Refugees from Sierra Leone are being forcibly repatriated.

**BE IT RESOLVED** that the CCR urge the Government of Canada to process under the Source Country Class those people urgently in need of protection in Ethiopia, Eritrea and Sierra Leone.

**COMMENT:** Sierra Leone was added to the Source Country Class. At the March 2006 roundtable meeting, CIC explained that they have found the source country list extremely difficult and time-consuming to manage. Instead they are looking at alternative exceptional measures to deal with protection in source countries. CCR and others were to be consulted.

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#### AFRICAN REFUGEE SOURCE COUNTRIES - Res. 14 - Nov 02

**SUMMARY:** Refugees from Canadian government classified African Source Countries are not benefitting from such classification due to logistical and bureaucratic challenges nor has the International Region of CIC developed any strategic plan to deal with the protection and resettlement of these refugees.

**BE IT RESOLVED** that the CCR i) recommend that the Canadian Government consult with relevant grassroots community based organizations and concerned individuals in formulating program implementation relating to the protection and resettlement of refugees through the source country program so that valuable resources are utilized appropriately; ii) urge the International Region of CIC to assign more resources to the processing of refugee applications out of African Source Countries; and iii) recommend that a joint ad hoc committee of CIC and concerned agencies of CCR be established to undertake a total review of the Source Country Class Program.

## OVERSEAS PROTECTION AND SPONSORSHIP

### COUNTRY-SPECIFIC

#### KOSOVO PROGRAM - Res. 8 - May 99

**SUMMARY** The Emergency Evacuation Program for refugees from Kosovo introduced by the UNHCR has been identified outside of global resettlement needs.

**BE IT RESOLVED** that the CCR: 1) write to UNHCR to encourage UNHCR to apply such programs in comparable situations in other world regions; 2) write to CIC to: a) welcome the Canadian response to this program and urge Canada to respond in a comparable way to future similar appeals from UNHCR; b) express our appreciation of the possibility of permanent residence in the Canadian program; c) urge Canada to bring other refugees nominated by UNHCR as in urgent need of protection in an equally swift manner; d) urge Canada to extend to other refugees in Canada equally fast family reunification and the extended Interim Federal Health Program; e) ask Canada to urge other countries, including Sweden, not to use the Kosovo appeal as a rationale for reducing existing resettlement programs.

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#### TIBETANS IN INDIA AND NEPAL - Res. 11 - Nov 02

**SUMMARY:** Since 1985 many Tibetans have been living in India and Nepal without prospects of local integration and the deteriorating political situation in India and Nepal has increased their jeopardy.

**BE IT RESOLVED** that the CCR ask CIC to i) consider the situations of Tibetans in India and Nepal, and to quickly process applications for resettlement to Canada through both government assisted and private sponsorship and ii) to expedite landing and family reunification of Tibetans by accepting their identity documents issued by the Tibetan gov't in exile.

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#### DADAAB AND KAKUMA - Res. 11 - Nov. 03

**SUMMARY:** There are more than 120,000 refugees in the Dadaab camps and 86,000 in Kakuma refugee camps from several different African countries who have been resident there for up to 14 years.

**BE IT RESOLVED** that the CCR encourage: i) UNHCR to ensure that conducive conditions exist before beginning voluntary repatriation from the camps; ii) UNHCR to continue to promote resettlement as a durable solution for these refugees; iii) Cdn gov't to continue to actively assist the UNHCR in promoting resettlement as a durable solution for these vulnerable populations; iv) Cdn gov't to increase funding to the UNHCR and WFP programs and services in the camps.

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#### CIC'S REACTION TO THE TURKISH GOVERNMENT'S EXIT PERMIT REQUIREMENT FOR PRIVATELY SPONSORED REFUGEES - Res. 8 - May 04

**SUMMARY:** CIC has decided unilaterally to close all current private sponsorship files in Turkey.

**BE IT RESOLVED** that the CCR i) urge CIC to keep all current private sponsorship files in Turkey open until all avenues have been pursued and until such time as an agreement can be reached with the SAH representatives, and to lift the ban on new undertakings, pending a solution(s) to the exit permit issues; ii) urge the gov't of Canada to continue working with the Multilateral Technical Committee to find a solution(s) to the current and future Turkish exit permit issue; iii) urge

CIC to respect the terms of the SAH agreement (Principles b and g) and work in full collaboration with elected SAH representatives in further negotiations; iv) urge UNHCR to take proactive steps to assist in facilitating the departure from Turkey of persons accepted by the Canadian visa post.

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#### IRAQIS IN EUROPE - Res. 8 - June 05

**SUMMARY:** Many Iraqis in Europe have been refused refugee status and face deportation to Iraq once the host countries consider it safe.

**BE IT RESOLVED** that the CCR strongly urge CIC to develop a humanitarian and compassionate mechanism to allow Iraqis who have been refused status in Europe and who have family who has been protected in Canada to be reunited with family members in Canada.

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#### ETHIOPIAN AND ERITREAN REFUGEES IN DETENTION IN ISRAEL - Res. 9 - June 05

**SUMMARY:** There are 68 refugee claimants from Ethiopia and Eritrea who are detained in Israel for prolonged periods amounting to 18 months. Israel has agreed to release these detainees on bail for two months if there is tangible evidence of a sponsorship application to Canada and for 12 months if an invitation for an interview at the Canadian Embassy is extended

**BE IT RESOLVED** that the CCR 1) urge UNHCR to demand that Israel comply with 1951 Convention, 1967 Protocol and adhere to UNHCR standards on detention; 2) urge UNHCR to intervene according to said standards so that those illegally detained be released and obtain fair procedures for timely review; 3) urge CIC to request its visa post in Tel Aviv to a) process applications and proceed to determination according to IRPA and b) process private sponsorship of these refugees in expedited and consistent manner; and 4) work with ARDC re African refugees and asylum seekers currently in Israel trying to resettle in Canada.

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#### REFUGEES IN ETHIOPIA AND ERITREA - Res. 10 - Nov. 05

**SUMMARY:** There are serious concerns that war might break out between Eritrea and Ethiopia.

**BE IT RESOLVED** that the CCR i) urge the UNHCR and CIC to recognize Eritrean refugees in Ethiopia and Ethiopian refugees in Eritrea as in urgent need of protection; ii) urge the Cdn government to expedite processing of private and government sponsorship of Eritrean refugees in Ethiopia and Ethiopian refugees in Eritrea; iii) urge the UNHCR that the cases of Eritrean refugees in Ethiopia and Ethiopian refugees in Eritrea who have been accepted by UNHCR as in need of protection and who wish to be resettled in Canada be referred to the relevant Canadian embassy; iv) ask the Canadian government to work towards peace between Ethiopia and Eritrea.

**RESPONSE:** Letter from CIC, 20 Feb. 06 (in consultation with Foreign Affairs); Canada continues to monitor the situation between Eritrea and Ethiopia because of the risk of escalation into conflict. The CHC in Nairobi has reviewed its caseload and identified cases which would be most affected based on location and nationality and continues to process active files of both Eritreans in Ethiopia and Ethiopians in Eritrea. As a result of this identification process, Canada has taken steps to be able to move proactively to process persons identified and already referred to Canada by private sponsors or the UNHCR.

## OVERSEAS PROTECTION AND SPONSORSHIP

Letter from UNHCR Rep. in Canada, 30 May 06: UNHCR is also concerned about heightening tensions. UNHCR continues to work with both countries to try and ensure that refugees have access to adequate protection and assistance, as well as durable solutions - including resettlement - as appropriate and feasible.

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### IRAQI REFUGEE CRISIS: CALL FOR INCREASED CANADIAN RESPONSE - Res. 7 - Nov. 07

**SUMMARY:** The situation created by the massive numbers of persons who have fled Iraq to neighbouring countries is putting heavy strain on the infrastructures of these countries and is threatening to destabilize them to the extent that they will be unable to accommodate the refugees already there and those arriving.

**BE IT RESOLVED** that the CCR call on the Canadian government to:

- 1) Provide increased bilateral and multilateral support to Syria, Jordan and other neighbouring countries in the region that are hosting over two million Iraqi refugees.
- 2) Urge the governments in the region to keep their borders open to Iraqi refugees seeking asylum.
- 3) Increase overall resettlement targets (for both government-assisted and privately sponsored refugees) so that there can be a significant increase in numbers of Iraqi refugees resettled to Canada, without reducing the number of refugees resettled from other regions.
- 4) Expedite the processing of Iraqi refugees being resettled to Canada, including the security checks.
- 5) Educate the Canadian public about the needs of Iraqi refugees and promote the involvement of Canadians in the private sponsorship of Iraqi refugees.
- 6) Respond positively to UNHCR referrals for resettlement of Palestinian refugees in the border camps between Iraq and Syria.
- 7) Press other countries not to forcibly return Iraqis to their country of origin.
- 8) Allocate additional resources to the Damascus mission to ensure that the processing of refugees is not negatively affected by the expediting of family class applications.

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### COLOMBIA RESETTLEMENTS LEVELS - Res. 6 - Nov. 08

**SUMMARY** As a result of the continuing conflict in Columbia, displacement levels are higher than ever before.

**BE IT RESOLVED** that the CCR request the Canadian Government to maintain the current resettlement levels for Colombian refugees through the Source Country Class.

**RESPONSE:** R. Fadden, CIC Deputy Minister, 30 March 2009: As you know, CIC is facing challenges in processing people within their country of origin. These challenges were discussed at CIC-CCR roundtable 2 March 2009. I am pleased that CCR provided valuable input and has created an ad hoc group.

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### SOMALIA - Res.7 - Nov. 08

**SUMMARY** The lack of functioning central government in Somalia has resulted in an increase of the number of humanitarian workers and human rights defenders victims of targeted killings. They along with unprotected civilians are forced to flee both inside and outside their country in order to find protection.

**BE IT RESOLVED** that the CCR request that the Canadian government: a) where possible provide support to UN institutions, government and non-government agencies in Somalia and in the surrounding countries which aim to protect and support humanitarian workers, human rights defenders and civilians in Somalia; b) respond

more effectively to the resettlement needs of Somali refugees and their families who are displaced in countries around the world.

**RESPONSE:** Lawrence Cannon, Minister, Foreign Affairs, 1 April 2009: Canada gives priority importance to safety of humanitarian workers, a particular concern in Somalia. Canada urges States to sign the 1994 Convention on the Safety of UN and Associated Personnel, and condemns attacks on aid workers. Canada is working diplomatically to support establishment of a 4<sup>th</sup> refugee camp in Dadaab, to alleviate pressure on existing camps and improve the situation for Somali refugees. Canada consistently advocates for protection of human rights defenders in UN fora. Canada has provided \$35 million in humanitarian assistance to Somalis since 2006 (\$25 m. for food aid, \$5.5 m. to ICRC, \$1.9 m. to Oxfam and World Vision, \$500,000 to UNHCR and nearly \$400,000 to UN Humanitarian Air Service. Canada is also responding to piracy that threatens humanitarian assistance.

R. Fadden, CIC Deputy Minister, 30 March 2009: Canada hosts one of the largest Somali diaspora communities in the world. 2003-2008, Canada resettled c. 2,900 GARs and PSRs from Somalia.

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### OGONI REFUGEES - Res. 2 - May 09

**SUMMARY** About 1,000 Ogoni people have been in a refugee camp in Benin for 10 years.

**BE IT RESOLVED** that the CCR advocate on behalf of the Ogoni refugee population in Benin for a resolution of their situation, including potential resettlement.

**RESPONSE:** UNHCR, May 2010. Benin has in place legal protections for refugees, including access to social and economic rights. Refugees generally do not face security threats in Benin. As of August 2009 there are less than 79 Nigerian refugees in Kpomassé. Since 2007, 117 Ogoni refugees from protracted situations have been resettled to Canada and the US. Where no other durable solution is available, UNHCR will continue to make resettlement referrals particularly for women-at-risk, refugees with medical needs, survivors of violence and torture, as well as in support of family reunification.

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### SRI LANKA - CANADIAN IMMIGRATION MEASURES - Res. 3 - May 09

**SUMMARY:** A humanitarian catastrophe has been unfolding in Sri Lanka since early this year.

**BE IT RESOLVED** that the CCR call on the Gov't of Canada to 1) facilitate an expedited process to reunify families with relatives at risk in Sri Lanka; 2) suspend removals to Sri Lanka; 3) fast-track current and future sponsorship applications from Sri Lanka.

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### SRI LANKA - UNHCR - Res. 4 - May 09

**BE IT RESOLVED** that the CCR call on the UNHCR to establish an international mission to 1) conduct an assessment of current conditions confronting civilians in the war-affected regions and implement appropriate measures to ensure their immediate safety and security; 2) assess and address the immediate risk and resettlement needs of displaced persons in the zone, and in the IDP camps; 3) assess and address the long-term resettlement and rehabilitation needs of individuals and communities in the war-affected regions.

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### SRI LANKA - CANADIAN RESPONSE - Res. 5 - May 09

**BE IT RESOLVED** that the CCR call on the Government of Canada to act forcefully to promote human rights in Sri Lanka, support humanitarian aid, call for the establishment of an international commission on Sri Lanka to investigate and prosecute any allegations of war crimes and crimes against humanity, and to support efforts to work towards a long-term political solution to redress the systemic violations of the human rights of Tamils in Sri Lanka.

**RESPONSE:** Minister of Foreign Affairs, 6 August 2009: Parliamentary Secretary visited SL July 3-7 2009, met stakeholders and officials re. the humanitarian and transition needs of IDPS. He discussed possible engagement in the reconstruction and reconciliation process of the Sri Lanka diaspora in Canada. Canada remains in support of the establishment of independent body to investigate the allegations of violation of International Humanitarian Law during the conflict.

Minister of International Cooperation, 17 Nov. 09: Canada shares concerns, has called on SL to adhere to UN Guiding Principles on Internal Displacement. I visited SL in May and August. Canada has funded emergency medical efforts and nutritional supplementation for vulnerable groups. In all Canada has contributed \$22.5 this year in humanitarian support.

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### CAMP ASHRAF - Res. 7 - May 09

**SUMMARY:** 3,400 Iranian dissidents are in Iraq in Camp Ashraf, which was handed over to the Government of Iraq in December 2008;

**BE IT RESOLVED** that the CCR 1) call on the Government of Canada to oppose forcible relocation or any other mistreatment of the residents of Camp Ashraf in violation of international standards, and to assert that the protection and humane treatment of the residents of Camp Ashraf is a matter of international concern which justifies monitoring by the Multinational Forces while they remain in Iraq and afterwards by the international community once the Multinational Forces leave; 2) ask the UNHCR to reiterate its 2007 statement about forcible displacement in light of the current situation.

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## INTERNATIONAL ISSUES

### REFUGEE CHILDREN - Res. 20 - Nov. 93

**BE IT RESOLVED** that the CCR is to take action with the Canadian gov't and relevant international organizations to (i) call for an international legal instrument for the protection of refugee children; (ii) call for an increase in relief aid and educational resources to refugee children; (iii) increase the numbers of unaccompanied minors resettled in the West; (iv) demand an end to the detention of refugee children; (v) call for measures to eradicate prostitution, rape, female genital mutilation and other abuses in refugee camps; (vi) call for humane measures for internat'l adoptions of refugee children.

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### CONVENTION ON THE RIGHTS OF MIGRANT WORKERS - Res. 24 - Nov. 95

**BE IT RESOLVED** that the CCR call on the gov't to ratify the Convention on the rights of migrant workers and their families.

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### FOLLOW-UP TO THE INTERNATIONAL CONFERENCE ON THE RECEPTION AND INTEGRATION OF RESETTLED REFUGEES - Res. 9 - Dec 01

**SUMMARY:** The ICRIRR endorsed resettlement and integration as important planks in the international protection system and durable solutions.

**BE IT RESOLVED** that the CCR urge the Gov't of Canada to i) reaffirm its commitment to the principles agreed to at the ICRIRR Conference; ii) take the chair of the Reference Group; iii) seek ways to support activities and initiatives to further the principles endorsed at the ICRIRR Conference and to strengthen resettlement initiatives in emerging resettlement countries; iv) express support for the representation of NGOs at the UNHCR Working Group on Resettlement and the facilitation of Canadian NGO participation; and that the CCR seek ways to integrate the ICRIRR Principles into the priorities and activities of the CCR.

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### SYSTEMIC PREVENTION OF CORRUPTION OVERSEAS - Res. 15 - May 02

**SUMMARY:** There is documented evidence of corruption in some overseas offices of the UNHCR and NGO partners.

**BE IT RESOLVED** that the CCR call on the UNHCR to put in place a structure and a back-up monitoring system that will 1) stop existing and prevent future corruption, 2) provide a confidential complaint mechanism, 3) require NGO implementing partners to have a similar structure, monitoring system, and complaint structure.

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### ASSISTANCE TO REFUGEES - Res. 7 - May 2003

**SUMMARY:** Funds from CIDA to UN agencies does not always result in improving provision of material assistance to refugees.

**BE IT RESOLVED** that the CCR urge CIDA to: 1) In addition to providing funding to UN agencies, continue to provide humanitarian funding directly to non-governmental implementing organizations providing material assistance directly to refugees; 2) Remain aware of the effectiveness and positive impact of aid provided to refugees and displaced persons; 3) Increase the proportion of Official Development Assistance (ODA) directed to humanitarian relief and development assistance going to refugee situations and protracted camp situations.

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### REPATRIATION - Res. 12 - May 04

**SUMMARY:** It is crucial that refugees, including refugee women, have a say in all decisions and activities that affect them, including decisions and activities on voluntary repatriation.

**BE IT RESOLVED** that the CCR ask the Gov't of Canada to urge UNHCR to insist as a matter of principle in its discussions and negotiations with host gov'ts and gov'ts of countries of origin that refugees, especially refugee women, be included as active partners in the negotiation, planning and implementation of all voluntary repatriation processes.

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OVERSEAS PROTECTION AND SPONSORSHIP

**TORTURE IN IRAQ** - Res. 13 - May 04

**SUMMARY:** The news about torture, murders and disappearance of prisoners in Iraq, Afghanistan and Guantanamo Bay by American and coalition forces has shocked the conscience of the world and has led to widespread reaction in the USA and elsewhere.

**BE IT RESOLVED** that the CCR write to the Prime Minister of Canada demanding that Canada i) make a public condemnation of torture in Iraq and Afghanistan by US and coalition forces, and ask for the US administration to a) adhere to the international legal instruments against torture and other cruel, inhuman or degrading treatment or punishment; b) train US military personnel and other enforcement official to adhere to these human rights standards; c) allow outside inspection of US-controlled jails, detention centres and other facilities where persons are detained; d) designate an independent ombudsperson to receive complains about torture and other human rights abuses; ii) accede to the UN Optional Protocol to the Convention against Torture and encourage other countries – including and especially the USA – to do the same.

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**SUPPORT FOR REPATRIATION** - Res. 8, Nov. 04

**SUMMARY:** Support for repatriating refugees is grossly inadequate.

**BE IT RESOLVED** that the CCR to request the government of Canada to work with the UNHCR and other countries to increase the levels of support and security given to refugees repatriating through UNHCR initiatives.

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**REPRODUCTIVE HEALTH** - Res. 7 - Nov. 05

**SUMMARY:** The US Women’s Commission for Refugee Women and Children has prepared a Reproductive Health General Statement that outlines challenges to comprehensive reproductive health care.

**BE IT RESOLVED** that the CCR i) support the provision of comprehensive gender-based reproductive health care for all, and women and girls in particular, in conflict-affected settings; ii) recognize that diminished political support for reproductive health combined with reduced funding for these programs can have and is having a devastating impact on refugee and displaced women, men and youth; iii) endorse the Reproductive Health General Statement that calls upon the US government, lawmakers, donors, UN agencies and NGOs to renew their commitment and strengthen their response to reproductive health needs for women, men and youth in conflict-affected settings through increased funding and political support.

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**PROTRACTED REFUGEE SITUATIONS** - Res. 8 - Nov. 05

**SUMMARY:** There are proposals for a future EXCOM resolution on self-reliance.

**BE IT RESOLVED** that the CCR i) advocate that the future conclusion of UNHCR Executive Committee on “self-reliance” be broadly stated to include such activities as the right to work, practice professions, run businesses, own property, move freely and choose their place for residence and have travel documents; ii) advocate that the future conclusion on self-reliance affirm that such rights are integral to UNHCR’s protection mandate; iii) advocate that CIDA integrate refugee rights to self-reliance activities into its aid and development programs.

**CANADIAN SUPPORT FOR DURABLE SOLUTIONS IN PROTRACTED REFUGEE SITUATION** - Res. 6 - May 07

**SUMMARY:** There is a need to respond to protracted refugee situations and the Canadian government has demonstrated a commitment to seeking durable solutions.

**BE IT RESOLVED** that the CCR request gov’t of Canada (CIDA and CIC) 1) to work with NGOs to develop a Canadian strategy to address protracted refugee situations that uses all tools at Canada’s disposal including funding for preventative health treatment, job skills training, health treatment, education etc. in refugee camps and urban settings; 2) to amend the Terms and Conditions of various instruments to allow for more flexibility and responsiveness in programming, including the flexibility to fund integration programming overseas; that Canada’s contributions to the World Bank include instructions that poverty reduction strategy papers should include strategies to help reduce poverty within refugee populations.

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**PROTECTION OF CANADIAN CITIZENS OVERSEAS** - Res. 8 - May 09

**SUMMARY:** The denial of a Canadian passport to Mr. Abdelrazik may set a negative precedent of two-tier citizenship and leave citizens with a refugee background in orbit;

**BE IT RESOLVED** that the CCR urge the Canadian government to protect Canadian citizens overseas against torture and cruel and unusual treatment and provide them with the right to return with no discrimination whatsoever.

**SEE** also Res. 25, Nov. 03 (page 44)

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**FORCED RETURNS OF IRAQI ASYLUM SEEKERS IN EUROPEAN COUNTRIES** - Res. 9 - May 09

**SUMMARY:** Iraqis are being deported from European countries to Iraq;

**BE IT RESOLVED** that the CCR request the Canadian government to urge European governments to stop deporting Iraqi asylum seekers to Iraq, including to the Kurdistan region.

## IV. INLAND PROTECTION

### INTERDICTION

#### CARRIER SANCTIONS AND PROTECTION OF STOWAWAYS

- Res. 10 - June 96

**SUMMARY** Fines imposed by gov'ts on carriers for bringing in improperly documented make stowaways vulnerable to violence by ships' crews, as perhaps in Maersk Dubai case.

**BE IT RESOLVED** that CCR call on the Canadian Government (i) to convene a full public inquiry into the allegations of murder in the Maersk Dubai case and possible links to carrier sanctions; and (ii) to drop carrier sanctions when a refugee claim is made and to amend the Immigration Act accordingly.

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#### BILL S-8 - Res. 14 - Dec. 99

**SUMMARY** Bill S-8, recently introduced as a private member's bill in the Senate, would amend the Immigration Act to give powers to interdict ships and their passengers, undermining refugee protection and putting Canada at risk of violating its human rights obligations.

**BE IT RESOLVED** that the CCR oppose Bill S-8 through letters to appropriate officials and publicly presenting its position.

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#### INTERDICTION AND AIRLINES - Res. 9 - May 01

**SUMMARY** Liaison Officers are bound by a Code of Conduct requiring requests for asylum to be referred to the office of the UNHCR or to the appropriate diplomatic mission. However, interception of refugee claimants is normally effected by airline staff or subcontracted security firms who are not subject to the code of conduct.

**BE IT RESOLVED** that the CCR ask all airlines with offices in Canada transporting passengers to Canada to adopt a code of conduct for their airline staff, the staff of allied airlines acting as their agents, and subcontracted security firms which would provide that intercepting employees provide information to every person intercepted about: a) the refugee claim procedure in the country of interception; b) the local office of the UNHCR; c) the diplomatic mission of the country of destination in the country of interception; d) local non-governmental organizations that could assist the person in making a refugee claim.

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### DIRECT BACKS

#### TURNBACKS AT CANADA-US BORDER - Res. 11 - June 96

**SUMMARY** Claimants turned back by CIC with an appointment time are being detained and processed for deportation by the INS.

**BE IT RESOLVED** that CCR urge CIC (i) to ask INS to allow asylum-seekers with appointments at the Canadian port of entry to wait in the US without legal process (ii) to cease turning back claimants until the US agrees to stop detaining and processing them.

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#### BORDER DIRECT-BACKS AND DETENTION - Res. 17 - May 98

**BE IT RESOLVED:** That CIC 1) process refugee claimants immediately upon their arrival at the border; 2) discontinue direct backs of Canada-bound refugee claimants; 3) request that INS release such individuals to Canada to proceed with Canadian refugee claims.

**COMMENTS:** CIC harmonized its procedures for refugee claims at border points, and ceased direct-backs. However, in 2001 after September 11, direct-backs were restarted at Niagara crossings. On Jan. 27, 2003, CIC issued new instructions authorizing direct-backs without assurances from the US that the person wouldn't be detained.

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### SAFE THIRD COUNTRY

#### SAFE THIRD COUNTRY - Res. 10 - May 92

**BE IT RESOLVED** that the CCR asks the Canadian gov't not to enter into the refugee determination allocation agreement unless (i) country of allocation meets Canadian and international standards in treatment of claimants and refugee determination process; (ii) definition of refugee is consistent with that of Canadian and international definitions; (iii) refugee determinations are subject to appeals by an independent international body; (iv) state parties are signatories of the Convention.

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#### US-CANADA MEMORANDUM OF UNDERSTANDING - Res. 23 - May 93

**SUMMARY: BE IT RESOLVED** that the CCR (i) press the gov't not to enter agreements with other countries that do not recognize same level of protection for asylum seekers; (ii) reaffirms right of refugees to choose country of asylum; (iii) asks a c'tee to study the draft memorandum of understanding and prepare alternatives.

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#### U.S.-CANADA MEMORANDUM OF UNDERSTANDING - Res. 23 - May 95

**SUMMARY** On February 25, 1995 PM Chrétien and Pres. Clinton announced that they are seeking a Safe Country Agreement.

**BE IT RESOLVED** that the CCR 1) press the gov't of Canada not to enter into agreement with the US unless guarantees are satisfied; 2) demand a public hearing on the new draft agreement before it is signed and seek opportunities to comment on the proposed agreement.

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#### SAFE THIRD COUNTRY AGREEMENT & US STANDARDS - Res. 8 - Jun. 97

**BE IT RESOLVED:** That the CCR (i) condemn the shift in US towards more regressive immigration policy and reiterate its strong opposition to the negotiation of any safe third country agreement; (ii) write to the Québec minister explaining our position and asking him to withdraw his support for the MOA.

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INLAND PROTECTION

**BETTER RAD THAN MAD AND NO MOU FOR YOU** - Res. 4 - May 02

**SUMMARY:** The gov't is delaying implementation of RAD, and next month is announcing a "None is Too Many" agreement with the US.

**BE IT RESOLVED** that the CCR offer its services to coordinate a national campaign to implement the RAD and to oppose the US-Canada "None is Too Many" agreement; urge civil society to employ public education and advocacy on these issues.

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**CHILDREN: "NONE IS TOO MANY" AGREEMENT** - Res. 5 - May 02

**BE IT RESOLVED** that the CCR ask for assurances from the Minister of Citizenship and Immigration that no children who are seeking protected person status in Canada - whether separated from or accompanied by parents or legal guardians - be returned to the USA.

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**UNITED STATES: SAFE 3<sup>RD</sup> COUNTRY**- Res. 16 - Nov 02

**SUMMARY:** The Safe Third Country Agreement may have negative effects on asylum seekers from countries that have significant US involvement in those countries' conflicts.

**BE IT RESOLVED** that the CCR ask the Canadian Government to exempt all asylum seekers from such countries from being sent back to the United States under the Safe Third Country Agreement.

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**MAKING A REFUGEE CLAIM**

**FINGERPRINTING** - Res. 21 - May 92

**BE IT RESOLVED** that the CCR also call upon the Canadian gov't not to implement legislation that would legalize fingerprinting of refugees without reasonable and probable cause.

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**PORT OF ENTRY** - Res. 6 - Jun. 97

**SUMMARY** Section 44 of the Act prevents a person from making a refugee claim if they have been issued an exclusion order.

**BE IT RESOLVED:** That the CCR (i) write to the Minister about the abuse of S. 44 and requesting an amendment; (ii) write to the Director General of Enforcement demanding guidelines for SIO.

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**PORT OF ENTRY INTERVIEWS** - Res. 18 - Nov. 95

**SUMMARY** Refugee claimants are often subject to unfair treatment in their port of entry interviews.

**BE IT RESOLVED:** That the CCR call on Citizenship and Immigration to i) establish a committee to review ports of entry procedures; ii) establish a code of conduct for officers and in particular that nothing is to be done to discourage refugee claims; iii) allow the presences of lawyers and/or other friendly personnel; iv) cease asking questions about the basis of the refugee claim; v) provide records of the interview; and vi) institute a complaints procedure.

**UNACCOMPANIED MINORS ENTERING CANADA** - Res. 9 - Nov. 97

**SUMMARY** Unaccompanied minors are not being allowed to enter Canada immediately to make a claim at some entry points.

**BE IT RESOLVED:** That the CCR request that the Department implements a National Policy allowing entry of unaccompanied minors on the same basis as the Buffalo Niagara agreement.

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**ELIGIBILITY INTERVIEW INTERPRETATION** - Res. 8 - Dec. 00

**SUMMARY** CIC does not consistently provide refugee claimants with interpreters at eligibility interviews. The lack of interpretation at an eligibility interview can and does create problems for claimants with CIC and IRB.

**BE IT RESOLVED** that the CCR urge that CIC provide an accredited interpreter at all eligibility interviews.

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**SEPARATED CHILDREN: CIC INTERVIEWS** - Res. 8 - May 02

**SUMMARY:** Children under 18 should not be put through the front-end security interviews in the absence of a parent or guardian.

**BE IT RESOLVED** that the CCR request to CIC that immigration examinations with separated children only be conducted in the presence of a properly appointed designated representative or guardian.

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**EXCLUSION OF CLAIMANTS AT THE POE** - Res. 10 - Nov. 06

**SUMMARY:** There are documented cases of people being removed without any risk assessment at POE.

**BE IT RESOLVED** that the CCR call on the gov't to issue regulations or guidelines that would require POE officers to ask persons subject to removal if they fear persecution in their country of origin or of habitual residence before issuing a removal order.

**COMMENT:** Following a review by CBSA, changes were made to the manual and officer training in 2009.

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**REFERRAL TO SERVICES POST-ELIGIBILITY** - Res. 5 - Nov. 10

**SUMMARY:** Bill C-11 will create very tight timelines.

**BE IT RESOLVED** that the CCR call on CIC and CBSA to adopt as a standard operating procedure the referral of claimants to appropriate and willing community agencies, such as an immigrant serving agency or legal aid, in a city or area of choice of the claimant, immediately after eligibility has been determined.

**REFUGEE DETERMINATION**

**MINIMUM STANDARDS** - Res. 28 - Nov. 93

**SUMMARY** The UNHCR does not establish minimum standards for protection and fairness in refugee determination.

**BE IT RESOLVED:** The CCR call on the Canadian gov't and ICVA to request the EXCOM approve and open for signatures on an international agreement on minimum procedural standards for considering refugee claims.

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**IRB - EXPANDED MANDATE** - Res. 14 - May 99

**BE IT RESOLVED** that: the CCR: 1) support the expansion of the mandate of the IRB, provided that: a) that the IRB first determine if the person is a Convention Refugee; b) the risks reviewed include but not be limited to: i) risks identified in international instruments to which Canada is party; ii) generalized and personal risks resulting from country conditions; iii) risks to family life and unity; c) that the IRB be designated a "court of first instance" to determine whether a person's rights under the Canadian Charter of Rights and Freedoms would be violated; d) that the selection and training of members of the IRB be done in a fair, unbiased, and open manner; e) that a person have the right to an appeal on the merits from the decision of the IRB in accord with CCR Res. 24, May 92; f) that there be a pre-removal review conducted by the IRB to determine if there has been any change in circumstances; g) that a person have the right to paid counsel at the initial hearing before the IRB, at the appeal on the merits, and at the pre-removal review; 2) request meaningful consultation on the issues addressed prior to the drafting of legislation.

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**MINISTER'S REPRESENTATIVES** - Res. 9 - Dec. 00

**BE IT RESOLVED** that the CCR write to the Minister of Citizenship and Immigration and the Chairperson of the IRB raising its concerns re. reports of Minister's Representatives' interventions in refugee hearings leading to retraumatization of refugee claimants, especially survivors of torture, and asking them to collaborate in establishing a fair and accountable mechanism, with feedback from the CCR, for conduct of the Minister's representatives at refugee hearings and their mode of interventions.

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**ESSENTIAL PRINCIPLES** - Res. 15 - May 04

**SUMMARY:** Essential principles of access to refugee protection, due process, and fundamental justice are increasingly under attack in Canada and in other refugee-receiving countries.

**BE IT RESOLVED** that i) the draft Essential Principles, as amended by the Working Group on Inland Protection, be approved in principle as the present position of the CCR; ii) the Executive of the CCR be empowered to revise and amend the draft Essential Principles, taking into account feedback from the membership, insofar as such revisions and amendments are in accord with the principles and policies of the CCR; iii) the CCR publicize the Essential Principles and encourage its members to do likewise.

**FOLLOW UP:** The Essential Principles were finalized and posted on the CCR website at [www.ccrweb.ca/essprinc.html](http://www.ccrweb.ca/essprinc.html)

**IMMIGRATION AND REFUGEE BOARD**

**INDEPENDENCE OF WOMEN IN THE REFUGEE CLAIM PROCESS** - Res. 17 - May 92

**BE IT RESOLVED:** Women should be informed of right to make claims independent of spouse and allowed to separate their claim in case of marriage breakdown.

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**APPEARANCE OF REFUGEE WOMEN BEFORE THE IRB** - Res. 19 - Nov. 92

**BE IT RESOLVED:** The CCR asks the IRB to (i) ensure that women are able to submit any form of evidence of rape or sexual abuse; (ii) promulgate guidelines urging members not to make negative findings of credibility based on timing of disclosure of rape.

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**ANTI-SEXISM POLICY FOR THE IRB** - Res. 20 - Nov. 92

**SUMMARY** IRB members have used sexist comments in both their reasons and in the hearing process.

**BE IT RESOLVED:** The CCR ask the IRB to develop a policy on sexism in consultation with the CCR.

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**PRINCIPLE OF NON-ADVERSARIAL HEARINGS AT THE IRB** - Res. 28 - Jun 94

**BE IT RESOLVED** that the CCR emphatically endorse the Hathaway report which recommends that the IRB return and adhere to the principle of being a non-adversarial tribunal of inquiry into Convention refugee claims.

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**CODE OF CONDUCT FOR INTERPRETERS** - Res. 32 - Jun 94

**BE IT RESOLVED:** The CCR call upon the IRB to (i) guarantee a coherence in the overall accreditation of interpreters of all languages; (ii) ensure the accountability of all interpreters through licensing, and the establishment a code of conduct; and (iii) those previously certified are made to take an updated test before certification.

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**PROPOSED IRB CODE OF PROCEDURES FOR TORTURE SURVIVORS** - Res. 33 - Jun 94

**SUMMARY** The CCR supports the efforts of the National Network of Torture Survivor Centres in its elaboration of a Code of Procedures.

**BE IT RESOLVED** that the CCR (i) endorse the Code of Procedure; (ii) assist the network in encouraging the IRB and the Minister to examine the code, to consult with interested parties and to create a legally enforceable code of procedures for the treatment of torture survivors.

**COMMENT:** The IRB issued Guideline 8 on Procedures with Respect to Vulnerable Persons Appearing Before the Immigration and Refugee Board of Canada in December 2006.

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INLAND PROTECTION

**GUIDELINES AND EDUCATION ON SEXUAL ORIENTATION FOR THE IRB** - Res. 16 - Nov. 94

**BE IT RESOLVED** that the CCR strongly urge the IRB to i) develop and adopt Guidelines for claims of persecution on the basis of sexual orientation; and ii) to provide for on-going education on the Guidelines and on combatting homophobia.

See also Res. 8, Nov. 08, page 14.

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**IRB - DUE PROCESS** - Res. 12 - June 96

**SUMMARY** The federal and Quebec gov'ts and the IRB have reacted to negative public opinion about Chilean refugee claimants by proposing to restrict their rights and benefits.

**BE IT RESOLVED** that CCR call on the IRB to maintain its independence and to ensure that all claimants continue to receive due process in the processing of their claims.

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**IRB SCHEDULING** - Res. 9 - Jun. 97

**SUMMARY** The IRB is now scheduling as priority cases of most recently arrived claimants, thus increasing the hardship of claimants who have been suffering long delays.

**BE IT RESOLVED:** That the CCR (i) oppose the implementation of the new IRB policy; (ii) express our concerns and opposition to the IRB.

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**IRB PRESUMPTION AGAINST CERTAIN CLAIMS** - Res. 10 - Jun. 97

**BE IT RESOLVED:** That the CCR demand that the IRB stop the practice of treating all claims from certain nationalities (including Chileans and Mexicans) as manifestly unfounded.

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**IRB GUIDELINES ON UNACCOMPANIED MINORS** - Res. 10 - Nov. 97

**BE IT RESOLVED:** That the CCR recommend to the IRB Chairperson that i) expedited hearings be used generously for such children; ii) substantive guidelines be developed to include family reunification as one of its principles.

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**IMMIGRATION AND REFUGEE BOARD - CRDD** - Res. 14 - Nov. 98

**SUMMARY** The CCR is concerned about fairness in the context of the drive for efficiency; allegations of bias re. sexual orientation; lawyers to obtain conventional tape recordings of CRDD hearings; misconduct by RCOs during refugee claim hearings.

**BE IT RESOLVED** that the CCR write to the chairperson of the IRB to express our concerns and request action on the above issues.

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**VIDEO-CONFERENCE HEARINGS** - Res. 15 - Nov. 98

**SUMMARY** The IRB is conducting refugee hearings and detention reviews using video-conferencing.

**BE IT RESOLVED** that the CCR call upon the IRB to immediately stop the use of video-conferencing for the conducting of refugee claim hearings and detention reviews.

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**PIF DISCLOSURE** - Res. 15 - May 99

**SUMMARY** Claimants' PIFs are being introduced as evidence into the hearings of other claimants.

**BE IT RESOLVED** that the CCR call on the CRDD not to disclose any PIF in the hearing of another claim unless: 1) the information is sanitized so that neither the claimant nor any other person can be identified; 2) the claimant expressly consents; or 3) the Refugee Division is satisfied, at a hearing where the claimant whose PIF is given an opportunity to be present and make representations, that there is no serious possibility that the life, liberty or security of any person would be endangered.

**COMMENTS:** The RPD Rules introduced in 2002 formalized the practice of using the PIF from one claimant in another claimant's case.

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**TREATMENT OF SURVIVORS OF TORTURE BY THE IRB** - Res. 11 - Dec. 99

**SUMMARY** Some survivors of torture are being re-traumatized by the experience of the refugee hearing process.

**BE IT RESOLVED** that the CCR request the IRB to make it a priority to establish a joint committee with the CCR to develop guidelines for refugee claim determination involving survivors of torture. The joint committee will work in consultation with other organizations with expertise in dealing with survivors of torture.

**COMMENT:** The IRB issued Guideline 8 on Procedures with Respect to Vulnerable Persons Appearing Before the Immigration and Refugee Board of Canada in December 2006.

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**IRB COMPLAINT MECHANISM** - Res. 10 - Dec. 00

**BE IT RESOLVED** that the CCR call upon the IRB to i) introduce a procedure whereby complaints related to the behaviour or competence of CRDD members and RCOs will be investigated by an independent person or panel; ii) develop and implement a policy which clearly sets out what consequences flow from a finding that a member or RCO has behaved inappropriately or has acted in an incompetent manner.

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**EXCLUSION CLAUSE GUIDELINES** - Res. 7 - May 01

**BE IT RESOLVED** that the CCR ask the IRB Chair to issue guidelines on the exclusion clauses that would include the principles that: i) inclusion should precede exclusion; ii) the gravity of the offence should be balanced against the gravity of the persecution feared; iii) the standard of proof should be higher than a balance of probabilities.

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INLAND PROTECTION

EXTENSIONS FOR FILING PIFS AND ABANDONMENTS - Res. 12 - May 2003

**SUMMARY:** IRB is denying extensions for filing PIFs and declaring cases abandoned for late filing of PIFs.

**BE IT RESOLVED** that the CCR ask the IRB Chairperson 1) to issue a directive to allow for longer (1 month or more) extensions for filing of PIFs; 2) to issue a directive that cases not be declared abandoned if the PIF is filed in advance of or at an abandonment hearing.

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CHANGE OF VENUE - Res. 22 - Nov. 03

**SUMMARY:** The refusals of requests for changes of venue have caused hardships for refugee claimants.

**BE IT RESOLVED** that the CCR: i) Call on the IRB to ensure that in all regions a request for change of venue not be rejected where a claimant can show that hardship would result from such a rejection; ii) call on the IRB and CIC to allow persons to choose their place of hearing where hardship would result from a refusal to grant this choice.

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GUIDELINES FOR CONDUCT OF HEARINGS - Res. 23 - Nov. 03

**SUMMARY:** The new IRB guidelines attempt to increase efficiency without consideration of the negative impact these guidelines will have on claimants' ability to get a fair hearing.

**BE IT RESOLVED** that the CCR call upon the IRB to: i) withdraw the requirement that the Refugee Protection Officer or Member examine a claimant prior to the claimant's counsel; ii) withdraw the ability of the IRB to schedule hearings without regard to counsel's calendars; iii) direct Members not to impose a video-conferencing hearing on a claimant in the face of a claimant's objection; iv) amend the guidelines to delete the direction to Board members to restrict the length and content of a claimant's counsel's submissions; v) add clear guidelines on the treatment of vulnerable claimants in the Guidelines on the Conduct of Hearings.

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DELAYING THE DAY - Res. 14 - June 05

**SUMMARY:** The IRB will not conduct any refugee determination hearings until claimants have received security clearances.

**BE IT RESOLVED** that the CCR request the IRB to set a strict 6 month time limit for delaying a hearing to allow for the security clearance, so that refugee claimants who are ready to proceed can have their hearings in a timely manner as required by IRPA.

**COMMENT:** The IRB issued new directives in February 2006 requiring that a hearing be scheduled after one year, even if the security clearance is still pending.

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PERSONS WITH MENTAL HEALTH ISSUES BEFORE THE IRB - Res. 9 - May 07

**SUMMARY:** The needs of persons with mental health issues are not being adequately addressed by any of the divisions of the IRB;

**BE IT RESOLVED** that the CCR advocate for the creation and implementation by the IRB of specialized mental health tribunals modelled upon the mental health courts in the criminal justice system.

**RESPONSE:** Letter from Chairperson, Immigration and Refugee Board (undated): The Guidelines on Vulnerable Persons are intended to allow for special consideration and accommodation of persons with physical or psychological frailty, including people with mental illness. The UNHCR is organizing a national roundtable on refugee claimants with mental health issues. The IRB will participate.

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MAILING PIFS - Res. 10 - May 07

**SUMMARY:** Claimants living in cities far from IRB offices have seriously reduced time to complete their PIFs because mailing can take 7 to 12 days.

**BE IT RESOLVED** that the CCR urge the IRB to change the 28 days rule for PIFs to the date the PIF is posted, not the date it is received (even when it becomes possible electronically).

**RESPONSE:** Letter from Chairperson, Immigration and Refugee Board (undated): The 28 day rule is fair because it applies to all individuals equally. It would be difficult to manage a process with different timeframes depending on location in Canada. Rule 6(2) allows for an application for an extension of time.

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**IRB APPOINTMENTS**

APPOINTMENT OF MEMBERS OF CRDD - Res. 11 - May 92

**SUMMARY** The CBA report concluded Canada "lacks an open and systematic appointment process". CCR resolutions asked for joint task force to implement a fair and nonpolitical appointment process.

**BE IT RESOLVED** that the CCR demand (i) an open and systematic appointment process to CRDD that considers relevant factors to refugee determination; (ii) a potential nominee to CRDD be approved in consultation with appropriate region of CBA Immigration Subsection and regional affiliate of CCR.

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APPOINTMENTS AND REVIEWS OF MEMBERS OF CRDD - Res. 23 - Nov. 93

**BE IT RESOLVED:** that the CCR contact the Min. C&I requesting (i) implementation of May 92 Res. 11 & 18 and the establishment of a continuous programme of sensitivity training; (ii) the involvement of the CCR and regional Bars in the review and confirmation of CRDD members; (iii) the development by the IRB of a continuous review of Board members who are unsuitable and of a procedure to remove or discipline such members.

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INLAND PROTECTION

**IRB APPOINTMENTS** - Res. 18 - Nov. 96

**BE IT RESOLVED** that the CCR call on the Minister of Citizenship and Immigration to (i) withdraw the proposal that Refugee Division panels be reduced to one member and (ii) base the appointment of IRB members on merit and competence rather than on political factors.

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**APPOINTMENTS PROCESS** - Res. 19 - Nov. 98

**SUMMARY** François Crépeau and France Houle have prepared a report entitled *Compétence et Indépendance*, 6 March 1998, which makes seven key recommendations on the IRB appointments process.

**BE IT RESOLVED** that the CCR endorse and promote the recommendations of the report on the appointments process.

**COMMENTS:** Changes to the appointment process were announced in March 2004. In 2007, the government brought in changes that repoliticized the process. Bill C-11, adopted 2010, makes Refugee Protection Division members civil servants, rather than Cabinet appointees. Refugee Appeal Division members will continue to be appointed by Cabinet.

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**REPRESENTATION & LEGAL AID**

**LEGAL AID CUTS** - Res. 14 - May 92

**BE IT RESOLVED:** The CCR resolves that (i) all refugee claimants have a right to competent counsel of choice in all provinces and territories (ii) and that legal aid services should not be cut back; (iii) the Attorneys General of BC, Quebec and Ontario will be contacted to ensure proper representation.

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**PROTECTION OF CLAIMANTS FROM INCOMPETENT AND UNSCRUPULOUS COUNSEL** - Res. 16 - May 93

**SUMMARY** Refugees are frequently represented by unscrupulous lawyers/non lawyers.

**BE IT RESOLVED** that the CCR inquire from the law societies as to what steps are being taken to protect claimants and suggest strategies.

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**NOTICE OF RIGHT TO LEGAL COUNSEL** - Res. 26 - Dec 01

**SUMMARY:** Refugee claimants are often not advised by CIC that they have the right to legal counsel at various points in the claimant process which has caused harm to some claimants.

**BE IT RESOLVED** that the CCR request that the Minister of C&I ensure that those in the process of making a refugee claim be clearly advised of their right to legal counsel in the refugee process and provided with information on the ways to procure legal counsel.

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**ACCESS TO COUNSEL FOR IMMIGRATION DETAINEES** - Res. 15 - Nov. 03

**SUMMARY:** Immigration detainees in provincial jails in remote areas do not have access to counsel.

**BE IT RESOLVED** that CCR call upon the federal and provincial governments to establish procedures to ensure effective access to counsel for all immigration detainees, including free telephone access and face to face communication with counsel.

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**APPEAL**

**SAFETY NETS FOR REFUGEES** - Res. 24 - May 92

**BE IT RESOLVED:** The CCR call upon the gov't of Canada to (i) introduce legislation to allow the re-opening of rejected cases if a change in circumstances develops; (ii) ensure the H&C review process accommodates new evidence, correction of errors, and examine whether a claimant is in danger; (iii) establish joint regional advisory committees to review negative decisions; (iv) establish appeal system with power to grant refugee status; (v) amend current leave requirements to include as of right, oral application, and the court to give reasons for refusing leave.

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**SANCTUARY** - Res. 17 - May 04

**SUMMARY:** The gov't of Canada has failed to implement the appeal on the merits for refugee claimants, depriving refused claimants of an important safeguard contained in the IRPA.

**BE IT RESOLVED** that the CCR i) recognize that recourse to sanctuary may be necessary to protect asylum seekers whose lives or security would be jeopardized if removed from Canada; ii) deplore the recent, first-known, violation of sanctuary in Canada by police acting with force and in apparent close cooperation with CBSA and other gov't officials; iii) when sanctuary is necessary, encourage those providing it to inform the CCR membership, so that members may assist in encouraging the gov't to reconsider the situation that leads to sanctuary; iv) take appropriate action to encourage the gov't to reconsider the situation that leads to sanctuary; v) re-affirm the need for the implementation of the appeal on the merits for refused refugee claimants; vi) call upon the Canadian gov't to continue to respect the historic right of sanctuary.

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**PRRA**

**GENDER-BASED CLAIMS AND THE PRRA** - Res. 23 - Nov 02

**SUMMARY:** Gender claims can take time to emerge, and PRRA is one remedy for a gender-based claim that was not previously heard.

**BE IT RESOLVED** that the CCR call upon CIC to i) accept at the PRRA level, claims based on gender, including severed claims, as "new evidence" to be considered; ii) to designate specific gender experts as PRRA officers in each region and iii) to ensure that all PRRA officers receive ongoing gender based training including relevant case examples.

INLAND PROTECTION

H&C

H&C CRITERIA – HARDSHIP - Res. 14, Nov. 04

**SUMMARY:** In some cases, PRRA and H&C applications are assessed by the same office.

**BE IT RESOLVED** that the CCR urge CIC that H&C applications be assessed against the wider criteria of hardship, rather than risk as assessed in the PRRA.

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H&C DECISIONS AND CANADIAN VALUES - Res. 15, Nov. 04

**BE IT RESOLVED** that the CCR to request that 1) the criteria for deciding on H&C requests in the IP-5 Manual be modified to read “unusual and undeserved hardship” with the addition of “or sufficient family ties”, 2) departmental policy and guidelines be modified so that, in the absence of significant countervailing factors, the following categories will benefit from a favorable presumption in analysis of humanitarian applications: i) Married couples with a valid relationship will not be separated by removal during the processing of the permanent residence, ii) Applicants with Canadian children will be generally accepted for permanent residence in Canada, iii) Applicants with over five years in Canada of continuous presence are generally allowed to stay in Canada, iv) Applicants with children who have become culturally acclimated to Canada and have over three years Canadian schooling should generally be accepted for residence, v) Applicants whose removal would create significant disruption to a Canadian employer or to other Canadian employees should warrant humanitarian considerations, vi) Torture or rape victims should not normally be sent back to the country where they suffered rape or torture. Serious risk of re-traumatisation must be an important humanitarian concern.

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H&C AND MEDICAL INADMISSIBILITY, Res. 11 - Nov. 05

**SUMMARY:** Persons who receive a positive H&C decision but then are found medically inadmissible are refused landing.

**BE IT RESOLVED** that the CCR request an amendment to the Regulations requiring that a person who is granted approval in principle for landing on H&C grounds be exempt from medical admissibility criteria and be landed without delay.

**COMMENTS:** CIC issued directives in June 2006 re. exempting H&C applicants from inadmissibility provisions.

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**SEE ALSO:** Priority processing for H&C applications involving best interest of the child, Res.4, Nov. 08 (page 41) and concurrent processing Res. 12, May 09 (page 39).

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DECISION-MAKING ON H&C APPLICATIONS – Res. 6 – Nov. 10

**SUMMARY:** People are increasingly being removed from Canada prior to the examination of pending H&C applications and under Bill C-11, the government intends to remove failed claimants more quickly. Bill C-11 provides for fixed timelines for every stage of the refugee process;

**BE IT RESOLVED** that the CCR advocate for a commitment from CIC to rule on H&C applications within a fixed time frame of four months from the time of filing of the H&C application or, if a removal date is set before that, prior to the scheduled removal date.

DETENTION

WOMEN IN DETENTION CENTRES - Res. 19 - May 92

**BE IT RESOLVED** that the CCR request the Canadian government to establish a government body to monitor detention centres to ensure that (i) needs of women and children are met to avoid splitting of families; (ii) women are separated from unrelated men; (iii) reasonable bail conditions are set.

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DETENTION Res. 35 - Jun 94

**SUMMARY** The CCR has published a document concerning the detention of refugees (May, 1994). The CCR and its members note the serious abuses and arbitrariness in arrest and detention practices since the adoption of C-86.

**BE IT RESOLVED:** The CCR (i) endorse the May 1994 report as its official document on detention; (ii) condemns the systematic violation of article 9 of the Charter and of our international obligations; (iii) recommend that the Minister immediately establish clear regulations delineating the grounds for detention and (iv) a mechanism for sanctions and accountability for immigration officials who abuse the rights of non-citizens and to study the possibility of an independent ombudsman for complaints about immigration practices; (v) demand the establishment of a code of ethics for immigration employees; (vi) contact the provincial ministers of tourism to make them aware of the treatment that visitors to this country are subjected to at the current time; (vii) invite the Working Gp on Arbitrary Detention of the UN Human Rights Commission to visit Canada on a fact-finding visit to investigate the conformity of Canadian practices with international standards of behaviour; and (viii) advocate 21 recommendations on interpreter accountability, defence of rights, access to information, duration and conditions of detention, the access to health care by detainees, the relations between NGOs and Immigration, etc.

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USE OF RESTRAINTS DURING IRB HEARINGS - Res. 22 - May 95

**SUMMARY** Refugee claimants in detention are routinely transported to and from hearings in handcuffs, or in handcuffs and leg irons.

**BE IT RESOLVED** that the CCR ask the Minister 1) to instruct Immigration enforcement officials that all restraints be removed before an IRB hearing; 2) to ask the IRB to provide sufficient security so that restraints can be removed safely.

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DETENTION MONITORING - Res. 10 - May 01

**SUMMARY** the Canadian Red Cross is about to sign a Detention Monitoring Agreement to monitor CIC detention facilities

**BE IT RESOLVED:** that the CCR urge CIC to disclose the findings of the Red Cross reports as fully as possible consistent with the principles of the Red Cross including confidentiality.

INLAND PROTECTION

NATIONAL DETENTION STANDARDS - Res. 11 - May 01

**SUMMARY** Draft national detention standards function as de facto guidelines. There are no management oversight boards for detention facilities within CIC and no satisfactory complaint mechanisms.

**BE IT RESOLVED** that the CCR urge CIC to: i) amend and adopt the draft standards in line with NGO proposed amendments; ii) establish management oversight boards for CIC detention facilities and an effective complaint mechanism for detainees and NGOs; iii) adopt national detention standards for persons detained in non-CIC facilities.

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MINORS IN DETENTION - Res. 20 - Dec 01

**BE IT RESOLVED** that the CCR call on CIC, in the case of refugee children in need of protection, as an alternative to detention, to implement other protection models such as "safe houses."

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DETENTION - Res. 30 - Dec 01

**BE IT RESOLVED** that the CCR renew its request for the urgent establishment of an ombudsperson's office, for complaints about immigration practices, especially on detention issues.

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DETENTION ON THE BASIS OF IDENTITY - Res. 10 - May 02

**SUMMARY:** Persons of certain countries of origin appear to be detained on the basis of identity for extended periods.

**BE IT RESOLVED** that the CCR call on CIC to 1) research timeframe of those detained on identity to obtain release, 2) report the data by country of origin, 3) make public the findings.

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ACCESS TO COUNSEL FOR IMMIGRATION DETAINEES - Res. 15 - Nov. 03

**SUMMARY:** Immigration detainees in provincial jails in remote areas do not have access to counsel.

**BE IT RESOLVED** that CCR call upon the federal and provincial governments to establish procedures to ensure effective access to counsel for all immigration detainees, including free telephone access and face to face communication with counsel.

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DETENTION ON GROUNDS OF ID - Res. 16 - Nov. 03

**SUMMARY:** International guidelines on detention stipulate that undocumented refugee claimants should not normally be detained.

**BE IT RESOLVED** that the CCR call on CIC and IRB to adhere to international standards with respect to detention of refugee claimants, and to ensure that refugee claimants not be detained for more time than is required to conduct *initial* enquiries as to the person's identity. Ascertaining a person's identity should not be dependent on an ability to produce an identity document.

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BONDS REQUIRED FOR REFUGEE CLAIMANTS IN TORONTO AND ELSEWHERE - Res. 17 - Nov. 03

**BE IT RESOLVED** that CCR ask CIC and the IRB to release refugee claimants who satisfy their identity requirements, without a bond.

**RESPONSE:** Roundtable, February 2004: The imposition of bonds is not necessarily tied to ID. Many of those detained are there on grounds of flight risk as well as ID. Officers have been advised that once ID is satisfied, a bond should not be required on those grounds only.

~~~~~

DETENTION ON IDENTITY GROUNDS - Res. 5 - Nov. 06

**SUMMARY:** There is no independent review of a) the decision of an officer to detain a foreign national because their identity has not been established, b) of the Minister's opinion that identity has not been established and c) once identity has been tendered, the decision that it is insufficient.

**BE IT RESOLVED** that the CCR demand that IRPA be amended to require that the Immigration Division of the Immigration and Refugee Board conduct an independent review of a), b) and c).

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NGO ACCESS TO DETENTION CENTRES - Res. 12 - May 07

**SUMMARY:** NGO access has become increasingly difficult given strict requirements for security clearance.

**BE IT RESOLVED** that the CCR demand that NGOs that visit or provide services within immigration detention facilities not be required to pass security clearance.

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ACCESS TO VANCOUVER DETENTION FACILITY - Res. 13 - May 07

**SUMMARY:** CBSA has refused to grant NGO access to their Vancouver airport detention facility;

**BE IT RESOLVED** that the CCR demand that CBSA ensure NGO access to this facility.

**RESPONSE:** September 2007 Roundtable: The centre cannot accommodate visitors. Detainees receive a booklet in English and French and have unlimited use of the telephone for local calls. CBSA could work with NGOs to provide detainees with a list of NGOs that they could call on the telephone.

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CHILDREN IN DETENTION - Res. 13 - May 09

**SUMMARY:** CBSA and IRB do not give primary consideration to best interests of the child in deciding to detain children;

**BE IT RESOLVED** that the CCR demand that: 1) CBSA not detain children by considering all possible alternatives; 2) IRB and CBSA respect their obligations under the Convention on the Rights of the Child and give primary consideration to the best interests of the child when making decisions on detention of children or of adult guardians of children, which affects their children.

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INLAND PROTECTION

**DETENTION OF MINORS - PRESUMPTION OF AGE** - Res. 14 - May 09

**SUMMARY:** Detention of minors must be an exceptional measure;

**BE IT RESOLVED** that the CCR recommend that, when a person who alleges to be a minor is detained for reasons of identity, they must be presumed to be a minor, until otherwise established.

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**SEE ALSO** re. Detention of non-status persons Res. 10, May 09 (page 42)

**DEPORTATIONS**

**DEPORTATIONS POLICY** - Res. 23 - Nov. 92

**SUMMARY** The CCR recognizes that the state has certain rights to deport non-citizens but holds that no one should be removed without full and fair consideration of their rights.

**BE IT RESOLVED** that the CCR endorse the following policy on deportations specifying the conditions under which removal is acceptable: i) An independent body be established to review whether the person should be removed; ii) The body shall be composed of qualified personnel who have been appointed in consultation with credible non-governmental organizations. iii) The criteria for the review shall consist of the following: a) Persons shall not be removed where there is the serious possibility of violations of their fundamental rights; b) International instruments shall be observed in determining whether such persons would face violations of their fundamental rights; c) No one shall be removed to a country where there is a possibility of serious harm to their personal security; d) There shall be no removal of any refugee claimant who has been in Canada for five years or more, unless they are guilty of serious violent crimes or have engaged in crimes against humanity; e) There shall be no removal to intermediary countries which may cause indirectly the results which are intended to be prohibited by this policy; f) There shall be no removal of any refugee claimant who has entered into a marriage-like relationship with a Canadian or permanent resident unless it can be shown that the relationship was entered into for the sole purpose of preventing the removal; f) There shall be no removal of any refugee claimant who has dependants in Canada who are citizens or permanent residents of Canada. iv) When a removal is to take place, the following conditions shall apply: a) Persons shall be given a reasonable period to arrange their affairs prior to removal; b) The dignity of the person shall be respected.

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**DEPORTATIONS WITHOUT ADEQUATE DOCUMENTS** - Res. 30 - May 93

**SUMMARY** Rejected refugee claimants are being deported to their countries of origin with temporary travel documents.

**BE IT RESOLVED** that the CCR (i) protest to Min. E&I and the Minister of External Affairs this practice and (ii) asks member agencies to document cases and forward them to the Working Group on Protection; (iii) put issue on agenda of next CCR-EIC round table.

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**DRUGGING OF DEPORTEES** - Res. 34 - Jun 94

**SUMMARY** In at least a dozen instances over the past year, including an incident involving a pregnant Zairean woman, people being deported have been forcibly drugged.

**BE IT RESOLVED** that the CCR demand an independent inquiry into the incident involving the Zairean, and into the practice of medicating people for the purposes of deportation.

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**STAYS OF REMOVAL ORDERS** - Res. 38 - Jun 94

**BE IT RESOLVED** that the CCR demand that the gov't cease the practice of removing to the US refugee claimants who are applying for leave to the Federal Court.

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**REMOVALS** - Res. 15 - Nov. 95

**BE IT RESOLVED:** That the CCR call on the Department to i) establish accountability mechanisms, ii) protect the deportee's identity, and iii) not order removals that would lead to family separation; and, further, that the CCR endorse the recommendations of the May 1995 CIC-RCMP task force to i) develop a code of conduct for investigators, ii) recruit women and minorities, iii) develop a community based approach to illegal immigration, and iv) give enforcement personnel cross-cultural training.

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**TASSÉ REPORT** - Res. 21 - Nov. 96

**BE IT RESOLVED:** that the CCR call on the Minister of Citizenship and Immigration to implement the recommendations of the Tassé Report for greater accountability through (i) the adoption of an effective code of ethics; (ii) training on ethical principles and standards for staff; (iii) the setting up of an independent complaints procedure; and (iv) the setting up of a review mechanism to ensure continuing compliance with international standards.

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**PRIVATIZATION OF REMOVALS** - Res. 13 - Dec. 00

**SUMMARY** CIC has been using P&I, a private company, to remove African nationals from Canada to Africa. The deportees have been forcibly detained and unlawfully confined by a private company.

**BE IT RESOLVED** that the CCR i) Write to the Min. C & I to a) condemn the use of P&I for removal of deportees; b) demand to know the legal basis for using P&I; c) demand that the Minister confirm in writing that the practice of using private agents for removals will cease; ii) continue to investigate P&I and CIC's contracting out of removals; iii) investigate all possible human rights violations, possible complaints and legal challenges to such practices.

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**BEST INTERESTS OF THE CHILD AND DEPORTATION OF A PARENT** - Res. 29 - Nov. 03

**SUMMARY:** The UN Committee on the Rights of the Child has criticized Canada for not observing the "best interests" as a primary consideration in all decisions affecting children.

INLAND PROTECTION

BE IT RESOLVED that the CCR call upon the Minister of C&I to develop guidelines for his officers to ensure that the best interests of children affected by a deportation decision are given "primary consideration" as required by the UN Convention on the Rights of the Child and that, for greater certainty, on public policy grounds, there is a presumption that deportation of the parent of a minor child in Canada would not be in the child's best interest.

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**FAIR REMOVAL PROCESS** - Res. 17 - Nov 02

**SUMMARY:** IRPA eliminates the right to a hearing before the IRB for anyone who is sentenced to two years or more in jail for a crime committed in Canada, regardless of his or her personal circumstances.

**BE IT RESOLVED** that the CCR solicit statements and submissions from those affected by this policy and advocate for the creation of an equitable power in a decision-maker independent of CIC to make removal determinations.

**MORATORIA**

**PERMANENT RESIDENCE FOR PERSONS FROM COUNTRIES TO WHICH CANADA DOES NOT DEPORT** - Res. 12 - May 01

**SUMMARY:** CIC has a list of countries to which Canada does not generally deport.

**BE IT RESOLVED:** that the CCR write to the Minister of C&I urging that a process be established which will facilitate the granting of permanent residence to all individuals who have been in Canada for more than three years and who are from countries on the list.

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**PEOPLE WITHOUT STATUS** - Res. 15 - Dec 01

**BE IT RESOLVED** that the CCR i) adopt the principal demand of the Comité d'action des sans statut which calls on the Canadian gov't to grant automatic landing to those persons refused refugee status who are from one of the five moratorium countries three years after they made their refugee claim in Canada; ii) undertake to advocate for and promote this position to the Canadian gov't authorities in order to urge them to adopt a policy on the lines of the above demand.

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**COUNTRIES WITH NO FUNCTIONING GOVERNMENT** - Res. 16 - May 04

**SUMMARY:** The IRPR state that the Minister can suspend removals to a country or place where there is a situation of generalized risk.

**BE IT RESOLVED** that the CCR call on the Canadian gov't to add countries that are without a functioning gov't, like Somalia, to the list of countries to which Canada has temporarily suspended removals.

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**MORATORIUM ON REMOVALS TO THE OCCUPIED TERRITORIES** - Res. 18 - May 04

**BE IT RESOLVED** that the CCR call on the Canadian gov't to immediately place a moratorium on deportations to the Palestinian occupied territories, in recognition of the ongoing military occupation and the risk to the life, liberty and security of those living under it.

**LANDING**

**IDENTITY DOCUMENTS** - Res. 27 - May 93

**SUMMARY** Members of the backlog and refugees are being refused landing because they lack official identity documents. Many come from countries where it is impossible to get such documents.

**BE IT RESOLVED** that CCR request the Min. E&I waive the requirement in appropriate circumstances.

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**LANDING FEES FOR CONVENTION REFUGEES** - Res. 39 - Jun 94

**BE IT RESOLVED** that the CCR (i) condemns cost recovery fees for landing applications for refugees and their dependants; and (ii) request that the processing fees be eliminated, or, in the alternative, that payment be deferred until the point of landing.

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**HEAD TAX** - Res. 12 - May 95

**SUMMARY** The Right of Landing fee is discriminatory, exclusionary and racist because of the vast variance in country and individual income around the world and is a particular burden for refugees.

**BE IT RESOLVED** that the CCR 1) call for a repeal of the Right of Landing Fee for all newcomers accepted for landing in Canada; 2) urge the federal gov't to recognize the distinctive burden that the "head tax" lays on refugees and their families.

**COMMENT:** Head tax rescinded for refugees 28 February 2000, and halved in May 2006.

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**IDENTITY DOCUMENTS** - Res. 16 - June 96

**BE IT RESOLVED** that CCR welcome the Minister's announcement that the landing of undocumented refugees will be resolved separately from the other ID issues and urge that (i) the solution be implemented quickly and extended to those accepted under DROC, H&C and PDRCC; (ii) resources be provided to land these undocumented persons within 6 months; and (iii) visa officers be directed to give greater weight to personal interviews and circumstantial documentary evidence when primary documents cannot be obtained. CCR will prepare a formal brief questioning the rationale for requiring identity documents and opposing presumptions or inferences that refugees without identity documents lack credibility.

**COMMENT:** IRPA regulations codify the use of affidavits as an alternative to identity documents.

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INLAND PROTECTION

**AUTOMATIC PERMANENT RESIDENCE FOR CONVENTION REFUGEES** - Res. 12 - Dec. 00

**BE IT RESOLVED** that the CCR call on CIC to automatically land Convention refugees and their family members and dependants, whether inside or outside of Canada, in order for them to benefit from the rights under the 1951 Convention.

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**PROCESSING FEES** - Res. 24 - Nov. 03

**SUMMARY:** All protected persons, including children, applying as principal applicants for permanent residents must pay the \$550 processing fee within 180 days.

**BE IT RESOLVED** that the CCR ask that the regulations be amended to waive the processing fee for all protected persons in Canada, consistent with the waiver of this fee for overseas protected persons.

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**DELAYS IN APPLYING FOR PERMANENT RESIDENCE** - Res. 11, Nov. 04

**BE IT RESOLVED** that the CCR to request CIC to amend the IP5 Guidelines to clarify that protected persons continue to be exempt from medical and financial criteria for landing and to benefit from other provisions to facilitate the landing of protected persons including special provisions for identity documents when the protected person is unable to obtain a passport to confirm identity.

**RESPONSE:** CIC made the change in November 2004.

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**SEE ALSO** following section on security.

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**SECURITY AND CRIMINALITY INADMISSIBILITY**

**SECTION 19(1)(L) OF THE IMMIGRATION ACT AND THE DETENTION OF SOMALIS** - Res. 17 - May 95

**SUMMARY** CIC has been detaining Somalis because of their association with the Siad Barre regime, even though many were not in any way part of the repressive apparatus of the Barre regime.

**BE IT RESOLVED** that the CCR 1) complain to the Minister about the recent detention of Somalis not involved in acts that assisted persecution; 2) ask him to interpret section 19(1) (1.1) strictly to apply only to senior war criminals and those who significantly assisted in the persecution of Somalis; 3) ask him to issue a policy direction to his officials to apply this section as it is intended along with appropriate training for immigration officers.

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**PUBLIC DANGER CERTIFICATES** - Res. 19 - June 96

**BE IT RESOLVED** that CCR call on the Minister to ensure that (i) certificates permitting deportation only be issued after considering relevant reports and clear criteria as established; (ii) the time limit for making submissions on the issue of "public danger" be extended to 45 days; and (iii) the procedure include full due process rights.

**COMMENT:** Under IRPA, the public danger certificates only apply in refugee claim ineligibility determinations.

**SECURITY CERTIFICATE PROCESS** - Res. 22 - Nov. 96

**SUMMARY** The law provides for mandatory detention of people for whom a security certificate has been signed. The people cited in the certificates do not have the right to know the evidence against them.

**BE IT RESOLVED:** That the CCR (i) condemn the security certificate process and ask for the immediate repeal of this section; (ii) urge the gov't to suspend immediately the use of these provisions; and (iii) call upon the Canadian Bar Association and human rights NGOs to condemn these procedures which violate fundamental human rights.

**COMMENT:** See also Res. 21, Dec. 01 (Page 37).

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**NATIONAL SECURITY ASSESSMENTS** - Res. 13 - Nov. 98

**BE IT RESOLVED** that the CCR call on the gov't to 1) introduce a system for identifying potential security risks with: a) a right to a hearing before an independent decision-maker for those alleged to be inadmissible on security grounds; b) protection of due process rights; c) an obligation to render a decision within a fixed time frame; and to 2) amend the Immigration Act to give a more precise definition of security risk.

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**SECURITY ISSUES** - Res. 8 - Jun. 00

**SUMMARY** In April 2000, SIRC issued reports on three complaints made by people suffering delays in landing for security reasons;

**BE IT RESOLVED** that the CCR call on: i) the Minister of Citizenship and Immigration and CIC to immediately implement the recommendations in these SIRC reports, including landing for the complainants; ii) the Solicitor General and Director of CSIS to immediately implement the recommendations in the reports; iii) CIC to promptly land individuals whom CSIS or SIRC has recommended for landing; iv) CIC to refer an applicant for permanent residence whose application has been delayed for more than two years for security reasons to SIRC for review and recommendations with respect to landing.

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**SECURITY INTELLIGENCE REVIEW COMMITTEE (SIRC)** - Res. 21 - Dec 01

**SUMMARY:** People continue to suffer delays in landing for security reasons. Bill C-36 greatly expands the authority to deem someone a "terrorist" and an organization a "terrorist organization."

**BE IT RESOLVED** that the CCR i) call on the Minister of C&I to introduce legislation to expand the authority of SIRC to review security certificates issued against permanent residents, Convention refugees and refugee claimants; ii) call on the Minister of C&I to instruct her officials that, where SIRC has heard a complaint against CSIS and issued a report, the report be given primacy in the Department's decisions with regard to admissibility; iii) call on the Solicitor General to introduce legislation to expand the authority of SIRC such that SIRC be empowered to review and issue binding reports on the government's listing of "terrorist organizations" under Bill C-36.

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**SEE ALSO** section on security in OPS, page 19.

INLAND PROTECTION

FAMILY REUNIFICATION

DNA TESTING - Res. 16 - May 95

BE IT RESOLVED that the CCR 1) call on CIC to stop the present discriminatory practice of requesting DNA testing from people from mainly Third World countries; 2) strongly urge the Minister to establish and publish clear guidelines as to what constitutes reasonable grounds of doubt which would justify a request for DNA testing.

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INLAND SPONSORSHIP OF SPOUSES - Res. 15 - May 93

BE IT RESOLVED: The CCR (i) expresses concern over pattern of negative decisions in applications for inland spousal processing; (ii) call on the Min. E&I to maintain and strengthen inland spousal processing.

COMMENTS: IRPA created an in-Canada class for spouses and common-law partners, initially only for those with temporary status, but extended in February 05 to partners without status.

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TASK FORCE ON FAMILY REUNIFICATION - Res. 13 - Nov. 95

BE IT RESOLVED: That the CCR endorse the report of the Task Force on Family Reunification and call on the gov't to respond immediately to the concerns raised by the report. Specific resolutions were highlighted [for text of recommendations endorsed, see page 48].

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DNA AND EVIDENCE OF PARENT-CHILD RELATIONSHIP - Res. 26 - Nov. 03

SUMMARY: The definition of "dependent child" in IRPA, restricting it to biological or adopted children, may result in greater recourse to DNA testing.

BE IT RESOLVED that the CCR call upon the Minister of C&I to develop guidelines for officers to accept uncontradicted affidavit evidence by parents and third parties as evidence of relationship in the absence of birth certificates, before requesting DNA testing.

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FAMILY REUNIFICATION FOR CHILDREN WITH PROTECTED PERSON STATUS - Res. 28 - Nov. 03

SUMMARY: The Immigration and Refugee Protection Regulations do not permit children granted "protected person" status to include their parents and siblings, either abroad or in Canada, in their applications to be landed as "protected persons".

BE IT RESOLVED that the CCR call upon the Minister of Citizenship and Immigration to amend the Regulations [R. 1(3)] so that "family member" of a "protected person" includes the parent and siblings of a "protected person" who is a minor.

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IMMIGRATION LEVELS - Res. 11 - June 05

SUMMARY: Current limits on the numbers of immigrants and refugees who can come to Canada each year and the unequal division of these numbers between economic and humanitarian classes of

immigrants have resulted in long waiting periods for the reunification of families and the admission of sponsored refugees

BE IT RESOLVED that the CCR call on Minister to: 1) Commit to an increase in immigration levels; 2) Commit to a full and transparent review of immigration levels, with meaningful consultation with NGO stakeholders at all stages. Among the topics to be examined are the benefits of increasing the number of immigrants and refugees admitted each year; and whether the division of admissions between economic and humanitarian classes is fair or necessary. 3) Pending the review of levels, increase the number of persons admitted to Canada each year by a sufficient number to allow for overseas family members included in inland applicants to be admitted immediately for processing in Canada.

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EXCLUDED FAMILY MEMBERS - Res. 12 - June 2005

SUMMARY: IRPR 117(9)(d) provides for a lifetime exclusion from sponsoring a family member, with no discretion to consider an explanation, however compelling, or to impose a period of exclusion.

BE IT RESOLVED that the CCR call for IRPR 117(9)(d) to be rescinded. Officers should be required to consider all the facts of the case, including intention and any mitigating circumstances, in deciding whether to impose an exclusion, which should in no case exceed the two years provided for generally under IRPA.

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LEGAL GUARDIANSHIP - Res. 14 - May 07

SUMMARY: Some countries do not allow for adoption and thus persons from those countries are excluded from emigrating with or sponsoring their "de facto" family members.

BE IT RESOLVED that the CCR advocate for the promulgation of IRPA regulations on legal guardianship.

RESPONSE: Letter, Minister of Citizenship and Immigration, 7 Sept. 2007. The guardianship provisions were repealed on the basis of consultations with provinces. OP4 manual provides guidance on H&C decisions overseas and has been amended to clarify that children in guardianship situations may be considered de facto family members. Best interests of the child must be taken into consideration on a case-by-case basis. We hope you will encourage families in this situation to apply for H&C.

September 2007 Roundtable: CIC agreed that it would be useful to look at how some of the barriers in H&C (e.g. lack of priority processing) can be addressed.

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PATERNAL CONSENT FOR CHILDREN - Res. 6 - May 08

SUMMARY: Requiring women to produce a signed consent form from the father or a custody order, creates an unfair burden on women in some cases and can compromise the best interests of children.

BE IT RESOLVED that the CCR requests that the Canadian Government find alternative solutions, which correct gender imbalance and respect the best interests of the child, in such cases.

RESPONSE: Micheline Aucoin, Director General, Refugees Branch, CIC, 26 Nov. 2008: Visa officers must ensure that parent has legal custody or consent to take child out of the country of origin, in order to prevent child smuggling, human trafficking and parental kidnapping.

Determinations must be made in the context of domestic laws and where applicable the Hague Convention. CIC's Working Group on Separated Children has proposed that CIC develop further guidance to assist Vos in resolution of custody issues. Case Management Branch remains willing to receive information on particularly problematic cases, where exceptional action may be needed.

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**APPEAL TO IAD OF PROTECTED PERSONS IN CONCURRENT PROCESSES** - Res. 11 - May 09

**SUMMARY:** Dependants of protected persons being processed concurrently can only appeal a visa officer's decision by way of judicial review in the Federal Court;

**BE IT RESOLVED** that the CCR recommend an amendment to the Act and Regulations to permit protected persons to appeal decisions on family reunification to the Immigration Appeal Division of the IRB on all issues of fact and law, and on all the circumstances of the case including humanitarian and compassionate considerations.

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**CONCURRENT PROCESSING OF FAMILY MEMBERS OF PERSONS ACCEPTED ON H&C GROUNDS** - Res. 12 - May 09

**SUMMARY:** Concurrent processing of family members of persons accepted on H&C grounds in Canada was abolished in 2004, resulting in delays in family reunification for persons accepted on H&C grounds;

**BE IT RESOLVED** that the CCR recommend an amendment of the Regulations to restore provision for concurrent processing of family members of persons accepted on H&C grounds.

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**SEE ALSO** the section on family reunification under Immigration and Settlement (page 3).

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**STATELESSNESS**

**PROTECTING STATELESS PERSONS** - Res. 13 - May 99

**BE IT RESOLVED** that the CCR urge the gov't of Canada to: 1) develop an internal mechanism to protect stateless persons; 2) in the meantime, release stateless persons from detention; 3) ratify the 1954 Convention; 4) promote its ratification by other states.

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**STATELESSNESS STATISTICS** - Res. 18 - Nov. 03

**BE IT RESOLVED** that the CCR request that CIC and the IRB review their data management and reporting systems to ensure the accurate and timely collection and reporting of statistics relating to statelessness, in particular: i) refugee status determination hearings when statelessness was a factor (numbers, country of residence); ii) H&C applications of stateless cases (numbers accepted, numbers rejected, countries of habitual residence); iii) detention of stateless persons (length of detention, reason for detention, country of habitual residence, place of detention, age, gender); iv) removals of stateless persons (including country of habitual residence, age, gender, country removed to), v) resettlement of stateless persons.

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**SEE ALSO** Res. 12, Nov. 03, *Statelessness*, page 18.

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**TRAFFICKING**

**TRAFFICKING IN WOMEN** - Res. 24 - Dec 01

**BE IT RESOLVED** that the CCR call on the Canadian gov't to offer protection to women and children who have suffered human rights violations as a result of trafficking, through access to permanent residence, not depending on cooperation with law enforcement.

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**TRAFFICKING IN PERSONS – ACCESS TO LEGAL STATUS** - Res. 19 - Nov. 03

**SUMMARY:** Lack of status is a serious barrier for trafficked persons.

**BE IT RESOLVED** that the CCR: i) call on the gov't to expand the definition of protected persons to include trafficked persons, ii) call on the Min. C & I to urgently develop a regulatory class, iii) call on CIC to give trafficked persons special consideration under H&C, and to accompany this with a regulatory stay, iv) insist that these measures not be tied to providing testimony and not be punitive, v) call on CIC to give trafficked persons access to IFH benefits, work permits and legal aid, vi) call on IRB to address the special circumstances of trafficked persons in the gender guidelines, vii) call on the federal and provincial governments to ensure that separated children have guardians assigned.

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**TRAFFICKING IN WOMEN AND CHILDREN – URGENT PROTECTION** Res. 20 - Nov. 03

**BE IT RESOLVED** that the CCR: i) request CIC to develop an immediate protection mechanism leading to permanent residence in Canada to protect trafficked women and children and that the necessary resources and support structures be put in place to sustain the program; ii) urge that the Urgent Protection Program be expanded to include trafficked persons and that their immediate family grouping be kept intact since family members left behind may be at risk.

**COMMENT:** On 11 May 2006, the Minister of Citizenship and Immigration announced new guidelines providing for Temporary Resident Permits for survivors of trafficking.

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**DEFINITION OF “TRAFFICKED PERSON” IN CANADA** – Res.2 – Nov. 08

**SUMMARY** The definition of the “trafficked person” in the IRPA and the Criminal Code is narrower than the internationally agreed definition, in particular in requiring that the trafficked person feel fear.

**BE IT RESOLVED** that the CCR: a) formally adopt the international definition of trafficking in persons from the Protocol to Prevent, Suppress and Punish Trafficking in Persons; b) urge the gov't to ensure that its law and procedures fully reflect the internationally agreed definition; c) urge the amendment of the Criminal Code to remove the requirement of subjective fear on the part of the trafficked person as a proxy for the motivation of the trafficker.

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**SEE ALSO** section on trafficking in Immigration and Settlement, page 13 and the CCR's proposal for protection for trafficked persons, available at [www.trafficking.ca](http://www.trafficking.ca).

INLAND PROTECTION

GENDER ISSUES

INDEPENDENCE OF WOMEN IN THE REFUGEE CLAIM PROCESS - Res. 17 - May 92

BE IT RESOLVED: Women should be informed of right to make claims independent of spouse and allowed to separate their claim in case of marriage breakdown.

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CULTURAL SENSITIVITY OF CDN OFFICIALS - Res. 18 - May 92

BE IT RESOLVED that the CCR request the Min. E&I, IRB, and lawyers' associations to (i) recruit resource people from refugee-producing countries and NGOs to train staff; (ii) have more women on the IRB; (iii) give opportunities to refugee women to be interviewed by women; (iv) adequately hear refugee women claimants; making above training mandatory; (v) organized training.

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GENDER-BASED ANALYSIS - Res. 28 - Dec 01

SUMMARY: The Gender Based Analysis Unit of CIC has completed a gender based analysis of C-11 and has identified areas of potential negative gender impacts.

BE IT RESOLVED that the CCR i) call on CIC to post the full text of the gender based analysis of Bill C-11 on their website; ii) request CIC to ensure that the action items identified in the analysis document are implemented; iii) request CIC to ensure that the Gender Based Analysis Unit of CIC is provided with adequate resources to carry out the research, data collection and monitoring functions of the unit.

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GENDER BASED ANALYSIS ACCOUNTABILITY - Res. 24 - Nov 02

SUMMARY: GBA of the impact of IRPA is mandated through legislation and report of the Gender impacts will be included in the Minister's annual report each year.

BE IT RESOLVED that the CCR request the Minister of Citizenship and Immigration to commit adequate resources and priority to monitoring the gender impacts of IRPA and to change policies where negative differential impacts on women are identified.

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CHILDREN

MINORS IN DETENTION - Res. 20 - Dec 01

BE IT RESOLVED that the CCR call on CIC, in the case of refugee children in need of protection, as an alternative to detention, to implement other protection models such as "safe houses."

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BEST INTERESTS OF THE CHILD - Res. 18 - Nov 02

SUMMARY: There are indications that full consideration of the best interests of the child is not being applied; there are no written guidelines to follow for CIC officers; and the new IP5 manual does not deal satisfactorily with this issue.

BE IT RESOLVED that the CCR urge the Minister of Citizenship and Immigration that written guidelines on the best interests of the child to be used by CIC officers within Canada and abroad, be developed in consultation with the CCR and other organizations.

SEE ALSO Res. 29, Nov. 03, *Best Interests of the Child and Deportation of a Parent*, page 35 and Res. 5, Jun. 97, *Best Interests*, page 18.

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REFUGEE CLAIMS BY CHILDREN AND THE HAGUE CONVENTION - Res. 27 - Nov. 03

SUMMARY: Recent family court decisions in B.C. and Ontario have provided that a child who comes under the jurisdiction of the Hague Convention and who is a refugee claimant in Canada could be returned to the country where she fears persecution prior to a determination of the refugee claim.

BE IT RESOLVED that the CCR work with the UNHCR and with the UN committee that monitors the Hague Convention and with the Departments of Justice of the provinces which are parties to the Hague Convention to ensure that these two international covenants are applied in a manner that does not interfere with a child's right to have a refugee claim determined and not to be refouled to a country where she has a well-founded fear of persecution.

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CHILDREN AND ACCESS TO EDUCATION - Res. 30 - Nov. 03

SUMMARY: Children are being excluded from schools in Canada because of their lack of immigration status. The exception set out in section 30(2) of IRPA has the effect, due to its ambiguity, of excluding from school many children who are not visitors.

BE IT RESOLVED that the CCR i) urge the Minister of Citizenship and Immigration to amend section 30(2) omitting the exception; ii) contact all the provincial Ministers of Education and urge them to ensure that all minor children are admitted to schools in Canada free of charge without regard to their immigration status; iii) work with local groups such as the Education Rights Task Force in Ontario to develop strategies to ensure that all minor children have free access to education everywhere in Canada regardless of their immigration status.

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POST-SECONDARY EDUCATION FOR CHILDREN OF REFUGEE CLAIMANTS - Res. 13, Nov. 04

BE IT RESOLVED that the CCR to call on the Governments of Canada and the Provinces to permit children of refugee claimants, failed refugee claimants and children who are themselves refugee claimants or failed refugee claimants awaiting decisions on applications to CIC and who are not removable, to attend Canadian schools and post-secondary educational institutions at the same fees and requirements as Canadian residents.

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BEST INTERESTS OF THE CHILD - Res. 10 - Nov. 07

SUMMARY: There are serious problems with the understanding and application of the notion of "Best Interests of the Child" by CIC officials.

INLAND PROTECTION

**BE IT RESOLVED** that the CCR call upon the Minister of Citizenship and Immigration to conduct a departmental review of the understanding and application, by CIC officials, of the notion of "Best Interests of the Child"; that the CCR, the UNHCR and other members of civil society be consulted as part of this review, and that the results of this review be made public.

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**CANADIAN COMMISSIONER FOR THE RIGHTS OF CHILDREN** – Res.3 – Nov. 08

**SUMMARY** The Standing Senate Committee on Human Rights in its Final Report (April 2007) recommended the establishment of a children’s Commissioner at the federal level in Canada.

**BE IT RESOLVED** that the CCR promote the establishment of a children’s commissioner at the federal level, responsible for, among others, the welfare of immigrant and refugee children.

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**PRIORITY PROCESSING FOR H&C APPLICATIONS INVOLVING BEST INTEREST OF THE CHILD** – Res.4 – Nov. 08

**SUMMARY** Timely family reunification and a full and timely assessment of a child’s best interest are fundamental elements of obligations under the Convention on the Rights of the Child.

**BE IT RESOLVED** that the CCR advocate for a policy providing that: a) H&C application involving the best interests of any child facing removal, or whose parents face removal, receive a full and proper assessment prior to potential removal from Canada; b) applications for permanent residence based on H&C grounds, made either inland or abroad, that invoke the best interests of a child living abroad be processed in priority; an accelerated priority should be given to those applications which invoke risk concerns to the child living abroad.

**SEPARATED CHILDREN**

**UNACCOMPANIED MINORS** - Res. 7 - Dec. 00

**BE IT RESOLVED** that the CCR collaborate with the UNHCR to research and develop recommendations regarding legislation, policy and appropriate protocols to ensure fair treatment of unaccompanied migrant and refugee claimant children consistent with the United Nations Convention on the Rights of the Child.

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**SEPARATED CHILDREN: JURISDICTION** - Res. 16 - Dec 01

**SUMMARY:** There are protection gaps in Canada, notably the inconsistent practices regarding care and guardianship of separated refugee children in different provinces.

**BE IT RESOLVED** that the CCR call on the federal and provincial governments to immediately resolve the jurisdictional issues and put into place measures that are consistent across Canada to fill the gaps in protection, care and guardianship of these children, in accordance with Canada’s international obligations.

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**SEPARATED CHILDREN: UNHCR REPORT** - Res. 17 - Dec 01

**SUMMARY:** The UNHCR has produced a report on the situation of separated refugee children in Canada, including recommendations to the IRB and to the federal and provincial governments.

**BE IT RESOLVED** that the CCR adopt the UNHCR report and recommendations and call on the IRB and the federal and provincial governments to implement these recommendations.

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**SEPARATED CHILDREN OVER 16 YEARS OF AGE** - Res. 18 - Dec 01

**SUMMARY:** Some provinces define children as only those under 16.

**BE IT RESOLVED** that the CCR call on all provincial governments to immediately take responsibility for all children under 18 years in their jurisdiction and in need of protection and care.

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**SEPARATED CHILDREN IN BC** - Res. 19 - Dec 01

**SUMMARY:** The Province of BC has in place an appropriate model for the protection, care and guardianship of all separated children, which they are considering reducing.

**BE IT RESOLVED** that the CCR call on the BC gov’t to maintain or improve the current level of protection, care and services for separated refugee children in BC.

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**DESIGNATED REPRESENTATIVES: CRITERIA** - Res. 9 - May 02

**SUMMARY:** The criteria of cultural and language awareness need to be considered in the appointment of designated representatives.

**BE IT RESOLVED** that the CCR call on i) the IRB to include the criteria of cultural and language awareness and sensitivity to the needs of children, and ii) CIC to adopt the same criteria as the IRB in relation to the appointment of designated representative.

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**SEPARATED CHILDREN** - Res. 19 - Nov 02

**SUMMARY:** The CCR contributed to the preparation of the ‘Best Practices’ document developed by the Focal Point on Separated Children in the Americas, who has asked for endorsement by organizations.

**BE IT RESOLVED** that the CCR endorse this Best Practices document and encourage member organizations to do the same.

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INLAND PROTECTION

**SEPARATED CHILDREN NATIONAL POLICY** - Res. 14 - May 2003

**SUMMARY:** There is no national policy on separated children.

**BE IT RESOLVED** that the CCR write to the Minister of Citizenship and Immigration requesting the implementation of a national policy that is consistent with the Best Practices statement, and that the policy be developed in consultation with the CCR, NGOs and the UNHCR.

**RESPONSE:** Roundtable, 8 Sept. 03: CIC agrees that a national policy for separated children is needed. One broad-based internal working group has been created and a second with representation from certain external agencies that deal with children. They are working to prioritize issues. As policies are developed, there will be consultation with the CCR.

**SEE ALSO** Res. 9, Nov. 97, *Unaccompanied minors entering Canada*, page 28, Res. 10, Nov. 97, *IRB Guidelines on unaccompanied minors*, page 30, and Res. 8, May 02, *Separated children: CIC interviews*, page 28.

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**LGBT CLAIMANTS**

**PROTECTION OF GAY MEN AND LESBIANS** - Res. 16 - May 98

**BE IT RESOLVED:** That the CCR call on the federal gov't to 1) grant equal status to same-sex relationship within the Family Class as is currently given heterosexual relationships; 2) exempt refugees from rejection on the basis of medical inadmissibility, particularly gays and lesbians with HIV/AIDS; 3) extend full and equal protection to people fleeing persecution based on sexual orientation at visa offices; 4) waive the one-year cohabitation requirement for overseas sponsorship of a same-sex partner and to substitute it with an appropriate non-discriminatory alternative.

**LGBT CLAIMANT ISSUES** - Res. 11 - May 2003

**BE IT RESOLVED** that the CCR 1) write to IRB Chairperson requesting the development and implementation of guidelines for sexual orientation claims and that the guidelines be developed in consultation with the CCR and LGBT organizations; 2) request the IRB and CIC to provide ongoing sensitivity training on LGBT issues and realities for members, RPOs and CIC employees.

**SEE ALSO** section on homophobia and heterosexism in Immigration and Settlement (page 14) and Res. 17, Nov. 94, *Public education on sexual minorities*, page 43 and Res. 16, Nov. 94, *Guidelines and education on sexual orientation for the IRB*, page 30.

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**PEOPLE WITHOUT STATUS**

**PROPOSAL FOR THE REGULARIZATION OF INDIVIDUALS AND FAMILIES WITHOUT STATUS** - Res. 4 - Jun. 06

**SUMMARY:** The CCR has been working for many months on a proposal for regularization for people without status

**BE IT RESOLVED** that the CCR adopt as policy the Proposal for the regularization of individuals and families without status, as approved by the Working Group on Inland Protection, including the call to: i) provide an opportunity for seasonal agricultural workers to apply for

permanent residence, similar to the opportunity provided under the Live-In Caregiver Program; ii) Introduce an adjustment of status program similar to that introduced in 1972, whereby anyone who was already in Canada by a date (e.g. two years prior) may apply for status; iii) eliminate processing fees for humanitarian cases.

**COMMENT:** The full text of the proposal is found at page 49.

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**DETENTION OF NON-STATUS PERSONS** - Res. 10 - May 09

**SUMMARY:** People without status who present themselves to the Canadian authorities in order to regularize their status are often detained;

**BE IT RESOLVED** that the CCR advocate that persons presenting themselves voluntarily for regularization should benefit from a favourable presumption that they do not normally represent a flight risk and that they therefore should not be detained.

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**DON'T ASK, DON'T TELL POLICY** - Res. 2 - June 10

**SUMMARY:** Law enforcement agencies ask people their immigration status and there has been a CBSA presence in police raids.

**BE IT RESOLVED** that the CCR call for all relevant law enforcement agencies to adopt a "Don't Ask, Don't Tell" policy and denounce racial profiling during raids in geographic areas that house immigrant and refugee communities.

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**SEE ALSO** section on Non-status, p. 4.

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**EXTRADITION**

**BILL C-40** - Res. 12 - May 98

**SUMMARY** Bill C-40 amends the Immigration Act to deem some persons facing extradition to have received a negative decision from the IRB, even though no hearing was actually held.

**BE IT RESOLVED:** That the CCR 1) call upon the Gov't to withdraw the proposed amendments and redraft them to protect claimants' rights to a fair hearing before the IRB and to ensure that the Extradition Act and Immigration Act conform with Canada's international human rights treaty obligations and international standards; 2) request the Standing Committee on Citizenship and Immigration review the proposed amendments and accept submissions from the CCR and others.

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**EXTRADITION OF REFUGEES** - Res. 7 - May 08

**SUMMARY:** The Canadian government has proceeded with extradition requests against Protected Persons.

**BE IT RESOLVED** that the CCR asks the Government of Canada to give full respect to obligations under the Convention relating to the Status of Refugees and the Convention Against Torture, and not to proceed with extradition requests against Protected Persons unless status has been vacated or extradition would be justified under the Conventions.

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RESPONSE: Sara Silvestri, Litigation Branch, International Assistance Group, Department of Justice, 7 Jan. 2009: Procedures are in place to ensure that due consideration is given to IRB protection findings when reviewing extradition requests. Minister of Justice must consult the Minister of Citizenship and Immigration, as a condition precedent to surrender, when a person sought for extradition is also a refugee claimant. The Minister of Immigration provides a report with respect to any risks the person may face. Each case is assessed on its own unique circumstances.

INTERNATIONAL HUMAN RIGHTS

AMERICAN CONVENTION ON HUMAN RIGHTS - Res. 23 - Nov. 95

BE IT RESOLVED: That the CCR urge Canada to ratify the American convention on Human Rights; and invite the Network on International Human Rights to hold discussions to increase awareness of the functioning of the OAS.

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TORTURE - Res. 22 - Dec 01

BE IT RESOLVED that the CCR call on the gov't of Canada to: i) reaffirm its commitment not to use torture under any emergency condition whatsoever; ii) work for the prevention and eradication of torture and the prosecution of torturers at the international level; iii) reaffirm its commitments to UN principles of medical ethics and assure that no drugs will be used on prisoners or detainees except for the purposes of healing; iv) allocate a budget and work with NGOs and specifically the CCR towards organizing public education programs and special education programs for CIC and IRB officials; v) assure that other cruel, inhuman and degrading treatments and punishments will not be used in Canadian prisons and detention centres; vi) closely collaborate with the UN Committee against Torture with the aim of strengthening the Committee and responding to its concerns; vii) increase its financial contributions to the UN Voluntary Fund for Victims of Torture.

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INTERNATIONAL MECHANISMS FOR HUMAN RIGHTS AND THE NEW HUMAN RIGHTS COUNCIL - Res. 2 - Jun. 06

SUMMARY: A new UN Human Rights Council has come into existence.

BE IT RESOLVED that the CCR call upon the Canadian government and other governments to support the renewal of all of the current mandates of Special Rapporteurs and special non-conventional procedures of the United Nations in order not to lose their expertise.

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OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE - Res. 3 - Jun. 06

BE IT RESOLVED that the CCR call on the government and urge our sister organizations to ask for other governments to ratify the Optional Protocol of the Convention against Torture (so that there can be onsite visits to detention centres).

RESPONSE: Peter MacKay, Minister of Foreign Affairs, 15 May 2007: The Canadian gov't actively participated in negotiation of the Optional Protocol and vote in favour of its adoption. The gov't is currently considering becoming a party.

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TORTURE LEGISLATION - Res. 7 - Nov. 06

BE IT RESOLVED that 1) the CCR call on the gov't to enact legislation that unequivocally and absolutely prohibits the use of torture under any circumstances by any person, but in particular by any government official or persons acting in a government-related capacity; 2) this legislation prohibit the use of information garnered as a result of torture; 3) this legislation prohibit actions, including the sharing of information, that might reasonably be expected to place any person at risk of torture.

PUBLIC OPINION/PUBLIC AWARENESS

REFUGEE AWARENESS WEEK AND REFUGEE RIGHTS DAY - Res. 36 - Jun 94

BE IT RESOLVED that the CCR (i) adopt the week in which April 4 falls as Refugee Awareness Week and April 4 as Refugee Rights Day; (ii) recommend to its members the organization of programs.

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PUBLIC EDUCATION ON SEXUAL MINORITIES - Res. 17 - Nov. 94

SUMMARY Sexual minorities are not generally discussed in the ethnic communities.

BE IT RESOLVED that the issue of sexual minorities will be placed on the agenda of the new anti-racism core group.

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BACKLASH - Res. 20 - May 95

BE IT RESOLVED that the CCR 1) express concern to the Minister about the shift from a concern for the protection of refugees and H&C considerations to an emphasis on deterrence and deportation; 2) adopt as an immediate priority a medium- and long-term media strategy that is proactive in order to demonstrate why Canada must continue to protect refugees.

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INTERNATIONAL DAY OF SURVIVORS OF TORTURE - Res. 18 - May 98

BE IT RESOLVED: That the CCR call upon the gov't of Canada to endorse the UN decision by declaring June 26 as the Canadian Day in support of survivors of torture.

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OFFICIAL PROCLAMATION OF REFUGEE RIGHTS DAY - Res. 17, Nov. 04

BE IT RESOLVED that the CCR to urge different levels of government in Canada to proclaim April 4 as Refugee Rights Day, by the 25th anniversary in 2010.

COMMENT: CCR has been encouraging member organizations to seek official proclamation of Refugee Rights Day. Calgary proclaimed Refugee Rights Day in 2005.

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MISCELLANEOUS

CIC INFORMATION-GATHERING GUIDELINES - Res. 8 - Nov. 97

SUMMARY CIC's information-gathering practices have jeopardized the security of refugee claimants and their families.

BE IT RESOLVED: That the CCR call on the Minister of C & I to i) draft and implement guidelines for the gathering of information concerning Convention refugee claimants; ii) ensure that the guidelines are similar to the IRB guidelines with respect to the gathering of claimant-specific information and include assurance that the security of the refugee claimant and family will be paramount; iii) ensure that such guidelines are binding on all gov't agencies, including RCMP and CSIS.

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TREATMENT OF CHINESE CLAIMANTS - Res. 10 - Dec. 99

BE IT RESOLVED that the CCR i) request that CIC and the IRB ensure that Canada: a) does not detain refugee claimants based on profiling, stereotyping and public annoyance; b) does not detain claimants in places without ready access to professional counsel and the IRB; c) otherwise ensures for all claimants irrespective of publicity given their arrival, full due process and procedural fairness, including counsel of choice; ii) call for an independent inquiry into CIC's handling of arrivals of Chinese migrants.

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AGAINST PROFILING BASED ON IDENTITY - Res. 31 - Dec 01

SUMMARY: Security concerns now require more intensive examinations of travellers at borders. Profiling based on identity is highly demeaning for those involved and discriminatory.

BE IT RESOLVED that the CCR urge the gov't of Canada not to use profiling based on identity for border examinations and to ensure non-discrimination, by, if necessary, examining whole travelling populations.

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ANTI-TERRORISM LEGISLATION - Res. 32 - Dec 01

SUMMARY: Anti-terrorism legislation in several Western countries including Canada compromises the established emergency basis for limiting human rights in international human rights law which is one of the few tools to prevent refugee flows.

BE IT RESOLVED that the CCR oppose the anti-terrorism legislation C-36 and C-42 because of the negative effects that they have had and will have on refugees and immigrants.

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DATA COLLECTION AND SHARING - Res. 33 - Dec 01

SUMMARY: Collection and analysis of data are key components of good public policy and democratic accountability.

BE IT RESOLVED that the CCR call on the Minister of C&I to i) develop a process for the regular and timely collection and reporting on detention, eligibility and refugees in limbo; ii) report these statistics to the CCR and the UNHCR by number, length of time, country of origin, gender, age and region in Canada; iii) ensure that high standards of confidentiality are respected.

VOLUNTARY RETURN - Res. 21 - Nov 02

SUMMARY: CIC has began to pilot voluntary return programs. Participants receive no counselling on their rights and options except from CIC officials and no assistance except for the cost of airfare in some cases.

BE IT RESOLVED Support the proposition that NGOs have a role to play in the provision of counselling for unsuccessful refugee claimants about voluntary returns and form a committee to study the issue of voluntary return of refugees and to report on possible models of providing counselling and assistance. This committee will consult with potential partners.

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MENTAL HEALTH - Res. 22 - Nov 02

SUMMARY: In 1994, CCR passed a resolution urging the implementation of the recommendations outlined in "After the Door Has Been Opened" in regard to the mental health of refugee and immigrants. There has been no documented implementation or follow-up on the recommendations. There are limited and restricting resources for mental health services under the Interim Federal Health Program.

BE IT RESOLVED that the CCR request the development of a joint task group made up of CCR, CIC, Health Canada and relevant Québec ministries to investigate the outcome of the report's recommendations with an intent to re-evaluate the current status of mental health programming for refugees and immigrants and develop a national implementation strategy; while requesting that CIC, Health Canada and their Québec counterparts provide the resources to facilitate the consultation processes and putting in place measures to ensure broad representation of all stakeholders. As an interim measure, CCR requests that CIC ensure that resources are provided to the Interim Federal Health Program to provide for both short and long-term mental health services and that it be applied consistently across Canada.

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WORK PERMITS - Res. 21 - Nov. 03

BE IT RESOLVED that the CCR: i) write to CIC to request that CPC-Vegreville be instructed to give the processing of refugee claimants' work permits a priority in order to avoid an extended period of undue hardship and vulnerability; and that the work permits issued be for a minimum of one year; ii) write to CIC to request an increase in resources to CPC-Vegreville and to medical services to allow for priority processing of work permit applications; iii) send copies of these letters to the relevant provincial authorities, iv) request that CPC-Vegreville be instructed to stop the practice of setting an arbitrary date for leaving Canada under the *Conditions of Issue*.

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PROTECTION OF CANADIAN CITIZENS OVERSEAS - Res. 25 - Nov. 03

BE IT RESOLVED that the CCR: i) ask the Cdn gov't to accept requests from survivors or victims' families for a full independent public inquiry into their cases and the conditions of their arrest, removal to torture and the role of the Canadian officials; ii) urge the US gov't to make a similar public inquiry into the cases of Canadian citizens returned to torture; iii) request that the Canadian public inquiry have the utmost transparency with the aim of shedding light on the role of Canadian officials in protecting Canadian citizens and verifying the methods of torture used and on the role of other gov'ts in subjecting Canadians to torture; iv) promote Canada's working towards the non-

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derogable right of every person not to be sent to torture; v) urge that, even in cases of security suspicion, Canadian citizens overseas be returned to Canada for investigation and possible prosecution rather than sent to torture; vi) appeal to the Cdn gov't to play an effective role in rehabilitation, redress and compensation in the cases of citizens who have been tortured overseas; vii) petition the Cdn gov't to take all necessary steps to maintain Canadian global leadership in the exposure, prevention and eradication of torture and the need for its absolute prohibition; viii) ask the Cdn gov't to take immediate diplomatic, economic and political action against governments that have tortured and will torture Canadian citizens or send them to torture; ix) solicit the Cdn gov't to use regional and intergov'l agencies to object to the treatment of Canadian citizens overseas; x) encourage the Cdn gov't to take immediate action to intervene in the cases of all Canadians who are languishing in overseas jails and are subjected to torture and other cruel, inhuman and degrading treatment or punishment.

SEE ALSO Res. 8, May 09 (page 26)

**REJECTED PALESTINIAN REFUGEE CLAIMANTS FROM LEBANON** - Res. 19 - May 04

**SUMMARY:** Palestinian refugee claimants from Lebanon have faced an inconsistent and uninformed decision making process which has resulted in the rejection of some deserving refugees claims.

**BE IT RESOLVED** that the CCR i) inform CIC of the well-documented evidence of systematic human rights violations, the recognition by certain IRB members of said violations as persecution and the inconsistent decision-making on Palestinian claims; ii) call on CIC to facilitate the H&C process, in light of the unique circumstances faced by stateless Palestinian refugees from Lebanon, to allow the refused refugee claimants to be granted permanent resident status in Canada; iii) call on CIC to collaborate with the Palestinian community in Canada to resolve the problems of ID requirements that may be faced by stateless Palestinian refugees.

**PALESTINIAN REFUGEES UNDER THE UNHCR** - Res. 20 - May 04

**SUMMARY:** In practice, Palestinian refugees are excluded from the mandate of the UNHCR in the host counties and UNRWA, unlike UNHCR, is not mandated to provide protection and security to Palestinian refugees under its administration.

**BE IT RESOLVED** that the CCR call on the Canadian gov't to urge the re-examination of UNHCR's responsibility toward Palestinian refugees, suggested by the second paragraph of Article 1(d), the so-called "exclusion clause", and include the second paragraph in their statutes as a basis for extending human rights protection and inclusivity, thus affirming the intention of the 1951 Refugee Convention.

**PALESTINIAN REFUGEE CLAIMS BEFORE THE IRB AND PRRA** - Res. 21 - May 04

**SUMMARY:** There is confusion within IRB and PRRA regarding the status of stateless Palestinian refugees, and the conditions they have fled which has led to inconsistent and ill-informed decision-making.

**BE IT RESOLVED** that CCR, together with other organizations and coalitions working for the rights of Palestinian refugees, raise with the IRB and with PRRA officials the need for better and more consistent

information regarding the legal status of Palestinian refugees and the rights violations they face.

**ACCESS TO HEALTH** - Res. 12, Nov. 04

**SUMMARY:** Because family members of protected persons don't have access to provincial health care coverage, they have to make refugee claims to get access to IFH.

**BE IT RESOLVED** that the CCR to request all provincial health ministers to ensure that the family members of protected persons are eligible for provincial health insurance coverage.

**PROTECTED PERSONS DOCUMENTS** - Res. 13 - June 05

**SUMMARY:** Some Protected Persons are issued Protected Persons Status documents with a validity of six months, making it difficult to get student loans and visas to travel.

**BE IT RESOLVED** that the CCR request that CIC adopt as policy that all Protected Persons Status documents be valid for a minimum of two years.

**RESPONSE** Refugees Branch, 17 Aug. 2005: Currently, the Act does not provide for a specific validation period for the Protected Person Status Document (PPSD). Your concern about the impacts of the 6 month validity period of the PPSD issued to some protected persons is an important one. We will raise this issue internally and explore possible solutions.

**AUTOMATIC ISSUANCE OF "PROTECTED STATUS" DOCUMENTS** - Res. 8 - Nov. 06

**SUMMARY:** It takes 8 weeks for CIC to issue "protected status" document to protected persons.

**BE IT RESOLVED** that the CCR call on CIC to issue "protected status" documents at the time the person is accepted by the IRB.

**RESPONSE:** Director General, Operational Management and Coordination (CIC), 25 April 2007. The time taken to issue a "protected person" document has been reduced to 12 days. This includes 10 days of mailing time and 2 day of processing.

Further response, 31 Aug. 07: The PPSD is currently required only by protected persons applying for a refugee travel document or a gov't student loan. Not currently considering automatic issuance, but are looking at ways of better informing persons of how to apply. We are looking at including this in documentation package distributed by IRB.

**ARMING OF BORDER GUARDS** - Res. 9 - Nov. 06

**SUMMARY:** The government has decided to arm CBSA officers.

**BE IT RESOLVED** that the CCR oppose the arming of CBSA and advocate to overturn the decision.

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**AUTOMATIC ISSUANCE OF WORK PERMITS** - Res. 11 - May 07

**SUMMARY:** Refugee claimants do not know when medical exams are complete and they can apply for their work permit.

**BE IT RESOLVED** that the CCR request that CIC issue the first work permits automatically, without claimants having to apply, to all adult eligible refugee claimants, upon completion of the medical examination process.

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**WAR RESISTERS** - Res. 8 - Nov. 07

**SUMMARY:** US Military personnel (War Resisters) have come to Canada seeking protected person status based on their deeply held political and moral convictions opposing the US-led War in Iraq.

**BE IT RESOLVED** that the CCR: 1) Express support for all War Resisters from any country who refuse to engage in armed conflict that is contrary to international humanitarian law; 2) Recommend to Minister of Citizenship and Immigration that they should be allowed to remain in Canada on humanitarian and compassionate grounds, if they are facing removal to a country where they would face punishment for their refusal to participate in such an armed conflict; 3) Urge the IRB to provide War Resisters with fair, impartial and politically unmotivated hearings.

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**REFUGEES WITH HIV/AIDS OR TERMINAL ILLNESSES** - Res. 9 - Nov. 07

**SUMMARY:** Refugees and other uprooted people who have HIV/AIDS or terminal illnesses are struggling with multiple complex issues with a sense of urgency and may lack family support in Canada.

**BE IT RESOLVED** that the CCR advocate for: 1) Fast-track processing of the refugee claims of people living with HIV/AIDS or a terminal illness; 2) Fast-track attempts to reunite family members of those who live with HIV/AIDS or suffer from a terminal illness and Temporary Residence Permits to be provided to their relatives where sponsorship is not an option.

# POLICIES

## POLICY STATEMENT ON REFUGEE PARTICIPATION

1. The CCR affirms its collective intention to take into consideration refugee representation when nominating and electing the Executive Committee;
  2. The CCR will develop Executive Committee job descriptions which will include the responsibility of the Executive to do outreach and recruitment in their community including visits with interested groups of refugees to encourage participation;
  3. Each CCR working group will develop outreach, recruitment and integration strategies to increase refugee participation in the working groups;
  4. When organizing consultation workshops and panels, the Executive and the Working Groups will be sensitive to refugee representation along with French/English and male/female representation;
  5. The CCR will make a “three for one” offer on consultation registrations for the first consultation of a new refugee-based group, recognizing that the consultation can be intimidating for a newcomer;
  6. The CCR will develop introductory materials, such as the list of acronyms, to help reduce the information gap between “newcomers” and “old hands”;
  7. The CCR will develop introductory sessions, to be held at the beginning of each consultation, to explain the resolutions process and the structure of the CCR and to answer questions about the organization and how to participate;
  8. For all future hiring of staff the CCR will seek candidates from refugee communities and with equal qualifications will hire preferentially individuals with a refugee background.
2. The members of the Working Groups can express themselves in the language of their choice during Working Group meetings.
  3. All external verbal or written information requests concerning business shall be answered in the language of the request.
  4. Each Working Group shall decide on its working language or languages (minutes, reports).
  5. All Working Groups shall ensure that members of both official languages are represented or will develop regional groups to allow the Working Groups to function nationally.
- C. **Policy on official languages for general meetings and communications with member groups:**
1. All documents for general distribution, including notice of meetings, agendas, minutes, resolutions and reports shall be made available in both official languages.
  2. The members of the Canadian Council for Refugees can express themselves in the official language of their choice during general meetings.
  3. All external verbal or written information requests concerning business shall be answered in the language of the request.
  4. The Canadian Council for Refugees shall ensure that member organizations working in both official languages are well represented in the general membership.
- D. **Policy on official languages for press relations**  
When an issue is pertinent to both English and French Canada, all information for scheduled press conferences and press releases shall be provided in both official languages.
- E. **Policy on official languages for staff positions**  
The following staff positions are hereby designated as bilingual: Executive Director, Working Group Coordinator, and Administrative Assistant.

Adopted by the Executive Committee February 2, 1992.

Adopted May 1992

## GENERAL POLICY ON OFFICIAL LANGUAGES

1. Operating in both official languages is a priority of the Canadian Council for Refugees;
2. The Canadian Council for Refugees will strive to operate in both official languages at all levels of the organization;
3. No employees will be negatively affected by these initiatives.

## STRUCTURAL POLICY ON OFFICIAL LANGUAGES

- A. **Policy on official languages for the executive committee:**
1. All external verbal or written information requests concerning the business of the Executive Committee shall be answered in the language of the request.
  2. The members of the Executive can express themselves in the language of their choice during Executive meetings.
  3. The Executive Committee shall decide on its working language or languages (minutes, notice of meeting, reports).
  4. The nominating committee shall ensure that members of both official languages are nominated for the Executive Committee. The CCR will consider that an anglophone or a francophone is someone whose first language is English or French or an allophone whose second language of choice is English or French.
- B. **Policy on official languages for working groups:**
1. Notice of national meetings, shall be made available in both official languages.

## RESOLUTIONS PROCESS

1. Resolutions must **first be adopted by a CCR Working Group or by the Executive**. Resolutions may be brought forward by representatives of member organizations, or by individual members. Before the resolution is adopted, designated members of the Working Group or the Executive should endeavour to ensure that the resolution conforms with the following required criteria:
  - a) facts are correct;
  - b) a policy position is stated;
  - c) purpose and effect are clear;
  - d) resolution is not repetitive of previously-adopted resolutions;
  - e) resolution does not unintentionally contradict previously established CCR policies;
  - f) wording is constructive and consistent with CCR goals;
  - g) names of the mover, seconder and source Working Group (or Executive) are listed;
2. **Resolutions must be submitted in a legible format to the Resolutions Committee by 5:30 p.m.** on the day before the general meeting, except in the case of an emergency resolution.
3. The **Resolutions Committee** shall consist of at least four members of the Executive, selected to ensure that there is representation from each of the Working Groups. Additional Resolutions Committee members can be appointed by the Executive if required.
4. The Resolutions Committee shall review all resolutions before they are submitted to the membership at the General Meeting to ensure that the resolutions procedures have been followed, and that the

## POLICIES

resolutions conform with the criteria listed above. Should there be concerns regarding a resolution, the Resolutions Committee may take the following steps:

- a) If appropriate, the Resolutions Committee may suggest minor amendments to the movers and seconders. With the agreement of the mover and the seconder, a resolution will go forward as amended.
  - b) If the mover and seconder do not agree to proposed amendments, or are not available for consultation, and the concerns are judged to be minor, the Resolutions Committee may reserve the right to raise the concerns at the general meeting to ensure informed decision-making.
  - c) If concerns regarding the required criteria are major, or the proper procedures were not followed, the Resolutions Committee may withdraw a resolution. If a proposed resolution was properly adopted by a Working Group or the Executive, the Resolutions Committee shall make reasonable attempts to consult with the mover, seconder and a Working Group Chair prior to withdrawing the resolution.
5. The Resolutions Committee shall forward all resolutions found to meet the required criteria to the general meeting. If there is concern that there will not be adequate time to deal with all of the resolutions, the Committee may prioritize the order in which the resolutions come forward to the general meeting.
  6. At the general meeting, dissatisfied movers or seconders of resolutions that have been withdrawn may raise a request to the membership to have the resolution considered.
  7. An emergency resolution must be based on information that became available after the resolution submission deadline. Before an emergency resolution can be debated at a general meeting the membership must vote on whether or not the resolution will be entertained.
  8. A resolution coming out of a workshop held after the deadline for submitting resolutions must have been proposed at such a workshop and have been approved by a majority of those persons attending the workshop.

Adopted May 1995, amended June 1996, June 2005 and Nov. 2007

## RECOMMENDATIONS OF THE TASK FORCE ON FAMILY REUNIFICATION, ENDORSED NOVEMBER 1995

- R1. Spouses and dependent children of refugees in Canada should be granted a "derivative status" immediately upon positive determination of the refugee claim, on the basis of which they could proceed to Canada. All processing of their permanent residence applications, including medical examinations, would be conducted in Canada, in parallel with the refugee's application.
- R6. As a matter of principle, the benefit of the doubt with respect to family relationship should be given to refugees applying to sponsor their families. Visa officers should be encouraged to use flexibility in assessing evidence of relationships and should take into account the delays and costs involved in requesting further proofs.
- R14. Where spouse and children of a refugee claimant in Canada are themselves clearly in need of protection, they should not have to wait until the refugee claim is determined and the applications for permanent residence can be processed. In such cases, visa

officers should be directed to issue visas allowing the family to travel to Canada on an urgent basis.

- R15. Where children of a refugee or refugee claimant in Canada are without adult care-giver, visa officers should be directed to take a proactive approach to ensure that the children have proper adult protection. Where such protection is not available, arrangements should be made for them to join the parent in Canada without delay.
- R16. Where women in need of protection in third countries have a clear connection to Canada and are likely to benefit by being united with real or *de facto* family members in Canada, they should be granted asylum in Canada.
- R18. Additional visa post resources should be devoted to Africa. This should be done by reallocating existing resources from regions with relatively light workloads.
- R19. Serious consideration should be given to sending "flying teams" of visa officers on a temporary basis to areas where there is a need for additional resources.
- R20. For refugees, eligibility of a child for landing based on the 19 year age limit should be determined as of the date of filing of the refugee claim by the parent in Canada, where the child is identified in the parent claimant's PIF.
- R23. The present 19 year age limit for dependent children should be treated as a rebuttable presumption rather than an absolute limit. Where it can be demonstrated that an unmarried child over the age of 19 is dependent on a Convention refugee in Canada, such child should be eligible to be included on the refugee's landing application.
- R27. Children who are *de facto* members of a family unit that is applying for landing in Canada should be included in the family unit notwithstanding that such child may not have been legally adopted by the family. A *de facto* adopted child should not be permitted subsequently to sponsor his or her natural parents for landing as members of the family class (except where the natural parents who have been presumed dead are subsequently located and wish to be reunited with their child.)
- R29. The special programs should be revived and updated to allow refugees in Canada to sponsor members of their extended family who find themselves in desperate situations.
- R31. The government should take measures to ensure that family reunification for refugees is not obstructed or delayed by the existence of the various fees for landing.
- R32. The government should give priority to finding some resolution for the thousands of refugees unable to be landed for lack of satisfactory identity documents.

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### NATIONAL PRINCIPLES FOR SETTLEMENT SERVICES

National principles must be upheld by national standards. These standards still need to be developed along with mechanisms which ensure compliance.

#### 1. Client eligibility

- a) Settlement/integration services should be available to immigrants/refugees based on need rather than on immigration status or length of time in Canada;

#### 2. Eligibility of Service Deliverers:

- b) Services which are mandated by provincial, regional, or local governments (health care, primary-secondary education, administration of justice) should not be funded as settlement and integration services;
- c) Not-for-profit, community-based organizations with proven track records, and a primary mandate in delivering settlement/integration services should be given funding priority;
- d) Service-providers should have expertise and skills in the field of settlement and integration;

#### 3. Rights of clients:

- e) Providers of settlement and integration services must respect and protect fundamental rights of clients (eg. confidentiality, legal, etc.);
- f) Services should be delivered in a manner that is culturally and linguistically appropriate and free from racism and other forms of discrimination;
- g) Organizations collecting and using data must meet standards of appropriateness, confidentiality, validity, etc. and must be accountable to the clients whose information is being collected;

#### 4. Comprehensiveness of services:

- h) Where appropriate and practical, clients should be able to choose from among service-providers the approach to service-delivery that best meets their needs;
- i) Settlement/integration services should:
  - meet national standards,
  - reflect changing needs of the local community,
  - meet the self-defined needs of the individual immigrant/refugee;

#### 5. Accessibility of services

- j) Services should be made accessible by identifying and removing systemic barriers;

#### 6. Priority-setting and funding allocation process

- k) Where established, local or regional advisory bodies should identify local settlement and integration priorities. These non-partisan bodies should be composed of community members with expertise in the provision of settlement services and reflect the ethno-racial composition of the client group;

#### 7. Humanitarian Obligations

- l) Settlement Renewal should not reduce the federal government's national obligations to international responsibility-sharing and offering a safe haven to refugees. The rights and needs of refugees must be integrated and guaranteed priority in the provision of settlement and integration services;

#### 8. Accountability

- m) Allocation of settlement funds should be utilized solely for settlement/integration services;

- n) Methods for ensuring accountability should be appropriate, realistic and cost effective. They should:
  - reflect accountability methods already in place;
  - not constitute "undue scrutiny" in comparison with practices for other comparable service sectors;

#### 9. Enduring Federal Role

- o) A strong federal role must include a commitment to continue to fund settlement services at a rate not less than the 1994/95 funding level.

Adopted November 1995

### PROPOSED MECHANISMS FOR REGULARIZATION

Adopted June 2006

#### 1. Refugee Protection

Immediately implement the Refugee Appeals Division (RAD), which is specifically provided for in the Immigration and Refugee Protection Act (IRPA). All refused refugee cases should be reviewed by the RAD, and that there should be a temporary suspension of removals while this review is in process.

#### 2. Nationals of moratorium countries

Create a regulatory class permitting nationals of countries to which there is a moratorium on removals and who have been in Canada for three years to apply for permanent residence.

#### 3. Survivors of trafficking

Create a regulatory class permitting survivors of trafficking to apply for permanent residence.

#### 4. Seasonal agricultural workers

Provide an opportunity for seasonal agricultural workers to apply for permanent residence, similar to the opportunity provided under the Live-In Caregiver Program.

#### 5. Relaxed H&C Application Process

- a) **Timely processing:** Process all applications on Humanitarian and Compassionate grounds in a timely manner.
- b) **Excessive hardship:** Remove the criterion of "excessive hardship". At present, applicants have to show that they would suffer excessive hardship if they had to return to their home country. Excessive hardship is usually interpreted to mean that they would face risk to their life or security.
- c) **Successful integration:** Remove criterion a linked strictly to economic criteria. Instead, integration should be reviewed taking into consideration not only economic integration, but also consider factors such as social, cultural and familial integration (i.e. links with the communities in which people without status live, learn, work and worship).
- d) **Rights of the individual:** Review all applications against the background of Canada's international instrument and charter obligations in order to protect the economic, social, cultural, civil and political rights of the individual.
- e) **Statelessness:** The fact that a person is de jure or de facto stateless should in itself be a deciding factor in favour of H&C.
- f) **Sponsorship:** Recognize the value of a sponsor that could include an employer, a labour union, faith group, community or non-governmental organization that would be able to both vouch for the applicant as well as support their continued integration in Canada. Immediate and extended family members could be potential sponsors.
- g) **Victims of domestic violence:** Persons who have left a relationship with a sponsor because of domestic violence should normally be granted H&C.

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- h) **Survivors of rape and torture:** Persons who have survived rape or torture should normally be granted H&C to avoid return to the country where they were raped or tortured.
- i) **Length of time in Canada:** Length of time in Canada is a factor in favour of granting H&C. Those who have been continuously in Canada for three years should normally be landed. However, the fact that a person has not been long in Canada should not be an argument against landing when there are any other H&C factors.

### 6. Inland family sponsorship

The Minister of Citizenship and Immigration introduced in February 2005 changes to allow the inland sponsorship of a non-status spouse. While this is a welcome and positive change, we believe that the decision excludes others who should have the opportunity to qualify for a similar process.

This decision does not allow the inland sponsorship of a non-status spouse who is currently under a removal order. We suggest that there should be a review of such cases so that non-status spouses under a removal order that is unrelated to security concerns should be allowed to pursue the sponsorship option.

We also suggest that the family sponsorship program should be expanded to recognize inland sponsorship of other immediate (notably children) or extended family members who are already living and working here without status. Family members such as brothers and sisters, uncles and aunts should be recognized as legitimate sponsors of their family members and that they be permitted to sponsor immediate and extended family members who are living in Canada without status.

### 7. Adjustment of Status Program

For those whose situations may not fit into any of the above categories, we suggest that the Government bring in an adjustment of status program similarly to that introduced in 1972, whereby anyone who was already in Canada by a date (e.g. two years prior) may apply for status.

## GENERAL PROCESSING CRITERIA:

### 1. No deadlines

We believe that imposing a deadline on any regularization program will create unnecessary additional stress and pressure on people without status who would be scrambling to apply before such a target date; will burden non-governmental organizations which will be swamped with requests for assistance to put an application together in time to meet the deadline; and place a terrific additional load on CIC who will face the nightmare of having to process hundreds or thousands of cases within their existing limited resource capacities.

We suggest that a process for regularization should be offered with the understanding that it is a temporary measure, but without deadlines to avoid the problems described above. We suggest that the government may set a timeframe for the purpose of reviewing the effectiveness of or the need for such a program.

We believe that this criterion is important in order to give such a process the fair chance that it deserves. Such a provision will avoid the necessity of having to end the process after only a brief period because it was not possible to deliver on the intended or expected outcomes.

### 2. DNA Testing

There should be no requirement of DNA test in order to establish biological family ties. New immigrants to Canada, and indeed many communities that have a longer presence in this country have long-traditions adopting and caring for the children of their extended family members and others. They should be allowed to sponsor such children, especially in the case of families and children without status, without having to provide DNA evidence to establish a biological relationship. Finally, the cost of a DNA test is well beyond the means

of many families and would constitute unnecessary and undue hardship, if not an insurmountable barrier.

### 3. Identity documents

Persons who are refugees or have fled refugee-like circumstances, as well as stateless persons, face serious or insuperable challenges in providing identity documents required in non-refugee categories. Officials should be directed to accept satisfactory alternatives as is done for protected persons.

### 4. Processing fees

Processing fees represent a barrier for some applicants, especially in the case of a family with several children. The requirement should be reviewed, with discretion given to the immigration officer to take appropriate steps to prevent the fee from becoming a barrier. Processing fees should be eliminated for humanitarian cases.

### 5. Right of Permanent Residence Fee (formerly Right of Landing Fee)

The Canadian Council for Refugees has consistently opposed the application of the Right of Permanent Residence Fee. This fee, which is already waived for refugees, should be eliminated completely for all immigrants.

### 6. Moratorium on Removals

In all cases, we propose that as a general principle, there should be a suspension of removals where an applicant has come forward to have her or his status regularized, at least until the case has been reviewed. In order to ensure the success of any program, it would be important to assure the applicant that the simple act of coming forward and applying for consideration for regularization should not result in targeting for removal proceedings.

### 7. Third Party Application

The 1983-1985 administrative review program gave applicants the opportunity to anonymously submit their applications through a representative for initial assessment. A similar process would encourage applicants to come forward without fear of repercussions. Involving non-governmental organizations (NGOs) to assist in reviewing such applications would assist to relieve the potential burden on the Department of Citizenship and Immigration Canada, and ensure that the process is manageable. As members of the CCR, we would like to offer support for such a process, with the understanding that NGOs would take responsibility to review applications to ensure that they are complete. This would be done with the intention of facilitating the process and to not exclude applicants.

## ACRONYMS

AAP	Adjustment Assistance Program	NEPAD	New Partnership for African Development
ADM	Assistant Deputy Minister	NGO	Non-governmental organization
AGM	Annual General Meeting	NHQ	National Headquarters
ARS	Automated Reservation System	OAS	Organization of American States
AWR	Women at Risk	OM	Operational Memorandum
CAT	Convention Against Torture	PARINAC	Partnership in Action
CBA	Canadian Bar Association	PCDO	Post-Claim Determination Officer
CCPP	Consultative Committee on Practices and Procedures	PDRCC	Post-Determination Refugee Claimants in Canada Class
CCR	Canadian Council for Refugees	PIF	Personal Information Form
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	PMAC	Performance Measurement Advisory Committee
CEIC	Canadian Employment and Immigration Commission	POE	Port of Entry
CEIU	Canada Employment and Immigration Union	PRRA	Pre-Removal Risk Assessment
CERD	Committee on the Elimination of Racial Discrimination	PSR	Private sponsorship of refugees
CHRC	Canadian Human Rights Commissioner	RAC	Resettlement from Abroad Class
CHST	Canada Health and Social Transfer	RAD	Refugee Appeal Division
CIC	Citizenship and Immigration Canada	RAP	Resettlement Assistance Program
CIDA	Canadian International Development Agency	RCMP	Royal Canadian Mounted Police
CR	Convention refugee	RCO	Refugee Claims Officer
CRDD	Convention Refugee Determination Division	REMHI	Recuperación de la Memoria Histórica
CSIS	Canadian Security Intelligence Service	RFP	Request for Proposals
DFAIT	Department of Foreign Affairs and International Trade	RHO	Refugee Hearing Officer
DIRB	Documentation, Information and Research Branch	ROLF	Right of Landing Fee
DRC	Democratic Republic of Congo	RPD	Refugee Protection Division
DROC	Deferred Removal Order Class	RSTP	Refugee Sponsorship Training Program
EI	Employment Insurance	SAH	Sponsorship Agreement Holder
EIC	Employment and Immigration Canada	SAM	Settlement Allocation Model
ELT	Enhanced Language Training	SIJPPC	Settlement and Integration Joint Policy and Program Council
EXCOM	Executive Committee	SIO	Senior Immigration Officer
FC	Federal Court	SIRC	Security Intelligence Review Committee
GAR	Government assisted refugee	SMIS	Settlement Management Information System
GBA	Gender based analysis	SPO	Service-provider organization
H & C	Humanitarian and compassionate consideration	UCRCC	Undocumented Convention Refugee in Canada Class
HDC	Humanitarian Designated Classes	UNCHR	United Nations Commission on Human Rights
HRD	Human Resources Development	UNGA	United Nations General Assembly
HRSDC	Human Resources and Skills/Social Development Canada	UNHCR	United Nations High Commissioner for Refugees
IACHR	Inter-American Commission on Human Rights	UPP	Urgent Protection Pilot/Urgent Protection Program
IAD	Immigration Appeal Division	VOR	Visa office referred
IATA	International Air Transport Association	VSI	Voluntary Sector Initiative
iCAMS	Immigration-Contribution Accountability Measurement System	WCAR	World Conference against Racism
ICCR	Inter-Church Committee for Refugees	WFP	World Food Program
ICRIRR	International Conference on the Reception and Integration of Resettled Refugees	WG	Working Group
ICT	International Criminal Tribunal		
ICVA	International Council of Voluntary Agencies		
IDP	Internally Displaced Person		
IFH	Interim Federal Health Program		
INS	Immigration and Naturalization Service		
IOM	International Organization of Migration		
IRB	Immigration and Refugee Board		
IRPA	Immigration and Refugee Protection Act		
IRPR	Immigration and Refugee Protection Regulation		
ISAP	Immigrant Settlement and Adaptation Program		
JAS	Joint Assistance Sponsorship		
JR	Judicial Review		
LegRev	Legislative Review		
LGBTQ	Lesbian, Gay, Bisexual, Transgender and Queer		
LINC	Language Instruction for Newcomers to Canada		
LMLT	Labour Market Language Training		
Min. E & I	Minister of Employment and Immigration		
Min. C & I	Minister of Citizenship and Immigration		
MOA	Memorandum of Agreement		
MOU	Memorandum of Understanding		
MRCI	Ministère des Relations avec les citoyens et de l'Immigration (du Québec)		

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