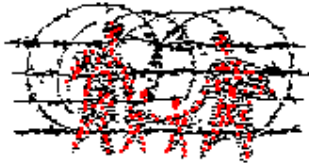


# **RESOLUTIONS BOOK**

**Canadian Council for Refugees**



**November 2005**

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**Price: \$5**

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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.

November 2005

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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:** Ongoing CCR policy. For text, see page 64.

~~~~~

### 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).

~~~~~

### TORTURE SURVIVORS: SERVICES AND PUBLIC ATTENTION

- Res. 31 - May 93

**SUMMARY** Lack of understanding of torture and its impact on victims exists. Existing services and public education are severely underfunded.

**BE IT RESOLVED** that CCR Working Groups will make above concerns priorities and develop a policy on the subject of torture.

~~~~~

### 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 64.

~~~~~

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

**SUMMARY** The Resolutions Process of the CCR does not address the possibility of emergency resolutions.

**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 60) and Res. 17, December 2000 (page 20).

~~~~~

## 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 and communicate to the Minister 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

**SUMMARY:** People have a right to marry or co-habit with a partner of their choice and have children.

**BE IT RESOLVED** that the CCR advocate for the creation of 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.

~~~~~

#### 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.

**RESPONSE:** Bob Orr, Director General, Refugees Branch, CIC, 9 Sept. 2004: CIC was made aware in July 2003 that infant children were being left behind in Fugnido refugee camp (western Ethiopia) when the family was resettled to Canada. There were 10 cases in total. The unfortunate situation resulted from misleading and incorrect information propagated by the refugee population in this camp. UNHCR and IOM have since taken steps to ensure that families are not leaving babies behind: education and awareness campaigns with camp leaders and measures to ensure parents understand the importance of informing the UNHCR of changes to family. New parents are informed that there will be delays in resettlement of the family but their application will not be jeopardized. The consequences of not declaring new family members to UNHCR have also been explained.

No new cases have been reported since these measures were implemented. CIC is still working to locate and identify the missing babies in order to reunite them with their families.

Follow up, A/DG, Refugees, 16 Feb. 2005: CIC shares the concern and is aware that refugees overseas are often subject to rumours and misinformation advising them to leave spouses and dependent children. A significant portion of the refugee interview is devoted to clarifying family composition and assuring applicants that family size does not jeopardize their chance for a positive decision.

Further response from UNHCR, 7 Sept. 2005: Not clear whether the CCR's concerns relate to family members selected through Canada's private sponsorship, family class and/or government-assisted refugees programs. UNHCR is not involved in assisting family members in completing IMM8s for all of those selected under these programs. If there are particular instances that the CCR is concerned about, UNHCR would need specific information in order to be able to follow up. Where UNHCR is involved in the referral and submission of cases for resettlement, it makes great effort to ensure the accuracy of family composition. In the course of establishing family composition, refugees are counselled about the importance of fully and accurately disclosing their family composition and relationships. UNHCR staff training emphasizes this. As to the need to inform UNHCR offices, UNHCR regularly informs and updates field offices of relevant State policies impacting the selection of refugees for resettlement.

~~~~~

#### 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.

**RESPONSE:** Minister, Cit. & Imm., 2 March 2005: Assisted Relatives had to be sponsored and meet selection criteria as independent immigrants, with sponsorship awarding them 10 to 15 points. In 1993, the class was cancelled due to several problems: sponsored relatives did not establish themselves with a noticeable degree of success; the workload involved in processing was not justified by the low rate of acceptance; people did not necessarily want to sponsor their relative but felt they ought to if such a program continued to exist; and there was no effective mechanism to follow up on sponsorship defaults.

## IMMIGRATION AND SETTLEMENT

The current 60/40 balance in the immigration between economic and non-economic immigrants was developed after an extensive consultation process and enjoys broad public acceptance. Re-introducing the assisted relative class would erode the balance in favour of non-economic immigrants and potentially overwhelm Canada's ability to integrate these newcomers. It would create a pool of new applicants who would not qualify either as skilled workers or in the current family class and would add to existing backlogs in both the economic and non-economic classes. It would also create a new group for whom sponsorships would need to be assessed and enforced, with the attendant workload implications.

The family class was expanded in IRPA. We need to fully evaluate the impact of this expansion and consult the provinces, before any further changes involving family reunification are considered.

Letter from Lise Thériault, Ministre de l'Immigration et des Communautés culturelles du Québec, 2 March 2005: Agrees regarding the importance of family in the integration process for newcomers.

The long federal processing delays for privately sponsored refugees is a concern for Québec (although the CCR's contention regarding the impact of the abolition of the Assisted Relative Class on private sponsorship should be nuanced). The Action Plan, *Des valeurs partagées, des intérêts communs* (May 2004) targetted actions to reduce the delays for privately sponsored refugees.

The proposal to reinstate the Assisted Relative Class raises major issues for the immigration program in Québec and would require careful study before a position could be taken.

~~~~~

**SEE ALSO** the section on Family Reunification under Inland Protection (page 51) and Res. 14, Nov. 96, *Family Sponsorship*, page 22.

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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 introduced, but not passed by Parliament. The gov't however has said that they are collecting data to evaluate the extent of the "problem".

~~~~~

#### IMMIGRANT IMM 2000 CARDS - Res. 3 - Nov. 98

**SUMMARY** There are serious concerns about the proposed IMM 2000 card: lack of consultation with immigrants; the suggestion that immigrants are perpetrating fraud; the cost; confidentiality of information; possible use of biometrics.

**BE IT RESOLVED** that: the CCR request consultations with the CCR and representatives of new Canadian communities before proceeding further with the IMM 2000.

**COMMENT:** The Permanent Resident card has been brought in. See also Res. 6, Nov. 02 (page 4).

#### 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.

**RESPONSE:** Roundtable, 24 Feb. 03: CIC is feeling the pressure but has no money to assist with this exercise. CIC agrees that an amendment needs to be made to the regulations so that refugees do not need to produce a travel document and are making efforts to simplify the regulations. The regulations need to be amended to address minors who have no one to sign for them.

~~~~~

#### 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.

---

### 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.

## IMMIGRATION AND SETTLEMENT

### 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.

~~~~~

#### 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.

**RESPONSE:** Elinor Caplan, Minister of C&I, 24 Sept. 2001. Focuses on Humanitarian Designated Class. Officials are exploring administrative solutions for holders of Minister's Permits. Income Tax Act has been amended to make members of classes eligible for Child Care Tax Benefits. CIC and HRDC working to give access to refugees and HDC permit holders to student loan programs.

CCR-CIC Roundtable, Sept. 01: CIC is sympathetic to the issue and has been dealing with provinces and IFH.

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

~~~~~

**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

**SUMMARY:** Children comprise half of all asylum seekers in the industrialized world and are particularly vulnerable with unique needs.

**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.

**COMMENT:** CCR has taken various measures to promote youth participation in the CCR.

~~~~~

#### YOUTH INVOLVEMENT - Res. 2 - Nov. 03

**SUMMARY:** Youth are the leaders of tomorrow.

**BE IT RESOLVED** that the CCR encourage the involvement and participation of youth at every CCR consultation by designating a local youth organizing committee and furthermore that the CCR support youth participation

~~~~~

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

**SUMMARY:** Young people are under-represented in the CCR.

**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.

---

### 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.

## IMMIGRATION AND SETTLEMENT

**COMMENT:** IRPA does not require student authorizations for children, except children of temporary residents without permits. See also Res. 30, Nov. 03 (page 54).

~~~~~

### 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 Human Resources Development Canada 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.

**RESPONSE:** NB Minister of Education, 16 Aug. 05: Commends CCR for its contributions. Every effort is made to ensure the necessary resources are available in the public school system to teachers and students who have immigrated to New Brunswick. The goal of public education is to provide an enriching educational experience for all students."

PEI Minister of Education, 23 Aug. 05: I understand the needs of these young people and am committed to assisting them as far as possible in this fiscal situation. E.g. we have identified ESL teachers as a specific category in our new staffing model. This new model should be fully implemented by 2008-2009. Thus children in need of ESL support will have full access to the service over and above the hours presently awarded upon arrival. There are many other needs - we will collaborate with other gov't departments and community organizations.

PEI Minister of Development and Technology, 6 Sept. 05: PEI has initiated a Population Secretariat to work on growing our population. Part of the work will be focussed on youth both through attraction and retention strategies. PEI provided funding to our Settlement Services provider in 2004, increased the amount in 2005 permitting the establishment of an Immigrant Student Liaison Program.

Nova Scotia Immigration Dept. ED, Office of Immigration, 26 Aug. 05: NS issued its immigration strategy on January 26. During consultation, concerns were raised re. supports and services for newcomer youth in schools. As a result, the Office of Immigration has given \$250,000 to the Department of Education for ESL programming in public schools. By end August, the Office will be allocating over \$1.5 million to settlement and integration supports to enhance CIC funded settlement services.

Nova Scotia Minister of Education, 6 Sept. 05: The Department of Education recognizes the importance of providing support for newly-arrived students, particularly in the area of ESL. There is a commitment to fund school boards to implement ESL guidelines and testing tools developed by the Department. For 2005-06 school year, the Department has allocated \$100,000 as initial funding for these commitments. Furthermore, the Office of Imm. is allocating \$250,000 for school boards to use for ESL.

Newfoundland and Labrador Minister of Education, 12 Sept. 05: We offer immigrant youth access to a high quality education system at the K-12 level at no cost. At the post-secondary level we offer tuition fees that are among the lowest in Canada. Language training is also available. The gov't is also providing funding to the Association of New Canadians for enhanced English language training and skills development to help integrate newcomer youth into the labour market. The Govt is in process of developing an Immigration Strategy, led by the Minister of Human Resources, Labour & Employment which will address educational issues relating to the needs of newcomers. There will be a consultative process including a focus specifically on education.

~~~~~

**SEE ALSO** Res. 13, Nov. 04, *Post-secondary education for children of refugee claimants*, page 55.

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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.

~~~~~

### ACCESS TO TRAINING FOR REFUGEES AND IMMIGRANTS - Res. 3 - Nov. 95

**BE IT RESOLVED** that the CCR recommend to the Social Policy Committee of Cabinet that employment training for immigrants not receiving UI benefits be continued at least at the 1994/95 levels, adjusted for increases in the number of immigrants.

~~~~~

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

**BE IT RESOLVED:** 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.

~~~~~

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

**SUMMARY** Newcomers come with qualifications and professional skills that are needed in Canada, but many have been denied access to their professions or trades because of inflexible accreditation bodies.

**BE IT RESOLVED** that the CCR call on the federal 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.



## IMMIGRATION AND SETTLEMENT

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

**SUMMARY:** The current HRDC funding priorities do not provide resources for newcomers to Canada to fully participate in the Canadian labour market.

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

**RESPONSE:** Jane Stewart, Minister of Human Resources Development, 30 Apr 03: Some HRDC programs are for the benefit of Employment Insurance (EI) eligible clients only, others apply to all unemployed individuals including new immigrants. Employment Benefits and Support Measures are designed to assist individuals who meet EI criteria. All unemployed individual and permanent residents have access to services through community organizations which are contracted under the Employment Assistance Services support measure. HRDC funds are decentralized to conform to the needs of each community. Under the Labour Market Development Agreement, the Government of Quebec is responsible for the implementation of services it deems appropriate to meet the needs of unemployed people in Quebec (contact the appropriate Centre local d'emploi).

Further response, Belinda Stronach, 30 June 05: At this time HRSDC does not plan on offering any employment programs or services specifically for new immigrants. HRSDC is working with other federal departments to ensure that foreign-trained Canadians and skilled immigrants are integrated into the Canadian labour market and society more efficiently and effectively.

~~~~~

### 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 with these and other relevant bodies 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 the development of appropriate cross-sectoral partnership to address local needs.

**RESPONSE:** Jane Stewart, Minister of Human Resources Development, 30 Apr 03 - HRDC must follow the procedures and rules stipulated under the Financial Administrative Services' Grants and Contributions policy, which must be applied in conjunction with the Government of Canada's Treasury Board Secretariat's policy on transfer payments. All must comply with the *Financial Administration Act*.

~~~~~

### 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.

**RESPONSE:** Joe Volpe, Minister of HRSD, 28 Sept. 2004: In order to ensure that HRSDC programs reflect the needs of Canadian communities, they are administered at the local level through Human Resource Centres of Canada (HRCCs). They consult closely with community groups, businesses and not-for-profits to determine an appropriate mix of programs and services that best meet the needs of the local community. The HRCCs are responsible for program funds and their decisions are dependent on their business plan priorities and available funds.

The *Employment Insurance (EI) Act* states that individuals must be unemployed to be eligible for Employment Assistance Services EI Part II support measures. "Unemployed" is defined as working less than 20 hours per week. This allows part-time employed individuals to participate.

Information on jobs available in Canada can be found at [www.canada.gc.ca](http://www.canada.gc.ca). Also useful is [www.jobsetc.ca](http://www.jobsetc.ca).

## HEALTH ISSUES

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

**BE IT RESOLVED** that the CCR urge federal ministries of Human Resources, Citizenship and Immigration, 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.

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### 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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### INTERIM FEDERAL HEALTH CARE PROGRAM - Res. 7 - Nov. 96

**BE IT RESOLVED:** That the CCR (i) request a meeting between the CCR and the federal gov't to discuss problems in the Interim Federal Health Care Programme and to cooperate in making revisions to ensure health care service delivery; and (ii) insist, in concert with provincial organizations, that the provincial and fed. gov'ts establish consistency of service and coverage across Canada.

IMMIGRATION AND SETTLEMENT

**ACCESS TO SOCIAL AND HEALTH SERVICES FOR CANADIAN CHILDREN OF PARENTS WAITING FOR STATUS** - Res. 2 - Jun. 97

**SUMMARY** Some provincial gov'ts refuse social and health services and benefits to Cdn children of parents without status.

**BE IT RESOLVED:** That the CCR (i) document the different provincial policies and practices; (ii) file complaints with the appropriate human rights commissions; (iii) investigate possible international recourses using Conv. on the Rights of the Child.

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

**SUMMARY** HIV positive persons are not a threat to public health or safety. Mandatory HIV testing for all prospective immigrants would be discriminatory. Testing could significantly harm people identified as being HIV positive who live 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 Citizenship and Immigration Canada.

**COMMENT:** CCR prepared a paper on the subject 31 January 2001. Mandatory HIV testing for all refugees and immigrants was introduced with IRPA.

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**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.

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**SEE ALSO** Res. 12, Nov. 04, *Access to health*, page 62, section on IFH, page 7 and Res. 22, Nov. 02, *Mental Health*, page 61.

**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.

**RESPONSE:** Min. of C&I, 20 Jun. 00: Agrees that federal and provincial gov'ts need to work together. Refugee claimants comprise c. 10% of Toronto's shelter population (400 persons). June 2, 2000 Ministers Gagliano and Bradshaw announced more recent step in gov't's strategy for homelessness. The Acknowledgement of Refugee Claim pilot is aimed specifically at homelessness issue in Toronto. Settlement services are only for people who are expected to remain in Canada, which is not the case of refugee claimants.

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**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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**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 REFUGEE CLAIMANTS** - Res. 3 - May 98

**SUMMARY** There is a need to share information on services for refugee claimants to explore how the work can be improved and better communication networks established across the country.

## IMMIGRATION AND SETTLEMENT

**BE IT RESOLVED:** That the Executive of the CCR give priority consideration to establishing an ad hoc joint committee (Settlement/Protection) to deal with the issues of services to refugee claimants.

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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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### NATIONAL SETTLEMENT SERVICE STANDARDS - Res. 1 - May 99

**BE IT RESOLVED** that the CCR support the draft national settlement service standards framework and adopt the proposed development strategy.

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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.

**RESPONSE:** Letter from Rosaline Frith, DG, Integration, 18 Aug. 1999: Refugee claimants are in Canada solely pending the outcome of their claim. CIC is of the view that services to refugee claimants may act as a draw factor and that scarce resources ought to be directed toward those for whom Canada has a long-term commitment. Refugee claimants may be eligible for provincial health coverage and social assistance (these matters are under provincial jurisdiction) and the federal gov't contributes through CHST and administer the Interim Federal Health Program. Refugee claimants are allowed to work. Funds for settlement services are limited. If funds were redistributed to provinces that have more claimants, other provinces would be financially penalized.

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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.

### 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

**SUMMARY:** Immigrants and refugees need complex social, community and employment services to facilitate effective settlement.

**BE IT RESOLVED** that the CCR urge CIC to undertake a review of the ISAP program, with the intention of: (a) examining what services are needed to help immigrants and refugees settle successfully; (b) defining outcomes and standards for those services; (c) reviewing reasonable case loads to assure an appropriate level of service; (d) significantly raising 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.

**RESPONSE:** CCR-CIC roundtable, 8 Sept. 03: The consultant's report on the Settlement Allocation Model was made available. Provincial and territorial gov'ts have been consulted and the report was presented to the Fed.-Prov.-Territorial Working Group on Settlement

## IMMIGRATION AND SETTLEMENT

and Integration. The goal is to make the best use of funds, taking into account the different level of needs among newcomers. The National Settlement Conference in Oct. 2003 will present an opportunity to discuss these issues.

Letter from Rosaline Frith, Director General, Integration Branch, 29 Aug. 03: Covered largely the same points. The government's vision is "to continue to provide settlement programming to help immigrants and refugees to integrate more quickly into Canadian society." Not all immigrants need the services. The February 2003 budget provided an additional \$5 million annually to develop and manager higher levels of language training on a cost-shared basis with our partners. It is too early to determine impact of IRPA on need for settlement services.

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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.

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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.

**RESPONSE:** Rosaline Frith, Integration Branch, CIC, 23 Jan. 2004: CIC is open to discussion of any methods of helping newcomers adapt to living in Canada and encourages the CCR to do the indicated research and analysis on the extent to which the temporary work permit holders require access to settlement services.

CIC's Live-in Caregiver Program brings temporary workers to Canada for certain kinds of live-in work. Live-in caregivers continue to be eligible for ISAP Settlement services and are eligible to apply for Permanent Resident status from within Canada after two years of participation in the program. Temporary Foreign Workers are eligible to obtain information at CIC's Newcomer Information Centres, at HRSD's Employment Resource Centres, and to access provincial services such as those provided by Ontario's Newcomer Settlement Programs.

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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.

**RESPONSES:** Bob Orr, Director General, Refugees Branch, CIC, 9 Sept. 2004: CIC recognizes the growing extent of special needs among refugees being resettled to Canada. They are exploring with partners how to enhance and redesign existing programs that serve to address the needs of Government-Assisted Refugees. Specific initiatives underway include a review of the terms and conditions of the Resettlement Assistance Program to determine how we could provide for increased spending flexibility.

Yvan Turcotte, Ministère des Relations avec les citoyens et de l'Immigration (MRCI), 29 June 2004: In order to better serve the needs of government-assisted refugees, MRCI has undertaken reviews of the Programme d'accueil et d'installation des réfugiés (PAIR) and the Programme d'accueil et d'établissement des immigrants (PAEI). The question of the special needs of refugees is taken into consideration in these reviews, which involved NGO representatives designated by the TCRI.

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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.

**RESPONSE:** CIC, Integration Branch, 9 Sept. 2005: CIC remains committed to providing comparable and accountable services across Canada. Through such mechanisms as service plans, annual reports and settlement sub-committees, CIC monitors the delivery of settlement services to ensure comparability and accountability.

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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.

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**RESPONSE:** CIC, Integration Branch, 9 Sept. 2005: Under the Canada-Quebec Accord, the province is solely responsible for the design and management of settlement programs. Quebec receives federal compensation to offer settlement and integration services comparable to those offered elsewhere in Canada. Regular meetings and exchanges of information are held with the province. CIC understands that the comparable service for the Host program is one part of a larger program that provides several services to newcomers.

Ministre Volpe (27 oct. 2005): Les sommes transférées par le gouv. fédéral apparaissent dans les comptes publics fédéraux. Quant aux dépenses par Québec, s'adresser au gouvernement provincial. Le Ministre est satisfait que les services au Québec sont raisonnablement comparables à ceux offerts par ailleurs au Canada.

Directrice du cabinet du MICC, Québec, 17 oct.: Le jumelage "fait toujours partie" du PANA "et les organismes qui le souhaitent peuvent continuer à l'offrir. (...) Le ministère ne souhaite pas que les activités de jumelage disparaissent, mais il laisse aux organismes le soin de définir leurs priorités et les façons de mieux répondre aux besoins des personnes immigrantes." La compensation fédérale pour le Québec n'est pas pour des services, mais le résultat d'un retrait du fédéral au profit du Québec de sorte que ce dernier soit en mesure de "mettre en oeuvre une véritable politique dans le but de respecter son caractère distinct et de préserver son poids démographique au sein du Canada." Le ministère finance la TCRI, et celle-ci siège dans des comités conjoints avec le ministère pour décider des modalités et des normes en matière d'aide financière.

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

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

**SUMMARY** AAP services should be based on client need; agencies experienced in providing this service are most knowledgeable about client needs.

**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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#### **REFUGEE ASSISTANCE PROGRAM** - Res. 3 - June 05

CCR urgently request a meeting between RAP agencies and the Minister of CIC to consider financial 'melt down' facing the agencies delivering RAP services, lack of adequate income support for RAP clients and allocation of sufficient funds to avert a crisis.

**RESPONSE:** Refugees Branch, 17 Aug. 2005. They welcome the idea of a meeting, recognize the need for new funds to be injected as crisis point approaches fast, acknowledge that income support under RAP is too low, making clients 'the most vulnerable and needy immigrant subgroups'. They acknowledge professionalism and dedication of RAP providers and recall the existence of a RAP Working Group lead by CIC including RAP agencies. They acknowledge the new federal monies will bring benefit to refugees by other channels than RAP, and announce that for the latter Refugees Branch is about to undertake 'to seek increased funding to address the program gaps.'

Minister of Cit. & Imm., 14 Sept. 2005: CIC shares your concerns re. challenges facing RAP. RAP agencies participate in a RAP Working Group, led by CIC, which was re-activated in June this year. The group is currently working to identify gaps in services and to propose and cost out changes to the design of the program in order to meet the needs of GARs. The federal gov't recognizes that RAP income support does not match provincial social assistance rates in at least 5 provinces. "Government-assisted refugees are certainly the most vulnerable and needy immigrant subgroup in Canada and appropriate action needs to be considered to assign adequate resources in order to ensure the successful settlement and integration of this population." [No mention of possibility of a meeting.]

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

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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.

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

**SUMMARY** For-profit mainstream and traditional service providers are competing for funds with the community-based sector.

**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.

IMMIGRATION AND SETTLEMENT

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

**SUMMARY** Funders offer projects but no budget to cover the administrative costs of participating in such programmes.

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

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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 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.

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OUTCOME MEASURES - Res. 4 - May 99

**SUMMARY** A consultation on outcome measures for the LINC program has been undertaken by CIC.

**BE IT RESOLVED** that the CCR urge CIC to: 1) distribute the report to all LINC providers to encourage wider input; 2) allow for consultation on recommended outcome measures before finalizing the measures; 3) be cognizant of the cost implications of outcome measurements for service providers; 4) commit themselves to a wide consultation on outcome measures for the ISAP and HOST programs.

**RESPONSE:** Letter from Rosaline Frith, DG, Integration, 18 Aug. 99: Final report of LINC feasibility study will be distributed soon to all LINC funded agencies. SPOs and CIC staff will be consulted on the recommended output and outcome measures before they are finalized. Will need to be cognizant of cost implications, for both SPOs and the department. They started with LINC because that is where most of funds are directed. Detailed consultations with ISAP and Host programs will follow.

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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.

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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 [see above].

**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.

**RESPONSE:** Director General, Integration, CIC, 6 Feb. 2001: Performance Measurement Advisory Committee (PMAC) set up which we hope will engage in transparent two-way dialogue. Goss Gilroy reports recently distributed to all PMAC members and on web. Other reports will be posted and information sessions held.

**COMMENT:** In April 2005 the CCR was told that the LINC evaluation is being prepared for publication on the CIC website. It cannot be released until it is posted.

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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.

**RESPONSE:** Letter from Privacy Commissioner, 20 Nov. 2001: Client consent is not required for transfer of personal information to CIC, where related to CIC funded programs. CIC's plans to use the information for

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administrative purposes (i.e. to make decisions about individuals) are problematic. CIC should adopt a protocol, so that information collected for program evaluation and research purposes is not used for administrative purposes. Privacy Commissioner has provided CIC with a list of recommendations (outlined in the letter).

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

**SUMMARY:** The CCR in June 1994 called on CIC to fund agencies at levels to provide for adequate working conditions.

**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.

**RESPONSE:** Letter from Rosaline Frith, CIC, 12 July 2001. A working group comprised of settlement sector and gov'ts members will be established this fall to look at the developing standards for the settlement sector. Our concerns will be brought to the attention of this working group at their first meeting.

Letter from Rosaline Frith, CIC, 5 Sept 2001. Working conditions are the responsibility of the employer in accordance with labour law and community norms. CIC has started to investigate wages and benefits in the settlement sector. Current fixed funding does not allow higher salary levels without reducing number of settlement service providers.

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### 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.

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### BC AGREEMENT - Res. 3 - Dec 01

**SUMMARY:** 50% of federal funding for immigrant services in BC goes into the general coffers. The BC-federal agreement on settlement services will be re-negotiated over the next year.

**BE IT RESOLVED** that the CCR bring forward to CIC the concerns of members over the compromising of service delivery in BC.

**RESPONSE:** Roundtable, 25 February 2002: BC and federal gov't are in discussion. CIC would like to renegotiate accountability issue. BC NGOs have been consulted.

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### "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.

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### 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.

**RESPONSE:** Rosaline Frith, Integration Branch, CIC, 23 Jan. 2004: CIC acknowledges that an open tendering process could result in a for-profit organization delivering settlement services and recognizes that some organizations have skills at responding to Requests for Proposals that others may not possess. However, the Government believes that it is legitimate to examine the effectiveness of service delivery and to consider options that demonstrate value and ensure client needs are met. Accountability and performance measurement are very important. All departments must be able to demonstrate results of contribution programs by 2005 in order to receive continued funding. CIC is evaluating its programs through the Contribution Accountability Framework.

Service providing organizations and clients have been demanding openness and transparency in the issuing and assessment of calls for proposals and evaluation and performance management of agencies. According to the Ontario ISAP Review, two of the highest priority issues from the clients' perspective are accurate and helpful information and quality service.

**COMMENT:** Responding to a 27 April 2005 CCR letter re. impact of process on refugees in particular, BC Attorney General and Minister responsible for Multiculturalism said (16 Aug. 2005): in response to feedback, the Minister of Community, Aboriginal and Women's Services (MCAWS) extended contracts for agencies that were unsuccessful in the first RFP process, including 2 agencies that specialize in services to claimants. In May, MCWAS released a second RFP. In the 1st RFP, MCAWS did award a contract to ISS which includes a sub-contract with Storefront Orientation Services for services to claimants. Claimants will also continue to be served by the broader settlement programs. Regardless of the outcome of the 2nd RFP process, we will continue to fund services for refugee claimants.

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

**SUMMARY:** A May 2003 resolution supported the development of a Client Code of Rights.

**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

## IMMIGRATION AND SETTLEMENT

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.

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### **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).

**RESPONSE:** Rosaline Frith, Integration Branch, CIC, 23 Jan. 04: CIC is committed to the Contribution Accountability Framework and the Immigration-Contribution Accountability Measurement System (iCAMS). Service providers have been consulted on the development and implementation of iCAMS. Each iCAMS was piloted. As much as possible within budgetary constraints, functionality useful to service providers has been included. Reports from training sessions with ISAP and Host service providers confirm that most participants found the system useful and easy to use. In fact, many participants suggested that iCAMS should be collecting even more data. Recognizing the special situation in Ontario where Automated Reservation System (ARS) is used, CIC has developed an interface between the two systems (to be ready before the end of this fiscal year). The data being entered into ARS must be reliable. Initial indications show that the validation rate in iCAMS is over 90% (i.e unique clients entered by iCAMS users were accepted over 90% of the time). In comparison, the validation rate for ARS was 60%. CIC is willing to invest in the appropriate technology and training, but service providers will need to be accountable for accurate and reliable data entry. Data collection systems are only as reliable as the data entered into them. Now that service providers are entering data into iCAMS for all programs, CIC will review its reporting requirements to minimize duplication between national and regional/local requirements.

**COMMENT:** The ARS/iCAMS interface has been achieved.

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### **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.

**RESPONSE:** Rosaline Frith, Integration Branch, CIC, 23 Jan. 2004: Funding for settlement services outside Quebec has remained constant since 1996-97. The annual amount available for distribution to provinces and territories is \$173.35 million, subject to annual parliamentary approval. There are some new investments in immigration and employment programs under the 2003 Federal budget. \$14.6 million was allocated over two years to accelerate the skilled worker and foreign student programs, and \$3.8 million was allocated over two years to work with partners on settlement in smaller communities. \$5 million per year in ongoing funds was provided to work with partners (provinces-territories, employers, etc.) to provide higher levels of language training and profession-specific language training, and \$13 million over two years was provided to Human Resources and Skills Development (HRSD) to improve the recognition of foreign credentials.

As part of a long-term strategy, the Contribution Accountability Framework will produce more accurate information over the next two years on specific results and service costs in language training and other settlement services. This data could lead to a new approach to settlement funding, based on revised criteria and comprehensive data tracking. iCAMS should also be able to provide additional information on secondary migration that could be useful in determining settlement funding allocations. CIC regional offices currently work with service providers to ensure that secondary migration is taken into account in the allotment of regional funding.

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

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.

**RESPONSE:** Rosaline Frith, Director General, Integration, CIC, 17 August 2004: iCAMS is built on robust technology with can enable database-to-database transfers, but an interface is not feasible for every data source used. Based on a survey from 2000, CIC decided that only Ontario's Automated Reservation System contained a critical mass of records and a broad enough user base to justify the cost of developing and maintaining a transfer. This interface was completed in April 2004.

iCAMS is fine-tuning its report production capacity this fiscal year. Access issues were discussed at the PMAC meeting in April 2004 and it was proposed that national iCAMS reports be distributed electronically to service providers and CIC regional/local offices from CIC NHQ. A data accuracy study was undertaken, with analysis from a statistical reporting consultant, and it was concluded that the iCAMS reports contain accurate information on client records. Perceived discrepancies can be attributed to human error in data entry and the incidence of non-validation.

CIC is leading a process to reduce the amount of reporting done for CIC local and regional offices by creating specially designed iCAMS reports that can address reporting needs in an automated fashion.

Further follow up: CIC, Integration Branch, 9 Sept. 2005: Since full iCAMS implementation Jan. 2004, the focus has been on developing reports to show program outcomes for evaluation and monitoring purposes. Reports will not be used to make administrative decisions pertaining to individual clients. Privacy of client information remains a top priority. iCAMS reports will contain only aggregate information. SPOs will only have access to reports relating to services received by



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their own clients. Report generating and viewing privileges will be restricted to users who have been identified by their organizations. A reports training package for iCAMS report will be given to users before granting access. Some reports aim to provide a picture of services delivered and to identify service gaps. Other reports show demographic breakdown, combination of service usage and client background information. CIC is in the process of enhancing iCAMS to include a report generation component. CIC will make this feature and a number of iCAMS reports available to users before March 2006.

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### **PROFESSIONALISM** - Res. 7 - May 04

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.

**COMMENT:** A CCR task group on professionalization has been struck and is working on this issue.

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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.

**RESPONSE:** CIC, Integration Branch, 9 Sept. 2005: The gov't has recognized funding pressures vis-à-vis settlement programs and announced significant additional resources in the Feb. 2005 Budget. Additional funding for settlement services in Ontario was also announced May 2005. CIC has struck a departmental task force to review, with provinces, territories, and other stakeholders, the SAM in light of new settlement funding as well as information soon to be available from iCAMS. Through the task force, CIC will consult with settlement sector via SIJPPC.

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## 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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### **LINC PROGRAMME DEVOLUTION** - Res. 5 - Nov. 96

**SUMMARY** LINC is an integral part of settlement but it was never intended to provide English competency which would enable immigrants to find employment.

**BE IT RESOLVED:** That the CCR urge CIC (i) not to classify LINC as a training programme which would result in its transfer to the provinces, and (ii) to continue to see LINC as an integral part of settlement services.

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### **LANGUAGE FUNDING IN ONTARIO** - Res. 5 - Nov. 98

**SUMMARY** Current Ontario gov't policy only allows for 3 years of language support from the time of arrival in Canada, thus reducing newcomer children's chances of success at school.

**BE IT RESOLVED** that: the CCR write to the Ontario Ministry of Education urging that eligibility for funding for language support:

- 1) be extended to at least five years;
- 2) be measured relative to the students' arrival in the Ontario school system to allow for adequate support for Canadian born children who start school without English skills and to allow for secondary migration from Quebec.

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### **LINC** - Res. 3 - Dec. 99

**SUMMARY** There are differences in the delivery of settlement and language services in small communities due to immigration patterns as well as regional disparities.

**BE IT RESOLVED** that CCR write to CIC to stress that i) services in small communities in Ontario should be based on regional realities and there should be equality of services across regions; ii) current LINC contracts be reviewed and evaluated in the light of de-committals; iii) NGOs in rural areas be given special consideration to deliver high quality and equitable services; iv) the criteria for the renewal of LINC contracts be based on clear pre-established criteria; v) CIC immediately begin a consultation discussion with community stakeholders before de-committals are implemented.

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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.

**RESPONSE:** Rosaline Frith, Director General, Integration, CIC, 17 August 2004: LINC is a competency-based program. Eligible adults may remain in the program until their desired skills are attained. A strict three year limit on program eligibility is not enforced.

Many LINC delivery sites provide classes at literacy levels (pre-LINC Level 1). Where literacy classes are not available, LINC instructors find appropriate ways to address the needs of students with low literacy skills.

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CIC is working with partners to provide additional support for literacy programming. In the past, CIC has funded literacy research and tools. CIC Ontario Region recently launched a Call for Proposals for a two-stage study to support learning of ESL literacy students in LINC (1st area to identify best practices, tools and resources currently used and resource gaps, 2nd area to identify additional resources available in larger ESL field).

3 May 2004, government announced \$403,555 for 3 projects aimed at promoting literacy. One will reach out to visible minority communities to identify issues, needs, barriers and strategies that will help to promote workplace literacy among members of visible minority groups.

CIC recently arranged for UNHCR language instructors to deliver pre-departure language training to GARs destined to Canada from Kyrgyzstan. CIC is planning similar training for GARs arriving from Tajikistan beginning in winter 2005.

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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.

**RESPONSE:** Québec, Ministre de l'Immigration et des Communautés culturelles, 22 Aug. 05: Hearing impaired immigrants are offered language training services (on both Québec sign language and French as a second language). Le Centre de la communauté sourde du Montréal métropolitain is funded to offer the courses. Settlement and integration services are ready to respond to hearing impaired newcomers and, if necessary, refer them to partners with the relevant knowledge and resources.

BC Minister of Multiculturalism, 2 Nov. 2005: The Minister of Advanced Education funds the Vancouver Community College's program for Deaf and Hard of Hearing Adults (DHH), which offers courses in American Sign Language for Deaf Newcomers to Canada (for those with no ASL skills and no or minimal English); English Upgrading (for students with some level of ASL skills); Job Readiness (for those with intermediate ESL); Speech reading (for hard-of-hearing adults who have a good command of spoken and written English).

CIC, Integration Branch, 9 Sept. 2005: A survey of CIC offices across Canada reveals that there have been few requests for language training for hearing impaired newcomers. However, CIC works with SPOs to provide support for hearing impaired and deaf clients as needed. CIC has funded research (e.g. 1995 study by Bob Rumball Centre for the Deaf) which found that the greatest barrier facing deaf newcomers was limited proficiency in ASL and/or English reading and writing. The Canadian Hearing Society in Peel Region and the Bob Rumball Centre for the Deaf in Toronto have both been funded for over 10 years under LINC. In some parts of the country CIC has responded to need by providing funding for technical aides.

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**SEE ALSO** Res. 4, May 99 (page 12) and Res. 16, Dec. 00 (page 12) regarding LINC accountability and evaluation.

## 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 65.

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### 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. In spring 2004, Ontario and the federal gov't began negotiations.

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## IMMIGRATION AND SETTLEMENT

### ONTARIO SETTLEMENT AGENCIES - Res. 2 - Nov. 98

**BE IT RESOLVED** that the CCR 1) ask CIC NHQ to cease active pursuit of negotiations on settlement renewal with Ontario and to direct CIC Ontario Region to proceed as if settlement renewal will not go forward; 2) suggest that CIC improve their management of ISAP, Host and LINC contracts by reducing micromanagement; by making reasonable advances of funds; paying costs of salary and administration, including benefits at a just level of remuneration across the country; seeking substantive agency input into all of the above.

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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.

**RESPONSE:** Joe Volpe, Minister of C&I, 2 March 2005:

“Today’s refugee population presents new challenges for the Resettlement Assistance Program (RAP). An increasing number of refugees are arriving with complex physical and mental health needs. These persons require greater levels of assistance than is normally available through the RAP. As the demand on the RAP budget continue to grow, we are searching for innovative ways to improving services and maintain GAR levels within the constraints of present resources and realities.

We must, therefore, assess the viability of maintaining a GAR target of 7,500 refugees. Our current annual target for GARs is a range between 7,300 and 7,500. CIC is undertaking broad-based consultations with the Regions, local Citizenship and Immigration Centres and Service Provider Organizations in order to develop and assess possible alternative options.”

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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 such changes are made.

**RESPONSE:** Renald Dussault, Director General, Selection Branch, 8 March 2005: Employment standards legislation falls within provincial and territorial jurisdiction. Standards differ between provinces and their departments are the main sources of information and points of the contact on these issues. CIC and Human Resources and Skills Development Canada are looking at ways to improve our publications and communication tools so as to provide better information and more convenient links to other relevant sources of information.

Regarding changes to terms and conditions of temporary work permits,

“I assure that CIC endeavours to provide information and publish notifications in as timely a manner as possible whenever there are legislative or policy changes. Please be advised that no changes have been made to the work permit terms and conditions with respect to the permits that are issued to either refugee claimants, or to those who have been determined and are in the process of obtaining permanent residency status. These work permits continue to be “open work permits” that do not contain any restrictions as to the employer, type of work, or place of employment. They are issued for a 24 month validity period.”

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#### 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.

**RESPONSE:** Belinda Stronach, Minister, HRSD, 30 June 05: It is the responsibility of HRSDC to ensure that job offers made to foreign workers are in keeping with Canadian standards. HRSDC works with employers to ensure that wages and working conditions are in accordance with Canadian norms. HRSDC works exclusively with employers, not foreign workers. HRSDC is however concerned with ensuring that foreign workers are aware of their rights and information is available on our website. CIC works directly with temporary foreign workers. Re. personal documentation, HRSDC does not require temporary workers to surrender such documentation to their employers and does not encourage employers to engage in this practice.

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**SEE ALSO** Res. 9, Nov. 03, **Work Permits**, page 10.

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### **TRAFFICKING**

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

**SUMMARY:** Victims of trafficking in Canada are in need of services including advocacy.

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

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#### CONTINUED WORK ON TRAFFICKING - Res. 4 - Nov. 03

**SUMMARY:** CCR has held regional workshops and a national conference to explore trafficking issues.

**BE IT RESOLVED** that the CCR: i) urge Canadian Heritage/Status of Women Canada to support the implementation of the recommendations from the National Conference on Trafficked Women and Children, ii) urge the Federal Inter-Departmental Working Group to include CCR in the discussions on trafficked persons.

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**SEE ALSO** section on trafficking under Inland Protection, page 53.

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IMMIGRATION AND SETTLEMENT

HOMOPHOBIA AND HETEROSEXISM

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 to present to its membership 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.

COMMENT: A draft has been developed and was discussed at the September 2004 meetings of the Working Groups.

SEE ALSO Res. 4, May 98, Settlement services to lesbians, gays, bisexual and transgendered refugees and immigrants, page 9, and Res. 17, Nov. 04, Sexual Minorities, page 58.

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 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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POST-DURBAN - Res. 6 - Dec 01

BE IT RESOLVED that the CCR i) call on the gov't of Canada to advocate for a Durban plus 5 Conference and monitor the progress that has been made since WCAR; ii) bring forward refugee and immigrant concerns to any shadow report prepared on Canada for the CERD on the progress since WCAR; iii) continue to promote the involvement of youth and aboriginal people in CCR anti-racism work; iv) continue membership in NARC, including serving on the steering committee.

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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.

COMMENT: A pamphlet on discrimination against Muslims and Arabs was published in November 2004.

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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 the CCR request the Public Service

## IMMIGRATION AND SETTLEMENT

Commission to conduct an employment equity audit for both CIC and CBSA.

**RESPONSE:** President, Public Service Commission, 31 Jan. 2005: In May 2004, PSC launched the new Framework for Employment Equity Programs. It helps departments correct their under-representation. It gives authority and flexibility for departments to respond to changes in Canada's demographics or to address initiatives such as *Embracing Change in Public Service* and remain in compliance with the *Employment Equity Act* (EEA). See website [http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/TB\\_852/ecfps\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_852/ecfps_e.asp). Under the framework, there are 2 employment equity programs, the Public Service Employment Equity Program, and the Employment Equity Program for Executives.

The responsibility for compliance with the EEA is shared between Treasury Board and the PSC. PSC is responsible for identifying and removing barriers in its own systems, policies and practices in recruitment and staffing.

I have forwarded your correspondence to the Canadian Human Rights Commission, which has the authority to verify employer compliance with EEA by conducting on-site audits of federal departments. Provides contact info. should CCR wish to follow up.

Christine Watson Santerre, A/Director, Employment Equity Compliance, Canadian Human Rights Commission, 24 Feb. 2005:

"As a result of the audits which the Canadian Human Rights Commission conducted, the Commission determined that Citizenship and Immigration and Canada Customs and Revenue Agency (currently CBSA) satisfactorily completed all required work related to reviewing their employment systems and developing an employment equity plan for their respective departments as a whole."

**COMMENT:** In follow up CCR requested from the Canadian Human Rights Commission the reports on CIC, CBSA and IRB audits. Audit reports on employment equity for CIC and IRB have been received. Report on audit on CBSA yet to be received.

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### PEOPLE OF COLOUR CAUCUS - Res. 6, Nov. 04

**BE IT RESOLVED** that the CCR 1) officially recognize the People of Colour Caucus and provide a space for the caucus at all future consultations, 2) acknowledge and take practical steps to overcome the systemic barriers to full participation when planning future consultations.

**COMMENT:** Referred to the Executive which will provide the caucus space and is pursuing other measures (for example, regular training sessions for moderators and CCR leaders).

**SEE ALSO** Res. 6, Jun. 00, *World Conference against Racism*, page 58)

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## PUBLIC EDUCATION

### COOPERATION WITH UNION MOVEMENT - Res. 2 - Nov. 92

**BE IT RESOLVED** that the CCR develop a strategy and education materials with labour movements. Contacts will be further developed with union leadership.

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### 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.

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### CONTRIBUTIONS OF REFUGEES AND IMMIGRANTS - Res. 3 - Nov. 96

**BE IT RESOLVED:** That the CCR call on the federal gov't to launch, with the input of refugee, immigrant and settlement communities and their advocacy agencies, a large-scale, proactive mass media campaign to promote the contributions of refugees and immigrants.

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## 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.

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### METROPOLIS: INTERNATIONAL AND NATIONAL RESEARCH PROJECT ON MIGRATION - Res. 5 - May 99

**SUMMARY** Community organizations serving immigrants and refugees have a role as legitimate and necessary partners along with academic researchers and gov't policy-makers.

**BE IT RESOLVED** that the CCR write to the Metropolis Secretariat and all Canadian national Metropolis centres urging Metropolis to: 1) partner with the settlement sector in organizing a seminar highlighting research done by NGOs; 2) provide mechanisms to facilitate the development of a network of NGOs; 3) commit to helping community organizations serving immigrants and refugees participate by providing them necessary funding; 4) develop an effective process for the gov't, academics and community organizations serving immigrants and refugees, to translate research results to policy change, and from policy change to policy implementation; 5) enable newcomers to be meaningful partners, and not just research subjects.

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### METROPOLIS RESEARCH PROGRAM - Res. 5 - May 01

**SUMMARY:** The Metropolis proposal has too narrow a concept.

**BE IT RESOLVED:** The CCR i) call on Metropolis Canada to amend their proposal and include priorities concerning protection issues; ii) establish a task group to develop a common NGO position in response to the Metropolis proposal, notably on the terms of participation in Metropolis bodies and activities and reiterate our call to provide a mechanism and resources to facilitate the participation of community organizations serving immigrants and refugees.

**RESPONSE:** Executive Head, Metropolis Project, 27 Aug. 2001. A long letter maintaining that CCR has misunderstood Metropolis. The proposal doesn't question NGO roles but tries to discern the best role for each organization. The views of CCR are sought and Metropolis wants to encourage more communication.

## IMMIGRATION AND SETTLEMENT

### 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 54).

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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.

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#### VOLUNTEER WORK - Res. 2 - Jun. 00

**BE IT RESOLVED** that the CCR request that CIC not interpret volunteer work as requiring an employment authorization.

**COMMENT:** IRPA regulations have a new definition of work.

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#### 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.

**COMMENT:** The Charities Directorate issued a new policy on political activities that makes more room for advocacy.

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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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### 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.

**COMMENT:** Resolution adopted by the WG on Immigration and Settlement. Levels of 7,300 have been met in recent years and the target was increased to 7,500 in 2002, but then reduced again in 2004.

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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.

**COMMENT:** There have been no consultations in recent years.

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

**SUMMARY:** Canada's resettlement targets have not changed in proportion to overall immigration increases.

**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.

**RESPONSE:** Refugees Branch, 24 Mar. 04. CIC is committed to balancing economic, family reunification and refugee components of the immigration program and will continue to aim for a 60-40 balance between economic and non-economic immigrants. The planning and management of immigration levels require CIC to maximize the use of available resources and to take into account various priorities to ensure that the immigration program is effectively integrated and well-balanced. As for additionality, while the concept is limited by the number of refugees a sponsor is capable of supporting, processing of these undertakings is limited by CIC resources. In order to ensure adequate allocation of resources to meet all of CIC's immigration obligations, annual targets are necessary. To facilitate the concept of additionality the Private Sponsorship Program is not restricted to a fixed number but rather a range.

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**SEE ALSO** Res. 1, Nov. 04, *Reduction in GARs*, page 17, Res. 10, Nov. 04, *Overseas Processing and Targets*, page 26 and Res. 11 June 2005, *Immigration levels*, page 52.

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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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##### 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.

**COMMENTS:** After considering opening up Country of Asylum Class to government-assisted refugees under the IRPA, the gov't decided to keep it limited to private sponsorships.

## OVERSEAS PROTECTION AND SPONSORSHIP

### FEDERAL COURT LIMITATION PERIODS - Res. 9 - May 95

**BE IT RESOLVED** that the CCR 1) ask the Minister of Justice that the Federal Court Act and Regulations be amended to allow for reasonable timelines for judicial review applications of decisions of overseas visa officers; 2) request a meeting with the Federal Court Rules Committee; 3) contact the Chair of the CBA Nat'l Immig. Section and the provincial immigration lawyers' associations.

**COMMENT:** Under IRPA, the timelines were increased to 60 days for overseas applications, but a leave requirement was added.

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### JOINT GOVERNMENT/NGO SPONSORSHIP - Res. 8 - Jun 96

**SUMMARY** CIC is conducting an evaluation of the joint government/NGO pilot sponsorship program, which has been positive overall but requires review if it is to be extended.

**BE IT RESOLVED** that CCR request that CIC consult further with the NGO/Government Committee and CCR on future joint sponsorship initiatives, ensuring additionality above government sponsorship programme.

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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 and the Federal Court has failed to enforce this requirement in immigration matters.

**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.

**RESPONSE:** IRB chairperson, 6 Feb. 98: The IRB considers that the principle of "best interests of the child" is of limited application in determining the substantive issue.

**SEE ALSO** Res. 18, Nov. 02, *Best Interests of the Child*, page 54.

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### AD-HOC COMMITTEE ON BLENDED RESETTLEMENT PROGRAMS - Res. 6 - Nov. 97

**SUMMARY** CIC has often expressed interest in a blended sponsorship program.

**BE IT RESOLVED** that the CCR i) call on CIC to form an Ad-hoc committee to begin developing a Canadian resettlement program blending the assistance of CIC, private groups and settlement services; ii) suggest that the Ad-hoc committee includes the NGO-Government Committee on the Private Sponsorship of Refugees, representatives of the Settlement and OPS Working Groups as well as other possible resource people and stakeholders.

**COMMENT:** The Private Sponsorship Review Meeting in March 2004 identified the need to develop criteria and guidelines for blended programs.

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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 23.

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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.



## OVERSEAS PROTECTION AND SPONSORSHIP

**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.

**RESPONSE:** Roundtable, Feb. 03 - CIC is not currently working on statelessness. More information would be needed to understand the problem. Selection Branch is willing to include something in the next version of manual chapter IP5 to address humanitarian consideration of stateless persons who cannot be removed. Refugee Reform is a place for CCR to raise concerns about statelessness.

**SEE ALSO** section on statelessness in Inland Protection, page 53.

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

**SUMMARY:** The CCR adopted Re. 5, Dec. 99 drawing CIC's attention to the inconsistency of interpretation of 'durable solution'. The language used in OP5 does not 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'.

**RESPONSE:** Bob Orr, Director General, Refugees Branch, CIC, 9 Sept. 2004: CIC's policy has not changed since the issue was addressed at the fall 2003 SAH Forum and at the CCR spring 2004 consultation.

Resettlement is one of three durable solutions. The country of asylum's position as a signatory country, as well as its ability to implement a “fair and effective protection regime”, must be given due consideration when assessing the need for resettlement as a durable solution.

Canada and the UNHCR do not normally encourage resettlement from Signatory Countries, who are obliged to provide refugees with protection and the rights to which they are entitled, as part of a global system of responsibility-sharing. Resettlement to Canada cannot serve

as an appeal system to other countries' refugee determination systems. There are of course situations, where, for burden-sharing purposes for example, Canada may work with the UNHCR to undertake resettlement. Canada continues to work with international partners to develop a shared understanding of “effective protection” as well as the role of resettlement as a durable solution.

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

## 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. CCR has expressed concern over how they will be designed and implemented with respect to controlling the ability of refugees to access resettlement as a means of protection.

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

**RESPONSE:** DG, Refugees, 12 Aug. 02: CIC chose term “referral organization” rather than “referral agency” as the former is broader. Foreign gov'ts could eventually be included but more work is needed in this area. Due to concerns raised about the process of entering into MOUs, the Minister chose not to implement that portion of the regulations. Therefore, UNHCR is currently the only referral organization. As effective and fair procedures are developed re. referral organizations, CIC will continue to consult CCR.

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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

**SUMMARY:** CCR is opposed to cost-recovery fees.

**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

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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.

**RESPONSE:** CCR-CIC roundtable, 8 September 2003: Rick Herringer (Refugees Branch) responded that the preference is not to impose any fees on resettled refugees: increasing refugees' debt burden is undesirable. However, there may be no alternative and therefore there is a possibility that a fee will be charged.

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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 50.

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### WOMEN AT RISK

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

**BE IT RESOLVED** that the CCR request Min. E&I to (i) increase the numbers of women refugees accepted; (ii) give the programme 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.

### **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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**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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**WOMEN AT RISK** - Res. 4 - Jun. 97 (I&S resolution)

**BE IT RESOLVED:** That the CCR (i) obtain statistics from UNHCR on AWR admissions in Canada and elsewhere; (ii) ask the federal and Québec ministers for an increased commitment, reflected in 1998 and subsequent levels plans, including an implementation plan; (iii) express concerns re. AWR in brief to UNHCR Formal Consultation on Resettlement and request follow up; (iv) request UNHCR and CIC to establish a working group with NGOs (both settlement and sponsoring) to improve the program.

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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

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refugee women at risk and their children; 4) urge the Minister of C&I to direct visa officers to comply with their own overseas protection guidelines in processing vulnerable and at risk refugee cases (3 to 6 months).

**RESPONSE:** CCR-CIC roundtable, 8 September 2003: Rick Herringer (Refugees Branch) said that he was not aware of delays in processing times and would need specific instances to look into. He acknowledged that there are problems in West Africa. He also pointed out that he had received the message at the workshop in May about the need for better coordination between CIC and UNHCR. Keith Carter, International Region, noted that the policy is that the interview can be waived if a case is clear-cut. If an interview is needed, it is to be scheduled as soon as possible. However in some cases the situation is very dangerous. Communications are also a challenge.

Denis Coderre, Minister of Citizenship and Immigration, 7 November 2003: CIC is constantly trying to improve service in Africa and around the world. Since 2001, the Abidjan mission has become a full service processing mission and our Accra office has been able to improve service in the region. The Nairobi office is the largest refugee processing mission and continually receives additional temporary duty officers to help it meet refugee targets. 813 persons were processed under the Women at Risk program between 1 Jan. 2001 and 1 May 2004. Of these, 364 persons were processed out of Africa. The Urgent Protection Program, implemented in 2000, allows Canada to respond to more urgent cases. UNHCR also refers "vulnerable" cases to CIC. Many UPP and vulnerable cases are also women at risk. All cases are processed within guidelines. CCR was unable at September 8, 2003 roundtable to give specific examples of cases that were not processed according to guidelines. UNHCR has assured us that they have no concerns with Canadian missions' response times. Interviews are waived when a visa office is confident about the quality of a referral and the applicant's credibility and admissibility. For UPP cases, admissibility checks are accelerated and if necessary completed on arrival in Canada.

Paul Thibault, President, CIDA, 10 October 2003: CIDA has identified gender as one of 3 priorities in its dialogue with UNHCR. Other concrete commitments to refugee women include co-financing the evaluation of UNHCR guidelines for refugee women and assuring follow up of recommendations, providing resources to improve gender mainstreaming and developing a gender tool kit (forthcoming in December).

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### RESETTLEMENT PROCESSING

#### OVERSEAS PROCESSING OF URGENT PROTECTION CASES - Res. 8 - May 92

**BE IT RESOLVED** that the CCR urge the Min. E&I to direct visa posts to (i) respond to sponsorship requests for refugees in urgent need of resettlement; (ii) accept referrals from UNHCR and from NGOs through Minister Permits.

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#### 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** An alteration in a country's situation may not lead to long term change. Sponsoring groups are not in a position to evaluate whether a refugee continues to require 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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#### REORGANIZATION OF VISA POSTS - Res. 15 - Nov. 93

**BE IT RESOLVED** that the CCR express to gov't officials its concern over the reorganization of visa posts and the particular negative impact for women.

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#### GUIDELINES ON GENDER PERSECUTION FOR VISA POSTS - Res. 16 - Nov. 93

**SUMMARY** The IRB guidelines were distributed as information only to visa posts.

**BE IT RESOLVED** that the CCR urge that the guidelines be adopted for use in overseas refugee selection, that the implementation be monitored and that they be included in the training of visa officers.

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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.

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#### PENDING CASES - Res. 12 - Nov. 98

**SUMMARY** Visa officers show too much deference to interpretation of definition used by other countries. Canada has failed to put in place a meaningful review of negative decisions, despite a refusal rate significantly higher than other resettlement countries.

**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.

**RESPONSE:** Roundtable (2 Mar. 1999). Agreed that it is important to assert the distinct Canadian interpretation of the definition. The Canadian gov't does regularly advocate for persons being considered for resettlement not to be deported. They have had some success with Germany, although each Land in Germany is responsible for removals

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and sometimes people are deported, despite the agreement not to deport cases being considered by Canada. Representations are constantly being made to Turkey, in conjunction with other countries including the US. However, progress here is not remarkable.

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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.

**RESPONSE:** Min. C&I, 20 Aug. 2002: Refugees are among CIC's top processing priorities. Targets are set for number of refugee applications to be processed and each year this target has been met. If shortfalls in the targets are identified, visa posts reallocate priorities and resources. Definitions of "urgent need of protection" and "vulnerable" have been written into new Regulations to help identify and expedite certain cases.

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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.

**RESPONSE:** Anthony Hannaford, International Region, fax 15 April 03. Provided breakdown of statistics for 2000 and 2001. Breakdown by Groups of Five and SAH is not available. The attached information will be posted on CIC Refugee Branch web site. Privately sponsored refugee stats for 2002 should be available soon. There are many variables in department's management of program, including high refusal rate at some missions because applicants don't meet eligibility. Other variables include logistical challenges, resources considerations, security concerns and CIC's need to balance the full range of its immigration programs at visa offices. Resources spent on cases that don't meet eligibility criteria are resources that cannot be spent on other applicants. CIC looks forward to continued opportunities to work with CCR to ensure that the privately sponsored program benefits those most in need. CIC expects arrivals somewhere in range of 2,900 - 4,200 privately sponsored refugees in 2003.

### 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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### 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.

**RESPONSE:** Sept. 2004 roundtable: CIC has made the process simpler, e.g. through group processing, where visa officers do not re-do eligibility, nor do they assess ability to establish, since the cases are all designated vulnerable. However, a face-to-face interview is necessary to check identity and to assess security issues.

With respect to the private sponsorship program, there is a concern about quality: some are not strong protection cases. There are more privately sponsored cases than can be looked at.

The issue of long processing times is not only resources, but also the fact that it is government policy to maintain a 60:40 proportion (economic to family/humanitarian immigration). The Department must attempt to deliver this proportion. There is an increase in output overseas, but input of private sponsorships still exceeds output.

In Africa, there are also long processing times for family cases, which is a big priority. The missions with the highest private sponsorship inventory are also the missions with the longest times for family reunification. In Abidjan, the number of visa officers has been increased from two to three. Improvements are expected. Abidjan is a challenging mission, because of the lack of infrastructure and the difficult territory it covers.

Refugee and family cases are a major focus of temporary deployments.

International Region is very interested in eliminating low-value extra work. CCR is encouraged to collect and submit cases that involve low-value work or unacceptable errors.

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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.

**RESPONSE:** Letter from Joe Volpe, Minister of CIC, 22 March 2005: The levels plan is the result of consultations with the provinces and territories and key stakeholders. The idea of a balance between economic and non-economic came out of the public consultations that were held in 1994 "Into the 21st Century" and is still public policy.

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The 60/40 ratio was introduced in 2002 and the government reaffirmed its commitment to the 60/40 mix last Fall during levels discussions for 2005.

Immigration needs to be managed in order to balance the country's needs for skilled and business workers with the need to respect the capacity of municipalities and provinces and territories to absorb and meet immigrants' and refugees's social needs

The fact that there were fewer PSR landings than planned in 2004 is in part due to the high refusal rate. Our missions processed well over 5,000 applications. We wish to work with sponsoring organizations toward more sponsorships of people that qualify. Overall refugee landings were at the highest they have been in recent years.

CIC is committed to processing the applications of all persons as expeditiously as possible. I am as concerned as you are about processing times, particularly for refugees. Data for 2004 shows we finalized 50% of applications in 12 months or less. Also, in 2004, extra efforts were made to streamline our processes to allow for the rapid reunification of refugee families.

CCR suggestions are welcomed through the Standing Committee for Citizenship and Immigration consultations and the CIC consultations on the Private Sponsorship Program.

**COMMENT:** See also Res. 11 June 2005, *Immigration levels*, page 52.

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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.

**RESPONSE:** Refugees Branch, 17 Aug. 05: Expresses appreciation of NGO involvement and agrees that more can be done to enhance it, is ready to discuss with CCR future possibilities. In the context of the 2005 Kakuma Somali Madhiban project, governmental efforts to have NGOs participate have been met with "minimal participation from NGOs to date." In contrast, collaboration efforts with the United Church of Canada are ongoing.

UNHCR is best placed to identify and refer groups in protracted situations, which are those which current policy considers for group processing. UNHCR is currently able to meet CIC's request for group referrals. Should UNHCR become unable to do so, "we may consider reviewing our policy". Re. using NGO personnel in the field in future group processing, UNHCR would hold the ultimate responsibility for determining field participation such as through emergency deployments of resettlement officers.

Roundtable, 12 Sept. 05: Resettlement Division expressed interest in discussing this further.

## 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.

**RESPONSE:** Roundtable (2 Mar. 1999). CIC: The rate of interest is fixed for the life of the loan at the current rate. When fixed it is always below prime, but may later be above prime. CIC may be interested in making everyone pay the current rate, but changes won't be made this year because the computer system is delicate.

Letter from Lucienne Robillard, Minister C&I, 21 April 1999: The rate of interest for all loans is set on Jan. 1 and fixed for the year. The rate is set for the life of the loan. In 1999 the loan rate is 4.54% (prime is 6.75%). In 1998 the loan rate was 5.37% (prime on Jan. 1, 1998 was 6%).

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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 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.

**RESPONSE** CIC, Aug. 1998 CIC has a contribution fund of \$150,000 (increased from \$100,000) to cover medicals, ROLF, transport and other costs for special needs for refugees. To be eligible refugees must be under the Joint Assistance Program. When the refugee has prospects of entering the labour force, the sponsor may be asked to consider signing a sub-loan agreement (at the beginning of the process). CIC is working to eliminate surprise requests and to reduce as far as possible the need to approach JAS sponsors. However they will continue to be approached in some cases, in an effort to assist as many refugees as possible.

Roundtable, 12 Sept. 2005: The budget is limited and they therefore try to apply the contributions to those most in need. It is a judgment call made in the visa office, in consultation with Refugees Branch. The visa office takes into consideration input from Refugees Branch. There is still a 92%-93% repayment rate on transportation loans, which is

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good. The budget has been tripled in recent years (to approx. \$500,000), but of course it would be useful to have more money.

International Region reported that they have been looking at transportation loan refusals, with a view to eliminating them. It does not make sense to accept someone as a refugee and then refuse them a transportation loan. They are looking at providing officers with updated procedures.

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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.

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### 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:** Joint Sponsorship Committee was established (the full name is the NGO-Government Committee on the Private Sponsorship of Refugees).

#### QUALITY OF GOVERNMENT REPRESENTATION - Res. 15 - May 01

**BE IT RESOLVED:** that the CCR urge CIC to ensure that: i) they have full representation at all meetings of the NGO-Government Committee on the Private Sponsorship of Refugees; ii) CIC's representatives have decision-making power; iii) International Region participate on a regular basis.

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### SUPPORT OF SPONSORS

#### IN-CANADA SERVICE PROVIDER - Res. 1 - Dec. 00

**SUMMARY** The Sponsorship Agreement Holder (SAH) representatives passed with an overwhelming majority three resolutions expressing their support for i) formally situating the SAH network within CCR; ii) submitting an SAH application for the In-Canada Service-Provider contract; iii) submitting this proposal under the umbrella of CCR.

**BE IT RESOLVED** that the CCR i) explore ways to support the SAH network within CCR; ii) submit an application with the SAHs for the ISP contract.

**COMMENT:** SAHs submitted a bid for ISP contract but it was not successful. A second call for tenders was abandoned when CIC discovered it did not have the money budgeted for the ISP.

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#### REFUGEE SPONSORSHIP TRAINING PROGRAM - Res. 14 - May 01

**BE IT RESOLVED:** that the CCR request CIC to continue funding the RSTP until such time as an ISP, based on the model developed between CIC and SAHs on February 5-6, 2001, is established.

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### SOURCE COUNTRY

#### COLOMBIA REFUGEE SUPPORT - Res.6 - May 98

**SUMMARY** The key institutions of civil society are the targets of the violation of human rights in Colombia. Colombia was added to the Source Country list this year.

**BE IT RESOLVED** that the CCR 1) demand that the Gov't of Canada put emphasis immediately on Colombian nationals, including expedited processing in the Source Country; 2) urge the Gov't of Canada to strongly condemn the serious and escalating human rights violations in Colombia in all forms, to request the UN Human Rights Commission convene a special session and to raise concerns about Colombia of the OAS general assembly; 3) urge the Gov't of Canada to cease all sales of military equipment to Colombia including all "dual purpose" equipment that could have military application.

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#### 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.

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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.

**RESPONSE:** 24 Feb. 03 Roundtable. CIC underlined the need to manage expectations and acknowledged that the lack of resources is a big issue, budget is limited, no short-term prospect of relief. Michel Smith proposed holding a conference call to address how to make the source country program work better in Africa with Resettlement, International Region, CCR and perhaps a representative of the NGO-Government Committee.

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## COUNTRY-SPECIFIC RESETTLEMENT

### ASSYRIAN CHRISTIANS - Res.7 - May 98

**BE IT RESOLVED:** That the CCR write to 1) the UNHCR and ask them to monitor the treatment of Christian Assyrians by the Jordanian and Turkish gov'ts; 2) the Turkish and Jordanian authorities and ask that they protect refugees in their countries; 3) the Minister, C&I and request that her department meet with the Assyrian Christian community and help them sponsor Assyrian refugees to Canada.

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### 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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### SIERRA LEONE - Res. 10 - May 99

**BE IT RESOLVED** that the CCR urge: 1) the gov't of Canada to recognize the urgent resettlement need of refugees from Sierra Leone; 2) the UNHCR to provide immediate protection for refugees from Sierra Leone, including: i) protection from physical harm; ii) working with appropriate organizations to meet the total needs of the refugees; iii) ensuring that the basic human rights of the refugees are upheld; 3) The gov't of Canada to donate generously to the relief operations for refugees from Sierra Leone.

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### ERITREA - Res. 3 - Jun. 00

**SUMMARY** There is a massive exodus of persons of Eritrean ethnicity, as well as massive internal displacement, due to the escalating war between Ethiopia and Eritrea.

**BE IT RESOLVED** that the CCR urge i) the gov't of Canada to recognize the urgent protection needs of these refugees; ii) the UNHCR to provide, as soon as possible, immediate protection for these refugees including: a) protection from physical harm; b) working with appropriate organizations to meet the total needs of the refugees; c) ensuring that the basic human rights of the refugees are upheld; iii) CIC to set up a fast track program so that refugees and other displaced people of Eritrean ethnicity who have relatives in Canada can join them.

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### SIERRA LEONE ASSISTANCE - Res. 5 - Dec. 00

**BE IT RESOLVED** that the CCR urge the Government of Canada to i) continue to expedite reunification of Sierra Leonean refugees with family members in Canada; ii) continue to extend financial support to sponsors wanting to sponsor Sierra Leonean refugees.

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### OVERSEAS PROCESSING OF SIERRA LEONIAN REFUGEES - Res. 11 - May 02

**SUMMARY:** The gov't has committed to expediting the process of Sierra Leonean refugees. The situation there remains very dangerous and unstable.

**BE IT RESOLVED** that the CCR urge the Minister of CIC to expedite the claims processing and not to refuse cases based upon the changing circumstances in Sierra Leone, which are not conducive for return.

**RESPONSE:** 23 June 2002, ADM, Policy: CIC honours its commitment to SL refugees, family members and sponsors. It is too early to determine repatriation as appropriate for all refugees. Privately sponsored cases will

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not be automatically refused. Applicants may be refused if they do not meet eligibility and admissibility requirements. Reviews the successes and challenges experienced by the Sierra Leone Pilot. DG, Refugees, willing to meet with CCR and Sierra Leonian community members.

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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 today the deteriorating political situation in India and Nepal has further placed these refugees in 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.

**RESPONSE:** Minister of C & I, 26 Mar 03 - Canada relies on UNHCR for all GAR referrals from that region. Tibetans living in India and Nepal are not currently under UNHCR's mandate. New Delhi is the mission responsible for PSR refugees and reports no active PSR cases in its queue. "The majority of Tibetan asylum seekers in India and Nepal are free to live within the local communities and benefit basically from the same rights as nationals of those countries." UNHCR does not consider them priority - Canada supports UNHCR. IRPA permits greater flexibility for accepted identity documents, thus CIC may accept documents issued by the Tibetan Refugee Welfare Office.

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### VIETNAMESE REFUGEES IN PALAWAN - Res. 12 - Nov 02

**SUMMARY:** A Vietnamese group of about 2000 refugees screened out by the Comprehensive Plan of Action still lives in Palawan, Philippines in very poor conditions without prospect of repatriation or local integration. This group has support and ties to Canada and UNHCR has acknowledged that this group of persons is in need of a durable solution.

**BE IT RESOLVED** that the CCR urge the Government of Canada to consider this group of refugees for resettlement to Canada through the private sponsorship program.

**COMMENT:** 24 March 2005 CIC announced a special process to allow people in Canada to sponsor close family members who are part of a remaining Vietnamese population in the Philippines. However, it does not appear to be leading to many gaining admission to Canada.

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### LIBERIAN REFUGEES - Res. 10 - Nov. 03

**SUMMARY:** Refugees from Liberia have continued to flee to Tabour Camp in Ivory Coast and to Buduburam Camp in Ghana.

**BE IT RESOLVED** that the CCR: i) call on the Government of Canada to urge the UNHCR to provide humanitarian aid adequate for the safety, health and maintenance of these vulnerable populations; ii) urge Citizenship and Immigration Canada to expedite early resettlement of persons in urgent need of resettlement.

**RESPONSE:** Robert Orr, Director General, Refugees Branch, 24 Mar. 04. CIC is aware of the situation facing Liberian refugees in West Africa. They continue to be offered protection through resettlement through GAR and Private Sponsorship Programs. In 2003, 126 Liberian refugees (76 through GAR and 50 privately sponsored) were resettled to Canada; more than in the previous three years combined. CIC is initiating steps to resettle up to 800 of the long-term Liberian refugees residing in Ghanaian refugee camps. Processing will begin as soon as arrangements are in place, and the first arrivals are expected in 2004.

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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, including cases which have already been accepted by the visa post to come to Canada.

**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.

**RESPONSE:** Bob Orr, Director General, Refugees Branch, CIC, 9 Sept. 2004: Canadian officials are keeping open the files for privately-sponsored refugees. They continue to negotiate on a case-by-case basis for the exit permits for 480 persons in Turkey whose applications for protection were already submitted to the Canadian mission before 25 May 2004. However, since the Turkish government has repeatedly made very clear its policy, no new applications will be accepted which are not accompanied by the necessary documentation from the UNHCR.

The reasons for not accepting new undertakings without the necessary documentation were discussed with the elected SAH representatives. The results have been communicated to SAHs.

Jahanshah Assadi, UNHCR Representative in Canada, 8 Sept. 2004: UNHCR has discussed Turkish exit requirements with both the Turkish Ministry of Foreign Affairs and relevant embassies. The UNHCR may request an exit permit for the following categories:

- 1) Recognized refugees. UNHCR will facilitate departures of refugees recognized by the UNHCR, both those registered with the Turkish gov't and those refused registration for procedural reasons (e.g. failure to apply within 10 days of entry, or to provide valid ID).
- 2) Family sponsorship cases. An embassy may request an exit permit for family reunification cases. No action is required of UNHCR, unless the Ministry of Foreign Affairs rejects a request, in which case UNHCR will, on request from an embassy, assess the case and intervene where appropriate, if the individual was previously registered with UNHCR.
- 3) Persons in a "refugee like" situation. UNHCR intervention on behalf of individuals who have secured a valid visa on their own will depend on factors such as nationality, country of origin, previous registration with the UNHCR. Persons in the following categories may be eligible:



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a) persons from a conflict area, b) separated children, c) other vulnerable persons (on case by case basis), d) persons who are not refugees and not excluded as undeserving of protection but eligible for complementary forms of international protection.

Persons not previously registered with UNHCR and who do not fall within a category above will be treated like any new applicant and processed through refugee determination procedures.

Further response: UNHCR, 7 Sept. 2005: Turkey has committed to lifting the “geographic limitation”. The Government is planning intensively for these requirements, with the Ministry of the Interior General Directorate of Security – the national police organization – taking the lead. The General Directorate of Security has prepared a “National Action Plan for the Adoption of the EU Acquis in the Field of Migration and Asylum”. The Plan provides a roadmap for the development of a comprehensive national asylum system, including a specialized agency for refugee status determination, a regional network of reception centres and other measures for meeting the protection, care and solutions needs of refugees. The objective of lifting the geographical limitation will likely not be achieved before 2012, the target year set by the Government.

In order to prevent a possible “pull factor”, the Government of Turkey has decided not to allow the resettlement of individuals from its territory who had found earlier protection in another asylum country. This policy is mainly directed towards a group of Iranian refugees who resided in Iraq. Following UNHCR’s intervention, the Government of Turkey has made a recent statement that it would exclude a small group of individuals from this prohibition, i.e. medical cases as well as some protection cases who cannot return to Iraq. UNHCR and the Government of Turkey are currently engaged in a dialogue to find durable solution for the entire group.

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### IRAQ - Res. 9, Nov. 04

**BE IT RESOLVED** that the CCR 1) urgently request the UNHCR to immediately: i) Resume refugee status determination for Iraqis in the region, ii) Provide care and support for Iraqis who have sought asylum in these countries, iii) Dialogue with resettlement countries including Canada to implement resettlement as a solution for Iraqis in the region; and 2) urge the Government of Canada to immediately: i) Dialogue with the UNHCR to facilitate the resettlement of Iraqi refugees through the Private Sponsorship Program as well as the Government Assisted Refugee Program, ii) Increase staff in the Damascus Visa Post to accommodate the increased need for resettlement from the region and to expedite cases already in process.

### **RESPONSES**

Roundtable, 21 February 2005: **CIC** relies on UNHCR view on Iraqis. CIC is dealing with some family reunification cases of people in “no man’s land” on the Iraq-Jordan border. Damascus is taking a look at the cases that have been referred to Canada.

**UNHCR** Representative in Canada, 11 February 2005:

UNHCR is requesting a continued ban on forced returns to Iraq as well as on the return of Iraqi asylum-seekers to countries in the region, regardless of their prior stay or transit in these countries. UNHCR also recommends that States grant a form of temporary protection to Iraqi asylum-seekers. UNHCR does not oppose States undertaking a refugee status determination for Iraqi asylum-seekers provided that rejected cases are not forcibly returned and benefit from another form of protection/residence status. UNHCR is in the process of developing eligibility guidelines for Iraqi asylum seekers taking into consideration the political changes in Iraq as well as potential sources of persecution.

For countries in the region where Iraqis benefit from temporary protection, UNHCR will register Iraqis who approach UNHCR offices. For Iraqis whose safety cannot be guaranteed in the country of asylum, as well as those deemed to be extremely vulnerable, UNHCR may undertake a refugee status determination on an exceptional basis and in the case of recognition UNHCR may pursue resettlement in order to provide effective protection and/or a durable solution.

UNHCR dialogues with Canada on the protection needs of Iraqi asylum seekers and appreciates Canada’s willingness to receive UNHCR resettlement submissions of Iraqis who UNHCR’s resettlement criteria.

Regarding assistance, UNHCR is starting to implement community based projects in the region. Iraqis with compelling needs may approach UNHCR offices and seek assistance.

UNHCR continues to closely monitor the situation of Iraqis both inside and outside of the region.

Further response from UNHCR, 7 Sept. 2005: Re. Iraqis in the Middle East, UNHCR’s position has not changed since letter of 11 February 2005. UNHCR continues to request a continued ban on forced returns to Iraq and recommends that States grant temporary protection for all Iraqis. Where UNHCR may be involved in refugee status determination, it may undertake this for Iraqi refugees facing acute protection problems in their country of first asylum and depending on the outcome such refugees may be referred for resettlement.

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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.

**RESPONSE:** Selection Branch, 24 Oct. 2005: UNHCR monitors EU asylum systems and has not indicated a need for resettlement of Iraqis out of Europe. Given the current situation in Iraq and UN pressure on first asylum countries not to involuntarily return people to Iraq, most of these are under no immediate threat of refoulement.

It is not appropriate to use resettlement to Canada as an appeal mechanism for fully functioning European asylum systems. Using resettlement for cases where there is no risk of refoulement must be carefully considered so as not to jeopardize the lives of refugees elsewhere in the world who have more immediate protection concerns. Provisions exist under IRPA (e.g. Family Class, Skilled Worker Class, H&C). Consequently, no special program covering Iraqi nationals is being contemplated at this time.

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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

## OVERSEAS PROTECTION AND SPONSORSHIP

**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.

**RESPONSE:** UNHCR, 7 September 2005: Israel is a party to the 1951 Convention. The UNHCR office in Jerusalem monitors and promotes Israeli compliance with Convention and other human rights law standards. UNHCR has collaborated closely with the Israeli government to build the capacity of the Israeli refugee status determination system. We continue to participate in file preparation for the status determination tribunal.

Without knowing which Ethiopians and Eritreans in detention are being referred to, it is difficult to be specific or conclusive. UNHCR does work with a number of Ethiopians who have sought asylum. These persons presented their case, which was thoroughly investigated, they were interviewed and a negative decision was taken in their case. All went through an appropriate procedure and the decisions were taken according to the Convention criteria.

CIC International Region, 26 Aug 2005.: Any complete application received by a Canadian visa office is processed and decided upon in a fair manner under IRPA. Therefore, any application for a privately sponsored refugee will receive a full and impartial assessment by the visa office. CIC cannot support a call for these particular applications to be 'expedited' in any way, as that would be unfair to other people applying for Canada's protection. Privately Sponsored Refugee applications are dealt with on a first-come, first-served basis, unless there are urgent protection needs.

Roundtable, 12 Sept. 2005: The basic assumption is that democratic countries that are signatories to the Convention will implement their obligations. If there are protection concerns, they are the responsibility of the UNHCR, not the Canadian government. Canada would not intervene with the Israeli government as these persons were refused asylum claimants.

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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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### PHYSICAL PROTECTION OF REFUGEE WOMEN - Res. 8 - Nov. 93

**BE IT RESOLVED** that the CCR (i) urge the Canadian gov't to give

funds for the physical protection of refugee women & education and eradication of female genital mutilation, particularly in camps in N-E Kenya; (ii) urge UNHCR and NGOs to have their workers live in the camps to improve safety conditions in the camps.

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### REFUGEES AND DEVELOPMENT - Res. 15 - June 94

**SUMMARY** There is considerable interest in continuing activity on refugees and development issues.

**BE IT RESOLVED** that the CCR i) continue to organize sessions on international refugee and development issues; (ii) investigate initiating dialogue with CIDA, For. Affairs and Finance to discuss overlapping responsibilities and funding criteria.

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### GENOCIDE - Res. 26 - June 94

**SUMMARY** Present international legal mechanisms fail to adequately address the perpetration of genocide currently taking place.

**BE IT RESOLVED** that the CCR call upon the gov't of Canada in international fora to (i) address inadequacy of current international mechanisms; (ii) ask for a review of the Genocide Convention; (iii) to provide new funding for the UN Human Rights Centre.

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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.

**RESPONSE:** DFAIT, Mar. 96: Canada will undertake a legal analysis to determine if we can sign on. The Convention was negotiated to deal with situations in Europe and the Near East, where temporary workers remain for long periods with limited possibility of changing their status. This is not the situation in Canada.

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### WAR IN YUGOSLAVIA - Res. 9 - May 99

**BE IT RESOLVED** that: the CCR call on: 1) the International Criminal Tribunal for the Former Yugoslavia to investigate and prosecute any and all substantial allegations of war crimes and crimes against humanity in the former Yugoslavia; 2) the Government of Canada: a) to withdraw from and cease its participation in the NATO military action against Yugoslavia; b) to seek a peaceful negotiated solution to the crisis in Yugoslavia through the United Nations; 3) the Government of Yugoslavia: a) to stop any repressive action against the civilian population of Kosovo; b) to stop attacks by its security forces on the civilian population; c) to withdraw all security units used for civilian repression; d) to cooperate fully with international efforts to improve the humanitarian situation in Kosovo; e) to allow all refugees and displaced persons to return to their homes in safety; f) to cooperate fully with the ICT for the former Yugoslavia.

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## OVERSEAS PROTECTION AND SPONSORSHIP

### PROTECTION OF REFUGEE WOMEN IN DADAAB - Res. 12 - May 99

**SUMMARY** The funding of the UNHCR program providing firewood to refugees in Dadaab camp to reduce incidence of rape ends in June 1999.

**BE IT RESOLVED** that the CCR urge Canada to provide funding for the continuation of the firewood program for Dadaab, Kenya.

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

**SUMMARY:** The ICIRRR 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 ICIRRR Conference; ii) take the chair of the Reference Group; iii) seek ways to support activities and initiatives to further the principles endorsed at the ICIRRR 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 ICIRRR Principles into the priorities and activities of the CCR.

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### LIBERIANS IN GHANA - Res. 10 - Dec 01

**SUMMARY:** Liberians in the Krisan Zansule camp in Ghana have not been supplied any humanitarian assistance by UNHCR since June 2000.

**BE IT RESOLVED** that the CCR request the UNHCR to assure that full humanitarian assistance be resumed to Liberians in Krisan Zansule camp in Ghana; and failing this, that the CCR ask the Government of Canada to provide protection and a durable solution.

**RESPONSES:** UNHCR Judith Kumin, 4 Feb 2002: It has been decided that the 149 Liberian refugees remaining in the Krisan camp will be reintegrated into the camp's assistance programme.

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### INTERNATIONAL CCR INVOLVEMENT - Res. 14 - Dec 01

**SUMMARY:** The CCR has become increasingly involved in international activities and consultations with respect to refugee protection, resettlement and integration.

**BE IT RESOLVED** that the CCR Executive Committee i) reassess the way in which the CCR participates in international forums, identifies representatives, develops resource support, and involves its membership, in order to be strategic in its planning and participation; ii) consider the establishment of a Core Group on international issues.

**COMMENT:** A Committee on International Affairs has been struck.

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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.

**RESPONSE:** UNHCR Rep. in Canada, 15 Aug: Letter transferred to UNHCR headquarters. UNHCR has zero tolerance for corrupt and exploitative behaviour of any kind. Findings of UN Office of International Oversight Services' investigation re. W. Africa will be submitted to UNGA 5<sup>th</sup> Assembly later in the year. UNHCR has already taken aggressive action on numerous levels to prevent abuses and establish an effective and understandable complaint process. New code of conduct will be released at the end of August.

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### ACCESS TO FOOD IN REFUGEE CAMPS - Res. 16 - May 02

**SUMMARY:** There is insufficient food in refugee camps. This exposes refugee women to sexual exploitation by those who distribute the food. In several African camps the WFP has cut down the food ration for refugees.

**BE IT RESOLVED** that the CCR request the gov't to increase its contribution to the UNHCR, to send its contribution quickly, and provide appropriate funding to the WFP.

**RESPONSE:** CIDA President, 29 August 02: CIDA increased contributions to UNHCR in 2001 (an additional \$1 million). Last year CIDA gave nearly \$25 million to WFP and over \$25 million to emergency feeding programs of other organizations. Much of those resources will be provided to refugee populations. CIDA has been providing UNHCR with a Canadian child protection specialist for six months to assist UNHCR to implement a plan of action against child exploitation/abuse.

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### VOLUNTARY REPATRIATION TO AFGHANISTAN Res. 9 - Nov 02

**BE IT RESOLVED** that the CCR urge the Government of Canada to provide adequate support to refugees in refugee camps until conditions are conducive for voluntary repatriation and to explore other options such as resettlement to Canada and that the visa officers assess claims on individual merit and not presumed country conditions.

**RESPONSES:** Susan Whelan, Minister for International Cooperation, 2 Apr 03 - UNHCR is one of CIDA's key partners for its work in support of Afghan refugees. In 2002 UNHCR helped more than 1.7 million refugees repatriate voluntarily (March - Dec.). In 2003 UNHCR plans to assist 1.2 million refugees and 300,000 IDPs return home. UNHCR will work to develop the capacity of the Afghan Transitional Authority (ATA). Monitoring will be key to UNHCR's protection strategy. In 2002, CIDA gave UNHCR \$29.8 million, \$6 million earmarked for Afghan refugees (voluntary repatriation and protection and assistance in neighbouring countries). CIDA plans to provide further earmarked support for Afghan refugees in 2003.

## OVERSEAS PROTECTION AND SPONSORSHIP

Denis Coderre, Min. of C & I, 26 Mar 03 - Canada works with UNHCR in identification and resettlement of Convention refugees. No major problems occurred with respect to physical safety of refugees returning. The situation remains fragile and the central gov't has difficulty establishing outreach in provinces. The temporary suspension of removals on Afghanistan was put in place in response to increased terrorist activities there. It will be reviewed in July 2003 in consultation with CCR. Canada continues to resettle certain Afghans - 2,359 in 2002 (gov and privately sponsored). Individuals cases will be given due consideration on personal risk factors and the individual's merit, both with visa officers and with the PRRA.

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### NEPAD AND REFUGEES - Res. 15 - Nov 02

**BE IT RESOLVED** that the CCR urge the Government of Canada to ensure that refugee issues as well as internally displaced persons and returnees occupy high priority in the implementation of NEPAD.

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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.

**RESPONSE:** Paul Thibault, President, CIDA, 10 October 2003: In the past 3 years, CIDA's financial allocation towards refugees has steadily increased. For 2003, CIDA has already provided UNHCR with over \$32 million (including \$14 million in core funding). Canada is one of the top 10 donors of UNHCR and among most progressive in terms of timely funding and level of unearmarked funds. CIDA believes its funding helps improve provision of material assistance and function of protection for refugees. Experience shows that the most effective way to assist refugees is through UNHCR. On an exceptional basis, CIDA also funds directly other well established organizations. CIDA supports the new initiative of the UNHCR for durable solutions (4 Rs - repatriation, reintegration, rehabilitation and reconstruction) as well as Development Assistance for Refugees and Development through Local Integration. CIDA is also seeking to be more creative in support initiatives (e.g. CIDA implemented an effective and flexible funding mechanism in 2000 for small local projects in the Balkans.

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### IRAQ - Res. 8 - May 2003

**BE IT RESOLVED** that the CCR 1) Urge CIC to consider as a basis for a refugee claim the ongoing insecurity in the country when assessing applications for resettlement from Iraqis and process them fully; 2. Raise with the Canadian gov't the need for: a) the immediate and ongoing clearing of unexploded ordinances including cluster bombs and landmines; b) a gendered understanding of the current humanitarian crisis in Iraq, that humanitarian and relief projects be particularly nuanced to address the needs of women and girls in war-torn Iraq, and that reconstruction projects in Iraq promote women in

central and vital roles in the re-building of the institutions of civil and political life of the country.

**RESPONSE:** CCR-CIC roundtable, 8 September 2003: Rick Herringer (Refugees Branch) reported that nothing had changed on a policy level with respect to Iraq, but the war had an impact on processing. It is not possible for visa officers to travel to Iraq (for example to the Al Tash refugee camp). The mission at Damascus was shut down for several months. The Jordanians wouldn't allow access to Iraqis near the border in Jordan.

Bill Graham, Minister of Foreign Affairs, 9 Feb. 2004: Canada is very concerned about Iraqi children. Assistance has been provided both before and since the conflict. Canada is committed to the reconstruction effort in Iraq. Since March 2003, Canada has contributed over \$300 million for humanitarian assistance and reconstruction in Iraq. As announced in Oct. 2003, \$40 million is going to UNICEF and \$5 million to CARE for basic needs of Iraqis, in particular the needs of women and children. Gender considerations have factored heavily in Canada's weighing of programming options for Iraq. With respect to cluster bombs, Canada is an active leader on this issue. The use of cluster munitions is not prohibited but governed by international legal principles that prohibit attacks that do not discriminate between military objectives and civilians. Canada deplores the use of anti-personnel landmines and considers the Ottawa Convention to be the definitive, comprehensive international framework for addressing the human tragedy they cause.

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### PRINCIPLES FOR RETURN OF SRI LANKAN TAMIL REFUGEES IN INDIA - Res. 10 - May 2003

**SUMMARY:** Sri Lankan Tamils in India have developed the Nallayan Declaration Memorandum of Concern addressing the principles of return.

**BE IT RESOLVED** that the CCR 1) endorse the Sri Lankan Tamil Refugees Memorandum of Concern outlining principles on return; 2) send a copy of the Memorandum to the Minister of Foreign Affairs, asking that Canada encourage the Sri Lankan Gov't to take steps to ensure that the refugees' concerns are addressed in the peace process; 3) ask CIDA to provide financial support to demining and rehabilitation/reconstruction efforts in Sri Lanka; 4) ask the gov't to encourage UNHCR to take steps to ensure that the refugees' concerns (as outlined in the memorandum) are addressed in discussions, plans and programs on the possible voluntary return of the refugees home.

**RESPONSE:** Bill Graham, Minister of Foreign Affairs, 26 Jan. 04: Canada recognizes the importance of this issue to the peace process. A significant obstacle to the return of displaced persons is the Sri Lankan security forces' occupation of large tracts of land in the north and east of the island. I discussed this with the Commander of security forces in Jaffna in Oct. 03. Canada is seeking to help the parties to reach a lasting political solution. I believe that a sort of federalism offers the most realistic framework for such a settlement. Canada has provided support to the Forum of Federations to supply the parties with technical information and expert advice regarding federal options. Bob Rae is leading this mission.

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## OVERSEAS PROTECTION AND SPONSORSHIP

### 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 any voluntary repatriation of refugees 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.

**RESPONSE:** Robert Orr, Director General, Refugees Branch, 24 Mar. 04. CIC agrees regarding the situation of long-term refugees in Dadaab and Kakuma refugee camps. In 2003, approx. 840 persons were resettled from this region, including those from Dadaab and Kakuma camps. Some 300 of this number were resettled under the group processing project, which is expected to lead to the resettlement of 900 refugees in total, all of whom are out of Dadaab camp. CIC will continue to resettle refugees out of these camps in order to meet the protection needs of the most vulnerable.

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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.

**RESPONSE:** Bob Orr, Director General, Refugees Branch, CIC, 27 Oct. 2004: Letter has been forwarded to Department of Foreign Affairs for their consideration. No response received from Foreign Affairs.

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### 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.

**RESPONSE:** Office of Prime Minister, 7 Sept. 2004: Acknowledges letter. A copy is being forwarded to Pierre Pettigrew, Minister of Foreign Affairs.

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### ETHNIC CLEANSING IN DARFUR (SUDAN) - Res. 14 - May 04

**SUMMARY:** The gov't of Sudan is engaged in a policy of ethnic cleansing against the population of the Darfur region, as it has done in the past against other ethnic groups in the country.

**BE IT RESOLVED** that the CCR urge the Canadian gov't to i) send a strong protest to the gov't of Sudan condemning its deliberate policy of ethnic cleansing in Darfur region and requesting the gov't of Sudan to grant full and unhindered access to Darfur region by international organizations; ii) raise the issue of ethnic cleansing in Darfur at the UNCHR and other international fora; iii) explore the possibility of joining in a fact finding trip to Darfur region.

**COMMENT:** 22 June: Letter sent to Bill Graham, Minister of Foreign Affairs, cc. Senator Mobina Jaffer. No response received.

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### DARFUR - Res. 7, Nov. 04

**BE IT RESOLVED** that the CCR 1) urge the Canadian government to i) Use all available means, including by adding its voice to those who have already named the situation as genocide, to ensure that the international community intervenes to stop the abuses; ii) Put more pressure on the Sudan government to immediately end the conflict against the Fur people by suspending all aid to the Sudan except humanitarian aid; iii) Encourage and support the African Union to intercede; Assist the UNHCR in providing humanitarian aid for refugees in Chad and internally displaced persons; 2) Urge the UNHCR to expedite the resettlement processing of vulnerable Furians in refugee camps in Chad.

**RESPONSES:** Letter to Minister of Foreign Affairs sent 14 Jan. 2005 No response received.

UNHCR Representative in Canada, 11 February 2005: UNHCR is currently playing a key role in the delivery of aid and establishing camps in Eastern Chad for 200,000 refugees who fled Darfur province in western Sudan. Many sectors of assistance - food, water, medical care and shelter - have still not reached sufficient levels to meet minimum standards of assistance owing to the lack of infrastructure in the arid and remote region. While emergency assistance is still required to cover basic needs, UNHCR is enhancing its activities in the sectors of protection, community services, education, environment and agriculture, which are crucial for the stabilisation of the camps.

It is unlikely that any significant resettlement will take place until the situation for the refugees in Chad has stabilized. Once the situation has stabilized and UNHCR has moved from emergency assistance to a care and maintenance operation, we foresee the referral of refugees for resettlement on an individual basis. The focus would most likely be on refugees with serious physical security concerns or refugees who are particularly vulnerable such as women at risk or victims of torture. Of course, UNHCR would not limit its resettlement referrals to Furians, but would consider Sudanese from any ethnic group that meets UNHCR's resettlement criteria.

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## OVERSEAS PROTECTION AND SPONSORSHIP

### 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.

**RESPONSE:** Aileen Carroll, Minister of International Cooperation, 11 May 2005: Canada supports UNHCR efforts towards all durable solutions. There have been pilot projects on the 4Rs (repatriation, reintegration, rehabilitation and reconstruction) in Sri Lanka and Ethiopia, for example.

Canada continues to be a strong financial supporter of UNHCR. In 2004, we were 10th largest donor providing CAN\$31.44 million. For 2005, we have already exceeded this amount. One of the main rationales for the increase when the number of refugees is going down is to support repatriation.

To date, Canada has contributed CAN 34 million towards UNHCR 2005 Global Appeal and supplementary appeals (for repatriation of Burundian, Congolose and Sudanese refugees).

Apart from funding support, we are working with UNHCR, other donors, host countries, countries of origin and other UN agencies to increase the conditions for sustainable and durable repatriation conditions. We recognize that issues around sustainable and durable repatriation and reintegration are critical and require the attention of the international community.

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### UGHURS IN DETENTION IN GUANTANAMO BAY - Res. 10 - June 05

**SUMMARY:** 22 Uighurs detained by the US in Guantanamo Bay but determined by them not to represent a threat to national security are at risk of refoulement to China.

**BE IT RESOLVED** that the CCR 1) urge the UNHCR to publicly demand that the Uighurs are not refouled to China; 2) urge the UNHCR to intervene to seek a durable solution for these Uighurs as a means for their protection including to facilitate the resettlement of the Uighurs to the USA, where US nationals of Uighur heritage have offered to assist in their settlement, and/or resettlement to other countries as a means for their protection from *refoulement* or continued detention at Guantanamo; 3) use its opportunities at meetings with Canadian government officials and the UNHCR and at international fora to further the protection and achievement of a durable solution for the Uighurs currently held in Guantanamo.

**RESPONSE:** UNHCR, 7 September 2005: "UNHCR has not received any formal request on these cases and hence is not involved at this point. As you know these persons are in the custody of the US. Their background including the background to them being on Guantanamo is not known to UNHCR in any detail, and thus UNHCR is not in a position to comment on whether or not these people have any connection to UNHCR's mandate."

## IV. INLAND PROTECTION

### INTERDICTION

**INTERDICTION** - Res. 19 - May 93

**SUMMARY** US interdiction programme operates in Mexico. Operation Shortstop works to prevent undocumented arrivals into Canada. Visible minorities have difficulty getting into Canada, irrespective of legal status in Canada.

**BE IT RESOLVED:** The CCR (i) reaffirms its commitment to the right to seek asylum in Canada; (ii) explore the possibility of a task force on this issue.

**COMMENTS:** Task Force was struck. A document, *Interdicting Refugees*, was produced May 1998. CCR has continued to discuss these issues with CIC. An international workshop on interdiction was held at the CCR spring consultation. Since then, the CCR has continued to work on an action plan to ensure follow up.

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### **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.

**RESPONSES:** A) Written Response CIC (Aug. 96): CIC is concerned about serious risks to life posed by stowaway movement. All measures possible must be taken to reduce movement. Policies implemented have reduced stowaway numbers from 422 in 1993 to 251 in 1995. Transportation companies must assume responsibility for persons they bring to Canada. CIC is not prepared to accept CCR's recommendations.

B) Roundtable Meeting (9 Sept. 96): Administrative carrier fines are reduced if companies take more stringent measures to reduce numbers of stowaways. Waiving fees would increase numbers of stowaways and the level of risk. Shipping companies are more concerned about damages to the freight and insurance claims than about fees.

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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.

**RESPONSE:** Min. of C&I, 20 Jun. 00: I want to re-iterate that the Government of Canada will not turn boats back at sea. I do not support S-8, which was anyway dropped from the Senate Order Paper.

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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.

**COMMENTS:** The problem was renewed by a Jan. 27, 2003 CIC policy on direct backs.

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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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## INLAND PROTECTION

### 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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### 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

**SUMMARY:** Canada intends to sign the "None is Too Many" agreement with the USA who detain on average 5,000 separated children every year.

**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.

**RESPONSE:** Minister of C&I, 24 July 02: Aware of CCR's concerns. There are two exceptions to the proposed agreement re. minors: 1) unaccompanied children whose best interests would be served by remaining in Canada and 2) refugee claimants with close family members in Canada. The agreement would only apply to refugee claimants arriving at land borders.

### 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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#### ADMINISTRATIVE DENIAL OF REFUGEE HEARING - Res. 24 - May 95

**SUMMARY** People have been denied access to the refugee determination process because of a removal order against them.

**BE IT RESOLVED** that the CCR 1) question S. 44's constitutionality and ask the gov't to modify this article; 2) ask the Minister to stop the deportation of people not allowed to make a claim; 3) study the possibility of a constitutional challenge to article 44 of the Imm. Act.

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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.

**COMMENT:** CIC developed instructions for immigration officers directing them to advise people, before making an exclusion order, of their right to make a claim if they indicated any fear of persecution.

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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.

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## INLAND PROTECTION

**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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**TRAINING AND TERMS OF REFERENCE FOR CIC OFFICERS** - Res. 29 - Dec 01

**SUMMARY:** There are expanded grounds for inadmissibility that will impact on eligibility to make a refugee claim in Bill C-11. These decisions will be made during front-end processing by CIC officers many of whom will be newly recruited employees.

**BE IT RESOLVED** that the CCR i) call on CIC to ensure that appropriate and regular training and orientation are provided to officers; ii) request CIC to access community and NGO expertise in the provision of the training; iii) request CIC for an accountability framework for eligibility decisions.

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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.

**RESPONSE:** CIC, ADM, 24 Jul. 02: CIC makes every effort to treat children appropriately and designate a rep. Provincial and NGO services are used where available, but are not always available in timely manner at POE. CIC wants to develop more relationships with NGOs who work with minors and is developing a national policy on the examination of minors.

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## 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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**BILL C-31** - Res. 7 - Jun. 00

**BE IT RESOLVED** that i) the draft response to Bill C-31 be approved as the present position of the CCR; ii) the executive of the CCR be empowered to revise and amend the draft response, taking into account feedback from the membership, insofar as such revisions and amendments are in accord with the principles and policies of the CCR.

**COMMENT** Bill C-31 died on the order paper, but re-appeared in amended form in February 2001 (Bill C-11) and was implemented (as IRPA) on 28 June 2002.

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**TRANSITIONAL MEASURES** - Res. 25 - Dec 01

**BE IT RESOLVED** that the CCR strongly urge CIC to make provisions in the C-11 Regulations which ensure that persons refused as Convention Refugees under the present Act who return to Canada to make a second claim after C-11 comes into effect will have that claim dealt with as a first claim under C-11.

**RESPONSE:** CIC thinks it enough that people had an opportunity for one hearing before the IRB and will not allow second claims to the IRB.

**INLAND PROTECTION**

**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.

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**IMMIGRATION AND REFUGEE BOARD**

**CHANGE OF CIRCUMSTANCES** - Res. 12 - May 92

**BE IT RESOLVED:** The CCR (i) collect instances where change of circumstances was used as a rationale for refusal; (ii) prepare recommendations to EIC and CRDD on how to deal with changed circumstances; (iii) ask the UNHCR to recommend to EIC and CRDD that change in circumstance do not automatically lead to cessation and instances of mass supervised repatriation do not automatically ensure safety of individual involuntary return; (iv) communicate with the Refugee Determination Centre requesting materials be equally available to claimants, lawyers, RHOs and IRB members and relevant country material be made available; (v) ask doc. centre to respond equally to all parties.

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**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

**SUMMARY** Refugee women who have suffered rape and sexual abuse find it difficult to disclose such persecution at a hearing.

**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.

**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 is working on guidelines for vulnerable claimants.

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**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.

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**IRB HEARING MODEL** - Res. 14 - May 95

**SUMMARY** The IRB's "Enhanced Model" is based on principles which were not revealed in consultations held.

**BE IT RESOLVED** that the CCR express to the IRB its grave concerns with the proposed "Enhanced Model" for IRB hearings and call on the IRB to hold a new round of consultations to get public reaction to the principles in the "Enhanced Model".

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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.

**RESPONSES:** Letter from IRB chair, 6 Feb. 98: Expedited process is applied on merits. IRB believes that "best interest" principle must be primary consideration for procedural issues, but has limited application in determining substantive issue.

**COMMENT:** A UNHCR report on separated children, 2001, recommended substantive guidelines.

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### IRB HEARINGS - Res. 15 - May 98

**BE IT RESOLVED** that the CCR 1) express our opposition to increased findings of credible basis in Montreal and call on the IRB to cease abusive use of such findings; 2) request training of IRB members with the active involvement of the UNHCR, the Canadian Bar, the CCR and other appropriate NGOs. This training must include sensitivity training on treatment of torture victims, a code of ethics for Board members and training on the rules of fundamental justice.

**SEE ALSO** Res. 7, May 02, *Zimbabwe*, on no credible basis, page ?.

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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.

**COMMENTS:** The IRB circulated a draft policy, but then put it on the back-burner. In 2001 a policy for Adjudication Division (ie. detention reviews) was finalized. In the summer of 2003, the RPD started using video-conferencing to address the Toronto backlog. In 2004, the IRB commissioned Ron Ellis to conduct a study of the fairness of videoconferencing. The study raises serious questions but the IRB is continuing use of video-conferencing anyway.

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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 by reason of the filing of the PIF in the hearing of the other claim.

**COMMENTS:** The new RPD Rules formalize 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. The refugee determination process presents evidentiary complexities for survivors.

**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 is developing guidelines for vulnerable claimants.

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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 to its Refugee Division 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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### INQUIRY INTO RACIAL BIAS - RES 13 - May 01

**SUMMARY:** There have been a series of allegations of racial bias and institutional racism concerning members of the IRB and its personnel but no serious studies of the allegations

**BE IT RESOLVED** that the Executive appoint a task group to: i) gather together and assess information relating to possible racial bias and institutional racism in the IRB; ii) decide whether or not to recommend to the Executive that the CCR request the IRB to conduct a public and independent inquiry into problems of racial bias and institutional racism at the IRB.

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### 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.

**RESPONSE:** The Deputy Chairperson, Refugee Protection Division, met with two representatives of the CCR in September 03 to discuss concerns with abandonments.

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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.

**RESPONSE:** Roundtable, February 2004: CIC will take the lead from the IRB. A message of clarification will be sent out to ports of entry. The basic principle is that no one who enters outside of the Toronto region can be referred to the Toronto office, but claimants destined anywhere else should be referred to their destination. This is what the IRB has asked.

Conference call, April 2004: Currently the policy is that claims will be referred to the region in which they are made. CIC will meet in May to discuss with the IRB the possibility of referring claims made in Ontario region to other regions, where the claimant is destined somewhere else. CIC has no major objection.

Jean-Guy Fleury, Chairperson IRB, 27 May 2004. Movement of claimants to the location of their choice within Canada has taxed the capacity of the IRB in some regions to process claims promptly. It is largely to address this disproportionate distribution of work that the IRB has decided to increase the use of videoconferencing hearings. IRB continues to consider requests for a change of location and exercises its discretion in light of considerations of fairness, operational requirements and the circumstances of the parties.

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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.

**RESPONSE:** Letter, Jean-Guy Fleury, Chairperson IRB, 27 May 2004. Guidelines and related initiatives referred to in this resolution are aspects of the Chairperson's Action Plan for the RPD. The initial questioning of a claimant by the RPO or member is entirely consistent with the statutory duty of the RPD to lead inquiry into the claim. Guidelines direct members to take into account vulnerability of claimants. In relation to the power of the RPD to schedule, it is a fundamental principle of administrative law that a tribunal controls its own process. The RPD looks for a co-operative approach to scheduling claims. If the practices of a counsel are impeding the ability of the RPD to work efficiently, then it will not remain subject to counsel's way of arranging work. In relation to the questions of videoconferencing, RPD faced the challenge of an unprecedented volume of claims, exacerbated by the way in which those claims are distributed between offices of the RPD. Videoconferencing is a means to address that issue. Fleury is satisfied that the current use of videoconferencing meets the requirements of fairness, but is sensitive to the concerns raised by stakeholders and has therefore requested an evaluation of the Board's use of videoconferencing by outside experts. Will share evaluation with CCR and looks forward to comments.

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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.

**RESPONSE:** IRB chairperson, 5 August 2005: IRB instructions re. Front-end security screening stem from 2002 Gov't of Canada commitment that all claimants in Canada will receive a security screening to ensure that no one who might pose a risk to security uses

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the refugee determination process to gain admittance. Therefore no refugee hearing should proceed without a completed security screening.

On average, 80-90% of claimants receive a security screening within 45-54 days from referral. The rest require extra time or have been delayed due to automated computer system errors. The IRB is working closely with CBSA to eliminate the latter.

Currently the postponement rate due to security delays is 6% compared to 16% in February. However, 1.8% of principal claimants are postponed more than twice. We acknowledge that this is a high percentage and are working to address it.

IRB gives this issue a high priority and is working with CBSA and CSIS to improve integration of respective approaches. I will outline Board's approach to CCPP members in September.

CCPP conference call, 16 Aug.: IRB has been looking closely at the issue. In June there were 575 cases in a "black hole" - i.e. unknown where lost in security process. Now down to 185. Will work on developing an approach for IRB to be presented to CCPP in November. If there is an amendment to the policy, it has to be for the right reason.

Roundtable, 12 Sept. 2005: There were 933 cases in the "black hole" in April 2005. The number is now down to under 200. The goal is to eliminate the problem altogether. They have identified some connectivity issues and will work on these with IT people from CIC, CBSA, IRB and CSIS. Follow up is being done with Regions to ensure that cases are completed. CSIS has agreed to respect a 55 day timeline for responding on each case.

CIC and CBSA are trying to support the IRB in meeting its current policy not to proceed with a hearing until a security screening has been completed.

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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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#### 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.

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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.

**COMMENT:** In April 2004 regulation of consultants was introduced.

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#### DISPARITY IN THE DELIVERY OF LEGAL AID AMONG PROVINCES - Res. 26 - Nov. 93

**SUMMARY** The CCR remains concerned with the quality and accessibility of legal counsel for claimants, especially in Quebec.

**BE IT RESOLVED** that the CCR (i) request the Min. C&I to consider funding provincial legal aid plans; (ii) is to raise our concerns with boards administering provincial legal aid plans; (iii) is to express concerns to Quebec Parliamentary Committee.

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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.

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**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.

**RESPONSE:** Roundtable, 25 February 2002: CIC agrees in principle. The best way to address the issue is through identifying the places where this is a concern.

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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.

**RESPONSE:** Roundtable, February 2004: CIC does not have control over where detainees are sent in the provincial jails: it is a matter of space. The immigration officer should be giving detainees a list of counsel. Jails also have lists. Detainees can make collect calls between 9am and 9pm. At the 48 hour review, the IRB will inquire whether the detainee has 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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**APPEAL ON THE MERITS** - Res. 13 - May 95

**BE IT RESOLVED** that the CCR strongly express its disappointment and disagreement with the Minister's failure to establish an appeal on the merits from a negative IRB decision.

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**REFUGEE APPEAL DIVISION** - Res. 3 - May 02

**SUMMARY:** The gov't has delayed the implementation of the RAD. The Minister announced on 17 May 2002 that he would implement the appeal within one year.

**BE IT RESOLVED** that the CCR call on the Minister of Citizenship and Immigration to implement the RAD immediately, or in the alternative, to a) repeat his commitment in writing and b) delay the reduction of single-member panels until the RAD is implemented.

**RESPONSE:** Minister C&I, 9 Aug. 02: Refugee claimants can seek JR and have PRRA. Measures have been put in place re. single-member panels (3-member panels, enhanced training, legal strategy before FC, initiatives to promote quality and consistency of decisions). After less than 2 months of new Act, it is too early to monitor possible impacts of delayed implementation of appeal. Premature to set a date for RAD.

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**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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**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.

**RESPONSE:** 24 Feb. 03 Roundtable. Issue raised. CIC reported that gender-based claims were included in the training, officers told that gender-based issues should be considered as new evidence, gender specialization might be a possibility in larger offices.

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## INLAND PROTECTION

### PRRA AND INTERNATIONAL LAW - Res. 16, Nov. 04

**SUMMARY:** PRRA is dysfunctional. Treatment of evidence is inconsistent.

**BE IT RESOLVED** that the CCR to 1) call on CIC to develop guidelines on what constitutes “sufficient” evidence for the purposes of PRRA decision-makers, 2) call on CIC to develop guidelines on what constitutes expert evidence or testimony for PRRA decision-makers, 3) Propose that CIC form a consultative committee with CCR, other NGOs and lawyers to analyze and make recommendations on the PRRA system, 4) Ask the Standing Committee on Citizenship and Immigration to study the overall effectiveness of the PRRA process in light of Canada’s international human rights obligations.

**RESPONSE:** A/Director General, Refugees Branch, 21 Feb. 2005: The resolution’s assertions that PRRA is dysfunctional or that it demonstrates a lack of respect for international human rights norms or the SCC Suresh decision are unsupported. PRRA legislation provides a framework for honouring Canada’s domestic and international obligations. Refugees Branch will be willing to investigate any cases of lack of respect for obligations or jurisprudence.

PRRA officers have access to IRB guidelines, including on the assessment of evidence and the use and the evaluation of expert evidence. The Federal Court of Appeal recently upheld the position of the Minister that the standard of proof in section 97 claims is the balance of probabilities (Li, Federal Court Appeal, January 2005)

CIC does not see the need for another forum for exchange of ideas on PRRA.

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## 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.

**RESPONSE:** Johanne DesLauriers, Director, Social Policy and Programs, Selection Branch, 11 April 2005: “CIC agrees that risk in H&C may be broader than the risk assessed in PRRA. PRRA officers are aware of this distinction; however it is also important to note that risk grounds considered under the PRRA are not necessarily different than risk in H&C. For instance, an applicant might be found at risk under PRRA due to a possibility of torture, which could also be a positive risk ground in an H&C application. However, to prevent any confusion that may arise, CIC is currently working to enhance the guidelines in the instruction manual to provide greater clarity on the single decision-making process as well as to clarify the difference in risk within H&C and 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-traumatization must be an important humanitarian concern.

**RESPONSE:** Johanne DesLauriers, Director, Social Policy and Programs, Selection Branch, 11 April 2005: Family reunification is an important principle. CIC has recently amended the policy on out of status spouses. “However, it is important to note that the purpose of H&C discretion is to allow flexibility to approve deserving cases not anticipated by the legislation. Therefore, there are no determinative factors in an H&C application [... This] would effectively fetter H&C decision makers. Rather, each case is processed taking into account the personal circumstances of the applicant, including the best interests of the child, when applicable.”

“The principle of best interests of the child (BIOC) is taken seriously by CIC and is codified by its presence in the legislation [...] attached is a copy of the enhanced guidelines on the best interests of the child in H&C decision-making. This should address some of your concerns. Also, I wish to confirm that the training module I spoke of during the Roundtable has been developed, and will be ready for roll-out in May to coincide with the publication of the guidelines. The training will be available to all H&C decision makers across Canada.”

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## 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

**INLAND PROTECTION**

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, the keeping of statistics, 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 and those held in jail are conveyed 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.

**RESPONSE:** IRB chair (2 Oct. 1995): Panel Members may request that restraints be removed, but ultimately it is CIC's decision. Solicitor General (22 Nov. 1995): This issue is better addressed by IRB. Correctional Services does facilitate attendance at hearings. When hearings in the community, it is the policy to escort offenders in leg irons and handcuffs, removed during the hearing at the discretion of the officer.

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**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.

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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.

**RESPONSE:** Letter from Elizabeth Tromp, Enforcement, 9 Aug. 01. Red Cross draft agreement does not preclude CIC releasing Red Cross reports, subject to relevant law. As we move forward with Red Cross monitoring and Oversight Committees, issue of information sharing between Red Cross and committees will be addressed. CIC is not opposed to releasing the information, subject to Privacy and Access Acts.

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**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.

**RESPONSE:** Letter from Elizabeth Tromp, Enforcement, 9 Aug. 01. Revised draft national standards were circulated prior to the CCR conference. Revisions include external complaint mechanism and oversight advisory boards. The main outstanding NGO concerns have been addressed.

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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 such as Pakistan and some African states 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.

**RESPONSE:** Roundtable, February 2004: CIC does not have control over where detainees are sent in the provincial jails: it is a matter of space. The immigration officer should be giving detainees a list of counsel. Jails also have lists. Detainees can make collect calls between 9am and 9pm. At the 48 hour review, the IRB will inquire whether the detainee has counsel.

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## INLAND PROTECTION

### 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.

**RESPONSE:** Roundtable, February 2004: The IRB requires at detention reviews that immigration officers clearly identify the grounds of detention and show what concrete steps are being taken to investigate. CBSA is developing criteria on how to evaluate identity: this work is currently on hold but will be picked up later.

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### BONDS REQUIRED FOR REFUGEE CLAIMANTS IN TORONTO AND ELSEWHERE - Res. 17 - Nov. 03

**SUMMARY:** The majority of refugee claimants in detention in Toronto and elsewhere are required to pay a bond to be released.

**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.

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## 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 meeting.

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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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## INLAND PROTECTION

### 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.

**COMMENT:** Use of P&I remains apparently "temporarily suspended".

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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 noted with concern in its recent report on Canada that the "best interests" principle as a primary consideration in all decisions affecting children is not being observed by administrative and judicial authorities in many areas, including in decisions on deportation.

**BE IT RESOLVED** that the CCR call upon the Minister of Citizenship and Immigration 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.

**RESPONSE:** Roundtable, February 2004: CBSA agreed that best interest of the child is important. It is an issue that is coming up more frequently than before and the courts are speaking on the issue. CBSA will continue to work with CIC on guidelines. CBSA is not able to make the presumption that deportation of a parent is not in the best interest of the child. There must be a case-by-case assessment.

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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.

**RESPONSE:** 24 Feb. 03 Roundtable. CIC explained the process: an officer makes a report and sends it to a Minister's delegate. Who the delegate is varies from region to region (manager or assistant manager). The Minister's delegate decides whether or not to refer the case to the Immigration Division. There are no statistics available on how many cases are eventually referred to the Immigration Division for a removal order to be made. There is a special process in place where the person came to Canada before the age of 18 and has been in Canada for at least 10 years. These cases must be referred to national headquarters. Since implementation of IRPA, 18 of these cases have been referred.

13 were referred to the Immigration Division, while in 5 cases CIC decided not to. The case must be sent up with full information, including any submissions from the person. If there is not sufficient information for a decision to be made, the case is sent back to the region.

## MORATORIA

### WRITTEN LISTS - Res. 16 - Nov. 97

**SUMMARY** CIC has a list of countries to which it does not deport at present, but neither the list, nor the recommendations made to the minister, nor the Minister's decisions to suspend or to resume deportations are communicated to the public.

**BE IT RESOLVED:** That the CCR i) request a written confirmation of the list from the Min. C&I; ii) urge the department to automatically make public in writing any further decisions regarding either suspensions or resummptions of deportations.

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### DEPORTATION TO THE US OF PERSONS FROM COUNTRIES TO WHICH CANADA DOES NOT DEPORT - Res. 17 - Nov. 98

**SUMMARY** Canada has suspended deportations to various countries, but CIC does not consider this policy to cover removals to third countries, principally the United States.

**BE IT RESOLVED** that the CCR i) continue to energetically oppose, by all means possible, the implementation of this policy; ii) prepare a letter and information kit which CCR members can use to lobby their M.P.s, and to mobilize support.

**COMMENT:** The policy of removing to the US was reversed in December 1999.

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### 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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## INLAND PROTECTION

### ZIMBABWE - Res. 7 - May 02

**SUMMARY:** There is a strong concern with the abuse of the "no credible basis" finding in Zimbabwean refugee hearings considering the conditions in Zimbabwe.

**BE IT RESOLVED** that the CCR call upon the gov't of Canada to maintain its moratorium on removals to Zimbabwe and call for an independent study, with input from the CCR, on the abuse of no credible basis findings in these cases.

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### ALGERIAN AGREEMENT AND PROCEDURES FOR OTHER COUNTRIES TO WHICH CANADA DOES NOT DEPORT - Res. 20 - Nov 02

**SUMMARY:** Denis Coderre, lifted the suspension of removals to Algeria on April 5, 2002, without any plan as to the disposition of those cases. There is now a special procedure for Algerians, but there are unanswered questions as to certain humanitarian considerations, particularly marriages and 'the best interests of the child.'

**BE IT RESOLVED** that the CCR reiterate its support to the Comité d'action des sans statut (Res. 15, December 2001); call on CIC to immediately clarify the process for this special procedure for Algerians, especially for those people outside Quebec; and call on CIC after consultations with NGO and community groups to develop written procedures, which would apply every time the suspension of deportations to a particular country is lifted.

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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.

**RESPONSE:** Debra Normoyle, Head, Immigration Enforcement, CBSA, 12 July 2004: The Panel of 3 Directors General agreed to a formal evaluation of country conditions in Somalia. The consultation will be conducted according to the previously agreed upon process and you will be contacted shortly.

Maureen Tracy, DG, CBSA, 29 April 2005: Anne McLellan has decided not to impose a temporary suspension of removals to Somalia. Note that in 2004, CBSA only removed 9 Somalis to Somalia, of whom 8 had criminality and would not have benefitted from a temporary suspension of removals.

**COMMENT:** A further letter restating our position re. Somalia was sent to CBSA, 29 August 2005.

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### MORATORIUM ON REMOVALS TO THE OCCUPIED TERRITORIES - Res. 18 - May 04

**SUMMARY:** The current military occupation in the West Bank and Gaza Strip violates a plethora of international human rights conventions which Canada has ratified.

**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.

**RESPONSE:** Debra Normoyle, Head, Immigration Enforcement, CBSA, 12 July 2004: The Panel of 3 Directors General decided that a formal review of the West Bank and Gaza Strip is not warranted at this time.

## LANDING

### IDENTITY DOCUMENTS - Res. 27 - May 93

**SUMMARY** Members of the backlog and Convention 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.

**COMMENTS:** IRPA regulations codify the use of affidavits as an alternative to identity documents.

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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.

### 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.

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### IDENTITY DOCUMENTS - Res. 15 - May 95

**SUMMARY** Thousands of refugees cannot become permanent residents due to a lack of ID satisfactory to immigration officials.

**BE IT RESOLVED** that the CCR 1) propose that a joint committee comprised of representatives from NGOs, the concerned communities and the gov't be urgently convened; 2) urge the Minister to wait for the report of this committee and then, upon receipt of its report, act quickly on its recommendations.

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**INLAND PROTECTION**

**IDENTITY DOCUMENTS** - Res. 16 - June 96

**BE IT RESOLVED** that CCR welcomes 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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**IDENTITY DOCUMENTS** - Res. 15 - Jun. 97

**SUMMARY** The Undocumented Convention Refugee in Canada Class (UCRCC) has been introduced.

**BE IT RESOLVED:** That the CCR (1) urge the Min. C&I to: (i) abolish the 5-year wait and land all Convention refugees using ID they possess or statutory declarations; (ii) allocate resources to grant landing within 6 months to those who have already completed the 5-year wait; (iii) notify all eligible members that they can apply. (2) request the Québec minister to support the CCR in these positions.

**COMMENT:** UCRCC was abolished under IRPA.

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**PASSPORT REQUIREMENT FOR IRANIAN REFUGEE AND H&C APPLICANTS** - Res. 14 - Nov. 97

**SUMMARY** Iranian refugees do not wish to approach gov't agents at embassies in the process of application for travel documents.

**BE IT RESOLVED:** That the CCR urge the Minister, C&I to direct immigration officials reviewing H&C applications to exercise their discretion (Section 2.1, Immigration Regulation) to exempt refused Iranian refugees from the requirement to have a passport and to accept satisfactory alternative identity documents.

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**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.

**RESPONSE:** Roundtable, Feb. 04: Changes dealing with money involve the whole gov't, because the fees go into the central coffers. There is sympathy to the CCR position within Refugees Branch. However, in relation to the comparison with resettled refugees who don't pay processing fees, it should be noted that they do pay for their medicals, which refugees in Canada do not. The issue of fees could be discussed in the context of Refugee Reform.

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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.

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## INLAND PROTECTION

### 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 51). Far from being eliminated, the security certificate process is now included in the Anti-Terrorism legislation for charities and was part of Bill C-18, Citizenship bill (which was not passed).

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### LANDING DELAYS FOR SECURITY REASONS - Res. 13 - May 98

**SUMMARY** Some Convention Refugees, particularly Iranian, who have applied for landing and had CSIS interviews, have had their landing held up for years in the security reviews in Case Management.

**BE IT RESOLVED:** That the CCR request a meeting with CIC to discuss landing delays for security reasons.

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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 24.

## 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

**SUMMARY** The report of the Task Force on Family Reunification was released in August 1995.

**BE IT RESOLVED:** That the CCR endorse the report 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 65].

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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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**RESPONSE:** Letter Judy Sgro, Min. C & I, 2 June 04. Sponsorship requires satisfactory proof of relationship (which must predate application for permanent residence). If relationship cannot be established through satisfactory documentation, DNA testing is an acceptable alternative. CIC only requests DNA tests as a last resort. When primary documents are not available, officer will determine if there is a reliable secondary document before suggesting the option of DNA testing. "We know that it is not uncommon for sponsors to "add on" extended family members, siblings, or even the children of friends and acquaintances. In some parts of the world, fraud and corruption are systematic and the CIC officer can not rely on the authenticity of the documents that are purported to identify the births and deaths of family members, particularly if they are issued after the application was made. In addition, due to the growing problem of child trafficking in Africa, the increasing incidence of fraud and misinterpretations in refugee cases make it important that the family relationships are properly established." Uncorroborated declarations and affidavits are self serving. CIC will continue to ensure that DNA testing is used only if no other proof of relationship is available. DNA testing is always voluntary. Over the last ten years, the number of DNA tests has never exceeded 2,000 tests per year (approx.3% of immigrants landed in the Family Class each year underwent DNA testing).

In 2005, in response to an access to information request, the CCR received some charts detailing DNA tests conducted by company. The information is difficult to decipher and the calculations are therefore tentative. It appears that total DNA tests by year were as follows: 1998: 251. 1999: 1247. 2000: 1657. 2001: 1893. 2002: 2487. 2003: 2000. 2004: 2236. For 2004, there was an exclusion rate of 10%.

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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.

**RESPONSE:** Roundtable, February 2004: People can always make H&C applications to achieve family reunification. The main concern about giving children the right to include family on their application is that it would lead to people sending their children unaccompanied to Canada so that the rest of the family could follow them later. The issue could be raised within Refugee Reform, but the CCR should come ready to discuss safeguards against exploitation of children.

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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.

**RESPONSE:** Minister of Cit. & Imm, 5 Oct. 2005: 60/40 has been the policy over the past few years. The ranges have been tabled in the annual levels plan. The Deputy Minister met with stakeholders in August 2005 and there will be further consultations on levels planning and related issues. The federal gov't must balance all of the objectives in IRPA. 2004 saw the highest number in recent years of dependants of refugees from abroad. I share your concern about the lengthy processing times for PSRs. The high refusal rate means that processing times are impacted by the necessity to review so many cases that are not eligible. Additional resources were sent to 7 visa offices in the first quarter of 2005 to help us meet 2005 goals.

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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 lesser 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.

**RESPONSE:** Selection Branch, 24 Oct. 2005: The primary goal of regulation 117(9)(d), is to create an incentive for applicants to disclose family members and have them examined before they become permanent residents. (This requirement existed prior to the implementation of the Immigration and Refugee Protection Regulations.)

The reunification of families is the cornerstone of Canada's immigration policy. However, misrepresentation in order to avoid processing delays or potential refusal because of an inadmissible family member is not tolerated. The application guides contain clear warnings about the importance of disclosing and of having all family members examined. Letters enclosed with Permanent Resident Visas advise applicants that they must disclose any omissions or changes to their family composition before they can become permanent residents of Canada. Applicants should disclose omitted family members or any other changes to the visa office before departing for Canada. However, they can also do this up until their arrival at a Port of Entry.

It is not CIC's intention, however, to penalize sponsors who for very legitimate reasons did not or could not have a family member examined. In such cases, it is very important that the sponsor and the applicants clearly explain why the family member was not disclosed or examined as part of the sponsor's application for permanent residence so that humanitarian and compassionate (H&C) factors may be considered.

At this time, no changes to this regulation are being contemplated.

Meeting with Deputy Minister, 25 Oct. 2005: Immigration officers have instructions to use discretion. The waiver is available if there has

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been an honest mistake and exclusion would cause undue hardship. Previously there were no consequences for failing to declare family members and it is important to have the exclusion to serve as a disincentive.

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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 the ratification of the Convention by other states.

**RESPONSE:** Minister of Foreign Affairs, 17 Mar. 2000: The 1954 Convention mainly deals with the problem of statelessness in post-World War II Europe. Since the problem was mainly in Europe, Canada did not deem it necessary to accede. Stateless people in Canada have broader protections than the Convention affords through mechanisms dealing with refugee claimants and immigration applicants and through the Canadian Charter of Rights and Freedoms and human rights laws.

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#### STATELESSNESS STATISTICS - Res. 18 - Nov. 03

**SUMMARY:** Current data collection systems of the gov't are inconsistent and ad hoc on statistics relating to statelessness.

**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.

**RESPONSE:** Roundtable, February 2004: CIC is not collecting statistics on statelessness and has no plans to begin collecting them.

Letter, Jean-Guy Fleury, Chairperson IRB, 27 May 2004: At the present time IRB computer system can capture is a person is "stateless", however IRB relies on information provided by CIC. Statistics generated from this data will only be as accurate as the information provided by CIC. IRB's present system does not allow generation of reports on how many instances "statelessness" was a determinative issue at the hearing.

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**SEE ALSO** Res. 12, Nov. 03, *Statelessness*, page 22.

### 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.

**RESPONSE:** Roundtable, February 2004: CIC does not want to create a market for trafficking. There is the danger that people might be smuggled into Canada in order to say that they have been trafficked and win status. CIC understands the concerns that CCR is raising, but any solutions must take into account CIC's concern not to encourage smuggling. The issue could be addressed in the context of Refugee Reform. CIC acknowledged that there had been cases where early removal of the victims impeded prosecution. There is now more effort to coordinate locally with prosecutors.

Jean-Guy Fleury, Chairperson IRB, 27 May 2004. Refugee protection has been afforded to women who have either a fear of being trafficked in the future, or who fear the reprisals from having been trafficked, by the RPD. IRB has considered this to be gender-related persecution as defined in the Chairperson's Guidelines and refugee protection has been granted as appropriate considering all elements. IRB would like to hear of any other issues or concerns in this area.

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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.

**RESPONSE:** See response to Res. 19, Nov. 03 (immediately above).

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**SEE ALSO** section on trafficking in Immigration and Settlement, page 17.

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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.

**RESPONSE:** Strategic Directions and Communications, CIC, 4 March 2002: Sent Gender-Based Analysis chart which analyzes potential impacts by gender in key areas to the IRPA; it will be posted on the website. The GBA Unit offers regular GBA training.

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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.

**RESPONSE:** Minister of C&I, 13 Feb 03 - CIC is committed to integration of gender considerations as shown by establishment of the Gender Based Analysis Unit. Dep't has begun work on the reporting framework and approach to fulfilling obligations and looks forward to continuing dialogue with CCR.

CHILDREN

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.

**RESPONSE:** Minister of C&I, 10 Mar 03 - Issue of minor children is a CIC priority. CIC plans to develop written guidelines on the application of the principle of the best interests of the child, for use by CIC officers. A Quality Assurance Tool based on random sampling for PRRA decisions is under development. CIC will consult CCR on the development of the guidelines.

**SEE ALSO** Res. 29, Nov. 03, *Best Interests of the Child and Deportation of a Parent*, page 48 and Res. 5, Jun. 97, *Best Interests*, page 22.

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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.

**RESPONSES:** Department of Justice, 29 Sept. 2004: DOJ Family, Children and Youth Section of Policy Sector of DOJ convened an information meeting in Feb. 2003 to discuss this issue. A Federal Background Paper prepared for the meeting is enclosed. Re. Article 13(b) exception to return, consult the Explanatory Report on Hague Convention by Elisa Perez-Vera, available at Hague Conference website. Also note Special Focus: Article 13(1)(b) The Grave Risk Exception and the 1980 Convention, spring 2003 edition of "The Judges' Newsletter." Responses also received from several provinces.

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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



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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.

### RESPONSES:

Saskatchewan, 12 Feb. 04: The law allows tuition fees to be charged but this is for cases where children are sent specifically to study in SK. Boards of education have flexibility in determining whether they are prepared to accept a student without charging tuition fees. The situation of families who have come as refugees or whose immigration has not been finalized is different from those who come specifically to study. The Department is not aware of cases where access is being denied or students charged as described in CCR letter.

Newfoundland, 9 Feb. 04: Not aware of any case where this has been a problem. It is the practice of school boards to accept for enrolment all children who live within the board's jurisdiction.

New Brunswick, 5 Mar. 04: The law of New Brunswick provides free schooling to child claimants, the children of claimants, people on a student or work permit. If a person has come from outside of Canada in order to attend a public school in New Brunswick, NB will impose school fees. In this case, it is considered a matter of the purchase of services. All children should have the right to attend a public school, but that does not mean that school should be free for everyone.

Manitoba, 2 Mar. 04: All permanent residents in Manitoba have the right to a fully subsidized public school education. School divisions can enroll dependants of parents in Canada as temporary residents under the authority of work or study permits and child refugee claimants. The provincial gov't will provide funding for these pupils where eligibility criteria, applicable to all pupils, is met. In addition, schools may enroll the children of non-supportable temporary residents, and may charge fees as determined by the school division for those individuals who are not eligible for provincial funding.

Québec, 27 Feb. 04: In Quebec, the access to free public education applies to students that are residents of Quebec as defined in the Regulation on the definition of resident of Quebec. Essentially, this means a Canadian citizen or permanent resident. Free schooling is provided to certain categories without them being citizens or permanent resident: refugee claimants, accepted refugees, and certain people covered by an H&C application. The Minister can also exempt a person from school fees when a request is made and there is an exceptional situation.

Nova Scotia, 26 Feb. 04: The law allows access to schools for school-aged refugees and asylum seekers. However, there have been cases where school-aged claimants have been excluded by Subsection 30(2) of the Immigration and Refugee Protection Act. "Our Department will review your request for support in asking the federal minister to amend Subsection 30(2) and make a recommendation to Minister Muir."

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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.

### RESPONSES

Madeleine Dubé, **New Brunswick** Minister of Education, 21 March 2005: Refugee claimants are not eligible for the consideration and rights given to refugees who are deemed to be landed immigrants i.e. legally permanent residents.

Although many refugee claimant families are not able to pay additional fees, the decision to charge differential fees to non-Canadian residents lies with the universities.

Dave Hancock, **Alberta** Minister of Advanced Education, 7 March 2005: Over the next year, Alberta Advanced Education is planning a review of the province's post-secondary tuition fee policy. As part of this review, information regarding fees charged to the children of refugee claimants will be examined.

Andrew Thomson, **Saskatchewan** Minister of Learning, 11 March 2005: The critical factor for determining which fees a refugee claimant should pay is the claimant's ability to provide documentation which confirms whether the IRB has accepted the claim. Post-secondary institutions generally deal with refugee claimants' applications for study on an individual case-by-case basis. CCR may wish to directly contact officials at various institutions.

Jamie Muir, **Nova Scotia** Minister of Education, 21 March 2005: Each university in Nova Scotia has full discretion in determining their policies regarding fees to be charged to international students. Students with a refugee claimant status are required to pay the international student differential fees. Nova Scotia universities encounter very few refugee claimants annually (usually two or three a year). Institutions in Nova Scotia tend to be quite lenient, compared to some other provinces.

Mary Anne Chambers, **Ontario** Minister of Training, Colleges and Universities, 15 April 2005: "I understand your concern about postsecondary attendance for refugees in Canada, and share your interest in providing access." Among the categories of exempt students paying domestic fees are individuals who have been granted "protected person" status and individuals, their spouses and dependants who were admitted to Canada and applied for Convention refugee status prior to January 1, 1989.

Philip Steenkamp, Deputy Minister, **BC** Ministry of Advanced Education, 5 May 2005: Post-secondary institutions follow the determination of status made by CIC. Post-secondary institutions operate under the *College and Institute Act* or the *University Act*, which give the boards of the institution jurisdiction over management, administration and other affairs. Therefore, each institution has the authority and responsibility for decisions on student tuition fees. "However, there is an expectation that overall, fees to international students are high enough to avoid taxpayer subsidization."

**Newfoundland and Labrador** Minister of Education, 6 May 2005: There are two public post-secondary educational institutions: Memorial University (MUN) and College of the North Atlantic (CNA). MUN charges domestic tuition fees to landed immigrants and recognized refugees. For refugee claimants, MUN's practice is to retroactively drop the differential international fees once they are successful in becoming recognized refugees. Under CNA's Admission Regulations, landed immigrants (refugees and other Canadian status students) pay provincial tuition rates.

**Manitoba** Minister of Advanced Education and Training, Diane McGifford, 22 Mar. 2005: Currently tuition fees for international students are deregulated. Colleges and universities may therefore charge fees at whatever level their boards decide. I would recommend

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you contact each institution directly: University of Manitoba, University of Winnipeg, Brandon University, Collège de Saint-Boniface, Red River College, Assiniboine Community College and the University College of the North.

**Québec** Deputy Minister of Education, 25 Aug. 05: Refugee claimants are already eligible for services of housing assistance, legal aid, child benefits. As for education, primary and secondary education is free for those under 18 or under 21 years in the case of persons with disabilities. Adults have access to French-language courses. The Department is particularly sensitive to the situation of refugees and in Dec. 2004 adopted a bill to amend the Loi sur l'aide financière aux études, to take into account recognized refugees. Persons who are waiting for refugee status who have not started procedures to obtain permanent residence will be charged foreign student fees.

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### 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.

**RESPONSE:** Child and Youth Mental Health and Youth Justice, BC, 19 Feb 2002: Ministry of Children and Family Development created a migrant services team after a big arrival of separated children in 1999. Each case of a separated child is handled individually to meet their specific needs.

**Alberta** Children's Services, 7 March 2002: They are committed to ensure that the issue of unaccompanied minor refugee children in Alberta is brought up with CIC.

**Ontario** Minister of Community and Social Services, 8 April 2002: Appreciates learning of our concerns and will keep them in mind.

**Manitoba** Minister of Family Services and Housing, 22 March 2002: They work collaboratively with Labour and Immigration as well as CIC and International Social Services. Senior staff from their department meet with other federal and provincial counterparts to ensure protection of separated refugee children regardless of where they are in Canada.

Roundtable, 25 February 2002: CIC is preparing internally to discuss issues of separated children with colleagues from the Regions. This step must be completed before making a proposal to the provinces. There is agreement about the vulnerability of children and the need to meet international obligations. While looking at the long term, CIC is open to receiving proposals for interim measures.

#### 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.

**RESPONSE:** CIC, 18 Jan 2002: UNHCR report is being reviewed. They may place the term "unaccompanied minors" with "separated children."

Child and Youth Mental Health and Youth Justice, BC, 19 Feb 2002: They are aware of the report and its recommendations. Their services focus on providing services in the best interest of the child, including separated children.

Alberta Children's Services, 7 March 2002: They read the report and support that the best interests of the child be the primary consideration. They are working with the federal gov't to make sure the IRPA includes provisions for unaccompanied minors. They would also support working with the federal gov't to clarify the nature and role of designated representatives.

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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.

**RESPONSE:** CIC, 18 Jan 2002: They are outlining their concerns about this and will request an opinion from legal services.

Department of Community Service, **Nova Scotia**, 25 February 2002: Refugees 16 years old and over are beyond the mandate of the Children and Family Services Act but if they have received refugee status, they are afforded the same access to social assistance services as any Canadian citizen.

**Alberta** Children's Services, 7 March 2002: Alberta provides child welfare services to every child under 18.

Health and Social Services, **PEI**, 15 March 2002: A child is defined as someone under 18 years old. Children 16 years and older have the right to refuse this support.

**Ontario** Minister of Community and Social Services, 8 April 2002: Appreciates learning of our concerns and will keep them in mind.

**Manitoba** Minister of Family Services and Housing, 22 March 2002: Manitoba defines "children" to include all children under 18 years of age.

Child and Youth Mental Health and Youth Justice, **BC**, 19 Feb 2002: The Ministry will not lower the age jurisdiction of the *Child, Family and Community Service Act*.

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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.

**RESPONSE:** CIC, 18 Jan 2001: They will be setting up informal discussions with BC to discuss all issues related to separated children.

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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.

**RESPONSE:** 3 Oct. 02, IRB: IRB reference materials such as the Chairperson's Guidelines, the CRDD Handbook, the RPD Handbook (now being redrafted) currently include this as a factor. Training programs also address these factors. Other listed factors include "the linguistic and cultural background, age, gender and other personal characteristics." Giving "primary consideration to the best interests of the child" has been made a formal requirement in paragraph 15(3)(c) of the *Refugee Protection Division Rules*, which came into force on June 28, 2002. The IRB will ensure that potential reps. meet the mandatory requirements and when possible ensure that additional factors are considered while avoiding prolonged delays in hearing the claims.

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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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### 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 39, Res. 10, Nov. 97, *IRB Guidelines on unaccompanied minors*, page 41, and Res. 8, May 02, *Separated children: CIC interviews*, page 39.

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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.

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### LGBT CLAIMANT ISSUES - Res. 11 - May 2003

**SUMMARY:** There seems to be a lack of familiarity and sensitivity to LGBT issues among IRB members and employees and CIC officials.

**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.

**RESPONSE:** CCR-CIC roundtable, 8 Sept. 03: LGBT sensitivity is an integral part of PRRA training. The issue of difficulty of talking about sexual orientation is taken into consideration in what counts as new evidence. CIC actively sought subject matter experts to provide training. PRRA officers are also risk experts for H&C applications where risk is alleged. Front-end officers are trained in dealing with a multiplicity of people, but the training does not deal specifically with every group and it is not possible to extend the training course indefinitely. Any individual cases of concern should be brought forward so that they can be addressed.

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**SEE ALSO** section on homophobia and heterosexism in Immigration and Settlement (page 18) and Res. 17, Nov. 94, *Public education on sexual minorities*, page 58 and Res. 16, Nov. 94, *Guidelines and education on sexual orientation for the IRB*, page 40.

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## INTERNATIONAL HUMAN RIGHTS

### CONVENTION ON THE RIGHTS OF THE CHILD - Res. 12 - Nov. 94

**SUMMARY: BE IT RESOLVED** that the CCR support the brief submitted by ICCR to the UN Committee on the Rights of the Child and raise as issues to officials the following recommendations: i) provide training programs on the Convention for various actors in immigration procedures; ii) allow the children of non-citizens to benefit from the Canadian Human Rights Act as of right; and iii) introduce provisions of the Convention into the immigration law.

INLAND PROTECTION

RESPECT FOR INTERNATIONAL HUMAN RIGHTS LAW - Res. 19 - May 95

**BE IT RESOLVED** that the CCR call on the gov't to 1) make article 3 of the Convention Against Torture and articles of other human rights conventions obligatory in law in the post-determination review; 2) give work permits and access to social services to those who have made international complaints; 3) incorporate obligations in international law into the H&C review by regulations; 4) educate and sensitize the immigration agents deciding on human rights obligations.

**COMMENT:** IRPA includes CAT provisions as part of the mandate of the IRB, although it does not comply with the absolute prohibition on removal to torture.

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NON-CITIZENS AND INTERNATIONAL HUMAN RIGHTS TREATIES - Res. 22 - Nov. 95

**BE IT RESOLVED:** That the CCR call on the gov't to incorporate the protection afforded non-citizens by the UN Conventions into Canadian law; write to the ministers of Justice and Citizenship and the chair of the committee on human rights urging them to set a mechanism to monitor Canada's compliance; and request all Chief Justices to organize training sessions for the judiciary on the applicability of international law.

**RESPONSE:** CIC (Feb. 96): Incorporation of international obligations into domestic legislation is not required. The CIC programme is administered in full recognition of those obligations. An adequate monitoring and reporting mechanism exists. B) Numerous responses received from Chief Justices. Antonio Lamer, SCC, objects that judiciary is effectively being asked to involve itself in political process.

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AMERICAN CONVENTION ON HUMAN RIGHTS - Res. 23 - Nov. 95

**SUMMARY** Canada, although a member of the Organization of American States, has not yet ratified the American Convention on Human Rights.

**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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SIMPLE COURT REMEDY - Res. 20 - Nov. 96

**SUMMARY: BE IT RESOLVED** that the CCR urge the Government of Canada to (i) review legislation to ensure an effective one step court remedy when fundamental rights arise in expulsion; and (ii) request that the Inter-American Commission on Human Rights hold a seminar in Canada to advise on current requirements of international human rights law for the new legislation.

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FEDERAL COURT AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS - Res. 12 - Jun. 97

**BE IT RESOLVED:** That the CCR (i) demand the reaffirmation of the independence of the Federal Court; (ii) express concern to Minister of Justice about the application of human rights obligations and ask for an

independent study on the effectiveness of the judicial review remedy; (iii) ask the gov't to appoint to the Federal Court people with immigration and refugee law background.

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WORLD CONFERENCE AGAINST RACISM - Res. 6 - Jun. 00

**BE IT RESOLVED** that the CCR urge the gov't of Canada to: i) ensure that the UN Action Plan produced includes a section advancing the protection of refugees and asylum seekers; ii) ensure and enable the participation of NGOs and refugees capable of analyzing and suggesting verifiable measures to address xenophobia and related intolerance towards refugees and asylum seekers; iii) develop and promote verifiable measures to address xenophobia and related intolerance towards refugees and asylum-seekers.

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HUMAN RIGHTS TRAINING - Res. 11 - Dec. 00

**SUMMARY** The Inter-American Commission on Human Rights in its report invited Canada to draw on the resources of the OAS human rights system.

**BE IT RESOLVED** that the CCR call on the IRB to i) pay the IACHR to provide training in international human rights law for members and RCOs; ii) open their training sessions to the CCR and members of the bar.

**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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FALSE INFORMATION ON COST OF REFUGEE CLAIMS - Res. 37 - Jun 94

**SUMMARY** Government officials are spreading false information about the cost of refugee determination.

**BE IT RESOLVED** that the CCR (i) request that the gov't investigate the true cost; and (ii) directs the Legal Affairs Committee to investigate the possibility of initiating legal proceedings against the Department for spreading false news.

**RESPONSES** CIC (9 Sept. 1994): The Department is prepared to accept that there are sufficient difficulties with some of the assumptions behind the figure of \$50,000 and that it will discontinue using it in the future. In the future, an analysis of the cost will be conducted.

**COMMENTS:** In 1999, CIC officials continued to use the \$50,000 figure. NHQ refused to clarify with its officials that the figure is false on the grounds that it would be confusing.

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PUBLIC EDUCATION ON SEXUAL MINORITIES - Res. 17 - Nov. 94

**SUMMARY** Sexual minorities are not generally discussed in the ethnic communities.

## INLAND PROTECTION

**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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### **NETWORKING WITH PEN CANADA** - Res. 23 - Dec 01

**SUMMARY:** There has been inadequate involvement of Canadian writers, poets and people of arts and letters in refugee issues.

**BE IT RESOLVED** that the CCR write to Pen Canada with the aim of i) sensitizing Pen Canada to the plight of refugees in Canada and the need for their support; ii) inviting Pen to get involved with the CCR in its educational programs.

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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 25<sup>th</sup> 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

### **RACIST IMMIGRATION REPORT ATTACKING SOMALI COMMUNITY** - Res. 21 - Nov. 93

**SUMMARY** Irreparable damage has been done to the Somali people in Canada through the inflammatory and bigoted refugee report by A. Lelievre of the Intelligence Unit.

**BE IT RESOLVED** that the CCR (i) demand that the Min. C&I hold a full enquiry; (ii) demand that the Intelligence Unit cease the Welfare and Refugee Fraud project and the Min. C&I report on disciplinary action; (iii) demand that Lyn McLeod issue an apology; (iv) is to complain to the Canadian Human Rights Commissioner; (v) is to make or facilitate a complaint to a press council; (vi) urge the Min. C&I to fully investigate racism and discrimination in the department and develop plans for their elimination, including implementation of employment equity.

### **ORGANIZATIONAL RENEWAL OF C&I FOR IMPROVED SERVICE** - Res. 11 - Nov. 94

**SUMMARY** There is concern about service by C&I, notably failure to meet targets, apparent routine discrimination and disrespect of the principles of client service.

**BE IT RESOLVED** that the CCR communicate to the Minister of C&I: i) the need for a total organizational renewal of his Department with full involvement of stakeholders, Department management, employees, clients, and NGOs; and ii) that urgent attention be given to the Vegreville situation; and iii) resolutions with a cost-saving implication for the gov't.

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### **GUIDELINES TO REPLACE DROC** - Res. 14 - Jun. 97

**SUMMARY: BE IT RESOLVED** that the CCR urge the gov't to amend the H&C guidelines to (i) not exclude people who are not economically self-sufficient but who have otherwise successfully established; (ii) clarify that full cooperation means applicants have done nothing to interfere with their removal; (iii) delete the reference so that the policy applies to anyone who has remained in Canada.

**COMMENT:** The narrow definition of who should be given positive consideration was confirmed in the IP5 H&C guidelines.

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### **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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### **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.

**COMMENTS:** The CCR submitted comments to CIC and testified before the Standing Committee on Justice and Human Rights in the course of its study of the bill. The CCR concerns were not addressed and the Bill has become law.

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INLAND PROTECTION

**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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**PARTICIPATION OF REFUGEE COMMUNITIES** - Res. 5 - Jun. 00

**SUMMARY** Refugee participation is of major concern to the CCR. Refugees and refugee communities are directly affected by immigration policies, and already have been involved in their own advocacy;

**BE IT RESOLVED** that a task force be established to explore ways of involving refugees and refugee communities in all aspects of the CCR work, including developing CCR policies and positions.

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**JUBILEE FROM CIC** - Res.8 - May 01

**SUMMARY:** It is a common and good practice to facilitate landing of people in the system when changing systems, in order to avoid backlogs.

**BE IT RESOLVED:** that the CCR ask the gov’t, as part of the implementation of Bill C-11: i) to allow all those caught up in the present protection determination system at its various stages to apply for landing in Canada under relaxed criteria as they have done in the past under similar circumstances; ii) that all decisions in response to these landing applications be made forthwith.

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**TORTURE** - Res. 22 - Dec 01

**SUMMARY:** The CCR is against the use of torture and drugs on any human no matter the emergency situation.

**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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**CANADIAN SOVEREIGNTY AND US SECURITY** - Res. 27 - Dec 01

**SUMMARY:** There are currently negotiations and policy discussions on adopting common security arrangements with the USA and Canada’s

tradition of supporting international law and fundamental human rights may be abandoned in the current context.

**BE IT RESOLVED** that the CCR i) oppose the creation of a common security perimeter and policy with the United States; ii) re-iterate to the Canadian gov’t our support for respecting the fundamental rights of refugees and migrants; iii) ask the gov’t to ensure access for all refugee claimants to the Canadian refugee determination system.

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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 has been used in the past and 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.

**RESPONSE:** Roundtable, 25 February 2002: CIC is also not satisfied with the data available. CIC can work to improve data incrementally. Some systems will take years to get in place. By April CIC will be able to provide on a regular basis statistics on eligibility and claims made. Beyond that what is possible depends on the computer systems. In the meantime we should work on the types of information we want to track. Before agreeing to strike a working group, CIC should talk to their computer systems people.

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**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.

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**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.

**RESPONSE:** Minister of C&I 10 Mar 03 - Supporting, sustaining, improving all aspects of health for those arriving is a CIC goal. CIC's settlement programs emphasize making optimal use of publicly available health services. Coderre understands our concerns. He reminds us the Interim Federal Health Program is designed not to replace provincial health insurance, but to provide essential services until the individuals qualify for full provincial coverage. He will take under consideration the suggestion of a joint task force to review the recommendation of the 1994 Task Force.

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### WORK PERMITS - Res. 21 - Nov. 03

**SUMMARY:** Refugee claimants face various delays in getting a work permit.

**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*.

**RESPONSE:** Roundtable, February 2004: Medical exams for refugee claimants are now being fast-tracked. It now takes 34.5 days from exam to filing. The people in charge of medicals are trying to speed up all processing. Once a completed application for a work permit is at Vegreville, it is issued within 48 days. Discussions are under way about extending the length of permits to two years. Work is underway with a view to ensuring that people applying for H&C won't be found

inadmissible because they are unemployed due to lack of a work permit.

Conference call, April 2004: Vegreville is issuing 24 month initial work permits to refugee claimants.

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### PROTECTION OF CANADIAN CITIZENS OVERSEAS - Res. 25 - Nov. 03

**SUMMARY:** There have been attacks against the fundamental rights of Canadian citizens overseas.

**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 against our fellow citizens overseas and on the role of other gov'ts in subjecting Canadians to torture; iv) promote Canada's working towards the non-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 Canadian 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, where possible, 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.

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### 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.

**RESPONSE:** Lyse Ricard, Assistant Deputy Minister, Operations, CIC, 5 Oct. 2004: Palestinians without status in Canada can apply for H&C or, if under a removal order, for PRRA. I am confident that the law and regulations provide an effective avenue for individuals without

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status to become permanent residents where warranted, without the need to introduce special measures.

Refugees Branch will contact you re. identification requirements for stateless Palestinian refugees.

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### 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 countries 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.

**RESPONSE:** Bob Orr, Director General, Refugees Branch, CIC, 27 Oct. 2004: Letter has been forwarded to Department of Foreign Affairs for their consideration.

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### PALESTINIAN REFUGEE CLAIMS BEFORE THE IRB AND PRRA - Res. 21 - May 04

**SUMMARY:** There is demonstrable 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.

**FOLLOW UP:** 13 August: Letters to J-G Fleury, Chairperson, IRB and Bob Orr, Director General, Refugees Branch, CIC

Jean-Guy Fleury, Chairperson, IRB, 26 August: The issue of how documentary evidence is analysed and weighed and how evidence is interpreted are matters for individual decision-makers. It is not an appropriate subject for discussion at the institutional level between the Board and stakeholders. Fundamentally, this is a matter of protecting the adjudicative independence of this institution.

However, I do see merit in pursuing a discussion with you concerning whether enhancements to our Palestinian COI are warranted.

If your concerns are with Board-produced COI, the IRB constantly evaluates information, considers the reliability and objectivity of the source and provides advice to the RPD on the suitability of inclusion within Board-produced research material. You are welcome to make arrangements to meet with the Acting Director of the Research Directorate.

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### 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.

### **RESPONSES**

Iris Evans, **Alberta** Health and Wellness Minister, 11 March 2005: The Alberta Health Care Insurance Plan provides coverage for protected persons, and their eligible dependants, when the Canada entry documents or supporting documentation indicate they are protected persons.

John T. Nilson., Minister of Health of **Saskatchewan**, 14 March 2005: Beneficiaries for medical services be residents of the province. The Act defines a "resident" as a person who meets the following criteria: (a) is legally entitled to remain in Canada; and, (b) making his/her home in Saskatchewan; and, (c) is ordinarily present in Saskatchewan. Health coverage is giving to non-Canadians, and their accompanying family members, who have been admitted under a Work Permit, a Study Permit, or a Temporary Resident Permit. Coverage is not provided to non-Canadians who are in Canada as refugee claimants, or under 'visitor status.'

John Ottenheimer, Minister of Health and Community Services, **Newfoundland and Labrador**, 3 March 2005: Current policy does not extend coverage to family members of protected persons residing in Newfoundland & Labrador. The matter has been referred to our Solicitor with the Department of Justice for review of current practices in other provinces and territories. "We will inform you of the results of this review upon its completion."

Elvy Robichaud, **NB** Minister of Health and Wellness, 5 April 2005: NB Medicare only covers individuals who have met our residency requirements. The *Medical Services Payment Act* defines a resident as 'a person lawfully entitled to be or to remain in Canada, who makes his home and is ordinarily present in NB, but does not include a tourist, transient or visitor to the Province.' Once individuals are granted permanent residency status, an application may be made to Medicare requesting coverage.

George Smitherman, **Ontario** Minister of Health, 21 March 2005: To be considered a resident and eligible for OHIP (Ontario Health Insurance Plan), a person must be hold appropriate citizenship or immigration status in Canada, make his/her permanent and principal home in Ontario and be present in this province for at least 153 days in any twelve-month period.

Newand returning residents must wait three months before OHIP coverage begins. Regulation 552, *Health Insurance Act*, exempts Convention refugees from the 3 month waiting period. Where family members of a Convention refugee have not been so designated, the family members are eligible for OHIP three months from the date a sponsorship for admission application is received by immigration authorities or the date they are determined to have met immigration medical requirements, whichever is later.

Ben Ann Murray, **Manitoba** Assistant Deputy Minister of Health, 7 April 2005: Manitoba Health provides coverage to family members of refugee claimants who have a CIC work permit valid for 12 months or more in Manitoba. Protected persons and their family members would also be eligible upon receipt of a letter from CIC, Convention Refugee



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Determination Division, document IMM 1442 which confirms that all the family members are in the province until such time as their permanent resident status is determined.

Angus MacIsaac, **Nova Scotia** Minister of Health, 22 March 2005:

The following are eligible for coverage:

- Convention Refugees who have applied within Canada for Permanent Resident Status provided they are in possession of a letter from the Immigration Department stating that they have applied for Permanent Residence.
- Dependents of such persons, who are legally entitled to remain in Canada, will be granted coverage on the same basis once the applicant has gained entitlement.

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### **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 have a validity 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. It would be helpful if the CCR could provide some case examples. (Letter also contains several paragraphs of information about the PPSD not directly relevant to the resolution).

## 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.

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.

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.

### 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) proposed actions are clear and practicable;
  - 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

## POLICIES

are submitted to the membership at the General Meeting to ensure that the resolutions procedures have been followed, and that the 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 and June 2005

## 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.

## 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.

## POLICIES

### 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

## 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	RHO	Refugee Hearing Officer
DFAIT	Department of Foreign Affairs and International Trade	ROLF	Right of Landing Fee
DIRB	Documentation, Information and Research Branch	RPD	Refugee Protection Division
DRC	Democratic Republic of Congo	RSTP	Refugee Sponsorship Training Program
DROC	Deferred Removal Order Class	SAH	Sponsorship Agreement Holder
EI	Employment Insurance	SAM	Settlement Allocation Model
EIC	Employment and Immigration Canada	SIJPPC	Settlement and Integration Joint Policy and Program Council
ELT	Enhanced Language Training	SIO	Senior Immigration Officer
EXCOM	Executive Committee	SIRC	Security Intelligence Review Committee
FC	Federal Court	SMIS	Settlement Management Information System
GAR	Government assisted refugee	SPO	Service-provider organization
GBA	Gender based analysis	UCRCC	Undocumented Convention Refugee in Canada Class
H & C	Humanitarian and compassionate consideration	UNCHR	United Nations Commission on Human Rights
HDC	Humanitarian Designated Classes	UNGA	United Nations General Assembly
HRD	Human Resources Development	UNHCR	United Nations High Commissioner for Refugees
HRSDC	Human Resources and Skills Development Canada	UPP	Urgent Protection Pilot/Urgent Protection Program
IACHR	Inter-American Commission on Human Rights	VSI	Voluntary Sector Initiative
IAD	Immigration Appeal Division	WCAR	World Conference against Racism
IATA	International Air Transport Association	WFP	World Food Program
iCAMS	Immigration-Contribution Accountability Measurement System	WG	Working Group
ICCR	Inter-Church Committee for Refugees		
ICRIRR	International Conference on the Reception and Integration of Resettled Refugees		
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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