

no security concerns. In 2004, only one claimant was found inadmissible on security grounds, out of over 25,000 claimants. Refugees come in search of security: their rights should no more be sacrificed for security than should anyone else's.

**8. Doesn't Canada's refugee system make the US vulnerable to terrorism?**

Promoting rights and respect for all is one of the best ways of ensuring security for all. Treating refugees right does not threaten the US. All refugees and all refugee claimants are subjected to a security screening.

**9. Isn't it true that once a person makes a refugee claim in Canada they are almost never deported?**

Every year the Canadian government deports thousands of refugee claimants. In addition, many claimants leave Canada on their own.

**10. Aren't there too many appeals for refugee claimants?**

Refugee claimants have no appeal on the merits from a negative decision on their refugee claim, even though a wrong decision might lead to them being deported to persecution, torture or even death. Refused claimants can apply to the Federal Court for judicial review, but they must get permission from the Court first and the Court may only look at narrow, technical errors, so that a decision that is wrong but arrived at in a legally correct way will not be overturned by the Federal Court. The *Immigration and Refugee Protection Act* as passed by Parliament gives refugee claimants access to an appeal but the government has not implemented it.

**11. Isn't it necessary to detain refugee claimants who don't have identity documents until we know who they are?**

Dangerous people who are trying to hide their identity are most unlikely to make a refugee claim, because of the intensive screening that refugee claimants are subjected to. They are much more likely to have good quality false documents. The people who end up in detention because of lack of identity documents tend to be the poorest and the most vulnerable, including refugees who can't acquire or travel with documents because they are being persecuted based on their identity.

**12. Aren't most refugee claimants coming to Canada to seek a better economic standard of living?**

People forced to flee as refugees are looking for a safe place for themselves and their families. In a world that has become increasingly hostile towards refugees, there are few such places. For many refugees, coming to Canada actually means a drop in standard of living: people with professional careers in their home countries often end up working menial jobs in Canada. If some claimants are coming to escape grinding poverty, the problem is not with them or with the refugee system, but with economic inequalities that give them so little opportunity at home, and with Canadian immigration policies that offer so few possibilities for the less privileged who are trying to make a living for themselves and their families.

# CONFRONTING MYTHS ABOUT REFUGEES



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**1. Wouldn't it be better to direct money to refugees in camps overseas rather than spending it on a refugee determination system in Canada?**

As a signatory to the Refugee Convention and the Convention Against Torture, Canada has a legal duty not to send people back to persecution or torture and therefore must determine whether someone is at risk before deporting them. In addition to our legal obligation towards people on Canadian territory, we have a moral obligation towards refugees in need overseas. Refugees who come to Canada help us meet that obligation by working and paying taxes here. They also often send money to help family members survive in camps overseas.

**2. Aren't refugees in the camps more deserving than people who make refugee claims here?**

All human beings deserve equally to have their basic rights respected. Canada has specific legal obligations towards refugees who are here in Canada, but we can and ought to act in favour of refugees elsewhere. Refugees in camps and refugees in Canada are not two classes of people: in fact, a refugee in Canada might have been in a camp somewhere else just a few weeks ago. People who care about refugees overseas should encourage the government to speed up processing for refugees who have been privately sponsored by groups in Canada: these refugees regularly wait years for the Canadian government to study their case.

**3. Aren't most refugee claimants bogus?**

Many claimants are refugees in need of protection and many others are people who have left behind

situations of violence, injustice or deprivation, but are not recognized as refugees because the definition is very narrow. For example, a person can be fleeing a vicious war and still not qualify as a refugee. Whatever their reasons, those who make claims are people with few options, since no one who has power and privilege would want to be a refugee claimant. To call them "bogus" is to victimize the weak.

**4. Doesn't the Canadian Charter give refugee claimants too many rights and make it impossible to have a functioning refugee system?**

The Canadian Charter guarantees only those basic rights and freedoms that Parliament considered fundamental to all human beings. They reflect very closely the human rights recognized in international conventions. Far from preventing us from having a functioning refugee system, the Charter helps to show what a refugee system needs in order to do its proper job which is to ensure that refugees are protected. The real challenges that any refugee system faces are 1) that refugee determination is inherently difficult and therefore needs to be given adequate time and attention, and 2) that the system will backlog if the resources are not increased to match an increase in claims.

**5. Don't we need to reform the refugee determination system to make it faster?**

The basic elements of Canada's refugee determination system are sound and don't need reform. The main cause of slow processing in recent years was that the number of claimants increased but the government delayed increasing the number of decision-makers. However, with the recent drop in numbers of claims and the increased processing rate at the Immigration and Refugee

Board, it looks like they will soon run out of claimants to hear. Meanwhile, the real crisis is overseas, where family members of refugees wait in a backlog that, at current rates will take a year and half to process, while privately sponsored refugees wait in a backlog that represents more than two years of processing.

**6. Doesn't Canada accept too high a percentage of claimants?**

There is no "right" acceptance rate. Canada has been accepting a lower and lower percentage of claimants since the Immigration and Refugee Board began doing refugee determination in 1989, although it remains higher than other countries (in 2004 the Canadian acceptance rate was 40%). Generally speaking Canada's rate reflects a more coherent and just approach than seen in many other countries, where the refugee definition is interpreted so narrowly that many people in need of protection are rejected. For example, some countries do not recognize women fleeing gender-based persecution, or refugees fleeing persecution from rebel groups. Others have a cut-off date after which a person can no longer claim refugee status. It is important to note that of those countries, especially in Europe, that accept only a tiny percentage of claimants as refugees, many provide some other form of protection, such as humanitarian status or deferred removal.

**7. Don't we need to restrict the rights of refugees in order to protect our own security?**

Full protection of refugee rights is completely compatible with protecting our security. Refugees entering the country are subject to security screening. Experience shows that the overwhelming majority of refugee claimants raise