



# Refugee and immigration issues: Key priorities for the new government

## Preamble

Over the last five years there have been massive changes to Canada's refugee, immigration and citizenship laws and policies. Unfortunately, many of these changes have undermined human rights, made people's status more precarious, reduced protections for refugees, made it harder for families to reunite or stay together, contributed to newcomer poverty, introduced unnecessary complexities into the system, created waste and made Canada less welcoming to refugees and other newcomers.

The CCR greatly appreciates the commitments already made by the incoming government to reverse a number of the recent immigration changes. Addressing the full range of issues will represent a major challenge. The CCR is ready and willing to assist by providing detailed information about the changes and their impacts, as well as offering recommendations for ways to meet the challenges. The CCR looks forward to opportunities to engage in constructive discussion on the best ways to move forward, bringing its significant expertise in immigration policy as well as the front-line experiences of our 170 members across Canada.

## Realigning resources

Some of the recommendations below will require additional resources. On the other hand, there are many areas in which money is currently being spent unnecessarily: for example, cessation applications against well-established permanent residents, unproductive detention and interrogations of refugee claimants, attempts to remove people who are on track to be landed, or work permits only valid a few months that quickly need to be renewed.

The outgoing government was also using significant resources to contest court rulings that some of its policies violated the Charter. Dropping these appeals will save money, as well as protect rights.

We look forward to a review and realignment of resource allocations by the new government.

## Summary of priorities

The Canadian Council for Refugees has summarized its priorities in "[Seven Keys to Protecting and Welcoming Refugees and Newcomers: A vision for Canada.](#)" The seven keys are:

- Making status in Canada secure
- A broad, inclusive and effective refugee resettlement program
- Access to protection
- Speedy family reunification
- Rights and dignity for all
- Accountable immigration enforcement
- Welcoming communities

See also the CCR's letter to the Prime Minister Designate, 23 October 2015, [ccrweb.ca/en/letter-prime-minister-designate](http://ccrweb.ca/en/letter-prime-minister-designate)

Achieving this vision will require substantial work over the longer term and will necessarily involve legislative change. There are also significant actions that can be taken in the short-term, without requiring amendments to the laws.

Below are a series of recommendations for implementing the vision, organized according to the seven keys, and divided into:

- A. Recommendations for immediate action (not requiring change to law or regulations) (page 3)
- B. Recommendations for priority changes to regulations, policy or law (page 5)

The CCR will be happy to provide the incoming government with details about the issues addressed in the recommendations.

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## **A. Recommendations for immediate action (not requiring change to law or regulations)**

### **Making status in Canada secure**

1. Direct CBSA to stop pursuing cessation applications against Protected Persons living in Canada.
2. Provide the resources necessary to reduce wait times for accepted refugees (Protected Persons) in Canada applying for permanent residence (currently 28 months).

### **A broad, inclusive and effective refugee resettlement program**

3. Introduce flexible measures (such as Temporary Resident Permits) for Syrians with family in Canada. Temporary Resident Permits are faster to process and can respond to Syrians still in Syria as well as those outside. Family-linked admissions make sense as having family here makes it easier to settle. In the event that achieving the Liberal Party goal of 25,000 Government Assisted Refugees by the end of 2015 proves logistically difficult, family-linked admissions will ensure that significant numbers of Syrians are able to quickly find refuge in Canada.
4. Resettle 25,000 Syrians as Government-Assisted Refugees, brought to Canada immediately (additional to Canada's regular resettlement numbers).
5. Commit to selection of refugees for resettlement without discrimination, based on need, as determined by the UNHCR. Religion, country of origin and settlement outcomes should not be factors.
6. Convene a national meeting involving all levels of government as well as representatives of civil society to plan Canada's resettlement response to Syrian refugees beyond the end of 2015.
7. Commit to the core principles of naming and additionality for the Private Sponsorship of Refugees Program (including eliminating prioritization and selection based on political considerations).

### **Access to protection**

8. Withdraw the government's appeal to the Federal Court of Appeal of the ruling that refugee claimants from Designated Countries of Origin must have access to the Refugee Appeal Division.
9. De-designate all countries of origin so that refugee claimants are subject to the same rules in the determination process, without discrimination based on their country of origin.
10. Impose a Temporary Suspension of Removals on Burundi in view of the dramatic increase in violence in that country.
11. Schedule the implementation of the provision in the law transferring the PRRA to the IRB.
12. Direct the CBSA to be more flexible in considering requests for deferral of removals, including in particular when best interests of the child or health issues are involved.

### **Speedy family reunification**

13. Commit to Express Entry family reunification (immigration processing for immediate family members – especially children – within a six month timeline).

### **Rights and dignity for all**

14. Drop the government's appeal to the Federal Court of Appeal of the Interim Federal Health (IFH) case and restore pre-2012 IFH coverage.
15. Ensure that IRPA s. 91 is not interpreted to prevent NGOs from assisting people in navigating the immigration system.
16. Commit to the recommended practices in the 2006 Blue Ribbon report on Grant and Contribution programs in order to manage settlement funding allocations in a manner that is respectful of the organizations providing services and sensitive to the impact on the newcomers served.

### **Welcoming communities**

17. Continue to make strong statements about the importance of respecting the rights of refugees and highlighting the contributions refugees and immigrants make.
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## **B. Recommendations for priority changes to regulations, policy or law**

### **Making status in Canada secure**

#### *General principles*

- Making pathways to permanent residence open to all, including: migrant workers (Temporary Foreign Workers, caregivers), persons who have been trafficked
- Permanent residence for sponsored spouses is unconditional
- Access to Canadian citizenship

#### **Priority changes to regulations or policy**

1. Give all migrant workers access to permanent resident status.
2. Expand the criteria for Canada's economic immigration program so that workers of all skill levels who are needed in the Canadian labour market can settle permanently here (rather than coming as short-term Temporary Foreign Workers).
3. Provide faster access to permanent residence for survivors of human trafficking.
4. Eliminate the Conditional Permanent Residence regulation.
5. Address increased barriers to citizenship (increased fees, proof of language proficiency).
6. Introduce policy to not pursue stripping of permanent residence on criminality grounds in cases of long-term residents (especially those who came as children or who are suffering from mental illness).

#### **Priority changes to law**

7. Repeal C-24 (longer wait time to apply for citizenship, non-counting of time before becoming permanent resident, intention to reside, loss of citizenship for dual citizens).
8. Amend the law to give all permanent residents the right of appeal to the IRB (to address C-43 changes).

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## **A broad, inclusive and effective refugee resettlement program**

#### *General principles*

- The government resettles a significant number of refugees to Canada:
  - particularly the most vulnerable
  - from around the globe
  - without discrimination
- The private sponsorship of refugees is quick and simple, and respects the principles of additionality and naming
  - **Additionality:** Privately sponsored refugees are on top of, not instead of, the refugees that the government resettles, on behalf of all Canadians.
  - **Naming:** Private sponsors can identify the refugees that they wish to sponsor, assuming they meet all the criteria in Canadian law.

### **Priority changes to regulations or policy**

9. Eliminate the requirement of proof of refugee status for Groups of Five and Community Sponsors and ensure there is equal priority and treatment for processing of applications from these sponsors at CPO-W.
10. Increase the numbers of Government-Assisted Refugees to 20,000 annually by 2020.
11. Seek solutions to the restrictions, paperwork and long delays (especially in certain regions) that have been undermining the program.
12. Commit to removing limits and ceilings on privately sponsored refugees. (Sponsorship Agreement Holders are currently limited by overall caps on the numbers they can sponsor (except for Syrian and Iraqi refugees), and by sub-caps for specific regions, including large parts of Africa).
13. Eliminate the transportation loan for resettled refugees.

### **Priority changes to law**

14. Provide an appeal recourse for refused refugee applicants.
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## **Access to protection**

### *General principles*

- Opportunities for refugees to reach Canada
- A fair refugee determination system, without discrimination
- Effective protection for trafficked persons without permanent status
- Adequate support for refugee claimants and trafficked persons
- Adequate protection in the immigration system for women in situations of violence

### **Priority changes to regulations or policy**

15. Eliminate same-day requirement for the Basis of Claim (BOC) for inland refugee claims
16. Extend timelines for refugee claim hearings and introduce more flexible postponements.

### **Priority changes to law**

17. Amend timelines for RPD and RAD to make them more reasonable and more flexible.
  18. Eliminate bars on access to RAD.
  19. Eliminate one-year bar on access to Pre-Removal Risk Assessment (PRRA), H&C and TRP for refused claimants.
  20. Introduce into the statute measures of protection for trafficked persons.
  21. Eliminate provisions relating to Designated Foreign Nationals.
  22. Eliminate bars on access to H&C based on inadmissibility.
  23. Eliminate provision that s. 96 and 97 grounds cannot be considered in an H&C application.
  24. Amend the definition of security inadmissibility so that it does not cover people who represent no security concern.
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## Speedy family reunification

### *General principles*

- Express entry family reunification (where children are reunited with their parents in 6 months or less)
- The definition of family member is broad and inclusive
- Government makes family reunification a top priority

### **Priority changes to regulations or policy**

25. Reinstate the previous age of dependants to under-22.
26. Eliminate the 'excluded family member' rule (Regulation 117(9)(d)).
27. Re-orient immigration policy to give a higher priority to family reunification and amend the regulations to provide increased opportunities for families to reunite.

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## Rights and dignity for all

### *General principles*

- Access to essential healthcare
- Access to Canada's social safety net
- Protection from exploitation for migrant workers
- Immigration detention is reduced to a minimum

### **Priority changes to regulations or policy**

28. Create a strong regulatory basis for IFH.
29. Make Temporary Foreign Worker work permits open (i.e. not tied to a specific employer).
30. Provide for status for migrant workers who are pursuing complaints for mistreatment.
31. Expand eligibility to federally funded settlement services to include all migrant workers and refugee claimants.
32. Review detention policies and practices to reduce detention, especially of children and refugees.

### **Priority changes to law**

33. Amend law allowing provinces to deny social assistance to newly arrived refugee claimants

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## Accountable immigration enforcement

### *General principle*

- An independent and effective complaints and monitoring mechanism oversees Canada's border agency

### **Priority change to law**

34. Introduce legislation to create an accountability mechanism for CBSA.

