



## Special measures for forgotten refugees: legacy claimants

Approximately 5,600 refugee claimants have been waiting for a hearing since 2012, because they made claims under the previous refugee determination regime.

- They are called “legacy claimants”.
- The Immigration and Refugee Board **does not have the capacity** to hear their claims.
- Only 678 legacy claims were finalized in 2016.
- At the current rate, it will take **over 8 years** to hear all the legacy claimants.
- Legacy claimants live in insecurity, can’t reunite with family, and face numerous barriers in employment, education and health services.
- The law prevents them from applying for permanent residence on humanitarian and compassionate grounds.

Special measures are necessary on grounds of:

### Justice

- Legacy claimants have been waiting five years for a hearing.
- Circumstances in the country of origin may have changed: people who were refugees when they made the claim may now not be accepted.

### Efficiency

- It will be cheaper not to have refugee hearings.
- Taking legacy claims out of the refugee determination system will help to ensure that the system does not become backlogged.

Fetenaw (not his real name) made a refugee claim in Canada in September 2012 and is still waiting for a hearing.

Having experienced persecution by his own government, he is grateful to be in safety in Canada. Yet as long as he remains a refugee claimant, he lives in fear: what will his fate be? Without secure status, he can’t move on from the trauma he went through in his home country.

Refugees are too often viewed as burdens – he wants to be able to contribute to his full potential. He is already working extremely long hours, and volunteering in the community as well, including assisting in the resettlement of Syrian newcomers. He would like to do a graduate program, but it would mean paying international student fees, which is impossible on income from a minimum wage job. He was able to afford a certificate program in continuing education.

He tries to stay positive, but he admits to feelings of hopelessness, constant worry and inability to focus.

## Recommendation:

- That a regulatory class be created for legacy claimants.
- That legacy claimants be landed if they apply and meet minimum requirements (e.g. they have worked for at least 6 months or have been in some form of education for at least 6 months in Canada).
- That applicants for this class not be required to withdraw their claims.

