

CANADIAN COUNCIL FOR REFUGEES ANNUAL STATUS REPORT 2005

ON THE "+" SIDE

- Separated children policy** In response to a Canadian Council for Refugees (CCR) recommendation, Citizenship and Immigration Canada issued new instructions calling for visa officers to expedite family reunification for separated children at risk, where the parents are refugees in Canada. The new policy has its limitations: separated children not deemed "at risk" may continue to wait unnecessarily long periods to be reunited with their parents and there is no mechanism for parents or others to invoke the policy. CIC has agreed to consider developing a mechanism.
- In-Canada spousal sponsorships** In February 2005, the government changed the rules to allow spouses and common-law partners in Canada without temporary status to apply for reunification within Canada. This avoids family separation caused when a spouse must leave Canada in order to apply for reunification with family in Canada. However, this type of family separation is still happening because spouses can be deported while waiting for processing of their application for family reunification.
- Vulnerable persons guidelines** The Immigration and Refugee Board has committed itself to the development and adoption of guidelines on vulnerable persons appearing before the Board. This responds to calls made since 1993 by torture survivors centres and the CCR for the adoption of guidelines for survivors of torture.
- Parents and grandparents** In April 2005, the Minister of Citizenship and Immigration responded to the rapidly growing backlog of parents and grandparents waiting to immigrate to Canada by tripling the target for this category to 18,000. However, by the end of September 2005 there were nearly 115,000 parents and grandparents in the backlog, meaning that even with 18,000 places a year, those in the queue will wait 5 years.
- Canada-Ontario immigration agreement** The federal and Ontario governments have been negotiating an agreement, which when signed will give Ontario a voice in determining policy and program priorities for integration services in that province, which is hoped will lead to greater responsiveness to newcomer needs and realities.
- Enhanced Language Training** Recognizing the need for more advanced and focused language training for immigrants preparing for the labour market, the federal government has provided additional funding for the Enhanced Language Training initiative.
- Recognition of need for increased investment in settlement services** The federal government has recognized the need for increased funding for settlement services and will request additional funding from Parliament in December. However, it is unknown whether it will be granted before Parliament is dissolved.
- Sanctuary cases** The federal government resolved the situation of a number of families who had sought sanctuary in churches to avoid deportation to persecution, by approving in principle their request to remain in Canada.

This status report gives an overview of how the Canadian federal government addressed refugee and immigration issues over the past year, from the perspective of the Canadian Council for Refugees (CCR). The report covers the period from November 2004 to October 2005. To read more about the issues covered, see *References* (if not attached, available on the *What's new* page of the CCR website, www.web.ca/ccr).

ON THE "- " SIDE

Safe third country	On 29 December 2004, Canada implemented the safe third country agreement with the United States, closing the land border to most asylum seekers seeking Canada's protection. As a result, refugees have found themselves without protection because of flaws in the US system. In their search for safe haven, some have risked crossing the border irregularly.
Dramatic decrease in refugee claims	Partly as a consequence of the safe third country agreement and other interdiction measures, significantly fewer refugee claimants have been able to ask for Canada's protection. The year-end numbers for 2005 are likely to be the lowest in 20 years.
Security certificates	The UN Human Rights Committee criticized Canada's use of security certificates in November 2005. The Committee highlighted the following rights violations related to certificates: long-term detention without charges, lack of adequate information about the reasons for detention, limited judicial review and mandatory detention for those without permanent residence.
Return to torture	In May 2005, the UN Committee against Torture criticized Canada for its failure to respect the absolute prohibition on return to torture contained in Article 3 of the Convention against Torture. The Committee called on Canada to "unconditionally undertake to respect the absolute nature of article 3 in all circumstances" and to incorporate it fully into law.
Refugee appeal	The Canadian government continued to fail to implement the right of appeal for refugees, despite it being an integral part of the law passed by Parliament. The UN Committee against Torture called on Canada in May 2005 to "provide for judicial review of the merits, rather than merely of the reasonableness, of decisions to expel an individual where there are substantial grounds for believing that the person faces a risk of torture."
Slow processing of privately sponsored refugees	Processing of privately sponsored refugees continued to be extremely slow, with 50% of cases taking more than 21 months from Oct. 2004 to Sept. 2005 (more than 29 months in Africa/Middle East, the slowest region). At the same time, the government did not even meet the low end of their target for 2004, allowing only 3,115 privately sponsored refugees into Canada, even though over 13,000 applications were waiting in the backlog at the end of the year.
Long delays in refugee family reunification	Family members of refugees continued to wait painfully long periods for processing to come to Canada. 50% of family members waited more than 12 months for visa post processing alone. The situation in several African countries is particularly bad, with 50% of families in Democratic Republic of Congo waiting more than 29 months. Although the government increased its target for refugee dependants to be admitted in 2005, the upper end is still below the number of dependants waiting in the backlog at the end of 2004.
Detention of refugee claimants	At the end of its visit to Canada in June 2005, the UN Working Group on Arbitrary Detention raised a number of concerns relating to the detention of refugee claimants, including the unrealistic demands for identity documents sometimes made of refugees.
People without status	Although Minister Volpe identified undocumented workers as a priority in February, the unresolved situation of people without status in Canada remains a compelling and growing problem. The Minister responded to CCR's specific recommendation for landing of nationals of moratorium countries by saying that existing measures are adequate, despite the fact that the measures have not provided regularization for many such people, some of who have been in Canada for over 10 years.
Victims of trafficking	In May 2005 the Minister of Justice tabled legislation to specifically prohibit human trafficking, but no measures of protection have been provided for victims of trafficking, who remain likely to be detained and deported without any consideration of the rights abuses they have suffered.
Deportations to Somalia	Despite the UNHCR's recommendation and urgings from the CCR, the Canadian government decided to maintain deportations to Somalia.
Racialization of poverty	While data from Statistics Canada shows increasing poverty among some immigrants to Canada, the government's response has been insufficiently clear and decisive to meet the challenges of racialized poverty.

References to CCR Annual Status Report 2005

Acronyms

CCR = Canadian Council for Refugees
CIC = Citizenship and Immigration Canada
UNHCR – United Nations High Commission for Refugees

Separated children policy

For the description of the problem, see CCR, *Impacts on children of the Immigration and Refugee Protection Act*, November 2004, <http://www.web.ca/~ccr/children.pdf>, especially page 17.

CIC informed CCR in January 2005 that temporary instructions had been sent to visa posts abroad, pending the formal inclusion of a section in the immigration manual (PP4 - Processing Protected Persons' in-Canada Applications for Permanent Resident Status). The title of the instructions was: "When minor children of protected persons are at risk". As of the end of October 2005, these measures had still not been incorporated into the PP4 manual, available at <http://www.cic.gc.ca/manuals-guides/english/pp/pp04e.pdf>.

In-Canada spousal sponsorships

See CIC News Release, *Good News for Spouses and Common-Law Partners*, 18 February 2005, <http://www.cic.gc.ca/english/press/05/0504-e.html>

Vulnerable persons guidelines

The CCR adopted resolutions in June 1994 (Res. 33) and in December 1999 (Res. 11) calling for guidelines for survivors of torture, available at <http://www.web.ca/~ccr/doceng.htm>.

For the Immigration and Refugee Board commitment, see Presentation at the CCR Spring Consultation, by Jean-Guy Fleury, Chairperson, Immigration and Refugee Board, May 28, 2004, http://www.irb-cisr.gc.ca/en/media/speeches/2004/ccr_e.htm: "I know that the Board's development of Guidelines on Survivors of Torture and or Vulnerable Claimants has been outstanding for several years. Frankly, due to other commitments, we have been unable to commence work on them before now. However, I have instructed the Deputy Chairperson of the Refugee Protection Division and General Counsel that I would like to issue these by the end of this fiscal year – that is, March 31, 2005." As of October 2005, the external consultation on draft guidelines is still pending.

Parents and grandparents

See CIC News Release, Citizenship and Immigration Minister Joe Volpe Announces Tripling of the Number of Parents and Grandparents Immigrating to Canada in 2005, 18 April 2005, <http://www.cic.gc.ca/english/press/05/0511-e.html>.

For the backlog of parents and grandparents awaiting processing, see House of Commons Standing Committee on Citizenship and Immigration, Evidence number 71, 6 October 2005, available from www.parl.gc.ca. See also CIC, Departmental Performance Report for the period ending March 31, 2005, section 3, Strategic Outcome 1, http://www.tbs-sct.gc.ca/rma/dpr1/04-05/CI-CI-CId45_e.asp.

Canada-Ontario immigration agreement

See CIC *Annual Report to Parliament on Immigration 2005*, Section 5, Integrating Newcomers, <http://www.cic.gc.ca/english/pub/annual-report2005/index.html>

Enhanced Language Training

See CIC *Annual Report to Parliament on Immigration 2005*, Section 5, Integrating Newcomers, <http://www.cic.gc.ca/english/pub/annual-report2005/index.html>

See also CIC News Release, *Investment in Enhanced Language Training Pays Off*, 25 April 2005, <http://www.cic.gc.ca/english/press/05/0514-e.html>

Recognition of need for increased investment in settlement services

See Department of Finance Canada, *The Budget in Brief 2005*, February 2005, <http://www.fin.gc.ca/budget05/brief/briefe.htm>: “\$398 million over the next five years to enhance settlement and integration programs and improve client services for newcomers to Canada.”

Sanctuary cases

Globe and Mail, *Deportation orders stayed in two sanctuary cases*, Ingrid Peritz, December 15, 2004; Montreal Gazette, *Refugees' prayers answered: Granted permanent Canadian residency. After living in church basement for 13 months, Palestinians finally have country to call home*, Allison Hanes, February 28, 2005.

Safe third country

See CCR, *Closing the Front Door on Refugees: Report on Safe Third Country Agreement*, August 2005, <http://www.web.ca/~ccr/closingdoor.pdf>

Dramatic decrease in refugee claims

See CIC, Departmental Performance Report for the period ending March 31, 2005, section 3, Strategic Outcome 2, point 3, http://www.tbs-sct.gc.ca/rma/dpr1/04-05/CI-CI/CI-CId45_e.asp.

Security certificates

Concluding observations of the Human Rights Committee: Canada, CCPR/C/CAN/CO/5, 2 November 2005, para. 14,

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7616e3478238be01c12570ae00397f5d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7616e3478238be01c12570ae00397f5d?Opendocument)

See also CCR, *Anti-Terrorism Act Review, Brief to the House of Commons Subcommittee on Public Safety and National Security of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness*, 8 September 2005, <http://www.web.ca/~ccr/ATAcomments.pdf>

Also CCR, *Refugees and non-citizens in Canada: Key concerns regarding Canada's compliance with the Covenant on Civil and Political Rights (CCPR)*, Submission to the Human Rights Committee of the United Nations, 16 September 2005, <http://www.web.ca/~ccr/CCPR2005.pdf>

Return to torture

Conclusions and recommendations of the Committee against Torture: Canada, CAT/C/CR/34/CAN, 7 July 2005, para 4 (a) and 5 (a)

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3cb671dd5759dc86c125704300482db6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3cb671dd5759dc86c125704300482db6?Opendocument)

See also Concluding observations of the Human Rights Committee: Canada, CCPR/C/CAN/CO/5, 2 November 2005, para. 15,

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7616e3478238be01c12570ae00397f5d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7616e3478238be01c12570ae00397f5d?Opendocument)

See also CCR, *Comments on Canada's compliance with Convention Against Torture, article 3*, 28 April 2005, <http://www.web.ca/~ccr/catcompliance.html>

Also CCR, *Refugees and non-citizens in Canada: Key concerns regarding Canada's compliance with the Covenant on Civil and Political Rights (CCPR)*, Submission to the Human Rights Committee of the United Nations, 16 September 2005, <http://www.web.ca/~ccr/CCPR2005.pdf>

Refugee appeal

See CCR, *The Refugee Appeal: Is no one listening?*, 31 March 2005, <http://www.web.ca/~ccr/refugeeappeal.pdf>

CCR and Amnesty International Canada, News release, *Rights groups remind government of broken promises on refugee appeal*, 14 October 2005, <http://www.web.ca/~ccr/releaseappealoct05.html>

Conclusions and recommendations of the Committee against Torture: Canada, CAT/C/CR/34/CAN, 7 July 2005, para 5 (c)
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3cb671dd5759dc86c125704300482db6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3cb671dd5759dc86c125704300482db6?Opendocument)

For CIC's point of view, see <http://www.cic.gc.ca/english/refugees/rad-menu.html> (backgrounder, fact sheet and Frequently Asked Questions).

Slow processing of privately sponsored refugees

See CCR, *No Faster Way? Private sponsorship of refugees: Overseas Processing Delays*, October 2004, <http://www.web.ca/~ccr/nofasterway.pdf>

CCR, News release, *CCR decries shortfall in privately sponsored refugees admitted*, 3 February 2005, <http://www.web.ca/~ccr/psnumbersfeb05.html>

For processing times of privately sponsored refugees, see <http://www.cic.gc.ca/english/departement/times-int/11-ref-private.html>

For levels and inventory (at 31 December 2004) see CIC, Departmental Performance Report for the period ending March 31, 2005, section 3, Strategic Outcome 2, http://www.tbs-sct.gc.ca/rma/dpr1/04-05/CI-CI/CI-CId45_e.asp and *CIC Annual Report to Parliament on Immigration 2005*, <http://www.cic.gc.ca/english/pub/annual-report2005/index.html>.

Long delays in refugee family reunification

See CCR, *More than a Nightmare: Delays in Refugee Family Reunification*, November 2004, <http://www.web.ca/~ccr/nightmare.pdf>.

For processing times of dependants of refugees, see <http://www.cic.gc.ca/english/departement/times-int/12-ref-dependants.html>

For levels and inventory (at 31 December 2004) see CIC, Departmental Performance Report for the period ending March 31, 2005, section 3, Strategic Outcome 2, http://www.tbs-sct.gc.ca/rma/dpr1/04-05/CI-CI/CI-CId45_e.asp and *CIC Annual Report to Parliament on Immigration 2005*, <http://www.cic.gc.ca/english/pub/annual-report2005/index.html>.

Detention of refugee claimants

See CCR, *Submission on the occasion of the visit to Canada of the UN Working Group on Arbitrary Detention*, 8 June 2005, <http://www.web.ca/~ccr/WGAD.HTM>

The report of the Working Group on Arbitrary Detention on their visit to Canada is expected imminently. At the conclusion of their visit on 15 June 2005, a press statement was made in Ottawa by Ms. Leila Zerrougui, Chairperson of the Working Group on Arbitrary Detention, Ms. Soledad Villagra de Biedermann and Mr. Mohammad Hashemi, members of the Working Group. Among the comments they made were the following: "We are of course aware that some foreign nationals intentionally destroy or conceal their identification papers. Immigration officers, however, often have unrealistic demands regarding the quantity and quality of identification documents refugees can realistically be expected to carry with them" and "The Immigration Division tends to maintain asylum seekers in detention on the ground that in claiming asylum they stated that they fear persecution if deported back to their home

country. As a consequence, they have strong motives to fear removal and are, allegedly, not likely to appear. We are concerned that this line of reasoning leads, in practice, to persons being detained on the basis of having claimed refugee status.”

People without status

For Minister Volpe’s priorities, see Notes for an Address by The Honourable Joe Volpe Minister of Citizenship and Immigration before a meeting of the Standing Committee on Citizenship and Immigration, February 24, 2005, <http://www.cic.gc.ca/english/press/speech-volpe/budget2005.html>.

For the situation of nationals from moratoria countries, see CCR, *Lives on Hold: Nationals of Moratoria Countries Living in Limbo*, July 2005 <http://www.web.ca/~ccr/livesonhold.pdf>.

Also CCR, *Refugees and non-citizens in Canada: Key concerns regarding Canada’s compliance with the Covenant on Civil and Political Rights (CCPR)*, Submission to the Human Rights Committee of the United Nations, 16 September 2005, <http://www.web.ca/~ccr/CCPR2005.pdf>

Victims of trafficking

For legislation tabled, see Department of Justice Canada, News Release, *Minister of Justice introduces bill targetting trafficking in persons*, 12 May 2005, http://canada.justice.gc.ca/en/news/nr/2005/doc_31482.html

For the need for mechanisms of protection, see CCR, News Release, *Canada must offer protection to trafficked persons*, 25 November 2004, <http://www.web.ca/~ccr/trafrelease.html> and further information available at www.trafficking.ca.

Deportations to Somalia

See UNHCR Advisory on the Return of Somali Nationals to Somalia, November 2005, complementing the previous UNHCR position of January 2004 on return to Somalia. Available on the UNHCR Refworld "Legal Information" pages (<http://www.unhcr.org/refworld/legal.htm>), under "RefPol / Country- or situation-specific guidelines or positions. The direct URL is: <http://www.unhcr.org/cgi-bin/txis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=437082c04>

For the UNHCR January 2004 position on Somalia, see <http://www.unhcr.org/cgi-bin/txis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=4020dc864>

For CCR call for a suspension of removals to Somalia, see Resolution 16, May 2004, available at <http://www.web.ca/~ccr/resmay04.html>. In April 2005, the CCR was informed that, after review, Anne McLellan, Minister of Public Safety and Emergency Preparedness, had decided not to impose a temporary suspension of removals to Somalia.

Racialization of poverty

See Institute for Research on Public Policy, *Tapping Immigrants’ Skills: New Directions for Canadian Immigration Policy in the Knowledge Economy*, Jeffrey G. Reitz, February 2005, <http://www.irpp.org/choices/archive/vol11no1.pdf>

Institute for Research on Public Policy, *The Discounting of Immigrants’ Skills in Canada: Evidence and Policy Recommendations*, Naomi Alboim, Ross Finnie and Ronald Meng, February 2005, <http://www.irpp.org/choices/archive/vol11no2.pdf>

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