



2013 in Review: Refugees and immigrants in Canada

2013 was marked by increasing vulnerabilities for many refugees and immigrants in Canada, with status often harder to acquire and easier to lose, and with a heavy emphasis on economic priorities over family reunification and refugee protection.

New refugee claim system: short timelines, two-tiered system

2013 was the first year of a new refugee determination system. While the new system is fast and fair for some, its short timelines and complex rules are causing serious problems for others.



> The *short timelines* create high levels of stress. Many claimants are unable to prepare themselves adequately for their hearing. The timelines are particularly damaging for vulnerable claimants, such as survivors of torture, and for claimants fleeing persecution based on gender or sexual orientation.

- > *Two-tier system*: Some claimants have less access to protection, based on where they are from. Refugee claimants from Designated Countries of Origin have even less time to prepare their case, limited access to services and restricted legal recourses.
- > *Access to health care*: Cuts to the Interim Federal Health Program in 2012 compound the difficulties faced by claimants in the new system.
- > The number of people making refugee claims in Canada went down dramatically in 2013. Final figures for the year will likely be at a record low.

Lack of safeguards before deportation

The government has invested more resources in quick deportations, while new rules remove safeguards to prevent deportations in cases with new evidence of risk or compelling humanitarian factors. The law makes exceptions for the best interests of the child or life-threatening health conditions, but the person can be deported before they are considered!

Reduced access to protection for trafficked persons

Restrictive new laws are hurting people trafficked into Canada who are trying to escape the criminals exploiting them. Temporary Resident Permits are designed to protect trafficked persons, but they are no longer available to people making a refugee claim, which traffickers force their victims to do at times. Citizenship and Immigration Canada acknowledges this and says it is looking for a solution.

Migrant workers: temporary status makes them vulnerable to abuse

Traditionally a country of permanent immigration, Canada has shifted dramatically towards temporary migration. Workers in “low-skilled” streams of Canada’s Temporary Foreign Worker Program, including many women, are vulnerable to abuse and exploitation, even trafficking.

- > The CCR’s *Migrant Workers: Provincial and Federal Report Cards* highlight important gaps in protection of migrant workers’ basic rights in Canada. Happily some provinces are adopting measures to address some of these gaps, but there is much more to do.
- > Changes to the Canadian Experience Class make it more difficult for some temporary workers to make a permanent home in Canada

Some good news: *Ezokola*

In 2013 the Supreme Court of Canada brought the country in line with international standards on when people can be excluded from refugee protection on the basis of war crimes. Refugees will no longer be excluded from protection in Canada based on simple suspicion of crimes or based on the criminal acts of a group they belong to, without them personally being guilty.

Permanent residence is becoming less permanent

New immigration rules mean that it is much easier to lose permanent residence – in many situations.

- > *Conditional permanent residence for some sponsored spouses and partners.* 2013 marked the first year of this new policy. If a couple does not remain together for two years, the sponsored partner loses status and can be deported. Although there are exceptions in cases of abuse and neglect, concerns remain that this policy makes women especially vulnerable to abuse.
- > *After committing a crime.* Changes in 2013 mean that more permanent residents have no way to appeal their removal, even if they have lived in Canada virtually all their lives.
- > *Refugees found to no longer need Canada's protection.* Permanent residents who came to Canada as refugees now automatically lose their status if they are found to no longer be a refugee. People leading peaceful and productive lives in Canada are facing the threat of deportation.

Canadian Citizenship: Harder to get, easier to lose

Citizenship matters came onto the agenda in 2013, and look to dominate in 2014 too.

- > *Barriers to acquiring citizenship.* Processing times for citizenship applications are now over 2 years. Many applicants in 2013 were required to complete a detailed, extra "Residence Questionnaire" leading to further delays. Since late 2012 applicants must provide proof of language proficiency (at their own expense) – a barrier, especially for vulnerable refugees.
- > *Legislative proposals* would make it easier to lose citizenship, particularly for those with dual citizenship. The government is also considering withdrawing the automatic right to citizenship by birth in Canada.



For more information and additional references see:
ccrweb.ca/en/2013_review



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Economic priorities at the expense of families and refugees

Canadian immigration serves three main objectives: bringing in economic immigrants, reuniting families and protecting refugees. In 2013 the first was clearly given highest priority. Refugees and family class immigrants were increasingly evaluated according to economic factors.

- > *Long delays for privately sponsored refugees.* In-Canada processing of a private sponsorship application takes 9 months! Then a refugee's application overseas takes 37 months on average.



- > *Lack of response to Syrian refugees.* Despite the unprecedented scale of the crisis, Canada has not opened its doors to Syrians. Processing times mean that privately-sponsored Syrian refugees won't arrive for years, while the government committed to only 200 Syrian refugees.



- > *No longer a global resettlement program.* Canada will resettle refugees from just a few countries in the world. Economic factors, including ability to settle easily in Canada, will outweigh refugees' protection needs. The government also plans to limit the resettlement numbers of refugees with medical needs.
- > *Restricting sponsorship of parents and grandparents to the wealthy.* New regulations from 1 January 2014 increase sponsors' minimum income level by 30% and doubled the length of sponsorship to 20 years.
- > *Slow processing of dependent children.* Children in some regions wait over 2 years to be reunited with parents in Canada.

The CCR calls for:

- > **Simple, fair rules** for all without discrimination.
- > **A fair chance** to be heard when rights are at stake.
- > **Secure status** to reduce vulnerabilities.
- > **A return to the best in Canadian traditions** of leadership in refugee protection.
- > **Renewed priority** for family reunification.