



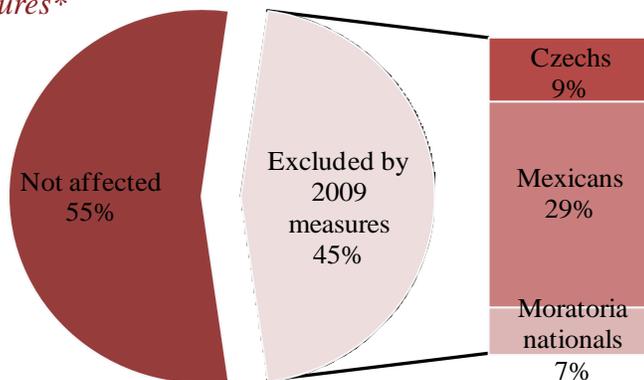
# Canadian Council for Refugees Conseil canadien pour les réfugiés

## A Year in Review: Concerns in 2009

### Closing Canada's Doors to Refugees

In the summer of 2009, the Canadian government dramatically closed the door on people seeking Canada's protection, by imposing visa requirements on the Czech Republic and Mexico (despite the serious human rights abuses occurring in those countries), and by turning back nationals of moratoria countries (Afghanistan, the Democratic Republic of the Congo, Haiti, Iraq and Zimbabwe) who make claims at the US-Canada border. Many of these people would have been recognized as refugees in Canada, but now risk being deported by the US.

#### *Claimants shut out by 2009 measures\**



\* Based on January - June 2009 claimant numbers



Nuemi and Bebe, refused protection in Canada and deported to Mexico. They survived but Bebe's sister was murdered by the people they had originally fled.  
Credit: David Cooper/GetStock.com

The Minister of Citizenship and Immigration also announced plans for changes to Canada's refugee determination system that would make it less fair, including the introduction of a two-tier system with lesser protections for some claimants based on country of origin, and a lower quality first-level decision. These changes increase the risk that Canada will send refugees back to persecution, in violation of our legal obligations.



Vicente and his family, profiled by the CCR in 2009.

### Erosion of Government Commitment to Refugee Rights

Refugees have also been hurt by the highly negative language used to discuss them publicly. References by representatives of the federal government to "bogus" claimants and similar misleading and disparaging terms have been widely repeated in the media. Government discourse has fostered hostility towards refugees, making them feel less welcome in Canada and undermining public support for refugee protection. The negative rhetoric has also fed into more general xenophobia and racism, affecting not only refugees, but also immigrants and racialized minorities.

Minister of Citizenship and Immigration Jason Kenney also suggested that refugee claimants in Canada are "fake" and that "real refugees" are overseas. The CCR totally rejects the notion that "real" refugees are only to be found overseas. Whether they are in Canada or overseas, refugees have the same right to and need of protection.

Under the UN Convention relating to the Status of Refugees, Canada has legal obligations towards people in Canada who claim our protection. 2009 is the 40th anniversary of Canada's signature of this fundamental instrument of refugee protection.

## Overseas Processing Delays: Protection delayed, protection denied

Long delays are a well-known feature of Canadian immigration processing, but the Nairobi visa office stands out for its extraordinarily long processing times.

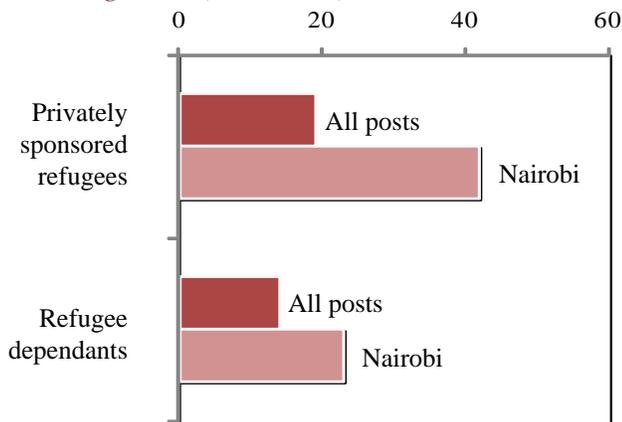
In 2009 processing times got slower at Nairobi. In 2008, half of privately sponsored refugees waited more than 40 months. As of mid-2009 the visa processing time was up to 42 months (3½ years). Nairobi is by far the slowest visa office for privately sponsored refugees.

Family members of refugees in Canada also face excruciatingly long waits if their case is being processed in Nairobi.



Jordan and Lisa with their mother. Processing of their family reunification applications at Nairobi took over 5 years.

### Processing times (in months)\*



\*Data for July 2008 to June 2009

The Nairobi visa office serves a huge area (18 countries and nearly 7 million km<sup>2</sup>), processes a large number of applications and is under-resourced for the task it faces. The area covered by the Nairobi visa office is also one that hosts a very large number of refugees, many of them in need of resettlement.

The extremely long processing times are unacceptable. The disproportionately long times for Africans processed through Nairobi is discriminatory in effect, even if not in intention.

## Children's Rights in Focus

2009 marked the 20th anniversary of the signing of the UN Convention on the Rights of the Child. Non-citizen children, along with aboriginal children, continue to suffer the most serious breaches of Canada's obligations towards children's rights.

### > Children in detention

Children should rarely, if ever, be held in immigration detention. According to Canadian law, children are to be detained only as a measure of last resort. Despite this, children are regularly detained in Canada, sometimes for many weeks, and not only in exceptional circumstances.



Akin and his mother. They were detained for 49 days.



Umami shows her Canadian-born son his sister, whom he has never seen. Umami applied for reunification with her daughter in 2005 and is still waiting. Credit: Settlement Arts/Anna Hill.

### > Reuniting children with their family: delays and barriers

Children need to be with their parents – Canada is falling down on its obligation under the Convention on the Rights of the Child to ensure that children are reunited as quickly as possible with their parents. In some cases, children are separated from both parents and left in the care of elderly family members or neighbours. It is intolerable that two years should be the norm for processing at some visa posts such as Nairobi (many children wait much, much longer than two years).

These long waits have especially dramatic impacts on children abroad who remain at risk. The psychological, financial and social impacts have long-term negative consequences for success in school, work and life in Canada.



Guatemalan migrant worker on a farm in Quebec.  
Credit: canadabrian/GetStock.com

Temporary status means that workers' rights are not fully protected. In her fall 2009 report, the Auditor General of Canada raised concerns that Temporary Foreign Workers are vulnerable to abuse.

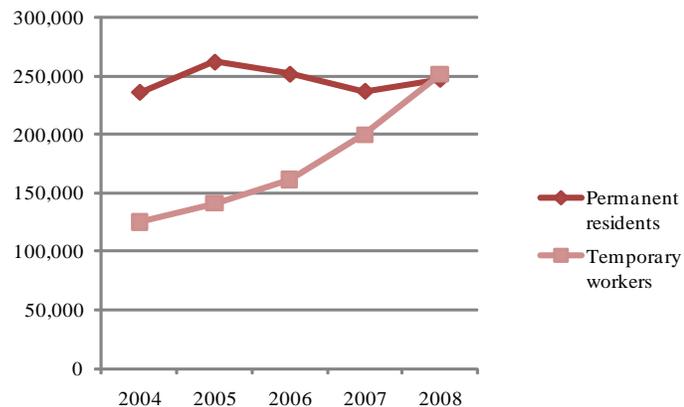
In October 2009, the federal government proposed changes to the Temporary Foreign Workers Program, intended to address rising concerns for the fair treatment of these workers. However, the proposals do more to penalize than to protect Temporary Foreign Workers. The proposals also fail to challenge the basic policy of relying on temporary migration to fill employers' demand for labour.

## Temporary workers: Canada's dramatic shift in policy

Canada has been bringing in more and more workers on temporary work permits, rather than as permanent residents. In recent years, the number of people in Canada as temporary foreign workers more than doubled.

Traditionally Canada has welcomed immigrants on a permanent basis, with most becoming citizens. The recent shift to temporary migration marks a dramatic change in policy, yet there has been little public debate.

### *Comparison of new permanent residents and temporary workers, 2004-2008*



Source: Citizenship and Immigration Canada, Facts and Figures 2008

## Two-tier citizenship called into question

2009 saw increasing concerns that not all Canadian citizens are considered equal.

Changes to the Citizenship Act took effect in April 2009, with significant impacts on who can inherit Canadian citizenship from their parent. The changes effectively create two classes of citizenship, with a lower class that has no right to pass on their Canadian citizenship to their children (natural born or adopted). As a result, there is a new risk that children of Canadian citizens will be stateless.



Abdullah Almalki. Credit: Wikipedia/Joshua Sherurcij

The cases of Suaad Hagi Mohamud, a Canadian citizen of Somali origin stranded in Nairobi, and Abousfian Abdelrazik, stuck in limbo at the Canadian Embassy in Khartoum, highlighted the fact that some citizens, based on race and religion, are denied the rights, freedoms and protections that should be guaranteed to all citizens. The problem was dramatically illustrated at a CCR workshop on the topic by the absence of one speaker, Abdullah Almalki, a Canadian tortured in Syria, who was prevented from boarding a flight to Windsor from Ottawa.



Suaad Hagi Mohamud reunited with her son.  
Credit: Lucas Oleniuk/GetStock.com

## Parliament and courts fail refugees

The year began and ended with significant blows to refugees, delivered by Canada's institutions.

In February, the Supreme Court of Canada refused to hear an appeal of the safe third country legal challenge, leaving in place the lower court ruling that allowed the government to send refugees back to the US whether or not that country is safe. The Federal Court of Appeal had ruled that the fact "that the US does not 'actually' comply [with its obligations to refugees] is irrelevant."

In December, the House of Commons defeated at third reading a bill to force implementation of the Refugee Appeal Division. Refugee claimants in Canada have been denied the appeal that Parliament granted them in the 2001 *Immigration and Refugee Protection Act*. As a result refugees' fate will continue to be determined by a single decision maker, without appeal on the merits to correct errors.



Supreme Court of Canada.

## Government to reduce refugee and family numbers

The government's 2010 immigration plan maintains the same total number of immigrants, but reduces the numbers of refugees and Family Class immigrants. The government plans that, of new permanent residents in 2010, only 8% will be refugees. This is the lowest proportion given to refugees in at least 20 years (down from an average of 12% in the past two decades).

Immigration plan (lower end range)				
	2009	%	2010	%
Economic	140,300	58	156,300	65
Family	68,000	28	57,000	24
Refugee	23,600	10	19,600	8
Other	8,100	3	7,100	3
<b>Total</b>	<b>240,000</b>		<b>240,000</b>	



John Chol, featured in a Winnipeg Free Press article on refugee transportation loans. Credit: Winnipeg Free Press/Boris Minkevich

## Transportation Loans: Heavy burdens in tough economic times

There were increasing calls in 2009 for the Canadian government to absorb the costs of transportation loans for refugees and refugee families. Media across the country have depicted the dramatic impacts of the transportation debt on resettled refugees and their families. Various actors, including educators, healthcare professionals and municipal governments, have taken up the issue and are calling on the government to change its policy.



## 40th Anniversary of Canada signing the Refugee Convention

2009 marked the 40th anniversary of Canada's signing of the Convention relating to the Status of Refugees, 18 years after it was adopted by the United Nations.

CCR members used the opportunity to highlight Canada's actions towards refugees using the theme 'Recognizing Successes, Acting for Change'.



WANT TO KNOW MORE?

Visit the CCR's website:

[www.ccrweb.ca/concerns2009](http://www.ccrweb.ca/concerns2009)

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