

## CANADIAN COUNCIL FOR REFUGEES CANADA TURNS ITS BACK ON REFUGEES

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FOR IMMEDIATE RELEASE

On the eve of Refugee Rights Day, April 4, the Canadian Council for Refugees (CCR) expresses alarm that Canadian policies are increasingly turning against refugees. This new tendency puts at risk Canada's international reputation as a fair and caring country.

"The last year has been a very bad one for refugee rights in Canada. The Canadian government has been making it harder for refugees to get to Canada, has detained more refugee claimants, has denied refugees the right to an appeal (even though the law provides one) and hasn't allocated enough visa officers to process refugees for resettlement to Canada. The government has also failed to challenge the totally unfounded linkage that has been made between refugees and terrorism," said Kemi Jacobs, President. "As if all that isn't bad enough, now we hear media reports that the Minister of Citizenship and Immigration is proposing to Cabinet that we dismantle the best parts of our refugee determination system and detain yet more refugees!"

The CCR is deeply concerned that Canada seems to be turning away from its traditional commitment to protecting refugees. The Canadian government appears to be paying more attention to appeasing the US Government's unfounded security concerns about our refugee system than to honouring Canada's international commitment to aid and protect refugees. Refugees are people seeking security, not looking to undermine it.

The CCR acknowledges that there has been some good news. "It has been hard to see much positive for refugees this year," said Nick Summers, Vice-President. "Two good things were that the grounds on which refugee claimants can be protected have been broadened and that the government has committed itself to expanding the student loan program to cover refugees. These improvements won't have much impact, however, if we seal our borders to refugees."

The Canadian Council for Refugees calls on the Canadian government to act immediately to reverse this disturbing trend, and to recommit Canada to providing protection to refugees fleeing persecution and oppression. This would include ceasing to direct back refugee claimants who would be jailed in the US, implementing the appeal for refugees, allocating more visa officers to process refugees for resettlement and debunking the myths linking refugees to terrorism.

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**The Canadian Council for Refugees is a non-profit umbrella organization committed to the rights and protection of refugees in Canada and around the world and to the settlement of refugees and immigrants in Canada. The membership is made up of over 175 organizations involved in refugee sponsorship and protection and in newcomer settlement. The CCR serves the networking, information-exchange and advocacy needs of its membership.**

**<http://www.web.net/~ccr/>**

**CANADIAN COUNCIL FOR REFUGEES****REFUGEE RIGHTS IN CANADA, 4 APRIL 2003  
‘TWO STEPS FORWARD, SIX STEPS BACK’**

*Refugee Rights Day is celebrated each year on April 4, the day on which the Supreme Court of Canada decided in 1985 that the basic rights of refugee claimants in Canada are protected under the Canadian Charter of Rights and Freedoms.*

Over the last year, the rights of refugees in Canada have been diminished as a result of a number of government policies. While there have been some positive steps, they are outnumbered by the backward steps. Below are some explanations of the key policies and how they have affected refugees.

**FORWARD:****1. Consolidation of Grounds**

The single most positive change for refugees this year was the expansion of the criteria upon which the Immigration and Refugee Board (IRB) can accept a refugee claimant. In addition to the definition of a refugee contained in the 1951 Convention relating to the Status of Refugees, the new *Immigration and Refugee Protection Act* permits the IRB to find that a claimant is a Protected Person because there is a risk that they may, for reasons not covered in the Convention definition, face death, torture or cruel and unusual punishment if they are returned to their country of origin. This change has been one long sought by refugee rights groups.

**2. Student Loans**

In the February 2003 federal budget, the Minister of Finance announced a change to federal student loans legislation that will make recognized refugees eligible to apply for Canada Student Loans, in addition to permanent residents and citizens. This will enable refugee youth who are waiting for the government to process their application for permanent resident status – a procedure that sometimes takes several years – to pursue post secondary education while they wait.

**BACK:****1. Non-implementation of the appeal**

On June 28, 2002, the Canadian government implemented the *Immigration and Refugee Protection Act* without implementing the appeal for refugees, even though the appeal was an integral part of the law. The part that was bad for refugees – reducing the initial decision-maker panel from two board members to one – was left in place, while the part that was good for refugees – the appeal – was left out. As a result, refugee protection decisions, on which a person's life may depend, are now made by a single decision-maker with no right of appeal.

**2. Safe Third Country agreement**

In December 2002, the Canadian government signed a safe third country agreement with the US. Once this agreement is in force, many refugee claimants will be turned away at the border, without a chance to explain why they fear persecution, or why the US is not a safe country for them. Some of the refugee claimants turned back will not even be allowed to tell their story in the US, because of a rule requiring

refugee claimants to apply within the first year of arrival. Women fleeing gender-related persecution stand to suffer on account of the agreement, because, as the Canadian government admits, US treatment of these claims is less sympathetic than the Canadian.

### **3. Direct backs**

At the end of January 2003, the Canadian government started directing refugee claimants at the border back to the US to wait for an appointment, even in cases where it is known that the claimants will be jailed by the US and therefore unable to return to Canada to pursue their claim. As a result, hundreds of refugee claimants seeking Canada's protection have effectively been handed over by Canada to US jailers. The lucky ones have secured release by paying thousands of dollars in bonds. Others remain in jail or may have been deported to their home country, without ever being given an opportunity to explain their fear of persecution.

### **4. Detention**

Over the past year, the Canadian Government has detained more refugee claimants on arrival in Canada, mostly on the basis of lack of sufficient documentation. This means that many refugees who have had to flee persecution without time or ability to get proper identification documents find themselves behind bars in Canada. Even after they get identity documents sent to them, some claimants are being told that they won't be released from detention until they post a bond, an impossible task for many refugees.

### **5. Resettlement**

Over the past year, the Canadian government has given a low priority to processing refugees abroad for resettlement. As a result, there are concerns that the government will not meet its targets for resettled refugees in 2003, meaning that hundreds or thousands of refugees will lose the chance of a new life. Because of the shortage of government resources dedicated to refugee resettlement, it is now being suggested that some refugees will have to pay fees for the privilege of being processed for resettlement to Canada. The Canadian government is crying poor and asking refugees who have nothing to make up the shortfall. In addition, Canadians wishing to sponsor refugees through the private sponsorship program are being discouraged from submitting too many applications.

### **6. Linking refugees with terrorism**

Since September 11, a totally ungrounded linkage has been made between refugees and terrorism, gaining the status of an urban myth. The government has a responsibility to publicly challenge this myth, something it has failed to do in any systematic way.