



Canadian Council for Refugees Conseil canadien pour les réfugiés

Annual Status Report 2008 On the Plus Side



Safe Third Country Agreement struck down

On 29 November 2007, the Federal Court upheld the challenge of the Safe Third Country Agreement brought by the CCR and others. The court found that the US is not a safe country for all refugees and that sending them back there constitutes a violation of the Charter. However, the decision was appealed by the government and the Federal Court of Appeal overturned the ruling, although it did not find the US safe for refugees. It decided that it was irrelevant to its judgment whether the US is safe or not. The matter is being appealed to the Supreme Court.



Children – considering their best interests

Citizenship and Immigration Canada adopted new guidelines for officers conducting eligibility interviews with children making a refugee claim, including children who are separated from their parents. The CCR however urged further measures to ensure appropriate treatment of children in the immigration process. A CCR report on decision making by immigration officers showed that the best interests of affected children are sometimes disregarded or inappropriately assessed.



Excluded family members

Citizenship and Immigration Canada responded to concerns about families kept separate by the inflexible “excluded family member” rule by intervening to reunite several families and initiating measures aimed at reviewing internal processes and recommending solutions.



Canada leading international dialogue on resettlement

Over the past year, Canada chaired the Annual Tripartite Consultations on Resettlement, culminating in a meeting held in July 2008 in Geneva which brought together the UNHCR and governments and NGOs of resettlement countries. The government worked hard to make the process effective in strengthening resettlement opportunities and ensured increased and meaningful participation by NGOs.



Refugee Appeal Division

After long delays, Bill C-280, compelling implementation of the Refugee Appeal Division, passed through both the House of Commons and the Senate. Unfortunately, the bill was awaiting final approval from the House when general elections were called. This means that refugee claimants continue to have their fate determined by a single decision-maker, without access to the appeal on the merits that exists in the law passed by Parliament.

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 2007 to October 2008. To read more about the issues covered, see References (if not attached, available on the Recent information page of the CCR website, www.ccrweb.ca).



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Amendments to the Immigration and Refugee Protection Act

As part of the budget bill, Parliament passed amendments to the Immigration and Refugee Protection Act, increasing the discretionary power of the Minister and reducing the rights of applicants. The Minister of Citizenship and Immigration is now able to make important changes to the immigration processing and acceptance systems through the issuance of instructions, without Parliamentary oversight or mandatory consultations. The amendments also eliminated the obligation on the government to examine an overseas application for humanitarian and compassionate (H&C) consideration.

Use of secret evidence

Parliament rushed through amendments to the Immigration and Refugee Protection Act revising the security certificate process that was struck down by the Supreme Court on 23 February 2007. The new legislation provides for the appointment of special advocates, lawyers who will have access to secret evidence, without being allowed to communicate with the person subject to the certificate. The new provisions are widely considered to violate Charter rights. The provisions for the use of secret evidence also apply to other immigration hearings where no security certificate has been issued.

Inadequate response to Iraqi refugee crisis

Canada's response to Iraqi refugees remained inadequate. Although Canada did announce an increase in the number of Iraqi refugees to be resettled to Canada (up to 2,000 in 2008), this increase was small in relation to the scale of the crisis (up to 2,000 in 2008) and made at the expense of refugees from other regions in the world. In June 2008, the UNHCR announced that it estimated around 560,000 refugees globally are in need of resettlement, a significant increase over past estimates. Currently Canada resettles only about 10,000 refugees a year.

Delays in refugee family reunification

Many refugees faced long delays in reuniting with spouse and children, particularly when their family was located in Africa or in certain areas of Asia. In 2007, processing for 50% of refugee dependants took over 19 months at the Abidjan post, over 20 months at Islamabad and over 24 months at Colombo. These processing times were significantly slower than processing times for non-refugee families. Requests for DNA testing are widespread and delaying many families from Africa.

Increasing delays for refugee claimants

Despite some appointments to the Immigration and Refugee Board, the government's continuing failure to appoint and re-appoint sufficient members meant increasingly long delays for refugees waiting for a hearing. In a report to Parliament, the IRB chairperson projected that the backlog could become the largest in IRB history and that wait times for refugees might climb to an average of 16.5 months.

Temporary workers

In 2007 the number of temporary workers admitted increased by 17% compared to 2006, a disturbing trend given the insecurity and limited rights of temporary workers, in contrast to those with permanent status. Reports of abuse of temporary workers continued to surface. The new Canadian Experience Class introduced this year only partly addresses the concerns, as temporary workers in the "lower" skills category are excluded from this opportunity to obtain permanent residence.

Amendments to Citizenship Act creating statelessness

Parliament adopted amendments to the Citizenship Act including new measures that will lead to some children of Canadian citizens being stateless. Specifically, children born abroad to Canadian citizen parents who were themselves born abroad to Canadian citizen parents will not be Canadian citizens, even if this means that they are stateless.

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