Canadian Council for Refugees
Conseil canadien pour les réfugiés

Myths and Facts

Myth 1: *Refugee claimants are "queue jumpers".*

FALSE. There is no queue for refugees. International law guarantees to people fleeing persecution the right to go to another country and seek asylum – that is why we have a refugee determination system.

If your life is in danger, you run. You don't stand still and wait for help to come to you. Different rules apply to refugees because their lives are at stake.

These different rules were adopted following the Second World War when many countries, including Canada, had closed the door on Jewish refugees. Canada recently commemorated the tragic turning away of the MS St Louis, many of whose passengers were killed by the Nazis after Canada denied them entry. We do not want to go back to those days.

Myth 2: *Refugees are required to make a refugee claim in the nearest or first country they reach.*

FALSE. International law says nothing about where refugees must claim. Refugees do whatever they can to reach a country they hope will be safe – and that country has an obligation to protect any refugees on their territory.

In the case of Sri Lankan refugees, almost none of the countries in their own region have signed the Refugee Convention and many of them offer little or no protection to refugees. In Thailand, for example, Sri Lankan refugees face at best a precarious life without status, or else arrest, detention and possible return to Sri Lanka. Staying in Thailand is not a solution.

Since Canada is far from most places that refugees are fleeing, very few refugees can make it here. It would be unfair to suggest that even those few should not come here, but rather go to other countries that already receive many more refugees than Canada.

Sri Lankan Tamils Arrested in Thailand Face Deportation
- Voice of America, 14 October 2010

Thailand arrests 130 Sri Lankan Tamils
– Sydney Morning Herald, 13 October 2010

Sri Lankans Fear Deportation from Thailand
- ABC Radio Australia, 15 October 2010

Myth 3: *People who use smugglers are less likely to be refugees in need of protection.*

FALSE. People fleeing persecution often have no choice but to turn to smugglers to help them escape. What would you do if your life was threatened and you needed to get out?

How people arrive in Canada tells us nothing about why they left. To decide if they need our protection we need to know why they left and what dangers they would face if they returned. We have a refugee determination system to find this out.

Many – maybe most – refugees have used smugglers to get to Canada. This is true whether they came by plane, land or boat. There has been a lot of focus on the fact that passengers on the MV Sun Sea may have paid smugglers. But this is just as much the case for refugee claimants who did not arrive by boat – so why the fixation on the boat?

Myth 4: *Smugglers are increasingly targeting Canada.*

Where is the evidence for this? Refugees using smugglers to get to Canada is nothing new.

The number of refugee claimants arriving in Canada has been going DOWN dramatically (10,000 fewer in 2010 than in 2009).

Myth 5: *Harsh policies will stop smugglers and asylum seekers arriving by boat.*

It is unfair and immoral to punish refugees in an attempt to deter smugglers. It is also not going to work. Refugees are fleeing desperate situations and will do whatever they need to do to save their lives. They rarely know anything about the policies in place in the country they arrive in – sometimes they don't even know where they are going.

Australia tried the strategy of punitive measures to discourage refugee arrivals: it didn't work. When the Australian government abolished their "Temporary Protection Visas" in 2008 they explained that they had not achieved their intended purpose: "The evidence

clearly shows, however, that TPVs did not have any deterrent effect. Indeed, there was an increase in the number of women and children making dangerous journeys to Australia."[1]

"Temporary Protection Visas" are almost exactly what is proposed in Canada's Bill C-49. Why would we want to adopt a policy that has already been shown to fail elsewhere?

Myth 6: *We have to be particularly cautious with the Sri Lankans arriving by boat because they might be terrorists or criminals.*

There is no reason to think that wrong-doers are more likely to arrive by boat than by other means. No sophisticated terrorists are going to put themselves on a long and uncomfortable boat trip, knowing that they will be subjected to intense scrutiny by the government.

The government is putting a lot of time and resources into investigating the passengers who arrived on the MV Sun Sea. It is not clear that this is rationally justified. The long-term detention and disproportionate investigations are costing the tax-payer a lot of money.

Myth 7: *The UN has said that Tamils are no longer at risk in Sri Lanka.*

FALSE. In July 2010 the UNHCR issued new guidelines that recognized the evolving situation in Sri Lanka.[2] They advised that it is no longer necessary to presume that Tamils from the north are at risk, but they also said that all claims by Sri Lankans must be examined on their individual merits. They note that groups potentially at risk of persecution in Sri Lanka include journalists, human rights activists, lesbian, gay, bisexual and transgender (LGBT) individuals and persons suspected of having links with the LTTE (Tamil Tigers).

Myth 8: *Canadians are asking for harsh measures against people who arrive by boat.*

The harsh measures in Bill C-49 have been rejected by all opposition parties and condemned as illegal and punitive by a wide range of faith, rights, labour, community and legal groups.[3] The government did no consultation prior to tabling the bill and many of the groups said to support the bill were later revealed not to be fully behind it or to be extremely marginal.[4]

Most Canadians of course want to be tough on smugglers, but Bill C-49 punishes refugees. The Canadian Council for Refugees firmly believes that most Canadians do not want refugees, including children, to be jailed as punishment for seeking protection.

What is really going on?

The arrival of almost 500 claimants by boat certainly represents a logistical challenge, but it is not a crisis. The boat arrivals represent only 2% of the claims made in Canada last year. We have laws in place to deal with such situations. The long-term detention of the passengers, including mothers with children, is not justified by the facts.

Unfortunately we are seeing in Canada a pattern of anti-refugee rhetoric, familiar to many other countries. In Australia and in Europe politicians have promoted myths and fear-mongering about refugees as a way of tapping into racist and xenophobic popular sentiments, in order to win votes. This is a short-term strategy that is destructive to society. Why would Canada follow such a negative example?

Governments have a responsibility to defend our legal obligations towards refugees and promote the positive value of a welcoming refugee policy.

1 Fact Sheet 68 - Abolition of Temporary Protection visas (TPVs) and Temporary Humanitarian visa (THVs), and the Resolution of Status (subclass 851) visa, Department of Immigration and Citizenship, Canberra. Revised 9 August 2008.
http://bit.ly/g1gZHW
2 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, 5 July 2010,
http://bit.ly/bBw55z

3 List of organizations calling for the defeat of Bill C-49,
http://ccrweb.ca/en/organizations-calling-defeat-bill-c-49
4 Globe and Mail, "Human smuggling bill endorsements not all they seem", November 7, 2010, Heather Scoffield,
http://bit.ly/bKdo1Y.