



NAIROBI:

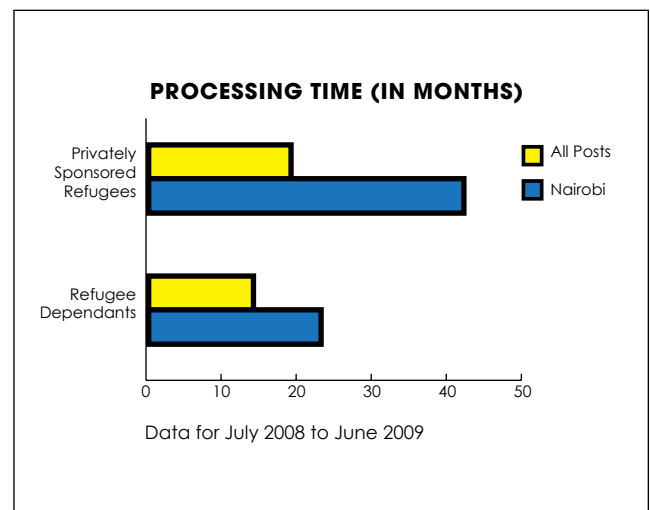
PROTECTION DELAYED, PROTECTION DENIED



FIVE YEARS TO REUNITE CHILDREN WITH THEIR MOTHER

Lisa, aged 14 years, and her 10-year-old brother Jordan, were reunited with their mother in Canada in the summer of 2009¹. It was seven years since they last saw her: it took two years before she was accepted as a refugee in Canada, and **five years** for their family reunification applications to be processed through the Nairobi visa office.

Long delays are a well-known feature of Canadian immigration processing, wherever an application is being processed. The Nairobi visa office, however, stands out for its extraordinarily long processing times.



The Nairobi visa office serves a huge area (18 countries and nearly 7 million km²), processes a large number of applications and is under-resourced for the task it faces.

The immigration officers working there are asked to do the impossible.

Those served are forced to endure significant physical, economic and psychological hardships as a result of the very, very long waits.

Processing at Nairobi is extremely slow in almost all immigration categories. This document focuses on privately sponsored refugees and dependants (spouses and children) of refugees in Canada.

¹All names used in this report are fictitious, in order to protect the individuals' privacy.

AMINA AND FAMILY: STILL WAITING AFTER FIVE YEARS

Amina fled Ethiopia with her husband, three children and niece after they had suffered serious persecution on the basis of their Oromo ethnicity: Amina had been beaten and raped, and her husband imprisoned and tortured.

In April 2004, a private sponsorship group in Canada submitted an undertaking on behalf of the family, who had taken refuge in Kenya. More than five years later, Amina and her family are still waiting to hear whether they can start a new life in Canada.

DURING THIS TIME:

- Twice the family submitted their application forms to the Nairobi post, but neither time were they received. In October 2005, the family submitted their forms for a third time.
- While waiting to be interviewed by a visa officer and lacking medical attention, Amina's husband died of malaria, in January 2007. Amina was left to look after her three children and her niece by herself in the harsh conditions of Kakuma refugee camp.
- In March 2007, the Nairobi visa office informed the sponsorship group that a separate application needed to be submitted for the niece because she was by now over 18 years of age.
- Amina and her niece were finally interviewed at the Nairobi visa office in February 2008, nearly 4 years after the sponsorship was filed on their behalf.
- Since the interview, Amina has had no answer. In July 2009, the visa office responded as follows to an inquiry made through a Member of Parliament's office: "Kindly note that we are conducting verifications for documents provided for this file. We will provide a more detailed response once verification results are received. We anticipate to receive the results in the next six months." In six more months Amina will have been waiting almost two years since she was interviewed.

Meanwhile, Amina lives in constant fear in Kakuma camp, where rape and other forms of violence are common. As a single mother, she is particularly vulnerable. Now that her older daughter is twelve, she is increasingly concerned about her safety. The refugees don't receive enough food in the camp – a relative in Canada sends Amina some money each month to help the family survive. She worries about it being stolen from her, as it was on one occasion.



Amina and her three children

"I am living in intolerable conditions in a refugee camp in search of peace and security, hoping that I will be able to raise my children in a safe environment one day. Considering the conditions that I described above, could you please help me in moving my case forward toward finalizing my immigration process." Amina

PROCESSING AT NAIROBI VISA OFFICE

Processing times in Nairobi are not only slow, they are getting slower. In 2008, half of privately sponsored refugees waited more than 40 months. Six months later, the wait time is up to 42 months, according to statistics published on the Citizenship and Immigration Canada (CIC) website. One in five refugee families now waits more than 52 months.

Nairobi is by far the slowest visa office for privately sponsored refugees.

It is important to note that the published processing times are only part of the waiting time for a refugee. CIC only starts the clock once the completed applications from the refugee have been received at the visa post. Before that can happen, the sponsorship undertaking must be processed through an office in Canada and sent on to the visa post². Six months to a year generally pass between the time the sponsorship is submitted and the visa post receives the refugee's application.

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

Half of the cases take more than 23 months to process. One in five cases takes more than 35 months. Nairobi has also been getting slower for dependants of refugees, especially for the slowest 20% of cases (up to 35 months from 30 in 2008).

Nairobi is among the slowest visa offices for dependants of refugees³. Many refugee families are affected because the visa office covers a large area from which many refugees come.

Again, CIC's published processing times do not tell the full story about how long families wait for reunification. When a refugee in Canada submits an application, it must be processed at the Case Processing Centre in Canada, and the information must then be sent to the relevant visa office. The family member must then submit their personal application form to the visa office. Only then does CIC start its clock: many months will already have passed by then. And the total time of family separation is longer still, since the refugee in Canada will have spent months, or more likely years, waiting for a hearing before the Immigration and Refugee Board.

PRIVATELY SPONSORED REFUGEES

Canadians can form a group and sponsor a refugee family in need of resettlement. The application is then processed by the relevant visa office. If and when approved, the refugee family is resettled to Canada, with the support of the sponsorship group.

CHRONOLOGY OF A PENDING PRIVATE SPONSORSHIP APPLICATION

MONTHS IN PROCESSING	
0 months	November 2007: private sponsorship application is submitted.
6 months	May 2008: sponsored refugee's application is received at Nairobi visa office.
14 months	January 2009: Nairobi visa office sends refugee a letter stating: "You can expect to hear from us in the next 36 months. We will not reply to any correspondence or case enquiries during this period."
50 months	January 2012: Refugee should have heard from the visa office. Several more months at least are required for interview, decision, medical and security checks.

DEPENDANTS OF REFUGEES

When a person is accepted as a refugee in Canada, they can include their spouse and children in their application for permanent residence. In the case of family members outside Canada, the relevant visa office must process the application.

²Currently processing of undertakings takes five months in the Toronto CIC office.

³Other particularly slow offices for dependants of refugees are Colombo and Accra.



FAMILY REUNIFICATION: 3 YEARS AND STILL WAITING

Having fled the Democratic Republic of Congo to Canada, Sylvie and her husband were accepted by the Immigration and Refugee Board as refugees in December 2005. They applied for permanent residence for themselves and their six children, three girls and three boys, ranging in ages from 10 to 25 years old. The children remain in Congo, under the care of their grandmother. However, she had a stroke in January 2009 and is now hospitalized.

July 2006: CIC informed Sylvie and her husband that the children's files would be handled by the visa office in Nairobi.

March 2007: Sylvie called CIC having heard nothing more. She was told to download forms from the internet.

April 2007: The completed forms were sent to Nairobi. Sylvie received no confirmation of receipt, despite several attempts to get information.

April 2008: In response to an inquiry sent to the Minister, an analyst at headquarters informed Sylvie that there was a backlog in Nairobi and that her children's file should be studied shortly.

February 2009: Finally after numerous appeals from Sylvie had gone unanswered, Nairobi wrote requesting photos of her children, police certificates and proof of school registration for one of the children. She was given a 45-day timeframe within which to send the documents. Despite panicking about whether she could meet this timeframe to obtain these documents, she managed to get them delivered in time.

June 2009: An appeal through the MP's office led to a response from the visa office saying that everything was in order, except they were waiting for Sylvie to acquire permanent residence. Sylvie had already been a permanent resident for two years! Shortly thereafter, the MP contacted Sylvie to say that visa office needed more photos of the family (although many have already been sent).

The figures posted by Citizenship and Immigration Canada on its website are for the number of months taken, by visa office, for processing of cases finalized over the previous year. The most recent statistics available are for the year from July 1, 2008 to June 30, 2009.

CIC provides data for 30%, 50%, 70% and 80% of cases finalized. To understand these percentages, consider the following example. For privately sponsored refugees at Nairobi, 50% were finalized in 42 months. This means that 50% of cases took 42 months or fewer to finalize, and the other 50% took more than 42 months. Again at Nairobi, 80% of privately sponsored refugees were finalized in 52 months. This means 80% of cases took 52 months or fewer to process, and 20% took more than 52 months.

Processing Times (in months)				
	Privately Sponsored Refugees		Refugee Dependents	
	50%	80%	50%	80%
All Visa Offices	19	34	14	27
Africa and the Middle East	17	37	20	35
Abidjan	22	43	20	36
Abu Dhabi	16	23	13	20
Accra	25	35	23	41
Cairo	14	19	16	29
Damascus	16	18	14	39
Nairobi	42	52	23	35
Pretoria	20	41	13	18
Asia and Pacific	26	32	13	27
Beijing	-	-	10	15
Colombo	-	-	24	46
Islamabad	28	32	18	34
Kuala Lumpur	7	12	-	-
New Delhi	24	28	12	23
Singapore	8	17	12	20
Europe	21	37	11	23
Ankara	20	24	8	13
Berlin	32	45	-	-
Kiev	-	-	12	17
London	26	30	12	56
Moscow	7	12	12	25
Paris	21	45	-	-
Rome	30	43	-	-
Americas	6	15	13	21
Bogota	5	15	12	21
Buffalo	-	-	15	29
Guatemala City	-	-	13	21
Havana	-	-	5	8
Mexico City	-	-	9	14
Port-au-Prince	-	-	14	20
Port of Spain	-	-	16	23

Not all visa offices are shown. Source: Citizenship and Immigration Canada website, data for July 1, 2008 to June 30, 2009



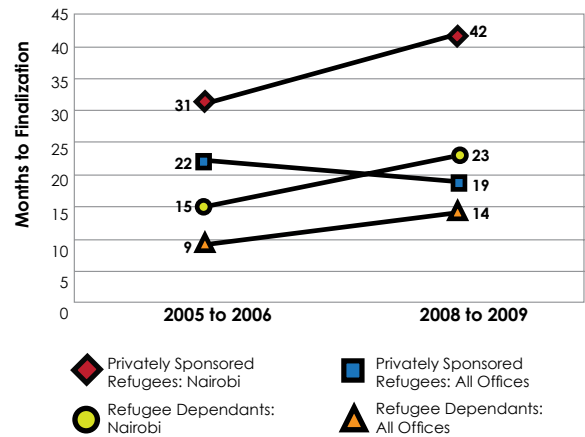
Ummi shows her Canadian-born baby his sister, whom he has never seen. Ummi, a refugee from Ethiopia, has been in Canada since 2004. She applied in 2005 for reunification with her husband and two children still in Ethiopia. Four years later, the applications are still pending at the Nairobi visa office. In the interim, Ummi's daughter, aged 6, was hospitalized for depression in Ethiopia. In 2008 Ummi was diagnosed with cancer and underwent surgery and treatments without family support, at the same time caring independently for her infant son.

Credit: Settlement Arts/Anna Hill

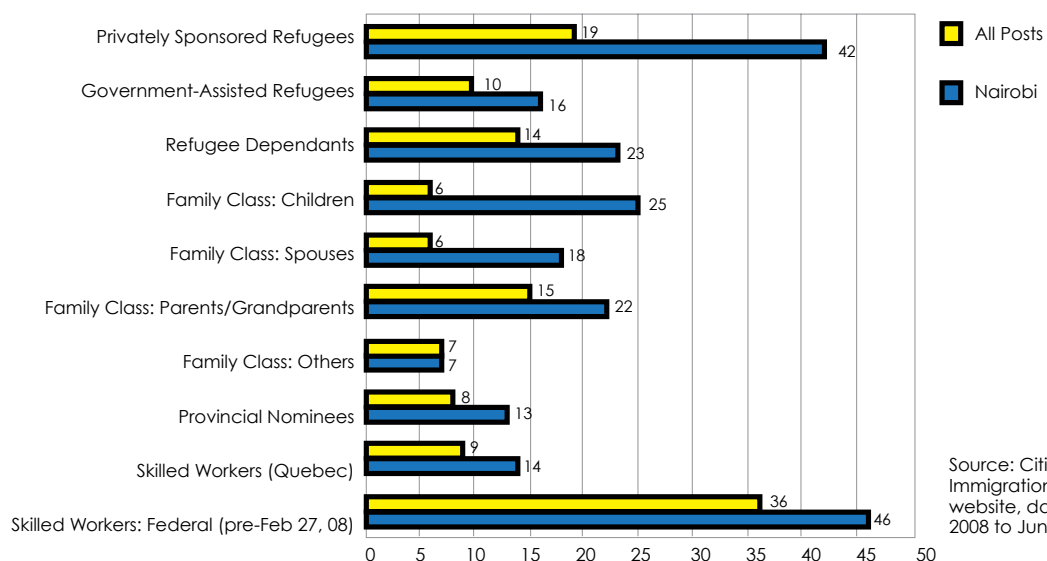
The situation in Nairobi has been getting worse over the last three years. Waiting times have increased dramatically both for privately sponsored refugees (11 months longer for 50% of cases finalized) and for dependants of refugees (8 months longer).

Nairobi is almost uniformly slow, no matter the immigration category, compared to other visa offices. The processing of children in the Family Class at Nairobi is particularly shocking: at 25 months it is more than **four times** longer than the 6 month global average.

PROGRESSION IN WAIT TIMES IN THE LAST 3 YRS.



PROCESSING TIMES IN MONTHS (50% OF THE CASES FINALIZED)



Source: Citizenship and Immigration Canada website, data for July 1, 2008 to June 30, 2009



IMPACTS OF LONG DELAYS

The extremely long processing times have multiple and profound impacts on the children, women and men applying, as well as on others involved.

REFUGEES ARE NOT PROTECTED

One of the objectives of Canada's resettlement program (in which private sponsorship plays a major role) is to offer protection to refugees who are in a dangerous and insecure situation. A program that routinely takes three years or more to respond cannot offer protection to refugees. Dependents of refugees also often face risks to their security: some are in their country of origin and exposed to the threat of persecution that led to their family member being recognized as a refugee in Canada; others have fled and are themselves refugees in a third country. "Protection delayed is protection denied!"

CHILDREN ARE KEPT SEPARATED FROM THEIR PARENTS FOR YEARS

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 Nairobi (many children wait much, much longer than two years).

SEPARATED CHILDREN AT RISK

Espérance is desperate to be reunited with her five children, who are currently refugees in Uganda. After Espérance was accepted as a refugee in Canada in 2007, she applied for her children, whose ages range from 5 years to 14 years. They are living under the supervision of an 18-year-old Rwandan refugee woman in a house in Kampala rented for them by Espérance.

In spring 2009, their situation became even more precarious when the governments of Rwanda and Uganda agreed to repatriate Rwandan refugees. The principal of the children's school informed them that they could not continue to attend after July. Espérance was also concerned that their caregiver might leave the children given that as a Rwandan she is also subject to the repatriation agreement.

In response to a special request, Nairobi visa officers have worked to expedite the processing of the children's medicals, so that they can travel to Canada as soon as possible. If regular processing times were shorter, a special request would not have been necessary in this case.



Habibo shows a photo of her son, from whom she has been separated for over five years. Habibo arrived in Canada in 2004 and was quickly recognized as a refugee from Somalia. She immediately applied for reunification with her husband and son who live as urban refugees in Nairobi. They are completely dependent on the money sent by Habibo for their basic food and shelter needs. Habibo's son is now 18 years old and has never gone to school. The Nairobi visa office didn't even assign the case a file number until June 2009.

Credit: Settlement Arts/Anna Hill

APPLICANTS ARE OFTEN IN A VULNERABLE SITUATION

Refugees and family members of refugees are often waiting in poor conditions where they are at risk of sickness and have inadequate access to health care, education and other basic services. Conditions in many of the refugee camps in the region are appalling, while the situation for refugees trying to survive in urban settings is also very precarious.

APPLICANTS MAY BE IN AN URGENT SITUATION

Because it takes months before a file is even opened by the visa office, it is often impossible to respond to urgent situations that arise (for example, if a refugee applicant becomes very sick).

THE LONGER THEY WAIT THE MORE DIFFICULT IT MAY BE FOR CHILDREN TO LEAVE REPRESSIVE COUNTRIES

Some countries from which refugees flee block the exit of older children, for example when they are close to the age of compulsory national service. The longer the wait, the greater the risk that the family separation will be permanent.

SPONSORS LOSE MOTIVATION

Potential sponsors of refugees are discouraged from submitting applications by the long delays. This means fewer opportunities for refugees to find a permanent solution.

PROLONGED FAMILY SEPARATION IS COSTLY

Separated families incur huge costs (usually the family member in Canada must send money to help support those who are left overseas). When families are reunited after long delays, there are costs to Canadian society (family members may be less healthy; children may have missed school; there are more tensions in the family). The long delays have profound psychological impacts, both on those overseas and those in Canada, with significant and long term negative consequences for their success in school, work and life.

THERE ARE STRONG FEELINGS OF ALIENATION AND PERCEPTIONS OF RACISM

Those affected have the sense that the Canadian government doesn't care about them. Since the processing times are so much longer in Nairobi than in other posts, some refugees and their family members feel that they are being discriminated against based on race.

"There is no other way to understand the processing times for African refugees than recognizing that the Canadian system is racist because those who are in most need are not the ones that are rescued in a timely way. All the reasons you exposed to justify long processing times in Sub-Saharan Africa are unfounded excuses. There is no political will to help Africans in a timely way, only because they are Africans."

Former refugee, sponsoring group member

Amina's husband died of malaria in Kakuma refugee camp in Kenya in January 2007, two and a half years after a sponsorship application was submitted for the family. Health care services in the camp are limited. Now a widow and single mother, Amina is particularly vulnerable in a camp where rape is widespread.

It is well-documented that the government of Eritrea often refuses to issue exit visas to adolescents who are approaching the age for national service.

"I do not understand why other refugees we sponsor come but not Africans. Anyways, I think that we will sponsor those who can come. If there is no will from our Government to sponsor Africans, I think that it is not fair to put our resources and energy there. We should sponsor those who will actually come. If they [Africans] won't come anyways, it is a lie on our part and false hope we are giving to the refugees and their relatives here."

Sponsor

"My file has taken sooo long... if the sponsorship had been faster, my husband would not have been kidnapped and killed. It is by the grace of God that the sponsorship found me alive. When I heard from other refugees from other parts of the world the time it took them to get in Canada, I realized that the Canadian system discriminates against African refugees."

Newly arrived refugee

"Your white people are not nice – it is 7 years since Dad left and 4 years for you too. Since they're not answering you, it shows they don't want us."

From an email recently sent to his mother by a boy waiting for reunification with his mother and father in Canada. The file is being processed at Nairobi.



LONG DELAYS WORSEN THE PROBLEM OF PROTRACTED REFUGEE SITUATIONS

The Canadian government is working internationally to try to resolve protracted refugee situations – where refugees are left for years without any permanent solution. Resettlement to Canada is a permanent solution. By delaying this solution for some refugees through slow processing, Canada is prolonging protracted refugee situations.

“Kenya’s Dadaab and Kakuma Refugee camps are two of the worst examples of the long-term warehousing of refugees in the world. Kenya confines the majority of its refugees to these camps, denying the right to work and live where and how they choose. The camps are rife with human rights abuses: rape, domestic violence, and other crimes were common in the camps [...]”

USCRI, 2008 World Refugee Survey, Worst Places for Refugees



A newly arrived mother with her child by a UNHCR tent in Dadaab. The woman was worried about how she would find her place in the crowded camp.

Credit: UNHCR/B. Heger

LACK OF RESOURCES AT NAIROBI

The fundamental challenge facing the visa office in Nairobi is that it does not have sufficient resources for the task before it.

Nairobi covers 18 different countries, more than any other visa office. It serves an area of close to 7 million km², the third largest area covered by a single visa office. The total population served is approximately 314 million, also putting it in the third rank among visa offices.

COUNTRIES COVERED BY NAIROBI VISA OFFICE:

- Burundi
- Comoros
- Congo (Brazzaville)
- Congo (Kinshasa)
- Djibouti
- Eritrea
- Ethiopia
- French Southern Territories
- Kenya
- Madagascar
- Mauritius
- Mayotte
- Reunion
- Rwanda
- Seychelles
- Somalia
- Tanzania
- Uganda

Top 5 Offices by Number of Countries Covered		
	Visa Post	# of countries covered
1	Nairobi	18
2	Paris	16
3	London*	10
4	Abidjan	13
5	Accra	12

*For skilled worker applications, London covers 17 countries

Top 5 Offices by Area Covered		
	Visa Office	Surface area (km ²)
1	Moscow	20,850,883
2	Abidjan	7,044,400
3	Nairobi	6,992,763
4	Pretoria	5,982,986
5	Paris	5,529,508

Top 5 Offices by Population Covered		
	Visa Office	Population
1	New Delhi	1,197,870,000
2	Singapore	616,633,000
3	Nairobi	313,889,306
4	Pretoria	210,037,000
5	Paris	208,047,275

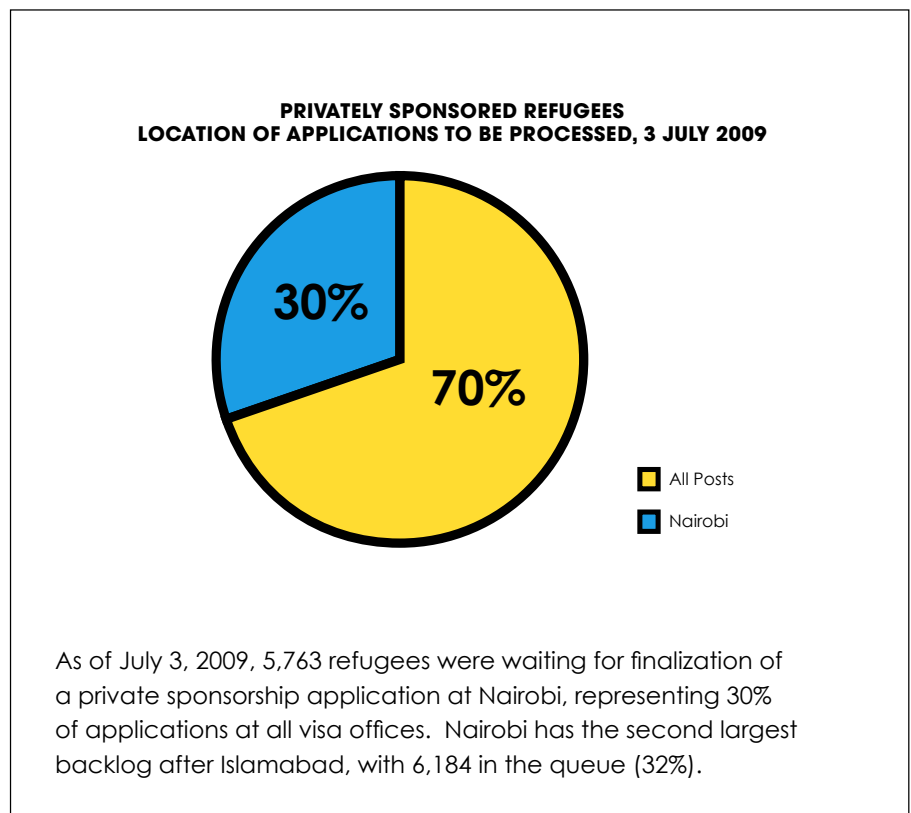
The Nairobi visa office also faces particular challenges related to communication difficulties and frequent insecurity in the region. These are also challenges borne by the people served – arguably a reason for making particularly sure that the visa office is adequately resourced so that this disadvantaged population is not further prejudiced.

“There are several factors that can influence, at any given moment, the Department’s capacity to process refugees overseas: limited operational resources, war and conflict, and the ability of our officers to safely reach a location to conduct interviews [...] Our visa office in Nairobi has responsibility for processing [privately sponsored refugees] from a wide network of countries in East and Central Africa. In 2008, Nairobi’s operations were hampered by election-related violence that resulted in the cancellation of two temporary duty assignments slated to conduct refugee interviews.”

Minister of Citizenship and Immigration Jason Kenney, 17 February 2009, in letter to CCR in response to concerns raised about processing times for privately sponsored refugees (PSRs) in Nairobi.

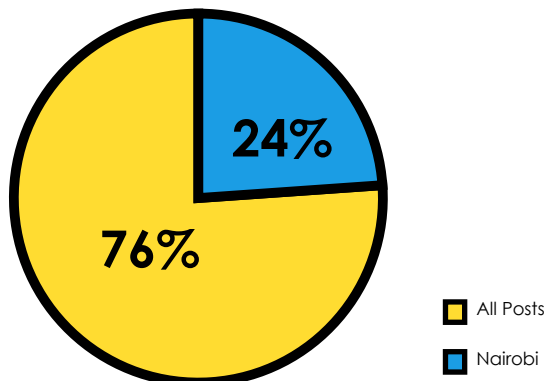
The area covered by the Nairobi visa office is also one that hosts a very large number of refugees, many of them in need of resettlement. A significant proportion of refugees in protracted refugee situations are located in this region, and UNHCR has identified resettlement as necessary for many of these refugees.

According to UNHCR statistics, countries covered by the Nairobi visa office host 56% of the refugees in Africa, and 13% of refugees globally. Of refugees in Africa in need of resettlement, fully 64% are in the region covered by the Nairobi visa post (representing 23% of the global total in need of resettlement)⁴.



⁴Sources: UNHCR, 2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons, June 2009 (data from end 2008); UNHCR Projected Global Resettlement Needs 2010, June 2009

**DEPENDANTS OF REFUGEES
LOCATION OF APPLICATIONS TO BE PROCESSED, 3 JULY 2009**



The applications of family members of refugees are also concentrated at Nairobi, with 1,477 family members waiting (24% of the total worldwide). Nairobi has by far the biggest backlog of family members of refugees (Colombo comes next with 12%).

Slow processing is inefficient. During the long delays changes occur that require time and attention from the visa office: applicants get married, children are born. This means that new applications have to be filled out and processed. Medical and security checks have to be done all over again if too much time is allowed to lapse before the visa is issued.

The lack of resources also means that the visa office is not able to keep up with inquiries when communications go missing or mistakes are made. Visa officers do their best to respond quickly in urgent circumstances, but more cases get to a point of urgency when the visa office is not able to handle the regular caseload.

In August 2005 a Sudanese family, who are being sponsored by a group in Canada, submitted their applications to the Nairobi visa office. The family lives in Fugnido refugee camp in Ethiopia – they fled Sudan more than 10 years ago. The visa office sent a letter saying that “the normal processing time is between 24 and 36 months.” They were finally interviewed in December 2008, 40 months later. In the meantime, the family had grown in size through birth and marriage. This meant new applications had to be filled out. Since the paperwork is complex, the sponsor had to send someone to the refugee camp to help the family.

The family was accepted in principle, following the interview. They are still waiting to hear when they will be able to travel to Canada.

A couple from Sudan applied for reunification with their son, after arriving in Canada as refugees in 2005. The son is in a refugee camp in Ethiopia. Nairobi began processing of the son's application, but then the family heard nothing more. They tried to contact the visa office to find out about the status of the file, but they were unable to get an answer. Finally in 2009, through an intervention by the CCR, the family learned that the visa office had apparently sent a letter of refusal in July 2007 – a letter that the family never received. They are still waiting for a copy of the letter, so they don't know on what grounds the application was refused.

WALTER, JACKSON AND VIOLETTE: CHILDHOODS SPENT WAITING

Ten years ago, Walter, Jackson and Violette fled the Congo with their parents to Tanzania. They have been living since then in the Lugufu refugee camp. Their father died, and then in 2004, their mother also died, leaving them completely alone, at the ages of 17, 14 and 12.

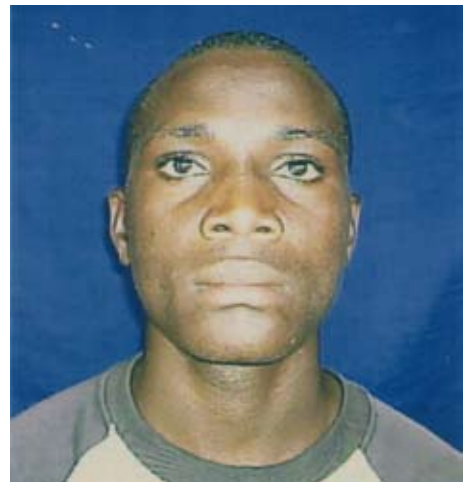
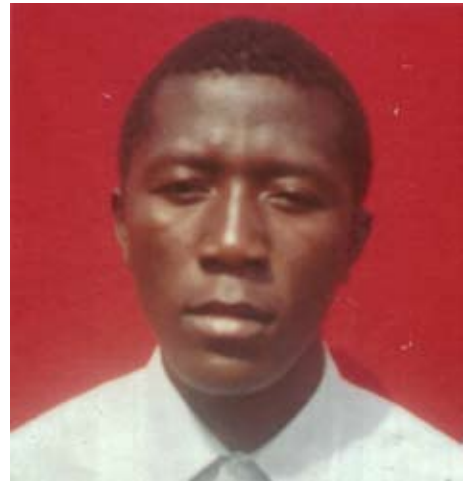
Their older brother, Daniel, who had previously settled in Canada, asked a group to sponsor his siblings, given that they were now orphans without protection. In December 2004, a sponsorship undertaking was submitted. The siblings sent their applications to the Nairobi visa office in April 2005.

Unfortunately, although the visa office had signed for receipt of the forms, they went missing. A second set of forms was sent, but that didn't help. Eventually the visa office located the forms for the eldest sibling (although the three sets of forms had been sent together). After numerous efforts by the sponsors – including sending the forms electronically and by hand – the visa office confirmed that they had all the applications and assured the sponsors that they would count April 2005 as the date of receipt.

Nothing has happened since. Recently Nairobi has said, through an MP's office, that processing at Nairobi takes 48 months, and the file was opened "only" 36 months ago. In fact, it is 52 months since April 2005.

Violette was 12 years old when her mother died and a sponsorship application was submitted in her name. She will soon be an adult. She will have spent 6 years – a third of her childhood waiting in a refugee camp for Canada to resettle her. And she still does not even have a date scheduled for an interview.

Violette and her brothers used to be able to attend school, but then that became impossible. For the last two years, they have been under threat of deportation. They have no family in the camp. Daniel, who is 26 years old, sends them money regularly from Canada. He was pursuing his education, but has abandoned that in order to work. He calls each week to inquire about developments in the file: unfortunately there is never any news to give him.



Jackson (top), Walter (middle), Violette (bottom)

CONCLUSION

The extremely long processing times at Nairobi are unacceptable. Canada is failing in its human rights obligations towards children, who are being denied timely reunification with parents in Canada. Lives are being wasted – literally, in too many cases where applicants die while waiting for processing in insecure situations. Waiting times are too long at all visa posts, but the disproportionately long times for Africans processed through Nairobi is discriminatory in effect, even if not in intention.

A range of measures are required to address these grave problems. These should include increasing resources (both human and material) at Nairobi, increasing processing targets allocated to Nairobi, and reducing the number of countries served by Nairobi by using or creating other visa posts in the region to take on some of the burden of Nairobi. There is also a need to review refugee and immigration programs to ensure that access is equitable and that Canadian anti-discrimination and anti-racism policies are fully respected.

It is urgent that solutions be implemented so that refugee families are reunited expeditiously and privately sponsored refugees are resettled in a timely way.



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