

# CANADIAN COUNCIL FOR REFUGEES



## **Keeping the door open: NGOs and the new refugee claim process**

October 2014

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## 1. Introduction

“Here, people really helped me.”

- a refugee who had been supported  
by two NGOs and a lawyer

This report examines the role played by Non-Governmental Organizations (NGOs) in providing crucial support to claimants going through the new refugee process.

In December 2012, Canada’s refugee determination system underwent important changes, as a result of amendments to the *Immigration and Refugee Protection Act*. In the revised system, claimants must comply with faster timelines for providing basic information and for appearing at the hearing on their claim.

The importance to claimants of the support provided by NGOs was one of the findings of research conducted by the CCR following the implementation of the new system (*The Experience of Refugee Claimants at Refugee Hearings in the New System*, April 2014).<sup>1</sup> Several of the refugee claimants interviewed commented on how much they needed the support of community organizations.

The same point was made in the Canadian Council for Refugees’ report on the first year following the changes, *New refugee system – one year on* (December 2013).<sup>2</sup>

“The system depends heavily on community organizations providing extensive support for claimants. However, community organizations are not funded by government to provide these services. As a result only a minority of claimants are adequately supported.”

The present report looks more closely at the role played by NGOs, and the challenges they face. It is based on:

1. The perspectives of refugee claimants interviewed in the research reported on in *The Experience of Refugee Claimants at Refugee Hearings in the New System*.
2. A survey of twenty NGOs across Canada that offer services to refugee claimants. These NGOs responded to a series of questions, either by submitting written answers or by responding orally.

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<sup>1</sup> <http://ccrweb.ca/en/refugee-hearing-report-2014>

<sup>2</sup> <http://ccrweb.ca/en/new-refugee-system-one-year>

The goal of the report is to draw attention to the critical nature of the support played by NGOs in supporting claimants in the refugee determination system. In helping refugees negotiate the determination process, and survive in their first months in Canada, NGOs help Canada to meet its legal and moral obligations to protect refugees. Nevertheless, most of this work receives no government funding and the financial situation of many NGOs is precarious at best.

It is hoped that this report will contribute to discussions on what support is needed by refugee claimants and how to ensure that all who need it have access to that support.

## 2. Role of NGOs

NGOs offer a wide range of services to claimants, according to the mandate and capacity of the organization, and the needs of the claimants served.

All of the NGOs surveyed provide **information, orientation and referrals**. All assist in one or more important ways with preparing the claim, from help **filling out forms to support in gathering evidence**, to **organizing READY tours**<sup>3</sup> or **mock hearings**. A significant proportion (seven of twenty) run a **shelter** and can therefore offer claimants a home. Many provide **access to office equipment** and help with **translating documents**. Some offer highly individualized support, such as **accompaniment to hearings** (especially for the most vulnerable claimants). Some offer specialized services such as **psychological counselling** or **health care**. Many assist claimants with dealing with the challenges of life in a new country, such as **finding housing, registering children in school** and **accessing basic services**. An important role played by all NGOs (to varying degrees) is **emotional support**. For claimants going through an intensive and stressful process, on which their future lives depend, it is important to have a place to go where they can be understood and encouraged.

The role of NGOs in providing information is evident from the interviews with claimants.<sup>4</sup> Several claimants explicitly emphasized the importance of NGOs in giving them **accurate information**.

Some claimants found out how to make a claim from an NGO. For example, Kate<sup>5</sup> had no idea what she needed to do when she arrived in Canada. She spent two weeks in the home of

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<sup>3</sup> The READY tour is a program to familiarize claimants with the hearing room and process. Initiated in Vancouver, it is now offered (in somewhat different forms) in Toronto and Montreal.

<sup>4</sup> For complete details about the interviews, see *The Experience of Refugee Claimants at Refugee Hearings in the New System*, <http://ccrweb.ca/en/refugee-hearing-report-2014>.

<sup>5</sup> The names of all claimants have been changed to protect their identities.

someone from her country of origin, whom she met by chance, until they found an NGO that serves refugee claimants.

Salvador, who was detained on arrival, said he only understood the claim process after he was released and someone at an NGO explained it to him. Several claimants did not understand what to do after a decision. Patricia felt it wasn't clear what needed to be done after being accepted. An NGO explained things to her. Two claimants who had received a negative decision relied on an NGO for information on what their options were. In Joy's case, she also needed significant **emotional support**:

“The judge told me that I should not feel that I'm totally lost or that I have no hope anymore and that the next step is to appeal. She told me I could appeal. When I got out from the premises I called my counsellor here [...] The next steps were not clear at all as I did not get any orientation from anywhere.

“I was confused, I got back to my shelter and I cried and cried and that was it. So when I spoke with her she told me that I should not worry about it, that everything would be fine, and she starting telling me what next to do.”

A couple of claimants commented on the difficulty of getting accurate information. In particular, Fara felt that the information on the CIC website about the refugee system was inaccurate and incomplete. It was only when he found an organization serving refugees that he was able to learn important things not on the website.

Many of the claimants interviewed reported that they depended on **NGO support to meet the timelines** of the new system. For example, Jasmine completed the Basis of Claim form in 10 days, but only because she had the support of her brother and a refugee serving organization that offered her a computer, help in filling out application forms, translation service and even free photocopy services. Andrea was told by an immigration official that she must fill out the Basis of Claim form (in English) while in detention. She was given no assistance when she explained to him that she doesn't read English. Finally an NGO gave her a Spanish version of the form and faxed the completed form in for her.

Several claimants who had a lawyer nevertheless depended on an NGO to **help with the forms**, often because legal aid covers only a small number of hours. For example, Ashgar worked with his lawyer and a settlement worker to fill out the documents. He met with the lawyer three times to work on the narrative, and with the settlement worker several times to fill out the forms. The lawyer would look over the forms after they were filled out.

**Translating documents** to be submitted as evidence in the refugee claim is a crucial service, highlighted by several claimants who were interviewed. For example, Alma and her family received help from an NGO for the translation of the many documents they had as evidence.

NGOs also play an important role in **preparing claimants for the hearing**, as do lawyers. Patricia was detained while making her claim, and only released a week before her hearing. She was nervous but was encouraged by her lawyer, whom she met twice. The lawyer asked her questions, playing the role of judge. She was also supported by two NGOs – one of them also helped her prepare the day before the hearing by asking her questions. Looking back on the experience, she was very conscious of how nervous she had been, and how much her lawyer and the two organizations helped her, by giving her hope. She contrasted her experience here with an earlier experience when she made a refugee claim in England: “I was all alone there ... not even a lawyer, no one, I was alone. This is why I really felt the difference. Here, people really helped me.”

Jasmine experienced a lot of stress in the lead-up to the hearing: she went every day to the NGO that was assisting her and she always received help from them.

Some claimants said that they were glad to have been able to participate in a READY tour, an NGO-led program to familiarize claimants with the hearing room and process. Several NGOs also organized mock hearings for claimants interviewed.

Several claimants expressed gratitude for the invaluable help given by civil society organizations during the claim process.

### 3. Major changes in the system

#### a) Short timelines

Timelines are much shorter, which puts pressure on claimants and the NGOs which support them to do everything much more quickly.

Of all the changes in the new system, the short timelines have the most significant impact. Claimants have 15 days to complete the Basis of Claim (BOC) form and, for regular claimants, the hearing is scheduled within 60 days of making the claim. For claimants from Designated Countries of Origin (DCO), there are even tighter timelines for the scheduling of the hearing. DCO claimants who make their claim at a port of entry (an airport or land border) have their hearing scheduled within 45 days, while those making inland claims (i.e. after they are already inside Canada) have the hearing within 30 days of making the claim. Corroborating evidence must be submitted at least 10 days before the hearing.

For some claimants, the quicker process is welcome: after receiving a positive decision, they are able to get on with building their lives in Canada. But the short timelines work well only for some claimants. One NGO commented that their clients who expressed support for the shortened timelines were strong in either English or French, and they explicitly noted that they would have felt lost if they had not known either.

A similar comment was made by one of the claimants interviewed. Hugo, who had the support of family in Canada and an NGO, said:

“I think this new process could benefit some people, but it could really have a negative impact on others depending on documents, evidence and information that people bring with them. Some people would arrive here, with no family, no support, and no information, no nothing. If we consider that it could have a negative impact on those cases.”

#### ○ *Short timelines: Obtaining documentary evidence*

Many of the NGOs surveyed emphasized that the tight time frame makes it extremely challenging to collect from the country of origin documentary evidence to support the claim (such as police reports, medical records, affidavits from witnesses). This is particularly true for claimants from Designated Countries of Origin. Even for non-DCO claimants, there is little time to contact relatives abroad and have documents obtained and sent to Canada. Regular mail service is not fast enough, and courier services are very expensive and not always available. If the originals are not in English or French, they must also be translated (at the expense of the claimant).

Claimants in detention are particularly affected because of the communications difficulties they face. There are also specific challenges for LGBT claimants since there may be particular sensitivity required in obtaining any evidence mentioning sexual orientation or gender identity. One NGO reported having heard from some claimants that a friend or family member assisting them to obtain documentation on an urgent basis was observed and accused of “helping the gay” and suffered personal consequences, such as stigmatization or even death threats.

Even obtaining documentary evidence from within Canada is difficult within the short timelines. This is particularly the case for LGBT claimants. In the past, such claimants had the time to make connections with LGBT organizations and communities in Canada, who could testify as to their participation. This is often impossible in the new system.

In addition, claimants who are suffering from Post-Traumatic Stress Disorder may be unable to present a report from a health professional as part of their evidence, given the long waits for appointments to see many psychologists and psychiatrists.

○ ***Short timelines: Establishing trust***

The shortened timelines make it difficult to establish relationships of confidence with claimants so that they are comfortable enough to share important aspects of their stories that may be hard to disclose or talk about.

This is particularly true for LGBT claimants, many of whom have been forced to hide their sexuality or gender identity all their lives, and for women who have experienced sexual violence.

○ ***Short timelines: Extra stress on claimants***

The pressures of the timelines create significant stress for claimants. This can exacerbate mental health conditions. This is a particular concern for claimants who are suffering from Post-Traumatic Stress Disorder as a result of the persecution to which they were subjected, such as torture. It may be difficult for them to describe the basis of their claim in an orderly, thorough and comprehensible way. In addition, the short timeline means that they may not be able to receive professional help before the hearing. This is a significant disadvantage: it may mean that their psychological state going into the hearing is worse.

○ ***Short timelines: Additional demands on NGOs***

The timelines also place significant stress on NGOs. Workers must be ready to respond on an urgent basis to claimants facing an upcoming deadline. It can be hard to find lawyers on short notice. In some cases, staff will work overtime. Some NGOs report financial implications: there are more calls for money to pay for translations, as they are needed on an urgent basis, or to cover costs that claimants are unable to assume, because they have only just arrived.

**b) Reduced recourses**

We have particular concerns for persons who have no access to any effective recourses whatsoever: no access to appeal or to a humanitarian application and not even a stay of removal when contesting their decision on judicial review.

New restrictions on recourses for refused claimants are also a significant factor for many claimants and NGOs. Under the new system, some claimants, including those from DCOs, are denied access to the Refugee Appeal Division and do not even benefit from a stay of removal when contesting their decision through judicial review. All refused claimants are also denied access to Pre-Removal Risk Assessment and humanitarian and compassionate (H&C) applications for one year after refusal (with limited exceptions for best interests of the child or medical issues).

NGOs reported that the lack of recourses makes it difficult to assist claimants. Where there may be some legal recourse, it can be difficult to find a lawyer (legal aid may not be available and claimants often don't have the money to pay a lawyer themselves).

In some cases, claimants come to the NGO after they have been refused: because of the speed of the process they did not get the support they needed before their refugee hearing and their claim was poorly presented. Now it may be too late to do anything about the case, because of the restrictions on recourses.

In Ontario, some refused claimants have been cut off provincial social assistance and have lost their health coverage while awaiting removal.

**c) Reduced access to health care**

We have had two clients in life-threatening situations without health coverage.

Cuts to the Interim Federal Health Program introduced in June 2012 have affected many refugee claimants and add an additional stress on NGOs working to support claimants under the new system. One NGO surveyed reported that they are now paying significant sums for doctors' appointments, medical treatments and prescription drugs.

#### **d) Challenges facing claimants preparing to make a claim inland**

Inland claimants can't get Ontario Works [social assistance]. If they delay making their claim, it may count against them. They have to find a lawyer, apply for legal aid. They want to start the process as soon as possible. The lawyers don't want to go ahead – some take a long time. Sometimes they stay a month before the eligibility determination. They don't have money to send for documents. We have to lend them money.

Under the new system, claimants who make their claim within Canada must submit their completed Basis of Claim form at the same time they initiate their refugee claim. However, until they initiate their claim, they generally have no access to even the most basic services, such as health care and social assistance. As a result, some claimants have no income while preparing their claim, a process that can take several weeks. This represents a challenge for NGOs supporting them, especially if the claimants have health problems.

The obstacles faced by these claimants can be very basic. For example, one NGO reported that there are many organizations in the LGBT community able to assist refugee claimants, but it is hard for claimants to connect with the organizations when they lack money to travel around the city.

Claimants preparing their claim are faced with contradictory pressures. On the one hand, they have the best chance of getting their claim accepted if it is carefully prepared and they wait to collect all the supporting evidence before making the claim. On the other hand, they have no revenue or health care until they initiate their claim. Some NGOs feel that lawyers are not always sensitive to claimants' living conditions: they want to take as long as necessary to have the claim fully prepared.

Several NGOs reported that they accommodate, in various ways, claimants waiting to claim: housing them in their shelter even though the claimants cannot contribute financially, or finding free housing; lending them money to send for documents; providing food and paying for medical expenses or helping them access health care providers who will see patients who don't have medical coverage.

#### **e) Sense of being targeted**

All the changes are making peoples' lives so miserable. People are already miserable when they arrive in Canada and their lives are being made more difficult.

In addition to the practical challenges in the new system, some NGOs commented on the sense that refugee claimants are being targeted for harsh treatment. The aggressive response to the boat arrivals (Ocean Lady and particularly Sun Sea) was followed by the health care cuts and then the largely restrictive changes to the refugee determination system.

Some communities in particular feel targeted, notably the Roma and the Sri Lankans.

#### **4. Groups of special concern**

The NGOs surveyed identified a number of categories of claimants for whom the new system is particularly challenging. The following are the groups that were the most frequently identified.

##### **a) Designated Countries of Origin**

Claimants from Designated Countries of Origin (DCOs) are the leading group of concern to NGOs. As well as facing tighter timelines and fewer legal recourses, they are denied health coverage. They are denied legal aid more often than other claimants. Some NGOs fear that some lawyers may not take their cases seriously.

Any kind of second-class category is inherently unfair and demeaning to those so classified. NGOs are particularly conscious of the impacts on Roma claimants.

##### **b) Detainees**

Claimants who are in detention are another group of particular concern. Because of the shorter timelines in the new system, more claimants are in detention while preparing the documents for their claim and even in some cases for the hearing itself. Even if they are released before the hearing, there may be too little time left to prepare adequately.

It is difficult for claimants to gather evidence for their claim while in detention. One NGO reported that its phone card budget has increased four-fold because of the increased need to make long-distance calls to collect evidence. This NGO also tries to supplement certain claimants' efforts by helping with country conditions research, but their capacity is limited.

Legal representation for detainees can be problematic. Even if detainees manage to get a lawyer (which is not always the case), the lawyer may be unable to make the trip to the detention centre (or provincial jail), making it impossible to prepare for the refugee hearing adequately.

Detainees often lack access to information to help them understand the refugee claim process. In some cities, NGOs visit detainees, but one such NGO reported that security screenings required by CBSA for its representatives have been delayed, making it more difficult for them

to visit detainees. For LGBT claimants, detention makes it is even more difficult to make contact with LGBT organizations.

In addition, the experience of being in detention adds significantly to claimants' psychological distress.

Once claimants are released from detention, their Interim Federal Health (IFH) coverage as detainees is cancelled and they must apply for the IFH coverage to which they are entitled as claimants. In the meantime it is difficult or impossible to get health care. In addition, IFH coverage issues may result in their immigration medical examination being delayed, which in turn delays their application for a work permit.

Claimants released from detention are not necessarily referred directly to organizations that serve claimants, leaving even less time to prepare the claims.

The timelines for short-term housing available to claimants sometimes work particularly badly for former detainees: their emergency shelter may expire around the same time as their refugee hearing. As a result, they must worry about finding housing at a time when they need to be focused on preparing for their hearing.

### **c) LGBT claimants**

Many NGOs reported a particular concern for LGBT claimants. As discussed above, the short timelines are extremely challenging for these claimants. Many may have spent their life "in the closet": they may not articulate their experiences in the terms used in Canada, let alone have evidence to substantiate their claim. If they manage to make early contact with an organization or lawyer with the appropriate sensitivity, they may have a better chance at succeeding in their claim. But this is not always the case, and it is difficult for NGOs to respond to claimants seeking support at the last minute. LGBT claimants from Designated Countries of Origin of course have even less time than others to prepare, yet LGBT rights are often routinely violated in countries that seem largely democratic and peaceful.

### **d) People with mental health issues**

Claimants with major mental health issues face serious challenges in the new system. This applies both to people with psychiatric disorders and people dealing with their experiences of trauma, including women who have suffered sexual assault. The short timelines mean that they have little time to receive medical or psychological care and obtain documentation about their condition, or to heal before the hearing. Specialized services are not always available, especially at short notice and for claimants who don't speak English or French.

**e) Claimants without English or French**

Claimants who do not speak English or French are particularly disadvantaged by the shortened timelines. They need more assistance to help them understand the refugee determination process, as well as more time to have official documents from their countries of origin translated.

The problem is mitigated if claimants are supported by an NGO that has capacity in their language, or if claimants know someone in Canada who can help guide them through the process. There are concerns, however, that some claimants rely too much on family or community members, whose understanding of the refugee system may be incomplete, inaccurate or out-of-date.

**f) Women**

In some cases, there are particular challenges for women. The short timelines combined with barriers to access to health care are a problem for pregnant women. Single women with children have additional pressures. Some women have had limited experience in the public sphere before coming to Canada; they may be particularly anxious about family left behind and about negotiating the system in Canada. It may be difficult for a woman in this situation to talk openly about her experiences, especially if they involve torture, rape or domestic violence.

**g) Youth**

A few NGOs highlighted special concerns for youth. Young people between the ages of 16 and 25 years without any family in Canada have particular needs, but there are insufficient housing and other relevant support services available to them. Where services do exist, the youth are not necessarily referred to them.

**h) People with high medical needs**

Claimants with serious medical needs require intensive support from NGOs. Given the cuts to refugee health care, access to medical care is often a problem. However, even if care is available, the short timelines of the new system are hard to negotiate for someone who is also coping with serious medical problems.

**i) Claimants outside major centres**

Claimants who find themselves in locations in Canada where there are few other claimants are at a disadvantage because specialized support for refugee claimants is not available locally. There is now less time for them to be connected with a lawyer or NGO with expertise in the refugee claim process.

## 5. How NGOs have responded to changes

NGOs reported that they have changed their priorities or services in various ways, in response to the changes in the system and new realities. Although the number of claims made in Canada has gone dramatically down since the introduction of the new system, the NGOs are all being kept more than busy serving their clients.

### ○ *Focus on claim process*

Several NGOs are now putting increased focus on the front end of the claim process. In some cases, this means getting more involved in the legal aspects of the process, including helping with research, form-filling and translation of documents, identifying supporting evidence and analyzing ministerial interventions.

For some NGOs, the increased focus on assisting with the refugee claim may also mean setting aside work on settlement issues (and making more connections with community organizations that can take over the responsibility for settlement needs).

Some NGOs said that they are largely providing the same services as before, but they have to act faster and they work under considerable pressure. For some, it means increasing staff and volunteer work on individual files and working overtime to ensure that claims are adequately prepared.

Some NGOs are conscious that they are not able to spend as much time with claimants as they would like. For example, one group used to do many in-person meetings and accompaniment services with claimants. Now there is simply not enough time “to engage in long-term active listening sessions with them, to get to know them and about their experiences at their own pace over time, and for them to get to know us.”

The new system has also affected the trajectory of claimants’ interactions with some NGOs. In the case of detainees, an NGO that visits in the detention centre reports that it now often follows former detainees until the time of their refugee hearing, whereas previously they would tend to lose contact before the hearing.

Another respondent comments that the stress for short-term volunteers or interns is much greater, as the NGO workers, including volunteers, now see the process for a claimant all the way through to the hearing. They have to work without stopping for two months and feel that the fate of the person is in their hands, because they learn the result of the hearing. Previously a claimant’s case might be handled by several workers.

○ ***Responding to new needs***

Several NGOs reported that they are now seeing more claimants who are not part of their core clientele. They are trying to respond to the needs, although there are questions about their capacity.

One NGO has increased its visits to the detention centre to twice weekly from once a week (causing a strain on capacity).

Some NGOs said that they are now paying more for translation services (since there isn't time to find other solutions for documents that are needed).

Another additional need, reported by an NGO in a smaller centre, was that of transportation to the hearing in Toronto. In the past, clients had been in Canada long enough to find their own solutions.

○ ***Supporting claimants preparing for the hearing***

Given the short time period before claimants have their hearing, a priority identified by several claimants is developing solutions to help them prepare. These include using or developing practical resources (such as the *Refugee Hearing Preparation Guide*, developed in Vancouver and expanded to Toronto), conducting mock hearings, and investment in the READY tour (previously offered only in Vancouver and now extended to Montreal and Toronto, as well as to detainees in Vancouver).

One NGO has started offering psychological services, staffed by an intern.

○ ***Claimants elsewhere***

Some NGOs reported that there were increased demands for support for claimants located beyond their community (outside their city or province), which they are doing their best to meet. Using the internet is one of the strategies adopted. These demands reflect the lack of support available to claimants who are located outside the major centres. Apart from the inadequacy of support offered through the internet or through occasional visits, one NGO worries that such services are beyond its mandate and resources.

○ ***Outreach, education and advocacy***

The need to do more outreach, information-sharing and advocacy was highlighted by several NGOs. This development reflects both external pressures (more calls from media and institutions) and a choice (for example, one organization reported giving presentations to government agencies, other service providers and student and community groups).

One organization reported that, since the changes in the law, they have been called on by other settlement organizations to provide even very basic information about the new rules. As

much as this is welcome, it creates another significant addition to the workload of the staff person.

Another organization commented:

We are pleased at the strong assistance given among NGOs through the process change. Many meetings have been held, information is shared freely and in some ways we believe the NGO community is better informed than the legal community.

Responding to the health care cuts in particular was mentioned by another NGO as a focus of advocacy and outreach: media interviews, rallies, presentations, talks, liaising with student groups, providing information on a one-on-one basis to service providers and talking to the provincial government.

○ ***Health care***

NGOs have also looked for creative ways to offer refugee claimants access to health services. For several organizations, this involves collaborating with health professionals to run volunteer health clinics.

○ ***Claims predating the new system***

One organization commented on the difficulties in managing simultaneously both the new claims and the claims under the old system (called “legacy” claims by the IRB). This can be exhausting when claims are scheduled on the same day.

○ ***Strategizing in the context of reduced options***

The new system has closed off many options for uprooted people, leading staff in one NGO to have difficult discussions about what options are left, when solutions they used to propose to clients no longer work. The refugee and immigration system is becoming more and more restrictive, and increasingly unable to meet the needs of poorest and those in the most precarious situations.

## **6. Major gaps**

The following are the main unmet needs identified by NGOs.

○ ***Delays in/lack of referrals to appropriate organizations***

Under the new system, it is more important than ever for claimants to get as soon as possible to the NGO that can best help them. While people who make their claims at the border may be given a list of NGOs to contact, there is no referral system for inland claimants. Claimants may also have more difficulty finding a specialized organization (for example, an LGBT group, or an organization with staff speaking the claimant’s language).

○ ***Lack of housing for claimants***

Housing was identified by many as a challenge. Several shelters noted that they had to turn claimants away due to lack of space. Given the speed of the refugee hearing process and the pressures to meet the requirements of that process, there is a significant advantage for claimants who stay in specialized housing for claimants, where they have access to information, practical and emotional support, and companionship.

○ ***Limited NGO resources***

Some NGOs noted that they don't have the resources to respond to all the needs of clients, especially those with multiple vulnerabilities (e.g. abused women), or even to accept all the claimants seeking services.

○ ***Legal representation***

Due to the absence or inadequacy of legal aid, some claimants are not represented by a lawyer, or get poor quality representation. Even where claimants do have a lawyer, it is often a struggle to get all the evidence together (and translated) within the short timelines. In many cases NGO staff support the lawyer with filling out paperwork and assisting with obtaining and translating relevant documents.

○ ***Translation and interpretation issues***

The refugee determination system expects claimants to provide translations of their documents, despite their lack of resources. Claimants sometimes rely on Google/Internet translations, or they turn to NGOs who depend on volunteers. One NGO also spoke about the challenges of providing interpretation for meetings between the claimant and her lawyer: it is difficult to find volunteers for this role, and in any case not desirable to use volunteers because of confidentiality issues.

○ ***Lack of mental health services***

The speed of the process means that mental health needs are more acute.

○ ***Health services for claimants with no or limited coverage***

○ ***Lack of income for inland claimants while preparing to make their claim***

Some NGOs noted that they must bear the costs for people who have not yet made their claim as they have no income.

○ ***Lack of services for claimants in provinces or regions where there are few claimants***

## 7. Sustainability

- I am concerned about my physical ability to sustain the service I am now offering...
- We have already been working beyond our capacity for a few months now...
- We are already stretched to the limits...
- We are very worried about keeping up the current pace...
- Simply surviving and sustaining present services will be a challenge in the immediate future.
- The funding situation is precarious...

The majority of NGOs expressed concerns about sustainability. Funding for most is precarious: budgets are small and funding sources very limited. There are worries that current funders may change priorities in the future, leading to less or no funding. Some NGOs reported recent cuts in funding.

The work is also taking a personal toll. Some staff are working significant unpaid overtime. Some organizations are relying largely or wholly on volunteers, who may not be able to sustain indefinitely the same level of commitment. Both staff and volunteers may be struggling with the psychological strain of working under pressure, in a context where restrictive policies mean greater challenges and more negative outcomes for clients.

## 8. Hopes and dreams for the future

Despite most NGOs' anxieties about sustainability, many have hopes and dreams, if not concrete plans, for improving responses to refugee claimants.

### ○ *Working in partnership with other organizations*

Several NGOs highlighted the importance of working with other organizations, to increase awareness of resources and needs, reduce duplication, or encourage other organizations to offer more of the services that claimant-specific NGOs cannot provide (and to become advocates for refugee claimants).

The dream would be to expand our current range of services in coordination with our partner organizations – housing, settlement, counselling, health counselling, etc. – to provide more targeted case management for each client.

○ **Housing**

Some NGOs would like to build shelters for claimants. An NGO that already runs a shelter dreams of a time when there will be transitional housing available for virtually all claimants, allowing them to stay for four years, or long enough to learn the language fully. One volunteer organization would like to have their own building, with an office as well as temporary housing for LGBT migrants, like a “big home”.

○ **New services**

NGOs are planning or dreaming of a variety of new services:

- Mental health counselling program
- Programs/new approaches to claimants leaving detention
- Expanding a program matching Canadians with claimants to men as well as women.
- Increasing availability of resources to help claimants prepare for their hearing (Refugee Hearing Preparation Guide in additional languages and in other regions, READY tour in more locations, creative use of technology for interactive preparation for hearings offered to people in remote areas).
- More support for inland refugee claimants while they have no income (e.g. bus tokens, ideally monthly transportation pass)
- More staff (and more specialized staff positions) – or some staff (for currently volunteer organization)
- A lawyer on site.
- More training for volunteer lawyers.
- Services to claimants in detention.

○ **Strengthening the organization**

Some NGOs spoke about their internal needs. One organization said that they have decided to improve the quality of their services, instead of expanding them. Another spoke of the need to maintain energy levels and support staff who are affected by the impacts of new policies. One organization is working on developing a more streamlined structure, procedures, services and referral/information system for provision of support and accompaniment.

Your dream for the future?

Keep the door open.

## 9. Appendix

### Survey of NGOs

Twenty NGOs responded to a series of questions to give input for this report, in July and August 2014. The NGOs are located in nine cities: Halifax, Montreal, Ottawa, Toronto, Hamilton, Kitchener-Waterloo, Windsor, Winnipeg and Vancouver.

#### NGO respondents

Comité d'aide aux réfugiés, Montréal  
CULTURELINK Settlement Services, Toronto  
Diocese of London Ministry to Refugee Claimants, Windsor  
FCJ Refugee Centre, Toronto  
Halifax Refugee Clinic  
Inland Refugee Society of BC, Vancouver  
Kinbrace Community Society, Vancouver  
Manitoba Interfaith Immigration Council (MIIC), Winnipeg  
Matthew House Reception Services, Toronto  
Matthew House Refugee Services (Ottawa) Inc  
Mennonite Coalition for Refugee Support, Kitchener-Waterloo  
Metropolitan Community Church of Toronto  
Micah House Refugee Reception Services Inc., Hamilton  
Mouvement contre le viol et l'inceste, Montréal  
Programme Action Réfugiés Montréal  
Romero House, Toronto  
Settlement Orientation Services (SOS), Vancouver  
Sojourn House, Toronto  
South Asian Women's Community Centre, Montréal  
Also one other organization that preferred not to be named.

#### Staffing

The NGOs mostly have a small team working with refugee claimants. Apart from one large shelter where all the staff work in one way or another with claimants, the NGOs surveyed have 6 or fewer staff working with claimants. Three-quarters of the NGOs have fewer than 5 staff doing this work. Five NGOs have 3-4 staff; four have 2 staff; five have a single staff person. Some of the positions are part-time. One NGO is volunteer-led and has no staff.

About a quarter of the NGOs reported using interns or students. Most of the organizations rely on volunteers: in some cases in significant numbers (60, 75 or even 100). Some NGOs noted that they call on volunteers for roles supporting claimants, but not for the more specialized legal work. The NGOs running shelters tend to use larger numbers of volunteers.

<b>Services offered</b>	<b>Number providing service (out of 20)</b>
Information, orientation and referrals	20
Help finding a lawyer (including referrals)	19
Help filling out forms	17
Interpretation	16
Access to office equipment (computers, printing) and communications (phone, courier, fax)	16 (some rarely)
Translation of documents	13 (some less often)
Preparing claimant for hearing	18
Other support with claim (e.g. identifying documents to provide as evidence, and collecting them)	18
Accompaniment to hearing (or other immigration appointments)	17 (some predominantly for more vulnerable)
Transportation to hearing (or other immigration appointments)	12 (at least occasionally, or help with bus fares)
Housing	7 shelters, 6 other NGOs help with finding housing
Support in accessing basic services (health, school, housing, etc)	18
Counselling	13 (some only providing referrals or informal counselling)
Financial support related to claim	8 (some limited)

Other services provided to claimants by one or more NGOs include: food banks, basic household items, furniture, health services, community orientation, social gatherings.

### **Funding sources for NGOs**

Over half of the NGOs surveyed (11 of 20) reported receiving funding from church or religious sources. In many cases that is their main source of funding. Organizations running shelters collect room and board from at least some of their residents, and some have access to provincial or municipal funds. Three organizations receive funding from the province or the municipality specifically for their work with claimants. Provincial Law Foundations provide funding to three NGOs. Three NGOs surveyed provide a range of services, some of which are funded by government, but not the services to refugee claimants. Several organizations mentioned receiving project grants from government or foundations. Many organizations receive private donations. One organization has no funding for its services. It relies on in-kind donations of services and resources.

## Survey questions for NGOs

The following are the questions put to the NGOs, which they answered either in writing or orally in a telephone interview.

1. What services does your organization offer to refugee claimants?
  - Information, orientation and referrals
  - Help finding a lawyer
  - Help filling out forms
  - Interpretation
  - Access to office equipment (computers, printing) and communications (phone, courier, fax)
  - Translation of documents
  - Preparing claimant for hearing
  - Other support with claim (e.g. identifying documents to provide as evidence, and collecting them)
  - Accompaniment to hearing (or other immigration appointments)
  - Transportation to hearing (or other immigration appointments)
  - Housing
  - Support in accessing basic services (health, school, housing, etc)
  - Counselling
  - Emotional support
  - Financial support related to claim (e.g. paying for a lawyer, for travel or other specific needs)
  - Other:
2. What is the capacity of your organization? (e.g. number of claimants per month or per year)
3. How many paid staff does your organization have to work with claimants? How much do you rely on volunteers (give details, if possible)?
4. Where does your organization get its funding for its work with refugee claimants? (e.g. government (federal, provincial, municipal), foundations, religious congregations, private donations, ...)
5. What changes have you seen since the new refugee system came into force, in terms of the needs of claimants and NGO services to respond to them (both your organization's services, and services of NGOs generally in your region)?

6. What unmet needs do you see? (e.g. claimants who don't get referred to an NGO such as yours, or are referred too late, or people you don't have capacity to help, or services that no one is offering). Please be specific.
7. Do you have particular concerns about any claimant groups, or claimants in specific situations?
8. What are the plans or dreams for your organization's services to claimants in the future? Do you expect to expand services (if so, how)? Or are you concerned about your ability to sustain the services you are offering now?
9. Do you have any other comments on the role of NGOs in the new claim process?
10. Your city:
11. Your email (in case we need clarification):
12. If you want your organization to be listed in the report as one of those interviewed in this process, please give the name here: