



# Canadian Council for Refugees

## Annual Status Report 2006

### On the Plus Side



#### + Right of permanent residence fee halved

Effective 2 May 2006, the government halved the Right of Permanent Residence fee for new immigrants from \$975 to \$490. The fee was imposed in 1995 on all adult refugees and immigrants becoming permanent residents. In 2000, refugees were exempted from the fee. Refugees in Canada, like immigrants, must still pay a processing fee for permanent residence (\$550 per adult, \$150 per child).

#### + Increased investment in settlement

The May 2006 budget confirmed the commitment, made by the previous government to provide additional resources for settlement and integration (\$307 million over two years).

#### + Direct backs

Effective 31 August 2006, the government put an end to the use of “direct backs” for refugee claimants, an administrative practice by which asylum seekers at the US-Canada border are returned to the US with an appointment to return later. If detained by the US, the asylum seekers may be denied the right to pursue their claim in Canada. While the end to the routine use of direct backs is welcome, the new guidelines still provide for their use in exceptional circumstances.

#### + Temporary protection measures for trafficked persons

On 11 May 2006, the government announced new guidelines providing for Temporary Resident Permits for trafficked persons. This marked a first step towards treating trafficked persons, often women and children, as victims of a crime, rather than as people who should be detained and deported. Further work will be needed to address some problematic aspects of the guidelines and to provide for long-term solutions for trafficked persons.

#### + New humanitarian directives

In June 2006, responding to a recommendation made by the CCR and others, Citizenship and Immigration Canada issued new guidelines providing greater flexibility in responding to the particular situations of persons applying for humanitarian and compassionate consideration.

#### + Response to war in Lebanon

The Canadian government responded efficiently and effectively to Canadians caught up in the war in Lebanon, including urgent processing of family members of Canadians. However, it would have been preferable to offer the same evacuation services to permanent residents as to citizens.

#### + Front-end security checks

The Immigration and Refugee Board issued new instructions in February 2006 to prevent refugee claimants being forced to wait indefinitely for a hearing if security checks are delayed. A refugee hearing is now scheduled after one year.

#### + Enforcement in schools

The Canada Border Services Agency issued a new policy in May 2006 stopping enforcement officers from entering schools to arrest children.

#### + Better communication with sponsors

Citizenship and Immigration Canada has improved information flow to private sponsors of refugees, allowing them to know more about how the refugees they sponsor are being processed.



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The Safe Third Country Agreement, implemented in December 2004, has been having a devastating impact on refugees. With Canada's land border largely closed to refugees, there were fewer refugee claims made in Canada in 2005 than in any year since the mid-1980s. Meanwhile, the human rights situation in the US deteriorated, particularly with respect to compliance with the Convention against Torture, making the US less safe than ever.

Five Muslim men continued to be subjected to security certificates, unable to defend themselves fairly because they are not allowed to know the evidence against them. While Mohamed Harkat was released (subject to extraordinarily restrictive conditions), three others remain in detention (all of them have now spent more than 5 years in jail). In June 2006 the Supreme Court heard challenges of the rights violations inherent in the security certificate process: a decision is awaited.

The Canadian government has maintained the position that it will deport people to torture, despite the fact that this is clearly prohibited by the Convention against Torture. In June 2006, the Canadian government flouted a request by the UN Committee against Torture to stay the removal of Bachan Singh Sogi in order to allow the Committee to study his request.

The new Conservative government has refused to implement the right to an appeal for refugee claimants, as provided for in the law passed by Parliament. As a result, wrong refugee decisions continue to go uncorrected.

Privately sponsored refugees continued to wait overseas in growing backlogs, with processing routinely taking years. Despite the backlogs of applicants waiting, the government failed in 2005 to meet even the bottom end of the projected range for privately sponsored refugees.

The government's preoccupation with economic immigration has meant little attention has been paid to resolving the problems facing families trying to reunite. These problems include long processing times, the narrow definition of family and procedural obstacles such as requests for DNA testing.

The government has failed to address the situation of large numbers of people without status in Canada. Despite the fact that they contribute in essential ways to Canada's economy and social fabric, they are left vulnerable to exploitation by their lack of status.

The government has failed to make timely appointments of members of the Immigration and Refugee Board. As a result of the shortage of decision-makers, refugee claimants and others appearing before the Board face growing waiting times.

In August 2006, the Prime Minister announced the arming of the Canada Border Services Agency. Armed border officials will send a message of hostility and suspicion to people arriving in Canada and may be particularly traumatizing for refugees who come seeking Canada's protection.

In September 2006, the government announced funding cuts that will have negative impacts for immigrants and refugees. Many of the cuts involved relatively small amounts of money but will seriously undermine efforts to achieve equality within Canadian society.

Many nationals of moratorium countries received disturbing negative decisions in their humanitarian and compassionate (H&C) applications, even though they are well established in Canada and have been living here for years. This highlights the need for a mechanism with clear criteria to provide permanent residence to people who cannot be removed because of generalized insecurity in their country of origin.

Safe third country

Security certificates

Return to torture

Refugee appeal

Private sponsorship of refugees

Family reunification

People without status

Lack of IRB appointments

Arming border officials

Government funding cuts

H&C refusals



# References for: Annual Status Report 2006 On the Plus Side



## **Right of Permanent Residence Fee Halved**

The Budget Speech 2006, The Honourable James M. Flaherty, Minister of Finance, 2 May 2006, available at <http://www.fin.gc.ca/budget06/speech/speeche.htm>: “Effective immediately, the Right of Permanent Residence Fee is reduced by 50 per cent—from \$975 to \$490.”

For the CCR’s concerns about the fee, see CCR, *Impact of the Right of Landing Fee*, February 1997, <http://www.ccrweb.ca/headtax2.htm>.

## **Increased investment in settlement**

The Budget Speech 2006, The Honourable James M. Flaherty, Minister of Finance, 2 May 2006, available at <http://www.fin.gc.ca/budget06/speech/speeche.htm>: “We are increasing immigration settlement funding by \$307 million.”

See also CIC news release, *Canada’s New Government Delivers on \$307 Million in Settlement Funding*, 10 November 2006, <http://www.cic.gc.ca/english/press/06/0620-e.html>.

For CCR recommendation to increase funding, see *Comments on settlement and integration to the Standing Committee on Citizenship and Immigration*, 16 April 2003, <http://www.ccrweb.ca/settlementcomments.html>.

## **Direct backs**

For the government’s account of the decision to end direct backs, see the report on the first year of implementation of the Canada-U.S. Safe Third Country Agreement, *A Partnership for Protection Year One Review*, November 2006, <http://www.cic.gc.ca/english/policy/partnership/index.html>.

For the UNHCR concerns, see the UNHCR Monitoring report, available at <http://www.cic.gc.ca/english/policy/partnership/appendices.html>.

For information about a petition to the Inter-American Commission on Human Rights, contesting the use of direct backs, see CCR Release: *Rights Groups Urge OAS to Declare Canadian Refugee Policy a Rights Abuse*, 1 April 2004, <http://www.ccrweb.ca/petition.html>. On 27 October 2006, the petition, *John Doe et Al. Canada*, was found admissible by the Inter-American Commission on Human Rights (Report No 121/06)

## **Temporary protection measures for trafficked persons**

CIC news release, *Assistance for Victims of Human Trafficking*, 11 May 2006, <http://www.cic.gc.ca/english/press/06/0602-e.html>.

CCR media release: *CCR welcomes emergency protection measure for trafficked persons*, 11 May 2006, <http://www.ccrweb.ca/release11May06traff.htm>.

## **New humanitarian directives**

For the recommendation, see CCR, *Issues for Humanitarian and Compassionate (H&C) roundtable*, 27-28 March 2006, <http://www.ccrweb.ca/H&CMarch2006.html>. “Barriers to landing for those accepted in principle” point A, 10.

The new policy is contained in *Interim instructions to CIC officers concerning the examination of H&C applications (in Canada)*, issued 7 June 2006. These state: “CIC officers assessing applications for humanitarian and compassionate (H&C) consideration must consider exempting any applicable criteria or obligation of the Act, **including inadmissibilities**, when the foreign national has specifically requested such an exemption, or it is clear from the material that the foreign national is seeking such an exemption.”

## **Response to war in Lebanon**

See CIC news release, *Immigration measures to help reunite families affected by Lebanon conflict*, 27 July 2006, <http://www.cic.gc.ca/english/press/06/0606-e.html>.

## **Front-end security checks**

See IRB, *Instructions Governing the Management of Refugee Protection Claims Awaiting Front-end Security Screening*, 15 February 2006. [http://www.irb-cisr.gc.ca/en/references/policy/instructions/securit\\_e.htm](http://www.irb-cisr.gc.ca/en/references/policy/instructions/securit_e.htm)

## **Enforcement in schools**

Following incidents in April 2006 when children were arrested in schools by the Canada Border Services Agency (CBSA), the CCR wrote to CBSA to complain. CBSA responded with a copy of an operational bulletin, *CBSA officers attending schools for the purpose of apprehending parents of school age children*, issued in May 2006. According to the bulletin, “Officers are not to enter schools or access school information for the purpose of enforcing the *Immigration and Refugee Protection Act (IRPA)*, except in extraordinary circumstances.”

## **Better communication with sponsors**

Initiatives to improve communication with private sponsors of refugees include monthly conference calls of the NGO-government sub-committee and a quarterly newsletter from CIC Resettlement Division.

# References for: Annual Status Report 2006 On the Minus Side

## Safe third country

See CCR report, *Closing the Front Door on Refugees: Report on the First Year of the Safe Third Country Agreement*, 29 December 2005, <http://www.ccrweb.ca/closingdoordec05.pdf>.

Also CCR media releases, *Groups launch legal challenge of Safe Third Country Agreement*, 29 December 2005, <http://www.ccrweb.ca/release29dec05.html> and *Safe Third Country Agreement Shown to Violate Refugee Rights*, 29 March 2006, <http://www.ccrweb.ca/releasesafe3March06.html>.

## Security certificates

See CCR *Chronicle Vol. 1, Issue 4*, 4 July 2006, item g) *CCR appears before the Supreme Court in Security Certificate case*, <http://www.ccrweb.ca/chronicle4.html#seccert>.

## Return to torture

See CCR Media release, *CCR calls for stay of removal while threat of torture examined*, 29 June 2006, <http://www.ccrweb.ca/releasesogi.html>.

## Refugee appeal

See *Letter regarding non-implementation of the Refugee Appeal Division* (joint CCR, AI, KAIROS letter to all Members of Parliament), November 2005, <http://www.ccrweb.ca/RADletter.pdf>

For CIC position, see CIC, *The Refugee Appeal Division: Backgrounder*, 3 November 2005, <http://www.cic.gc.ca/english/refugees/rad-backgrounder.html>

## Private sponsorship of refugees

See CIC, *Annual Report to Parliament on Immigration, 2006*, 31 October 2006, <http://www.cic.gc.ca/english/pub/annual-report2006/index.html>. Table 3 shows that 2,976 privately sponsored refugees were admitted in 2005, below the lower end of the target range (3,000-4,000).

See also CCR, *The Private Sponsorship of Refugees Program: Current Challenges and Opportunities*, April 2006, <http://www.ccrweb.ca/PSRPBriefing.pdf>.

## Family reunification

See CCR, *Manifesto on Family Reunification*, April 2006, available at [www.reunification.ca](http://www.reunification.ca).

See also CCR Media Release, *CCR Criticizes Canada's Treatment of Non-citizens in Report to United Nations Committee*, 21 March 2006, <http://www.ccrweb.ca/releaseCESCRMarch06.html> and Report to the UN Committee on Economic, Social and Cultural Rights, *Non-Citizens in Canada: Equally Human, Equally Entitled to Rights*, March 2006, <http://www.ccrweb.ca/CESCRsubmission.pdf>.

## People without status

See CCR, *Proposal for the regularization of individuals and families without status*, adopted June 2006, <http://www.ccrweb.ca/regularization.html>.

## Lack of IRB appointments

See CCR Media release, *Government Appointment Failures Hurt Refugees*, 21 September 2006, <http://www.ccrweb.ca/releaseIRBapptsept06.html>.

## Arming border officials

Office of the Prime Minister, News Release, *Prime Minister Harper announces initiatives to improve Canada's border security*, 31 August 2006, <http://www.pm.gc.ca/eng/media.asp?id=1302>

See CCR, *Letter to the Prime Minister opposing the arming of CBSA*, 26 October 2006, <http://www.ccrweb.ca/armingCBSA.html>.

## Government funding cuts

Finance Canada, News release, *Canada's New Government cuts wasteful programs, refocuses spending on priorities, achieves major debt reduction as promised*, 25 September 2006, <http://www.fin.gc.ca/news06/06-047e.html>.

CCR Media release, *Government cuts will hurt refugees and immigrants*, 11 October 2006, <http://www.ccrweb.ca/releasectpoc06.html>

CCR *Statement on the federal budget cuts and their impact on refugees and immigrants*, 31 October 2006, <http://www.ccrweb.ca/statementoct06.html>

## H&C refusals

Lives on Hold Coalition Media release, *Lives on hold: The limits of humanitarian and compassionate applications*, 26 September 2006, <http://www.ccrweb.ca/releaseLivessept06.html>.

Lives on Hold Coalition report, *Lives on hold: The limits of H&C*, September 2006, <http://www.ccrweb.ca/LivesonholdH&C.pdf>.