



# Canadian Council for Refugees

## Annual Status Report 2007

### On the Plus Side



#### Vulnerable person guidelines

In December 2006, the Immigration and Refugee Board issued guidelines for vulnerable persons, including survivors of torture. The guideline recognizes that appearing before the Board will be a particularly difficult experience for some people, and proposes measures to be taken to accommodate them and reduce the risk of retraumatization. The CCR has been calling for guidelines for survivors of torture since 1994.



#### Increase in privately-sponsored refugees

3,337 privately sponsored refugees were admitted to Canada in 2006, representing the largest number since 2001, and the first time in three years that the government has reached the lower end of the planned levels for privately sponsored refugees (3,000 in 2006). The number admitted, however, was still way below the upper end, despite the fact that there are many refugees waiting for resettlement to Canada, for whom private sponsors have submitted applications.



#### Improved temporary protection for trafficked persons

In June 2007, the government announced that Temporary Resident Permits (TRP) for victims of trafficking would be valid for 180 days, increased from 120 days. This will provide trafficked persons with a longer period to make decisions on their future, and means they can apply for a work permit. The CCR is concerned, however, that a TRP is sometimes not offered to trafficked persons and there is no measure of permanent protection. The CCR has developed a proposal for legislative amendment to protect trafficked persons.



#### Access to foreign credential recognition

In January 2007, the Ontario Superior Court found that professional bodies have a human rights obligation to be flexible in assessing foreign credentials, including towards refugees who may not be able to provide original documents. The case concerned a teacher, Fatima Siadat, who fled Iran as a refugee. In May 2007, Citizenship and Immigration launched Foreign Credentials Referral Office, designed to assist foreign-trained individuals in having their credentials recognized.



#### Complaint mechanism recommended for CBSA

In his December 2006 policy review report for the Arar Commission, Justice Dennis O'Connor recommended that the Canada Border Services Agency be subject to review by a new mechanism that would also review the RCMP. The CCR has long called for an independent complaints mechanism for CBSA, perhaps the only enforcement body in Canada with the powers of arrest and detention that is subject to no external review. The government has yet to implement the Arar Commission policy recommendations.



#### Canada leading international dialogue on resettlement

In June 2007, the Canadian government assumed the chair of the Annual Tripartite Consultations on Resettlement, which brings together the UNHCR and governments and NGOs of resettlement countries. The government has demonstrated a commitment to using the process of dialogue to strengthen resettlement opportunities and to maximize the contribution of NGOs.



# *References for:* Annual Status Report 2007 On the Plus Side



## Vulnerable person guidelines

Guideline 8: Guideline on Procedures with Respect to Vulnerable Persons Appearing Before the IRB, issued by the Chairperson of the Immigration and Refugee Board, 15 December 2006, available at [http://www.irb-cisr.gc.ca/en/references/policy/guidelines/vulnerable\\_e.htm](http://www.irb-cisr.gc.ca/en/references/policy/guidelines/vulnerable_e.htm).

## Increase in privately sponsored refugees

*Refugees admitted through the Private Sponsorship of Refugees Program*

Year	Planned levels		Actual
	Lower end	Upper end	
2001	2,800	4,200	3,570
2002	2,900	4,200	3,044
2003	2,900	4,200	3,253
2004	3,400	4,000	3,115
2005	3,000	4,000	2,976
2006	3,000	4,000	3,337

Figures from annual reports to Parliament, available at <http://www.cic.gc.ca/english/resources/publications/index.asp>.

## Improved temporary protection for trafficked persons

CIC news release, *Canada's new government strengthens protection for victims of human trafficking*, 19 June 2007, <http://www.cic.gc.ca/english/department/media/releases/2007/2007-06-19.asp>

CCR, *Proposal for legislative amendment to protect trafficked persons*, February 2007, <http://www.ccrweb.ca/traffickingproposal.html>

For more information on trafficking, see also [www.trafficking.ca](http://www.trafficking.ca)

## Access to foreign credential recognition

CCR news release, *Court ruling on credentials challenges discriminatory practices against refugees*, 7 January 2007, <http://www.ccrweb.ca/mediacredentialjan07.html>

The Ontario Superior Court decision, *Fatima Siadat v. Ontario College of Teachers*, 10 January 2007, file 561-04 is available at <http://www.canlii.org/en/on/onscdc/doc/2007/2007canlii253/2007canlii253.html>

CIC News Release, *Canada's new government launches first phase of Foreign Credentials Referral Office*, 24 May 2007, <http://www.cic.gc.ca/english/department/media/releases/2007/2007-05-24.asp>

## Complaint mechanism recommended for CBSA

Arar Commission press release, *Arar Commission recommends a new review agency for the RCMP's national security activities, and a new review process for five other agencies*, 12 December 2006, [http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher\\_arar/07-09-13/www.ararcommission.ca/eng/PolicyReviewDec12-English.pdf](http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher_arar/07-09-13/www.ararcommission.ca/eng/PolicyReviewDec12-English.pdf)

The full policy review report, *A New Review Mechanism for the RCMP's National Security Activities*, is available at [http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher\\_arar/07-09-13/www.ararcommission.ca/eng/EnglishReportDec122006.pdf](http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher_arar/07-09-13/www.ararcommission.ca/eng/EnglishReportDec122006.pdf)

## Canada leading international dialogue on resettlement

Information about the Annual Tripartite Consultations (ATC) is available at <http://www.unhcr.org/protect/3bc6f5c64.html>.

# *References for:*

## Annual Status Report 2007

### On the Minus Side

#### **Limited response to Iraqi refugees**

CCR media release, *Canada urged to resettle more Iraqi refugees*, 16 April 2007, <http://www.ccrweb.ca/eng/media/pressreleases/16april07.htm> and Backgrounder, <http://www.ccrweb.ca/documents/Iraqirefugees.pdf>

#### **Excluded family members**

CCR, *Submission on Excluded Family Members, R. 117(9)(d), June 2007*, <http://www.ccrweb.ca/documents/excludedfam.pdf>

CCR backgrounder, *Families never to be united: Excluded Family Members*, April 2005, <http://www.ccrweb.ca/excludedfam.html>

#### **Criminalizing aid to refugees**

CCR media release, *Prosecution of refugee advocate denounced*, 27 Sept. 2007, <http://www.ccrweb.ca/eng/media/pressreleases/27sept07.htm>

CCR and Amnesty International media release, *Former Cabinet ministers, faith leaders speak out against prosecutions for aiding and abetting refugees*, 9 November 2007, <http://www.ccrweb.ca/eng/media/pressreleases/9nov07.htm>

#### **Denying access to asylum**

CCR and Amnesty International media release, *CCR and Amnesty International condemn summary removal of refugee claimants*, 10 October 2007, <http://www.ccrweb.ca/eng/media/pressreleases/10oct07.html>

UN High Commissioner for Refugees release, *UNHCR Expresses Deep Concern over Canada's continued policy of Direct Backs*, 10 October 2007, <http://www.newswire.ca/en/releases/archive/October2007/10/c2460.html>

A complaint about Canada's use of direct backs lodged with the Inter-American Commission on Human Rights is pending. The petition is available at <http://www.ccrweb.ca/IACHRpet.PDF>.

CCR media release and backgrounder, *Government urged to recognize that U.S. is less safe than ever*, 6 December 2006, <http://www.ccrweb.ca/releaselessafedec06.html>

CCR report, *Less safe than ever, Challenging the designation of the US as a safe third country for refugees*, November 2006, <http://www.ccrweb.ca/Lesssafe.pdf>

CCR report, *Supplementary submission to Cabinet with respect to the designation of the U.S. as a safe third country for refugees*, April 2007, <http://www.ccrweb.ca/documents/safethirdapril07.pdf>

#### **Growing backlog of refugee claims**

CCR media release, *Canadian refugee system made vulnerable by government inaction*, 25 Sept. 2007, <http://www.ccrweb.ca/eng/media/pressreleases/25sept07.htm>

CCR media release, *Groups dismayed over politicization of appointments to Immigration and Refugee Board*, 27 February 2007, <http://www.ccrweb.ca/releaseIRBfeb07.html>

#### **No solution for moratorium countries nationals**

CCR media release, *Lives on Hold: The faces behind humanitarian and compassionate applications*, 7 March 2007, <http://www.ccrweb.ca/eng/media/pressreleases/7march07.htm>

#### **Security certificates and secret evidence**

CCR and International Civil Liberties Monitoring Group media release, *Rights organizations oppose Bill C-3 on unfair security certificates*, 23 October 2007, <http://www.ccrweb.ca/eng/media/pressreleases/22oct07.htm>

CCR media release, *CCR calls on parliament to abandon unfair security certificates*, 7 June 2007, <http://www.ccrweb.ca/eng/media/pressreleases/7june2007.htm>

CCR submission, *Security certificates: Next steps, June 2007*, <http://www.ccrweb.ca/documents/Certificates07.pdf>

CCR letter to Minister of Public Safety concerning detention conditions for security certificate detainees, 30 January 2007, <http://www.ccrweb.ca/day30jan07.html>

#### **Racialization of poverty**

Statistics Canada, *Chronic Low Income and Low-income Dynamics Among Recent Immigrants*, Garnett Picot, Feng Hou and Simon Coulombe, 30 January 2007, <http://www.statcan.ca/english/research/11F0019MIE/11F0019MIE2007294.htm>



# Canadian Council for Refugees

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### On the Minus Side

#### — Limited response to Iraqi refugees

Despite the scale of the catastrophe facing displaced Iraqis, who now constitute the largest displaced population in the world, Canada's response has been extremely limited, both in terms of resettlement and aid to the most affected countries in the region. Many private sponsors are eager to resettle Iraqis, especially the most vulnerable and those with family links in Canada, but were dismayed by the large numbers of Iraqis rejected as refugees by Canadian visa officers in the earlier part of the year (the acceptance rate has since increased).

#### — Excluded family members

The government has not acted to resolve the problem of "excluded family members" denied any possibility of family reunification because of a 2002 regulation change that has had unintended consequences. As a result children face permanent separation from their parents. Citizenship and Immigration Canada did commit to review the impact of the regulation on individual cases, but the review was postponed due to lack of resources.

#### — Criminalizing aid to refugees

In September 2007, the government arrested and laid people-smuggling charges against Janet Hinshaw-Thomas, a representative of a US NGO who was assisting a group of Haitians to make refugee claims at a Canadian border point. Although the charges were dropped several weeks later, the threat remains that others who assist refugees could face similar charges. A broad coalition of organizations and individuals are calling for the law to be changed.

#### — Denying access to asylum

In October 2007, the Canadian government summarily removed 9 asylum seekers to the US without offering them any due process, using a process termed "direct backs". The move drew public criticism from the UNHCR. The "direct backs" come on top of the Safe Third Country Agreement which already closes the door on most claimants at the US-Canada border. A Federal Court decision on a legal challenge of safe third is awaited. Meanwhile, despite requests from the CCR, the federal Cabinet has not reviewed whether changes in the US mean that it can no longer be considered safe, if it ever was.

#### — Growing backlog of refugee claims

The government's continuing failure to appoint and re-appoint sufficient numbers of members to the Immigration and Refugee Board has led to a fast-growing backlog of claims waiting to be heard, leaving refugees insecure and separated for long periods from family members who may be at risk. In September 2007, the Board was short more than one-third of the refugee decision-makers. Earlier in the year, the government had moved towards re-politicization of the appointments process.

#### — No solution for country nationals

The government failed to respond to the situation of people living without status in Canada, including nationals of countries to which Canada does not deport. Some have been living in limbo in Canada for five or even ten years, unable to return to their countries of origin. The government suggests they apply for permanent residence on humanitarian grounds, but decision-making is highly inconsistent and many have been refused. The government has undertaken to strengthen the guidelines for decision-makers but this has still not been done.

#### — Security certificates and secret evidence

In October 2007, the government introduced Bill C-3 amending the security certificate process in response to the Supreme Court's February *Charkaoui* decision. Despite the Court's finding that the use of secret evidence means that hearings are unfair, the government bill proposes to perpetuate its use, not only in security certificates but also in other immigration proceedings. Earlier in the year, the harsh conditions in which the security certificate detainees were being held led to several of them undertaking prolonged hunger strikes.

#### — Racialization of poverty

Newcomers to Canada continue to face significant barriers to full participation in Canadian society arising from barriers to economic integration, and systemic barriers that contribute to social and political exclusion. Poverty in Canada is racialized and feminized, with people from racialized communities and women experiencing disproportionately high levels of poverty. A January 2007 Statistics Canada study found a high proportion of recent immigrants faced chronic low income, even though more immigrants are arriving in Canada with high professional skill levels.