

**X** Canada respects the rights of all refugees and immigrants living in Canada.

**✓** Canadians are rightly proud of our Charter of Rights and Freedoms and our human rights commitments, but our record is not spotless. For example, Canada has been criticized by the United Nations Committee against Torture and the UN Human Rights Committee for not recognizing our responsibility as a signatory to the Convention against Torture not to return a person to a country where there is a risk of torture, without exception.<sup>18</sup>

**✓** The UN Committee on the Rights of the Child has repeatedly criticized Canada for its slowness in reuniting refugee families, in violation of the Convention on the Rights of the Child which requires States to deal expeditiously with requests for family reunification.<sup>19</sup>

**✓** In 2000, the Inter-American Commission on Human Rights identified a series of flaws in Canada's refugee determination system, including the lack of appeal.<sup>20</sup> Many of these flaws have not been addressed, as is shown in the finding of the UN Committee against Torture in the case of Mr. Falcon Rios. The Committee found that the Canadian refugee claim process had not been effective in assessing his risk of torture.<sup>21</sup>

## ? References and Additional Resources (continued):

<sup>5</sup>Claimants can seek judicial review at the Federal Court of a negative determination, but only with leave (or permission) and the Federal Court can only correct certain types of error. This means that the refugee determination may be wrong, but still not be overturned by the Federal Court. The other recourses available to refugee claimants are not reviews of the initial determination: the Pre-Removal Risk Assessment (PRRA) will only consider new evidence; and the Humanitarian and Compassionate application will not revisit the refugee determination (and the claimant may be deported while the application is pending). For more details, see: CCR. *The Refugee Appeal: Is no one listening?* March 2005, and other information at: [www.ccrweb.ca/RADpage/RADpage.htm](http://www.ccrweb.ca/RADpage/RADpage.htm)

<sup>6</sup>Immigration and Refugee Board of Canada. *Departmental Performance Report 2006-07*. Available at: <http://www.tbs-sct.gc.ca/dpr-rmr/2006-2007/inst/irb/irb00-eng.asp>

<sup>7</sup>According to the US Committee for Refugees and Immigrants (USCRI), countries with per capita incomes over \$10,000 US (Canada included) host a mere 5% of the world's refugees. USCRI. *World Refugee Survey 2007*. p.13 (Table 13).

<sup>8</sup>USCRI. *World Refugee Survey 2007*. p.13 (Table 12).

<sup>9</sup>USCRI. *World Refugee Survey 2007*. p.13 (Table 12).

<sup>10</sup>USCRI. *World Refugee Survey 2007*. p.15 (Table 15).

<sup>11</sup>USCRI. *World Refugee Survey 2007*. p.15 (Table 15).

<sup>12</sup>For the years 2003-2006, only 7 out of a total of 99,980 claims were found ineligible on grounds of security. Calculated by the Canadian Council for Refugees from statistics provided by Citizenship and Immigration Canada.

<sup>13</sup>Terence Corcoran. "Immigration report worth ignoring". *The National Post*. 14 March 2006.

<sup>14</sup>*Longitudinal Survey of Immigrants to Canada (LSIC): Process, progress and prospects*. 4 Sept. 2003. p. 35. Available at: [www.statcan.ca/english/dai-quo/](http://www.statcan.ca/english/dai-quo/).

<sup>15</sup>Picot, Garnett, Feng Hou and Simon Coulombe. *Chronic Low Income and Low-income Dynamics Among Recent Immigrants*. Statistics Canada Analytical Studies Branch Paper Series. Volume 2007, Number 294, pp. 7, 24. Available at: [www.statcan.ca/english/research/11F0019MIE/11F0019MIE2007294.pdf](http://www.statcan.ca/english/research/11F0019MIE/11F0019MIE2007294.pdf)

<sup>16</sup>Frank Oliver, House of Commons Debates, 12 April 1901. Frank Oliver went on to become the immigration minister.

<sup>17</sup>"Address by the Prime Minister at the World Urban Forum", 19 June 2006. Available at: [www.pm.gc.ca/eng/media.asp?id=1212](http://www.pm.gc.ca/eng/media.asp?id=1212)

<sup>18</sup>Office of the High Commissioner for Human Rights (OHCHR). *Conclusions and recommendations of the Committee against Torture: Canada*. CAT/C/CR/34/CAN. 7 July 2005, para.s 5(a) and (b); OHCHR. *Conclusions and recommendations of the Committee for Human Rights: Canada*. CCPR/C/CAN/CO/5, Apr. 2006, para. 15. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>19</sup>Committee on the Rights of the Child. *Concluding observations of the Committee on the Rights of the Child : Canada*. CRC/C/15/Add.37, June 1995, para.s 15, 24.; *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Canada*. CRC/C/15/Add.215, Oct. 2003, para. 47. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>20</sup>Inter-American Commission on Human Rights. *Report on the situation of human rights of asylum seekers within the Canadian refugee determination system*. OEA/Ser.LN/II.106, Doc. 40; Available at: [www.cidh.oas.org](http://www.cidh.oas.org)

<sup>21</sup>CAT. *Case No. 133/1999: Falcon Ríos v. Canada*. Available at: [www.ohchr.org](http://www.ohchr.org)

More information available at:  
**[www.ccrweb.ca](http://www.ccrweb.ca)**

# Facing Facts

## Myths and misconceptions about refugees and immigrants in Canada



**X** Real refugees are those who wait in refugee camps overseas. Those who make a claim in Canada jump the line and are not as deserving.

**✓** Refugees are people who have been forced from their homes by human rights abuses. All refugees have a right to protection, wherever they are. Saying that some refugees are more deserving than others is the same as saying that some human beings are of less value than others.

**✓** Canada has legal obligations towards refugees in Canada under the *Convention Relating to the Status of Refugees* and the *Convention against Torture*.<sup>1</sup> The Supreme Court of Canada has also confirmed that the Canadian Charter of Rights and Freedoms guarantees the right of asylum seekers to fundamental justice.<sup>2</sup> Not everyone who makes a claim in Canada will be found to be a refugee, but all need to be heard to ensure that no one is sent back to face persecution or torture. Canada does not have the same legal obligations towards refugees outside Canada who apply for resettlement.

**✓** We should not expect refugees to wait passively for someone to help them. Refugees do what they can to save their lives and the lives of their families. Refugees are survivors – and of those who make it to Canada, most have already survived a lot!

## ? References and Additional Resources:

<sup>1</sup>*Convention Relating to the Status of Refugees*, Article 33. Available at: [www.ohchr.org](http://www.ohchr.org). *Convention against Torture*, Article 3. Available at: [www.ohchr.org](http://www.ohchr.org)

<sup>2</sup>*Singh v. Minister of Employment and Immigration*. [1985] 1 SCR 177.

<sup>3</sup>*Convention Relating to the Status of Refugees*, Article 31. This is reflected in Canada's *Immigration and Refugee Protection Act* (s. 133) which exempts refugees from prosecution for using false documents.

<sup>4</sup>UNHCR. *Identity Documents for Refugees*. Document EC/SCP/33.

## **X** Real refugees don't travel on false documents.

✓ **O**n the contrary, international law recognizes that refugees often have no choice but to enter a country of asylum illegally. The Refugee Convention therefore prohibits governments from penalizing refugees who enter or remain illegally in their territory.<sup>3</sup>

✓ **I**nterdiction measures include visa requirements and identity checks by airlines and other carriers. Used by many governments – including the Canadian government – to prevent people from arriving on their territory, these measures force refugees to use smugglers and false documents to reach safety.

✓ **M**any Jews fleeing Nazi persecution in the first half of the twentieth century used false documents to reach safety and were later recognized as refugees.

✓ **F**or many refugees fleeing persecution, a false travel document is the only means of escape. Repressive governments often refuse to issue passports to known political dissidents – or imprison them if they apply. Sometimes refugees are stripped of their identification as they flee from conflict or have no time to collect their documents before fleeing for safety.

“ Due to the circumstances in which they are sometimes forced to leave their home country, refugees are perhaps more likely than other aliens to find themselves without identity documents.<sup>4</sup> ”

– Office of the United Nations High Commissioner for Refugees (UNHCR)

## **X** Canada's refugee determination system needs reform to become faster.

✓ **R**efugee status determination is an inherently difficult process. Placing speed above other criteria in the process leads to poor decisions.

✓ **U**nlike other countries with a refugee determination system, including the United States, the United Kingdom, France, the Netherlands and South Africa, Canada does not give refused claimants an appeal on the merits of their case, even though a refugee appeal was legislated in the 2001 *Immigration and Refugee Protection Act*. As a result, wrong decisions in Canada often go uncorrected and refugees face forced return to persecution.<sup>5</sup>

✓ **R**efugee status determination processing times are determined by how effectively the government manages the process. One cause of increased processing times is government failure to make timely appointments of members to the Immigration and Refugee Board. In 2006-07, the Immigration and Refugee Board finalized 23% fewer claims than projected,<sup>6</sup> due to a shortage of board members.

## **X** Canada does more than its share to assist refugees and asylum seekers when compared to other countries.

✓ **O**nly a small minority of refugees and asylum seekers make claims in the world's richest countries, including Canada.<sup>7</sup> In 2006, Tanzania alone hosted more refugees than Canada, France, Australia, the United States, Germany, Spain and Japan combined.<sup>8</sup> While Syria, Chad, Kenya, Thailand, China, Iran and Jordan each hosted more than 250,000 refugees in 2006, Canada hosted only 43,500.<sup>9</sup>

✓ **C**anada donates far less per capita in support for refugees abroad than Norway, Sweden, Denmark, the Netherlands and Ireland. For example, in 2006 Norway donated over 9 times more money per capita than Canada to international refugee aid agencies.<sup>10</sup> Per capita, Canada was only the twelfth largest donor to international refugee aid agencies in 2006.<sup>11</sup>

## **X** Refugee claimants pose threats to Canada's security.

✓ **R**efugee claimants are not threats to security – they are seeking security and protection from threats to their own lives.

✓ **R**efugee claimants all go through a front-end security screening, in place since November 2001. Through this process, the Canadian Security Intelligence Service (CSIS) checks all refugee claimants on arrival in Canada. Since the screening was put in place, the number of claimants found to represent any kind of security concern has been statistically insignificant.<sup>12</sup>

✓ **I**t is far more difficult to enter Canada as a refugee than as a visitor, because the refugee determination process involves security checks by CSIS and the RCMP, fingerprinting and interviews. It is not likely that a person intending to commit a violent act would expose themselves to such detailed examinations.

✓ **T**he *Immigration and Refugee Protection Act* excludes refugee claimants if they are found to be inadmissible on the basis of security, serious criminality, organized criminality or human rights violations.

“ We may need a policy to deal with terrorism, but it does not follow that immigration or refugee determination is the place to start.<sup>13</sup> ”

– Terence Corcoran, *The National Post*

## **X** Family class immigrants contribute less to Canada than economic immigrants.

✓ **F**amilies make significant positive contributions to Canadian society. The Longitudinal Survey of Immigrants to Canada (2003) found that immigrants tend to establish themselves more easily if they are supported by their families.<sup>14</sup>

✓ **A**ccording to a 2007 Statistics Canada study, family class immigrants are less likely to be low-income than skilled workers immediately after they arrive in Canada.<sup>15</sup>

✓ **P**eople contribute to society in many ways. We make a fundamental error if we rank the value of one's contribution, whether immigrant or native born, purely in economic terms. In our complex economy, all contributions are necessary and valued irrespective of income level. People contribute in many other ways, as caregivers, leaders, artists, community workers and elders.

## **X** Canada has more difficulty integrating newcomers today than a century ago. Immigrants are now more diverse.

✓ **F**ears about immigrant integration are not new. Generation after generation, people have worried about whether the most recent immigrants will integrate as well as previous immigrants.

✓ **A** hundred years ago, Canada was actually quite diverse, with First Nations peoples, a significant Chinese population especially in the West and African Canadians who had been living in Canada for generations, in addition to people of different European heritages. Due to racism this diversity was denied and has tended to be forgotten. Among the early immigrants arriving in large numbers, some European groups were seen as big challenges to integration. Ukrainians, for example, were seen by many as alien because of perceived differences in race (Slav), language, religion (Orthodox) and customs. In 1901 a Member of Parliament told the House of Commons that the assimilation of Ukrainians “means the intermarriage of your sons and daughters with those who are of an alien race and of alien ideas.”<sup>16</sup>

✓ **D**iversity is not something to be feared: diversity is Canada's strength.

“ Canada's diversity, properly nurtured, is our great strength...<sup>17</sup> ”

– Stephen Harper, Prime Minister