

# CANADIAN COUNCIL FOR REFUGEES



## LIVES ON HOLD: NATIONALS OF MORATORIA COUNTRIES LIVING IN LIMBO

*“My life is on hold. It has been on hold for 4 years.”*

*“I have no future and no plans. The two options are either going home and being killed, or staying here and being away from my children.”*

*“There is no way to describe how I feel. We are just survivors keeping our fingers crossed that one day the government will realize this is inhuman.”*

- Three individuals who have been living for years in limbo in Canada

**July 2005**

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*The Canadian Council for Refugees is a non-profit umbrella organization committed to the rights and protection of refugees in Canada and around the world and to the settlement of refugees and immigrants in Canada. The membership is made up of over 180 organizations involved in refugee sponsorship and protection and in newcomer settlement. The CCR serves the networking, information-exchange and advocacy needs of its membership.*

## **CANADIAN COUNCIL FOR REFUGEES**

### **LIVES ON HOLD: NATIONALS OF MORATORIA COUNTRIES LIVING IN LIMBO July 2005**

#### **Executive Summary**

Hundreds, perhaps thousands of people have been living in Canada for years in legal limbo, unable to return to their home country because of insecurity there – a danger explicitly recognized by the Canadian government – and unable to get on with their lives in Canada because they are denied permanent residence. They are from Afghanistan, Burundi, Democratic Republic of Congo, Haiti, Iraq, Liberia, Rwanda and Zimbabwe, the countries on which the government has imposed a moratorium on removals.

They were denied refugee status, under a determination process that has been the subject of considerable criticism and with no right of appeal. However, the Canadian government, to its credit, has recognized that they should not be forced back to these countries because of the situation of generalized risk faced by the entire civilian population.

The citizens of these countries are therefore protected from immediate removal, but they remain in Canada in a state of limbo which can continue for years, or even decades, without any prospect of resolution.

The impacts for those in limbo are dramatic and painful:

- they cannot reunite with family members, even spouses and children
- they have limited job prospects
- they cannot pursue their education
- they are ineligible for federal child tax benefits, even if they work and pay the same taxes as Canadians
- they have access only to emergency health care coverage
- they cannot travel outside Canada
- they struggle with profound feelings of powerlessness and hopelessness.

Keeping hundreds of people in long-term limbo is not only inhumane, but clearly also unproductive for Canadian society. We can assume that most will eventually be allowed to remain in Canada: postponing their integration and preventing them from contributing fully to society is short-sighted and counter to Canadian interests even as most narrowly defined.

Many individuals caught up in this painful limbo situation are seeking to draw attention to the waste – in human lives, and to society – caused by this gap in policy. They are asking for measures to be implemented to allow them to become permanent residents.

The Canadian Council for Refugees supports these communities in their efforts and calls for the facilitation of the granting of permanent residence to all individuals from moratorium countries who have been in Canada for more than three years.

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**1. Introduction**

This report addresses the situation of people who are legally entitled to remain in Canada because the government has suspended removals to their country but who are living in a kind of limbo without being able to achieve permanent residence. Without permanent status, they are deprived of many basic rights. This situation has been of concern to the Canadian Council for Refugees (CCR) for many years. Requests to the government to bring a solution to the problem have been so far unsuccessful: the only response received is that the issue is not a sufficient priority to the government.

The issue is however a priority to those who are living in limbo, and whose frustration increases as the wasted years accumulate. It is also a priority to the CCR and to many Canadians who find it unacceptable that the government fails to address the situation of people living among us without status.

This report outlines the policies that result in limbo for people from moratoria countries (i.e. countries to which removals are suspended), presents some statistics that suggest how many people may be affected, and focuses on one of the moratoria communities, the Zimbabweans, examining what brought them to Canada and how living in limbo impacts them. The situation of the Zimbabweans is presented as an example of what all those affected are enduring.

The report was prepared in collaboration with the Zimbabwe Community in Montreal, formed to seek solutions to the limbo situation faced by many of their members.

## 2. Moratorium provisions

Under the *Immigration and Refugee Protection Regulations*, the Minister is empowered to declare a temporary suspension of removals (commonly called a moratorium) to countries where there is a generalized risk to the entire civilian population, as result of armed conflict, environmental disaster or other temporary and generalized situation.<sup>1</sup> This provision is intended to offer some measure of protection to persons who do not face a personalized risk and who therefore are not granted refugee (or “protected person”) status in the refugee claim process, but who would nevertheless be at risk because of the overall lack of security in the country. The suspension of removals does not however apply to people who are inadmissible on criminality or security grounds, and, in addition, individuals can choose to be removed despite the moratorium.<sup>2</sup>

A system of moratoria already existed prior to the implementation of the *Immigration and Refugee Protection Act and Regulations* in June 2002. Afghanistan, Burundi, Democratic Republic of Congo, Rwanda and Zimbabwe were already subject to moratoria and since June 2002 new moratoria have been imposed on Iraq (in March 2003, at the time of the invasion of Iraq), Liberia (in July 2003, following the escalation of violence in that war-torn country) and Haiti in May 2004 (formalizing an administrative suspension in February 2004 around the time of the increased violence surrounding the removal of President Aristide).

Most of those affected by a moratorium are refused refugee claimants. They have been denied protection in a determination process that has some significant flaws, notably the lack of appeal on the merits, despite the inclusion of an appeal in the law passed by Parliament.<sup>3</sup> Some are likely refugees who would have been granted protection had the flaws in the refugee system been corrected.

Whether or not they ought to have been granted refugee protection, nationals of moratoria countries have the right to remain in Canada but their rights and opportunities are severely restricted. They are eligible only for a temporary work permit, cannot reunite with immediate family members, are not eligible for provincial health care coverage, are ineligible for federal and, at least in some cases, provincial child tax benefits, even if they work and pay the same taxes as Canadians, face generally insuperable barriers to higher education and cannot travel outside Canada. Living in such circumstances is hard but may be bearable when it is for a limited period of time. When it stretches on for three, four, five years or more and with no end in sight, it is more hardship than anyone should be asked to bear.

## 3. Options for applying for permanent residence

Current measures by which those affected by moratoria can regularize their status are inefficient and ineffective. Yet, most are likely to become permanent residents in the long run.

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<sup>1</sup> *Immigration and Refugee Protection Regulation* 230(1). The Minister in question is the Minister of Public Safety and Emergency Preparedness.

<sup>2</sup> *Immigration and Refugee Protection Regulation* 230(2).

<sup>3</sup> The government implemented the *Immigration and Refugee Protection Act* in June 2002 without implementing the sections giving refugee claimants access to the appeal. This denial of the basic rights of refugees has been widely criticized. See Canadian Council for Refugees, *The Refugee Appeal: Is No One Listening?*, 31 March 2005, available at <http://www.web.ca/~ccr/refugeeappeal.pdf>.

In practice, Canada does not generally deport people who have lived here several years and established themselves, especially when they are fleeing a situation of war or massive human rights abuses in their home country. In 2002, after the controversial lifting of the moratorium on removals to Algeria, the government did move to deport the affected Algerians, many of whom had been living in Canada for three years or more. Those affected organized themselves to protest the deportations and won the support of many Canadians who felt that, whether or not one agreed with the decision to recommence deportations to Algeria, it did not make sense to deport those Algerians who had put down roots among us during the years in which the moratorium was in place. The federal and Québec governments finally implemented a special program with a relatively simple review of cases.<sup>4</sup> Ninety-three percent of those eligible to apply under this special program were granted permanent residence. Unfortunately, the program was not introduced until after the moratorium had been lifted and after those facing removal had organized demonstrations, and in the case of one family, sought sanctuary in a church.

Nationals of countries with continuing moratoria have not been offered any similar program. They can apply for permanent residence on humanitarian and compassionate grounds (usually called “H&C”). The manual guiding immigration officials suggests that remaining in Canada because of a temporary suspension of removals would be a factor to consider in deciding whether a “prolonged inability to leave Canada has led to establishment” and there should therefore be a positive H&C decision.<sup>5</sup> However, there is no clear direction that several years in limbo because of a moratorium should lead to a positive H&C decision and in practice some such applications are successful, while others are refused. Furthermore, applicants must pay \$550 per adult for the application (\$150 for children) even though the results are so uncertain. In some parts of the country, applicants routinely wait three years or more for a decision.

The H&C route is both ineffective and inefficient, since it leaves many people from moratorium countries without permanent residence and is cumbersome and resource-intensive for the government since each case needs to be individually studied in all its complexity.

In another category of applicants, out-of status spouses of Canadian citizens or permanent residents, the government has recently recognized that H&C is neither effective nor efficient. As a result of a change in policy introduced in June 2002, people with spouses were no longer routinely allowed to have their applications processed in Canada if they did not already have temporary status in Canada. Instead they had to apply for H&C and if that failed, as it often did, they were required to leave Canada and wait outside Canada while their application for family reunification was processed. In February 2005 the Minister of Citizenship and Immigration announced that all spousal sponsorships made in Canada would be processed in Canada, acknowledging that the public policy goal of family reunification was not being effectively or efficiently achieved through the H&C route.<sup>6</sup>

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<sup>4</sup> See Citizenship and Immigration Canada, News Release, *Joint Procedures for Certain Algerians*, 30 October 2002, available at <http://www.cic.gc.ca/english/press/02/0239-pre.html>.

<sup>5</sup> Immigration Manual, IP5, Immigrant Applications in Canada made on Humanitarian or Compassionate Grounds, paragraph 13.9.

<sup>6</sup> See Citizenship and Immigration Canada, News Release, *Good news for spouses and common-law partners*, 18 February 2005, available at <http://www.cic.gc.ca/english/press/05/0504-e.html>.

The same logic should be applied to the situation of persons from moratorium countries. It is good public policy to offer permanent residence to people who establish themselves in Canada while the situation of insecurity in their home country makes it unsafe, in the view of the Canadian government, for them to return there. Such a policy would be most effectively and efficiently achieved by creating a regulatory class allowing applicants from moratoria countries to receive permanent residence after a specified period waiting in Canada, which might reasonably be three years.

A policy change to allow persons from moratorium countries to become permanent residents would be nothing unprecedented or extraordinary. In the 1990s, there was for several years a program called the Deferred Removal Order Class, which applied to people who had been in Canada for three years without being removed.<sup>7</sup> In the case of the Algerians, as noted above, the federal and Québec governments implemented measures allowing 93% of applicants to become permanent residents, in recognition of the fact that they had established themselves here while the moratorium was in force. Other countries have also implemented measures responding to particular situations of generalized violence. For example, New Zealand has just announced a Special Zimbabwe Residence Policy which allows Zimbabweans who have been in the country since before 23 September 2004 to apply for permanent residence.<sup>8</sup>

#### **4. Statistics on people living in limbo**

According to the government, statistics are not available on the numbers of persons from moratorium countries who are living in limbo in Canada. However, we can get some idea of the numbers potentially affected by examining the numbers of claimants from the relevant countries whose claims were rejected, withdrawn or declared abandoned by the Immigration and Refugee Board (IRB).<sup>9</sup>

<b>Numbers of claims rejected, withdrawn or declared abandoned by moratorium country</b>								
Afghanistan*	Burundi*	DRC*	Haiti**	Iraq**	Liberia**	Rwanda*	Zimbabwe***	Total
328	177	1858	385	284	34	277	745	<b>4088</b>

\* For the period 1999-2004.  
 \*\* For the period 2002-2004.  
 \*\*\* For the period 2000-2004.

It should be noted some of these individuals will have left Canada, while others will have been granted permanent residence as part of a family member's application or after being accepted on H&C. On the other hand, the statistics above also leave out some of those affected, since they only include IRB statistics starting in 1999, or in the case of countries with more recent moratoria, from the year before the moratorium was in place. The statistics therefore do not include claimants refused more than five years ago, whereas there are people who are still in limbo after more than 10 years in the country. In addition, there may be some affected who have never made a refugee claim, or whose refugee claim was found ineligible.

<sup>7</sup> This program applied not only to nationals of moratoria countries but to anyone who had not been removed, unless they themselves had hindered their removal. The government ended the program because of fears that it gave people an incentive to try not to leave Canada. However, this concern does not apply to persons from moratoria countries, since the government believes that it is not safe for people to return to their countries.

<sup>8</sup> Information about the policy, announced 4 July 2005, is available from <http://www.immigration.govt.nz/migrant/>.

<sup>9</sup> The statistics have been compiled from data provided by the Immigration and Refugee Board.

By looking at the IRB offices where unsuccessful moratoria country claimants were heard, we can get an idea of where people in limbo are located in Canada. However, it must be borne in mind that claimants will have moved within Canada after the negative IRB decision.

<b>Claims above, by IRB office</b>				
Montreal	Ottawa/Atlantic	Toronto	Calgary	Vancouver
2356	310	1241	101	80

The above table suggests that people in limbo are disproportionately in Montreal. The concentration in Montreal is particularly marked when we consider that over the past five years, less than 30% of claims in Canada were made in Québec.

As seen from the statistics above, the hardship of living in limbo is being experienced largely, though not exclusively, by Africans. The rest of this report will focus on the experiences of one of the affected African communities, the Zimbabweans, whose situation can serve as an illustration of what is being endured by all those from moratorium countries.

## 5. Context in Zimbabwe

In 2001 Canada, like several other countries, saw a significant increase in the number of asylum-seekers from Zimbabwe. This was the result of the increasingly tense political situation in Zimbabwe due to the prolonged domination of power by the one party, the ZANU PF. Individuals and groups who resisted the government faced repression. Those persecuted were not only those involved in opposition parties, but also family members of anyone active.

Among the atrocities faced by members of the opposition were killings, rapes, torture and having their homes burned down. A number of the opposition members were also abducted. The political instability resulted in a level of chaos and a breakdown in the rule of law in Zimbabwe. Citizens could no longer expect protection from the police or army. The context of lawlessness provided opportunities for various forms of thuggery, including the ZANU PF militia which forced children and youth into killing and abducting innocent civilians, the Youth Brigade, which recruited youths to kill, and unlawful seizure of property such as farms, businesses and homes.

This was the context that led many Zimbabweans to flee, some to Canada. Among the reasons that some chose Canada were:

- a) Canada is a member of the Commonwealth, of which Zimbabwe also used to be a member, giving some Zimbabweans a sense of connection.
- b) Until the end of 2001 Canada did not require Zimbabweans to apply for a visa before travel to Canada, making Canada more accessible as a place of refuge for some Zimbabweans than it has been since.
- c) Canada is known to be a country that respects its obligations towards refugees, where the rule of law prevails and where there is an emphasis on equality as the cornerstone of a progressive society.

The situation in Zimbabwe has not improved recently. In fact, it is believed by many to be getting worse. There are serious shortages of medications and not enough doctors and nurses to attend to the sick people. The current AIDS epidemic is threatening the entire Zimbabwean population. There is a severe shortage of food, a situation that is being worsened by drought. The ruling government (ZANU PF) is preventing attempts by the UN and NGOs to distribute food or medication to the starving population. The education system is also collapsing because most of the teachers have fled the country. The fuel situation is so bad that ambulances have been replaced by donkey carts (zvikochikari). The political situation has not changed in any significant way and the ruling party's reign of terror continues.

Recently, Zimbabwe has once again captured international attention with a forced eviction campaign that left more than 300,000 people homeless. The Canadian government condemned the destruction of homes and businesses through a statement issued by Foreign Affairs Minister Pierre Pettigrew who said, "Canadians are dismayed by the Government of Zimbabwe's disregard for the most basic rights and dignity of the Zimbabwean people. Rather than undertaking measures to implement good governance and respect for democracy that would return the country to economic stability and growth, the government has turned on the poorest and most vulnerable of its people, destroying their homes and their means of livelihood."<sup>10</sup>

## **6. Profile of Zimbabweans in limbo because of moratorium**

Most of the Zimbabweans living in limbo came to Canada in 2001, partly because that is when the majority of Zimbabweans overall arrived (after the imposition of the visa requirement in December 2001, it was very difficult for Zimbabweans to get here). In addition, the acceptance rate in 2001 was lower than it became later, presumably because the decision-makers took time to realize how the situation in Zimbabwe was deteriorating.

*"I was telling my story to a brick wall, someone who didn't even know where Zimbabwe was."*  
- A refugee who arrived in 2001.

The Zimbabweans in Canada are predominantly from the Midlands, Matabeleland and Mashonaland. They mostly lived in the cities of Zimbabwe, namely Bulawayo, Gweru, Harare/Chitungwiza. Many are from Bulawayo (in the south-west of Zimbabwe) because the southern region as a whole is known to be in political opposition to the government. Likewise, most are from cities because urban populations are more vocally opposed to the Mugabe government. Although many refugees were active members of the opposition movement (Movement for Democratic Change - MDC), putting up posters, distributing pamphlets, and attending meetings, a significant number of refugees were not active in the MDC. Even so, they had been targeted, threatened, or harassed for not showing overt support for the Mugabe government, or for being affiliated with someone active in the MDC. Similarly, one can be threatened just for living in a region in opposition, without being personally directly opposed to the government.

*"Anyone who is not pro ruling party is a victim. I was having a birthday party for my younger brother and people started coming in accusing us of having a political gathering."*  
- Woman who came to Canada in 2000.

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<sup>10</sup> Foreign Affairs Canada, News release, *Minister Pettigrew condemns forced evictions in Zimbabwe*, 8 June 2005, available from <http://www.fac-aec.gc.ca>.

There are a significant number of Zimbabweans in the 20 - 30 year age group, predominantly men. There are also families with children, as well as Zimbabweans over 30, again mostly men, many of whom have spouses and children left behind. Many also have spouses and children living in other countries, such as the United Kingdom. There are few people over 50. The age group 30 and above is mostly made up of professionals, such as teachers, accountants, train engineers, pharmacists, or people in middle management positions whilst the younger age group had just graduated into universities and many were still in college or universities. A significant number of refugees are students, primarily because students were most often targeted and intimidated due to their political activity.

Among the reasons for refusal in the refugee claim process was the claimants' fear of testifying at their hearing, meaning that people couldn't express themselves properly. Many refugee claimants were nervous and hesitant, with the result that their stories were deemed less credible. As one Zimbabwean explained, “[i]n our culture you only go to court if you are a criminal or have done something wrong. This is how most of our generation was raised. Going to court here, was a first experience for most of us and that was very intimidating.” Many Zimbabweans in limbo have also pointed out that they had not been educated as to what was expected of them in the hearing, and consequently were unprepared for the Immigration and Refugee Board's questions.

Furthermore, as many Zimbabweans lacked documentary evidence linking police brutality, harassment, and threats from the government to their personal situation, they faced a challenge in convincing the Immigration and Refugee Board that they faced a personal threat of persecution, and were not always believed. Others had not been personally threatened, but saw what was happening to their friends, neighbours or relatives, and decided to flee before it was their turn to disappear.

Many of the Zimbabweans in limbo are in Montreal, but they are also to be found in other cities such as Edmonton, Calgary, Winnipeg, Toronto and Hamilton. Those in Montreal are mostly working in jobs such as telemarketing, customer service and general work in factories. A few are developing small businesses and are self-employed. Many Zimbabweans are active in different churches, participate in voluntary activities, and are actively involved in different sporting activities. In cities where they have settled Zimbabweans have organized groups where they meet regularly to sustain their culture and discuss various social issues.

## **7. Impacts of living in limbo**

*“I don’t know where I am. I’m not in Canada, I’m not in my country, I’m not anywhere.”*  
- Former student from Bulawayo, in Canada since 2001.

Living in limbo has profound impacts on people from moratorium countries, affecting virtually every aspect of their lives.

Mandla (not his real name) left Zimbabwe in 2001. Like many Zimbabweans in Montreal, he lived in Bulawayo and had to leave because he feared for his life. He was running a small telecommunications and electrical business, and decided to leave shortly after his building was rampaged by people looking for him. His hopes of resuming his life in Canada after obtaining asylum were dashed when his claim was rejected: he was told his story wasn't credible.

Since his arrival Mandla has been employed doing general work, even though he had attended technical college in Zimbabwe and was a business owner. His ambition is to learn about Canadian electrical laws and norms in order to contribute his professional experience to Canada, but he cannot go to school.

What's more, Mandla's two sons (ages 13 and 7) are in Zimbabwe, while his wife and daughter (19 years old) are in the Netherlands. He hasn't seen any of them since his departure, because he is not allowed to travel outside Canada. His wish is to get his family back together again. He worries especially about his youngest boy, who has grown up since the age of 4 without either of his parents, sleeping in rotation at friends' and relatives' houses. When he speaks to him on the phone, his son always asks when daddy is coming home. His son is too young to understand the situation in Canada, and as time goes by he increasingly mistrusts his father. Mandla fears that his son might not forgive him when he gets older. Similarly, Mandla feels the growing gap between himself and his family. He yearns to be present for his children who need their parents, and for a young woman who needs to have her father in her life. He says this stagnant limbo has destroyed his family, making him feel he has lost an irretrievable part of his life.

## EMPLOYMENT

Most Zimbabweans in limbo have found work in factories, telemarketing, fast food chains, and other jobs requiring little or no professional qualifications. Not only do they face barriers to full employment due to racism in the labour market, in addition their status limits their potential. Most employers do not want to hire people in limbo, due to the uncertainty of their stay in Canada. Because their Social Insurance Number starts with a 9, indicating a temporary work permit, employers may not want to invest in training or long-term hiring of people who may not be around next year. Thus, Zimbabweans in limbo find their employment opportunities restricted, and are forced to work in areas well below their professional qualifications.

*"I was doing well in Zimbabwe. I had my own business in telecommunications and electricity, but here I can't do anything. I have been doing general work for the past 4 years."*

- 47 year-old man from Bulawayo.

*"I was working in a bank in Zimbabwe, but here I can't do anything in the professional field. I have to do general work: factories, housekeeping. You're at the bottom, you do the dirty work."*

- Middle-aged woman, here since 2000.

Work permits must be renewed every year or every 6 months, with a charge of \$150 each time. In addition to the costs of renewing the work permit, there may be delays in processing, which can last up to two months. During these unanticipated delays, many Zimbabweans are forced to stop working until their permits are renewed. In some cases, when they have been employed at the same place for a number of years, the delays are overlooked by employers. In a few cases, some Zimbabweans in limbo lost their jobs because of a delay in renewal of their work permits.

Furthermore, those in limbo often don't enjoy the same treatment in the workplace as those with permanent status. For example, they are often denied benefits such as raises. Even where in theory their rights are guaranteed, in practice it is often difficult for people without status to assert their rights.

*"Think about the label. I'm a **refused** refugee."*

- Young man formerly working for the government in Zimbabwe, now working in a warehouse.

*"I will never get a raise; I am looked down upon as a 'refugee'. In theory we should get the same rights as other employees, but we don't."*

- Young man from Bulawayo, former student and mechanic.

*"If my Social Insurance Number starts with a 9, they know they can take advantage of me because this is my only means of surviving."*

- Man from Bulawayo, in Canada since 2001.

*"Even if we do the same job, there are different salaries for Canadians and non-Canadians."*

- Young man from Bulawayo, former bank worker, who left siblings, parents and wife in Zimbabwe.

## EDUCATION

A significant number of Zimbabweans in limbo are young adults, between the ages of 20 and 30 years, ready to pursue higher education. Some were forced to leave Zimbabwe before having completed their degree; others left for Canada before they had entered university. Still others who had jobs in Zimbabwe would like to pursue university degrees or technical programs in Canada to attune their knowledge and experience to a Canadian setting. However, people in limbo are considered international students since they have no permanent status here, and thus would be forced to pay international student fees, which are significantly higher than Canadian student fees. In addition, people in limbo do not have access to loans and bursaries. Thus, these individuals find themselves locked in a vicious cycle: they are relegated to unskilled work, yet cannot improve their situation by obtaining education.

*"I want to go to school to finish my mechanics degree and get a better job. I want to invest \$10,000 a year to go to school, but I can't. And even if I could, what if I get deported? I would have invested for nothing."*

- Young man here since 2001, forced to flee Zimbabwe in the middle of his studies.

*"Zimbabweans [in limbo] find themselves with barriers to education – international student fees. For the young ones, this is especially bad. They start having families at an early age because that's the only thing they can do."*

- Older man from Bulawayo, on his concern for the younger generation of refugees in limbo.

*"There is no way to describe how I feel. We are just survivors keeping our fingers crossed that one day the government will realize this is inhuman."*

- Former trade school student in Zimbabwe, disappointed at not being able to pursue further education in Canada.

## CHILDREN

The inaccessibility of education is especially devastating for children who arrived in Canada while they were minors. While their classmates plan for further education after they leave high school, they are unable to continue their studies, even if they are top students. Many will have to start doing the general work their parents do, and will not be able to benefit from education to better their lives and contribute more fully to Canadian society.

Children in limbo have great difficulty understanding why they can't do the things that their friends and classmates do. Parents say that they can find no good answer when their children ask them why they can't open a bank account<sup>11</sup> or join a class trip travelling outside Canada.

Those in limbo are not eligible for child tax credits (formerly known as family allowances) even when they are working and paying the same taxes as Canadians.<sup>12</sup>

## FAMILY LIFE

Living in limbo has also had a very negative impact on family life. Most Zimbabweans have been here since 2001, and having come to Canada alone have not seen their spouses, parents, children, siblings, and extended family in four years. Without permanent status, they cannot sponsor family members, nor can they arrange to meet them somewhere outside Canada. The separation is particularly painful if there is illness or death in the family. The limbo situation they find themselves in was completely unexpected and often family members in Zimbabwe do not understand the situation and fear they have been abandoned.

*"I haven't seen my wife since I left Zimbabwe. I don't know what will happen to us.*

*Relationships need nurturing, and there's only so much you can nurture by phone."*

- Man in his mid-30s, who hasn't seen his wife since 2001.

*"I have a child who is 7 years old in Zimbabwe. The last time I saw him he was 4. [...] He grew up without any of his parents and has been living wherever he can, from house to house, since he was 4 years old. Every time I call him, about three times a week, he asks me when I'm coming home. He doesn't understand the situation of departure, there is mistrust. He might not forgive me when he gets older."*

- Man from Bulawayo, who has left a son in Zimbabwe whom he hasn't seen since 2001.

*"Think about this limbo 'condition'. It is a place where unwanted people are relegated to and forgotten. It has destroyed my family. I have nothing to live for, nobody to turn to. It feels like these past 3 years are a part of my life I have lost and missed. It is stressful, mentally tiring, and frustrating."*

- Middle-aged man, who has two children still in Zimbabwe.

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<sup>11</sup> Many banks require a Social Insurance Number before opening an account. Refugee claimants are only given Social Insurance Numbers if they need one for employment purposes. Thus children from moratorium countries generally don't have a Social Insurance Number.

<sup>12</sup> To be eligible for the federal "Canada Child Tax Benefit" the parent must be a Canadian citizen, permanent resident, protected person or a temporary resident who has been in Canada for more than 18 months. See <http://www.cra-arc.gc.ca/E/pub/tg/t4114/t4114-e.html>. Most provincial child tax benefit programs are tied to eligibility to the federal program.

*“Zimbabweans rely on each other. Uncles, aunts, cousins play a big role in life. You need someone to comfort you. Without your family, you are lost.”*

- Young man here since 2001, separated from all immediate family in Zimbabwe.

## **HEALTH CARE**

Without permanent status, people from the moratoria countries are not entitled to provincial health care coverage and must rely on the Interim Federal Health (IFH) Program, which covers only emergency health care, and not long-term needs or preventative care. Some health care providers are unwilling to give services to people covered only by IFH and some types of care and medications needed are not covered. As its name suggests, the Interim Federal Health Program is intended as a short-term solution for people temporarily without full health care coverage, but people from moratoria countries find themselves forced to rely on it long-term. At the same time, they are paying the same taxes as Canadians who are able to benefit from the full coverage that the taxes support.

## **MENTAL HEALTH**

Living in limbo has had many negative psychological effects on Zimbabweans. Feelings of stress and frustration manifest themselves as a result of poor employment and education opportunities. The impact on family relations results in feelings of loneliness, and individuals find they lack a social support network.

In addition, the uncertainty of the future and the very condition of being in limbo exerts a severe toll on Zimbabweans' psychological well-being. Many feel unwanted in Canada and unable to plan their lives and set goals. This is how some Zimbabweans responded when asked how it feels to be living in limbo:

*“I’m tired of getting brown papers [work permit papers]. I don’t know how to plan my life.”*

- Young woman from Harare, former accounting student now working in a fast-food chain.

*“My life is on hold. It has been on hold for 4 years.”*

- 24-year old aspiring student in computer science.

*“I have become very aggressive now. I take everything personally. I’m angry that nobody cares to understand the situation I’m in.”*

- 25 year-old young man from Bulawayo, aspiring to complete his MBA.

*“It blocks a lot of plans. I can’t buy a house, or property. I can’t settle or invest in my future.”*

- 32 year-old former tourism student, now working in construction.

*“I am an orphan. I am not part of Canada... I am nothing here.”*

- Young man here since 2001, has left all immediate family in Zimbabwe.

*“It’s really hard. You feel left out, like nobody really cares. When you don’t have papers and you have to put your life on hold, you can’t do what you really want to do.”*

- Young man who left Zimbabwe in 2001 and is hoping to finally go to university.

*“You come to realize time is moving, but you are still stuck in the same place. It’s a lose-lose situation. You get up and force yourself to go to work, then force yourself to go to sleep. There’s not much you do willingly.”*

- Former student wishing to complete a computer science degree, now working in a factory.

*“You are like somebody hanging on a tree. Is someone going to help me out or not?”*

- A middle-aged woman in Canada with her son since 2001, directly targeted with threats for her political views.

*“I don’t even mind working long hours anymore. It takes my mind off everything. If I had more time to think things over I would blow up.”*

- 47 year-old man here since 2001, separated from his four children and wife in Zimbabwe and the Netherlands.

*“I have no future and no plans. The two options are either going home and being killed, or staying here and being away from my children.”*

- 48 year old man from Bulawayo, member of the Zimbabwean opposition party, forced to flee after threats and harassment.

## **8. Conclusion**

Keeping people’s lives on hold for years on end is damaging to those directly affected, damaging to family members overseas from whom they remain separated, damaging to newcomer communities struggling to establish themselves in Canada, and damaging to Canadian society, which is depriving itself of the full potential of hundreds, if not thousands, of people living among us.

There is a simple solution: facilitate the granting of permanent residence to all persons from countries to which Canada does not remove who have been here for three or more years.

The Canadian Council for Refugees calls on the Canadian government to allow people from moratorium countries to get their lives back on track.

**APPENDIX: CCR Resolution****RESOLUTION 12. PERMANENT RESIDENCE FOR PERSONS FROM COUNTRIES  
TO WHICH CANADA DOES NOT DEPORT**

ADOPTED MAY 2001

- WHEREAS:
1. Citizenship and Immigration Canada maintains a list of countries to which Canada does not generally deport individuals from those countries;
  2. A significant number of people from those countries, who are subject to deportation, have now been in Canada for many years and have no avenue to resolve their situation;
  3. Living in this limbo situation causes great hardship and suffering, including long term separation from immediate family members;
  4. It is very difficult for persons in this situation to be accepted for permanent residence through the Humanitarian and Compassionate stream;
  5. This situation will continue to prevail after the implementation of the new *Immigration and Refugee Protection Act* (Bill C-11);

THEREFORE BE IT RESOLVED that the CCR write to the Minister of Citizenship and Immigration urging that a process be established which will facilitate the granting of permanent residence to all individuals who have been in Canada for more than three years and who are from countries on the list.