

ARE REFUGEES BEING SCAPEGOATED IN THE AFTERMATH OF SEPTEMBER 11?

The attacks of September 11, 2001, had absolutely nothing to do with refugees, and yet since that date our refugee policies and refugees themselves have come under attack. We have to ask ourselves why. Is it because refugees are easy targets and because people's fears are ill-informed by stereotypes and racism? Refugees are among the most vulnerable people in our society: their own government was unable or unwilling to protect them and on arrival in Canada as claimants they have no status here. They depend on Canadians' sense of justice and hospitality to ensure that their basic rights are respected.

During the Second World War, mass internment of Japanese Canadians made them victims of Canadians' desire for security. Their mistreatment was clearly fed by racist prejudice. This chapter in our history is now recognized as one of the most shameful. How do we ensure that we don't make the same mistakes today in our treatment of refugees?

**CANADIAN COUNCIL
FOR REFUGEES**



6839 Drolet # 302
Montreal, Quebec,
Canada H2S 2T1
Phone: 514-277-7223
Fax: 514-277-1447
Email: ccr@web.ca
Website: www.web.ca/~ccr/

QUESTIONS ABOUT CANADA'S SECURITY AGENDA ...

AND ITS IMPACT ON REFUGEES & IMMIGRANTS

**Security measures
adopted in the wake of
September 11, 2001, have
made a difference in the
lives of refugees and
immigrants.**

**As Canadians we must
decide whether we have
responded appropriately
to the security challenges.**

WHERE DO YOU STAND?

**CANADIAN COUNCIL
FOR REFUGEES**



DOES IMMIGRATION MAKE CANADA VULNERABLE TO TERRORISM?

There is no connection between immigration and terrorism. In fact, it is arguable that a positive immigration program actually discourages violence by promoting an open, diverse, dynamic and tolerant society, with opportunities for all.

Immigrants come to Canada seeking a better quality of life and a chance to bring up their families in freedom and peace. Like Canadians born here, immigrants want security for themselves and for their society.

Linking immigration with terrorism has a very damaging effect on immigrants, making them feel that they are always under suspicion. This is particularly the case with Muslim and Arab immigrants, who have been the chief targets of such suspicions.

ARE CANADA'S IMMIGRATION LAWS TOO LAX?

Canada has in place a rigorous immigration system that gives priority to keeping out anyone who might be a security threat.

The *Immigration and Refugee Protection Act* contains a whole series of provisions making people inadmissible on criminality and security grounds. They cover every conceivable security threat. The problem is not that these provisions are too narrow, but rather that they are too wide and therefore penalize many innocent people. For example, all past and current members of Nelson Mandela's party, the African National Congress (ANC), are inadmissible to Canada on security grounds and can only enter Canada with

a special waiver. In the summer of 2003, the immigration law allowed the arrest and public labelling of 23 South Asian immigrants as "suspected terrorists" based on the flimsiest of evidence (as part of "Operation Thread"). It soon became clear that the suspicions were unfounded and the accusations relating to terrorism were dropped. Yet many of their lives were drastically affected by being publicly associated with terrorism.

Canada's security processes for immigrants include the use of the "security certificate", a measure that many experts feel unnecessarily sacrifices the rights of individuals. The security certificate process allows the government to arrest, detain and deport immigrants on security grounds, without ever showing them, or their lawyers, the evidence against them.

Canada's immigration laws are very strict when it comes to excluding terrorists, but weak when it comes to protecting the rights of non-citizens.

DO WE NEED TO TIGHTEN IMMIGRATION CONTROLS IN ORDER TO PROMOTE OUR SECURITY?

It is a mistake to think that security can be achieved by building stronger walls. Canada is part of the global community and we must work collectively to promote global security. Since there is no connection between immigration and terrorism, tightening immigration controls will not improve security; all it will do is hurt immigrants.

There are serious security challenges facing the world. They need to be addressed by focusing on the real threats, not by letting ourselves get distracted by controlling immigration.

ARE CANADA'S IMMIGRATION CONTROLS WEAKER THAN THOSE IN THE U.S.?

Canada's immigration controls are in some ways actually tougher than those in the U.S. Many people report finding it easier to get into the U.S. than Canada. Often people refused a visa to Canada are granted one to the U.S. A significant proportion of refugee claimants who come to Canada arrive via the U.S. (72% of claims made at an airport or land border in 2003).

According to conservative estimates, there are some eight million people living without any status in the U.S., equivalent to a quarter of the population of Canada. The size of the undocumented population in the U.S. suggests that immigration controls in that country are not particularly tight. But the large undocumented population hasn't threatened the security of the U.S.: despite large scale arrests, detentions and registration programs, no terrorists have been found to be hiding among the undocumented in the U.S.

Some people in authority in the U.S. have accused Canada of having lax immigration controls. These accusations seem to be based either on misinformation or on a desire to find someone to blame.

SHOULD WE HARMONIZE OUR IMMIGRATION POLICIES WITH THOSE OF THE U.S.?

There is much in U.S. immigration policies of which Canadians should be very wary, including a wide range of draconian and unfair measures. These include the wide use of detention, often in degrading conditions. The U.S. also has discrimina-

tory policies that apply special measures to immigrants based on their nationality, something that is unacceptable in Canada. Given the power relationship between the two countries, harmonization would inevitably mean Canada adopting U.S. policies, without Canadians' elected representatives being able to influence decisions.

The case of Maher Arar is a clear warning about the dangers in the U.S. system. Even though he is a Canadian citizen, Mr. Arar was deported by the U.S. to Syria where he was imprisoned without charge and tortured.

SHOULD WE BE WORRIED ABOUT REFUGEE CLAIMANTS ENTERING THE COUNTRY WITHOUT IDENTITY DOCUMENTS?

It is far more difficult to enter Canada as a refugee than as a visitor. Refugee claimants make up only one-tenth of one percent of the visitors and immigrants entering Canada each year. Sophisticated wrong-doers are extremely unlikely to choose to go through the refugee claim system, which involves fingerprinting, photographing and interviews. Those involved in the September 11 attacks all seem to have entered the U.S. on visitor or business visas. They didn't make refugee claims.

Many refugees arrive without identity documents because it would be dangerous for them to carry identification while they are fleeing persecution, especially in ethnic conflicts. Others, such as Somalis, come from countries where there is no government left to issue documents. Since 1993 the Canadian government has required Convention refugees to produce identity documents in order to obtain per-

manent residence. The effect has been to put thousands of refugees in long-term legal limbo, without permanent residence status and all its accompanying rights. On the other hand, years later no one has been able to produce any evidence that criminals or security threats have been hiding in this group of refugees.

WOULD IT BE SAFER TO DETAIN REFUGEE CLAIMANTS ON ARRIVAL?

Detaining refugee claimants is not a logical or effective way of fighting terrorism. It would be equivalent to arresting everyone found near the scene of a crime on the off-chance that one of them might be guilty of the crime.

In 1996 the U.S. adopted laws which resulted in massive increases in immigration detention, including detention of asylum seekers. These measures did nothing to protect the country from the September 11 attacks. On the other hand, many genuine refugees have had to spend months and even years in detention, often in appalling conditions.

Under current laws, Canadian immigration officials are fully empowered to detain any refugee claimant or other migrant who appears to present a security risk. Detaining refugee claimants *en masse* would do nothing to improve our security, but would be fundamentally unjust and a disgrace to Canada. Refugees are fleeing serious human rights abuses and seeking our protection: we owe it to them not to put them behind bars unless absolutely necessary.

ISN'T IT EASY TO BE ACCEPTED AS A REFUGEE IN CANADA, EVEN IF YOU ARE A TERRORIST?

It is not easy to be accepted as a refugee

in Canada. Even before a refugee claim is considered, the claimant is screened for security and criminality. Having passed this initial screening, each claim is individually scrutinized and each claimant interviewed, often at great length, by the Immigration and Refugee Board (IRB). The Immigration and Refugee Board's documentation centre is highly regarded internationally and is probably one of the best in the world. Claimants have to respond to any contradictory evidence or apparent inconsistencies in their testimony.

While the refugee determination system is designed to find out who is a refugee, not who might be a terrorist, the Refugee Convention explicitly excludes from the refugee definition people who have committed serious crimes: where there is evidence of this, claimants will be denied refugee status.

SHOULD WE BE CONCERNED ABOUT THE LARGE NUMBERS OF REFUSED CLAIMANTS THAT ARE NOT DEPORTED?

Refused refugee claimants do not in themselves represent a security threat, any more than a group of Canadian citizens does. Many of the refused claimants are families with children. Where an individual case raises security concerns, the Canadian government can use special measures to deal with it, including detaining the person. Many refused claimants come from countries at war or where there is unrest or public disorder (such as Afghanistan, Iraq or the Democratic Republic of Congo). Because sending people to these countries would cause significant hardship, the government does not immediately remove people there, unless there are criminality or security concerns.