

## Refugees arriving by boat and Bill C-49: anti-smuggling or anti-refugee?



In the summer of 2010, close to 500 Tamil refugee claimants arrived on the West Coast aboard the MV Sun Sea. Although this mass arrival presented practical and logistical challenges, the numbers were still small in terms of claims made in Canada.

Regrettably, instead of affirming the need to respect international obligations towards refugees, the Canadian government's public comments on the boat arrivals focused on suspicions of associations with terrorism and smuggling, thus encouraging negative public opinion.

This was followed up in October by the tabling of Bill C-49, a bill that was presented as being anti-smuggling.

In fact, however, most of the provisions of the bill would punish refugees. Legal experts strongly condemned the bill as contrary to the Charter and international law. Under Bill C-49 some refugee claimants would be detained for a year without review.

*"Measures keeping some refugees longer in detention, denying them family reunification and restricting their freedom of movement are likely in violation of the Canadian Charter and of international human rights obligations. People who are forced to flee for their lives need to be offered asylum and a warm welcome, not punished."*

- Wanda Yamamoto, CCR President

## Temporary migrant workers

More and more Canadians are becoming aware of the problems created by the recent increase in the numbers of workers admitted



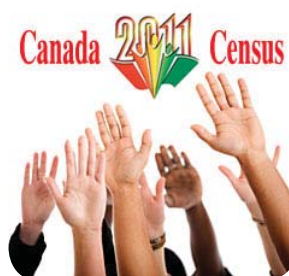
to Canada with only temporary status. Temporary Foreign Workers are vulnerable to exploitation and there have been numerous reports of abuse.

The regulations relating to temporary workers were amended in 2010, but disappointingly the changes failed to address the most pressing needs:

- > An effective monitoring mechanism to ensure employers respect the rights of workers,
- > Opportunities for all workers to move to permanent status (instead the new regulations puts a four-year limit on workers' stay in Canada, creating a "disposable" workforce).

## Changes to Canada's long form census

In the summer of 2010, the federal government decided to eliminate the mandatory long-form census. This decision will have long-term and expensive consequences for effective policies, programs and services supporting the integration of immigrants and refugees in Canadian society.



Research on Canada's newcomer population relies on data gathered by the mandatory long-form census to understand trends in integration, and to identify gaps in settlement services and policies.



# Canadian Council for Refugees Conseil canadien pour les réfugiés

## Rights in review

The Canadian Council for Refugees believes in treating refugees and immigrants fairly and honourably. Decisions made need to be fully independent. And our policies and practices need to be affordable – for refugees and immigrants, and for Canadians.

How are we matching up to these standards?

### Responding to the earthquake in Haiti

2010 began with the horrific earthquake in Haiti. Among the many urgent needs was flexible and expedited processing to reunite affected families. Would Canada respond honourably to these needs?

Citizenship and Immigration Canada reacted swiftly, introducing Special Immigration Measures. As a result, many individuals whose homes had been destroyed were able to travel to Canada to reunite with family members here. The Government of Quebec introduced a special humanitarian sponsorship program designed to open the door to affected family members who don't meet the narrow definition of Family Class.

Despite these commendable government initiatives, there have been many frustrations:

- > The Special Immigration Measures have ended, even though many family members are still waiting.
- > The broader family reunification measures introduced by Quebec did not apply to Haitians in other parts of Canada.
- > Very few people have actually arrived under the Quebec program.

The challenges of immigration processing are enormous, but the speedy arrival in Canada of 200 adopted children showed what the Canadian government can achieve. Many Haitians were left with a strong sense of unfairness that the same effort was not made to bring their natural children.



Nearly a year after the earthquake, 13-year-old Pierre-Matthieu is still waiting to be reunited with his mother, a refugee in Canada. Following the earthquake, Pierre-Matthieu has been bounced between various distant relatives, who themselves lost their homes. His mother appealed to Immigration Canada to expedite processing, but there have been many delays. Most recently, Pierre-Matthieu has been waiting to do his medical exam. For that, he was told he needs his passport, and the Haitian authorities took months to issue it.



This is a summary of:  
**2010: A year in review**

WANT TO KNOW MORE?

Visit the CCR's website:

[ccrweb.ca/en/2010\\_review](http://ccrweb.ca/en/2010_review)

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## Refugees denied a fair hearing overseas



Refugees overseas applying for resettlement to Canada are interviewed by a Canadian visa officer who decides whether they in fact meet the refugee definition. That decision-making process needs to be fair: refugees' safety and future lives depend on the decision.

Unfortunately, the quality of refugee decision-making at visa offices overseas varies enormously. In 2010, unfairness at the Cairo visa office was a particular concern, but the CCR believes the problems there reflect systemic shortcomings. Visa officers are often inadequately trained and decisions are rarely reviewed by the courts or monitored internally.

In March 2010, the CCR released *Concerns with refugee decision-making at Cairo*.

The report highlights serious problems such as lack of basic knowledge of realities in the refugees' country of origin, basic errors in applying the refugee definition, and multiple flaws in credibility assessments.

Despite the gravity of the problem, there is little public awareness in Canada or media coverage.

Over 30 cases of refugees rejected at Cairo, apparently unfairly, are before the Federal Court. The process there has been painfully slow – although some refugees applied to the Court as long ago as November 2009, there has still been no hearing. In the meantime, the refugees are experiencing serious hardships as they try to survive in Cairo.

## Increase in the number of privately sponsored refugees

Canadians are fortunate to have the opportunity to personally contribute towards offering refugees a safe and permanent home, through the Private Sponsorship of Refugees Program.

For many years, the willingness of Canadians to sponsor refugees has far exceeded the numbers that the government has been willing to process. This has led to a huge backlog of refugees waiting in dangerous and precarious situation overseas, even though Canadians are ready and willing to support them here.

**Good news:** in March 2010 the Minister of Citizenship and Immigration promised to increase by 2,000 the numbers of refugees that private sponsorship groups can assist, and is encouraging more groups to sponsor refugees.



## Canada's stateless children

As feared, recent changes to the Citizenship Act have led to children of Canadian citizens being born stateless.

In 2010, a number of such cases attracted the attention of the Canadian public. One was Chloé – born in Belgium of a Canadian father and Algerian mother, she was without citizenship from any of the three countries, leaving her stateless.

Good news for Chloé – in late 2010, she mysteriously received her Canadian citizenship papers. Welcome to the Canadian family, Chloé!

To prevent other children like Chloé being stateless, the Citizenship Act needs to be amended.



**AT LEFT:** Amina and her family waited nearly 7 years in a refugee camp, although sponsors were waiting for them in Canada.

*“It seems like the visa offices are ‘out of sight, out of mind’ – and this needs to change. Refugees deserve to be treated fairly, whether in Canada or overseas.”*

- Wanda Yamamoto, CCR President



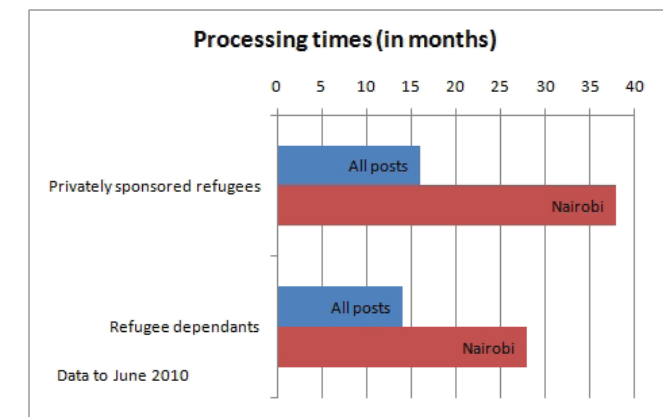
Ernestine was recognized as a refugee in Canada in early 2008. She had been forced to leave behind all but one of her children, cared for by various family friends (her husband had been killed previously). Because they live in the Democratic Republic of Congo, the applications for the children were handled by the Nairobi visa office. Ernestine's children finally arrived in December 2010, nearly three years after she was accepted as a refugee.

## Continued Long Delays in Processing at Nairobi

In 2010, Nairobi continued to be one of Canada's slowest visa offices, particularly for refugee families. Privately sponsored refugees wait on average over 3 years; family members of refugees, including children, wait on average 2 years and 4 months.

These long delays leave refugees without protection and children separated from their parents. There are also significant costs – not just to the individuals affected, but also to Canadian society, as the long delays increase the integration challenges.

**Good news:** the government has increased staff at the Nairobi office in 2010. However, it is not clear that the increase is enough to bring processing times in line with the rest of the world. In the meantime, processing times at Nairobi for family members of refugees, already the slowest in the world in 2009, WENT UP in 2010.



## Refugee Reform

In June 2010 Parliament adopted significant changes to the refugee determination process – changes that will only come into effect late in 2011.

The refugee determination system needs to be fully fair and independent, in order to ensure that Canada honours its obligations under the Refugee Convention not to send refugees back to persecution.

Bill C-11 rightly aimed at making the process quicker, but contained many elements that would make the process seriously unfair. By the time the bill was passed in June, Parliamentarians had agreed to amendments that made the final version of the bill much fairer.

The new process will:

- > Preserve the independence of decision-making through the Immigration and Refugee Board, an independent tribunal.
- > Give refused claimants access to an appeal on the merits, for the first time in over 20 years.

Concerns remain about how the new rules will be implemented, including the following:

- > The interview, requiring claimants to be prepared to immediately tell their story to an official, risks hurting the most vulnerable refugees, including women who have been sexually assaulted and persons persecuted on the basis of their sexual orientation.
- > The proposed timeline of 15 days for filing an appeal is absurdly short – unless it is significantly lengthened, the refugee appeal will cost a lot of money, but do nothing to correct errors in decision-making.

