

THE CANADIAN REFUGEE PROCESS

INTERDICTION
Canada regularly **prevents refugees** from coming to Canada by enforcing strict visa requirements, checking documents before aircraft boarding, posting immigration control officers overseas, and fining airlines for bringing refugee claimants to Canada. These measures block refugees fleeing **persecution**, many of whom are forced to turn to **smugglers** to help them get to safety. In 2003, the Canadian Border Security Agency reported 6,439 airline **interdictions**.

DISPLACEMENT
Due to: War, Colonization, Poverty, Human Rights Violations, Occupation

REFUGEE CAMPS
In 2003 there were 1,306,600 refugees in Iran and 1,227,400 refugees in Pakistan. Many refugees live in camps or try and survive in countries where they have no status and no rights. They may face detention or risk forced return to persecution.

RESETTLEMENT
Through the UN, Canada chooses a limited number of refugees who meet certain criteria to **resettle** in Canada. Canada accepts less than .1% of the world's refugees. In 2004, Canada cut the funding for these refugees and reduced the number to 7300. The person must have enough money to support themselves through government or private **sponsorship**. Many refugees are denied because they have small children or have survived torture and therefore do not meet the **"successful establishment"** criteria.

SAFE THIRD COUNTRY AGREEMENT
Canada's **"None Too Many" policy**
On December 29, 2004 Canada effectively closed its land border to refugees, preventing at least 1/3 of all refugee claims from ever being heard. Refugees now must have their cases decided in the U.S.A. where many more refugees are denied protection, detained, and deported. The U.S.A. is also more openly discriminatory towards Muslims and Arabs and others based on nationality, gender, ethnicity, religion, and sexuality.

FLEE TO USA

FLEE TO CANADA

ELIGIBILITY
A CIC officer decides eligibility of refugee claims. The 2002 Immigration and Refugee Protection Act dramatically expanded grounds for ineligibility including excluding anyone under a wide definition of "security risk" and anyone who has made a refugee claim in Canada before. Canadian officials continue to use racial profiling against South Asian, Arab, Muslim, and other refugees.

ACCEPTED
CIC gives refugees a **Personal Information Form (PIF)** to fill out within 28 days and then their claim is sent to the **Immigration and Refugee Board (IRB)**. Because of lack of services, knowledge of the process and no access to legal counsel, refugees often are not able to submit their PIF on time and 30% of claims are lost.

PERMANENT RESIDENT
A refugee who has been accepted in Canada as either a **Convention refugee** under the 1951 UN Charter or a **protected person** by Canada, someone whose removal to their home country would subject them to danger or risk to life or a risk to cruel and unusual treatment or punishment, can apply to be a **permanent resident**. Canada's goal is to have 60% of immigration economic and 40% non-economic which means that Canada is greatly limiting the number of refugees granted permanent resident status.

DETENTION
Each day in 2003 there were 446 people in **detention**. Each day in 2004, 17 children were in detention. The main grounds for detention are: **flight risk, identity, danger or potential danger to the public**. CIC has a lot of latitude to detain people and will often detain refugee claimants for long periods of time. Many refugees, including children, are detained because they do not have satisfactory identity documents. Many refugees are forced to flee **without documents**. Each week in 2004, there were 80 people in detention on ID grounds, and only 5 people detained on security grounds. CIC often detains people before the weekend in order to limit their legal options for fighting back. They sometimes release refugees only after someone has posted a bond for thousands of dollars. Canada is also following the lead of the U.S. and Australia into the **private prison industry**. Immigration detention is now a billion-dollar business for multinational corporations and immigrants and refugees are the product.

REJECTED

IRB HEARING
The IRB is a **politically-appointed board** who do not require any special knowledge about the refugee situation or process. A refugee's fate is in the hands of a single board member who can be biased, inconsistent, ignorant, racist, or politically motivated. Some board members have an acceptance rate of 0% and overall only about 40% of refugees are accepted. The government has still not implemented the **Refugee Appeal Division** which they promised in 2002, so refugees have no way of appealing a negative decision.

PROTECTED PERSON

SETTLEMENT
Immigrants and refugees in Canada face **poverty, isolation, and racism**. Today, 10 years after arriving, the average immigrant earns just 80 per cent of a Canadian-born worker. The government has made strong links between terrorism and refugees and immigrants which has created a very **racist, anti-immigrant society**. Many refugees are denied access to language courses, schooling, housing, and employment. One of the biggest challenges for refugees is **reuniting** with their families. Many refugee families wait years to be reunited and families are often separated through deportation.

DEPORTATION
Failed refugee claims are called for an interview with an **Enforcement Officer** who sets a **deportation date**. Often the officer will set a date within a couple of days and then will try and confiscate the claimant's health card and SIN card and will sometimes detain refugees without notice if they are visibly upset or show a large amount of stress. Canada regularly deports people to unsafe countries such as Iran, Algeria, Libya, Colombia, Central America, and Pakistan. Each year there are over **50,000 deportations** from Canada. Often, deported individuals and families are handcuffed, and at times they are drugged. The Canadian government continues to use the deeply flawed **security certificate** procedure to deport refugees to torture, in clear violation of Canada's obligations under international law. The **deportation industry** is highly privatized and very expensive. Every day, many major airline companies—including Air Canada, KLM, Air France, British Airways, Lufthansa, Swissair, Royal Air Morocco and others—are involved in making money by deporting human beings, many of whom are refugees fleeing violent situations.

REJECTED

ACCEPTED

PRRA
The newly-created **Canada Border Services Agency**, an enforcement agency, now processes the **Pre-Removal Risk Assessment (PRRA)** which is supposed to protect refugees who face death, torture, or other forms of persecution if they are removed. The PRRA has a 95-97% rejection rate because it only looks at possible risks.

ACCEPTED

CITIZENSHIP
Permanent residents can apply for **citizenship** after 3 years but it is not guaranteed. Increasingly when a permanent resident has been convicted of a crime, Canada will deport them to the country of their birth, even if they have lived in Canada the vast majority of their lives and already been punished. This amounts to different standards of justice for those who happen to be born inside or outside of Canada.

WITHOUT LEGAL STATUS
There are up to 200,000 people in Canada living **without status** in Canada which may mean that their application for status has been made but no decision has been reached or that their application for status was made but turned down. Living without status may also mean that no application has been made at all, either due to fear, misinformation, or lack of assistance and resources. It may also mean that someone's sponsorship or work permit relationship has broken down. There are 30,000 to 50,000 **undocumented workers** in Canada. Many sectors of Canada's economy rely on the exploited labour of non-status immigrants. Canada has refused to resolve the situation faced by people without status in Canada including long-term residents and people who have been living in Canada for years because of a moratorium on removals. Entire families live in a state of constant stress and fear. Workers are exploited. Children of non-status immigrants, whether Canadian-born or not, are denied the right to education. Children and entire families lack adequate and affordable medical coverage. Some refugees have been forced to seek **sanctuary** in churches across Canada. In March 2004, Canada violated sanctuary by arresting Mohamed Cherfi in a church. In 2004, the immigration minister, Judy Sgro criticized churches offering sanctuary and falsely stated refugee claimants have "between 6 and 20 avenues of appeal."

REJECTED

JUDICIAL REVIEW & STAY OF REMOVAL
A refugee can apply for a **judicial review** of the IRB or PRRA decision and just before deportation, can apply for a temporary **stay of removal**. The judicial review is not a full appeal, you are only asking permission to question certain questions of law. This must be done through a lawyer which costs over \$1500 and it is entirely up to one judge. Refugees are very vulnerable to exploitation by incompetent, unaccountable lawyers and consultants. The BC government withdrew **legal aid** for refugee claimants in 2003 and even if legal aid is available, it rarely covers a review. If accepted this only means the person can temporary stay in Canada. This does not give the refugee status or permanent residency. The success rate for a judicial review is between 5-10%.

H&C
A refugee who has failed their claim or overstayed their visa and has settled in Canada can apply to stay on **Humanitarian and Compassionate Grounds (H&C)** but it often takes years to get a decision and CIC often **deports** refugees before deciding on their case.