

REFUGEE UPDATE

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THE 1951 CONVENTION IN CANADA HITS 40: AN ADVO- CATE'S QUEST FOR THE HOLY GENEVA GRAIL.

BY MITCHELL GOLDBERG

What is the impact of Canada's signature of the 1951 (Geneva) Convention relating to the status of refugees in 1969? Much has been written on the hundreds of thousands who received asylum in Canada over those 40 years. Not enough has been said about the millions who have been interdicted, denied entry by our restrictive visa policies, or rebuffed by the travesty of the U.S. – Canada "Safe Third Country Agreement". Here is my journey for justice via Geneva.

It is 1976. I am invited by the Student Struggle for Soviet Jewry to attend a 24 hour sleep-in before the gates of the Soviet consulate in Montreal. We chant: "two, four, six, eight, let Shcharansky immigrate." We call for the detained Jewish "refuse nicks" to be allowed to seek sanctuary in the West.

1980-1981. I am a Political Science student at Carleton University. I join the World University Services of Canada (WUSC). We sponsor a refugee student from El Salvador.

The spring of 1987: My first CCR consultation. The Junior Minister of Immigration is in Montreal to defend draft legislation creating the IRB, and a "credible basis" tribunal, and fails to create an appeal. We present the minister with a mock coffin of ashes.

1989-1990: I volunteer in Guatemala with Peace Brigades International. We accompany refugee leaders negotiating a potential return from Mexico, and threatened human rights groups inside the country. During my stay two women and I are attacked by death squads. We file complaints, but we have reason to believe the culprits are found within the Guatemalan military. A glimpse into refugee reality. Yet I have a country of safe haven, and that country is home.

THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND CITIZENSHIP CHANGES

EDITORIAL

Canadian Minister of Citizenship and Immigration Jason Kenney has been pointing to a number of changes for various areas of his portfolio since he took on his job some months ago. These would be sequels to the last Conservative Government's Bill C50 which inter alia restricted the point system used in the selection of immigrants, in favour of much broader ministerial discretion. One area for change is to refugee status determination where the Minister hinted some claiming refugee status from countries the government deems not producing refugees would have some different process. Another area is, the test for becoming a citizen as described below. We agreed to the unusual grant of anonymity to the author in response to fears of adverse affect for the agency.

Editors.

After 9-11, the United States government brought in the Patriot Act, which brought with it limitations on human rights and due process, and created the Transport Safety Administration which imposed severe, often pointless constraints on travellers. Much of this was "security theatre" which did not increase safety, but did serve to whip up and maintain fear levels. There is a certain kind of mind that sees the public's fear as a route to power.

Minister of Citizenship and Immigration Canada and for Multiculturalism Jason Kenney is no exception. Apparently he is terrified, on our pure laine old stock Canadian behalves, of non-English (or non-French) speaking immigrants whose only knowledge of Canada comes from a Liberal authored handbook, attempting to become fellow citizens and, well, vote perhaps other than Conservative. At any rate, to be a good Canadian, he thinks, you have to know about Vimy Ridge.

The current multiple-guess Citizenship test requires that you know the name of your Provincial Lieutenant Governor and other trivia. I doubt that most born-here citizens could pass it. However, it does not presently require that you know all the place-names of all the places that Canadian soldiers have killed large numbers of people. *(I know, I know, Vimy is presented in the Canadian context as a big sacrifice; realistically, we killed a lot more Germans than Germans killed Canadians, and we took several hundred yards of elevated mud away from them in doing so, it was what passed for a 'victory' in the First World War, yay Canada!)* Anyway, not knowing about all the Canadian boys that died doing this is, apparently for Minister Kenney, a major flaw in our immigration system.

I keep thinking of Maryam, a refugee who arrived here about ten years ago. She has been trying to become a

Canadian citizen for the last six years, but fails every time she takes the test. Her English is not good, and she is barely literate: I think that if Canada's refugee policy is to be consistent, to bring refugees to Canada precisely because they need our protection. That seems like a 'duh' moment to me. It is too bad that this welcome humanitarian shift, that brought Maryam from East Africa to Western Canada; Nairobi to Regina, can you imagine that.

The problem that Maryam faces is that she has significant brain damage, the result of shrapnel fragments that are still buried in her skull. She has memory problems that preclude remembering things like, for instance, Vimy Ridge, which have no personal attachment to her.

Otherwise Maryam looks like a pretty darn good citizen to me. She works and pays taxes, just like the rest of us. She has studied assiduously and learned to read and write as best she can. And she volunteers at her local (i.e. non-ethnically based) community association. Minister Kenney has told us that she should not become a Canadian citizen, no matter how much she wants to, or how much she contributes, because she does not understand enough about Canadian military history, does not speak English or French well enough, and is just, well, threatening to our whole identity.

Me, I always thought one of the things I was always proudest of as a Canadian is that Canada, when it does welcome a refugee in, welcomes them all the way in. It would be a shame to see this change.

(I might add, as a pure laine Canadian both with white ancestors' landings that considerably pre-date Minister Kenney's, I'm talking 17 hundreds here; and aboriginal ones that pre-date that, on mother's side, and some that arrived rather recently on the my dad's side of things.)

But Minister Kenney insists on perceiving refugees as more of a threat than a gift. From his first days in office he has been reminding Canadians that the system is full of fraud and crime, and that an unspecified 'something' must be done about it. He would rather Canadians feel fear and anger about refugees, rather than the pride and celebration we should. And if Maryam has to pay the price, so be it.

Either we welcome the stranger, as fellow human beings, as we are urged in Matthew 25:35 (the "I was a stranger and you welcomed me" stuff), or we are setting ourselves up as the God of Matthew 25:33 (separating the sheep from the goats and condemning the one and saving the other).

Now, since Minister Kenney has shown himself to be a Minister who will cut off funding to organizations that say things he doesn't like, I have to sign myself:

An Anonymous Settlement Professional, somewhere in Canada.

1990. I start a refugee law practice. The credible basis tribunal for getting access to a refugee status hearing, now defunct, proves to be a farce. The two member IRB panels who conduct the status hearing provide some measure of safety for refugees.

Some highlights from 19 years as a refugee lawyer:

The Immigration and Refugee Board (IRB) Member hearing the refugee claim who declared that if not for the grace of God, he would be on the other side of the bench. He puts my clients at ease with his sensitivity.

A Refugee Hearing Officer, supposed to assist a status hearing, argues that my Chinese Christian Indonesian client could not possibly have anything to fear. After all, the US Department Of State report indicates that George W. Bush himself visited Indonesia!

The IRB Member with an acceptance rate of over 90% of the cases coming before him. After recognizing refugees, he was fond of asking them to pray for him, because he worked far too many years as an insurance lawyer!

The decision of a visa officer in Canada's Embassy in Nairobi, Kenya, to deny a Rwandan family who feared the Genocidaires, in part because they "admitted" they were not refugees. The officer asked them if they were refugees, and noted that the family insisted they were being sponsored. Which was true. Action Refugiés, an agency in



Montreal, provided an undertaking of assistance on behalf of the Anglican church. (Happily Federal Court Justice Lemieux later over-turned the decision.)

The Israeli woman who was detained in Canada and was about to be deported. She was in hiding because she feared an abusive husband. A Canadian court issued a restraining order against him which he violated. In Israel he obtained a rabbinical Court order granting him custody of the children. At the Federal Court stay hearing, the Department of Justice (DOJ) argued that my client lacked "clean hands" in part because she refused to reveal the whereabouts of her children. Stupefied, the judge ordered the DOJ lawyer to sit in silence for ten minutes. When we resumed the judge stated: "Something happens to us when we go to law school. We lose our common sense..."

The refugee from Uzbekistan. His country accused him of being a terrorist because he belonged to an independent mosque. His quiet composure, peaceful demeanor, and courage in the face of years of aggressive attacks, ignorant and prejudice laden interrogations from the Minister's Counsel, separation from his wife and child. After three years, the mounds of corroborating evidence and my client's impeccable credibility, led even the Minister's counsel to fall on his own sword as he ended his oral submissions declaring: "The Minister is not satisfied that **he** has met his burden of proof." Turns out the "he" in question is the Minister himself!

The Ethiopian Single Mom with three kids who took sanctuary in a Montreal church for one year before

gaining status. The child, my daughter's age, who asked me when she was going to attend school.

The Nigerian man who was underground for years. His application on humanitarian grounds was rejected despite compelling medical proof of torture, in part because “because Me. Goldberg threatened to file a complaint at the U.N. Committee against torture.” Eventually, Justice Teitelbaum over ruled the decision.

In September 2007, I had a different kind of client. An American church worker transported a group of Haitian refugees to the Canadian border. She became the first humanitarian to be criminally charged with “aiding and abetting” a refugee to come to Canada without a visa. The CCR, The Canadian Bar Association, Amnesty International, media attention, and letters by twelve religious leaders, and six former Justice and Immigration Ministers culminated in a stay of the charges. The CCR's “Proud to Aid and Abet” campaign persists.

I attended countless CCR consultations and working group meetings. The most memorable? The highly charged 2002 conference in Newfoundland. The beautiful scenery and the warmth of the people provided sharp contrast to the bitter confrontations. Then Immigration Minister Denis

Codere pledged “on behalf of the government”, that the newly enacted Refugee Appeal Division (RAD) would be delayed but proclaimed within one year. More revealingly, the then Executive Director of the IRB had this to say about the government's failure to implement the RAD: “Well there was September 11th you know!”

We have traveled so far. Yet the Geneva grail – a fully and fairly implemented 1951 Convention – eludes us. From the beginning of implementing legislation in 1976, the CCR and its predecessor organization have called for a meaningful appeal after a refugee status decision. The appeal is stalled once more. The Minister muses about new legislation establishing first level refugee interviews by CIC, and bemoans the “unfounded” claims of Mexicans and Czech Roma. Yet there's a shimmering light on the horizon. Is it but a dream? A former community organizer, a man of color with Indonesian school mates, African family, and a burning passion for social justice is President of the United States of America. Geneva's grail burns bright, if we can hold on through the night.

Mitchell Goldberg is a lawyer in private practice in Montreal and a member of the CCR.

INTERNATIONAL RESEARCH CLUSTER TO STUDY PERSONS IN LIMBO

HOWARD ADELMAN, CENTRE
FOR REFUGEE STUDIES

In connection with an Australian research initiative of the Key Centre for Ethics Justice, Law and Governance at Griffith University in Brisbane in partnership with the Commonwealth Ombudsman, the Centre for Refugee Studies has organized the international dimensions of a research project on persons in limbo (PiLs) to gather data from Europe, America and Canada. This research cluster will gather data on people left in limbo who for one reason or another have not been landed but who also, usually for different but related reasons, cannot be



“deported”. The object of the research is to gather data on the numbers of those affected, the various categories in terms of why they have not been landed, the length of time in limbo, the various efforts made by government and non-government sectors to resolve the issue and the shortcomings of such efforts, other alternatives that have been considered but discarded and the reasons for not trying those alternatives. If possible, we will also research the effects on the persons in limbo and their families and the impact on Canadian society.

Thus far, we have completed an extensive bibliography, almost completed the research in Australia, undertaken research in France, Spain and Italy and provided an extensive interim report to the Parliament of Australia Joint Committee on Migration. The interim research confirms our initial premise that government officials are as stumped about how to resolve the problem as advocates on behalf of persons in limbo. The source of the problem appears to be neither racialized targeting nor a non-rational deliberate desire to exclude. However, persons in limbo for extended periods of time are the domestic equivalents of refugees in protracted situations; they are forgotten detritus of the migratory system. Based on the data gathered, Howard Adelman, the international coordinator of the project, has prepared a paper entitled, “Ethics, Borders and Migration: Mending Fences and Tearing Down Barriers,” offering an ethics of migration based on the plight of these irregular migrants which sets forth criteria and a set of normative guidelines for resolving cases in an efficacious and judicious way consistent with both the responsibilities of government to its own citizens and respect for the rights and dignity of those caught in such situations. That framework needs to be critiqued in light of the empirical analysis, modified and then operationalized in a plan of action.

The research team consists of those interested in fostering such research, providing assistance to re-



Guatemalan refugee Julio Agustin Hernandez, left, has been in Canada for seven years. He and his wife, Miriam, and their children, Julio, 11, and Enmy, 9, still don't have permanent-resident status.

(BRADY YELLOCHIN, Globe and Mail)

Refugees in legal limbo

Despite backlog program, many still without landed status

BY LILA SARICK
The Globe and Mail

A program to clear a huge backlog of refugee claimants has kept thousands of them in a state of legal limbo in Canada for as long as seven years.

The backlog program, which came into effect in January, 1989, was intended to deal efficiently with an estimated 85,000 refugee claimants who were awaiting hearings in Canada.

Under the scheme, claimants had to prove to the Immigration and Refugee Board that they had a credible basis to claim refugee status — a less stringent test than a full hearing, in which the board decides if the claimant fits the stricter United Nations definition of a refugee.

Refugees whose claims were accepted were then able to apply for permanent residence in Canada, provided that they did not have a criminal record, were not on social assistance and were not deemed medically inadmissible.

When the program was announced, immigration officials estimated the backlog would be cleared up within two years at a cost of \$100-million. In fact, the last hearings were not completed until June, 1993, two years later than scheduled, and the total cost was \$142-million. About 92,000 cases were heard, with an overall acceptance rate of 65 per cent.

But while the backlog program has officially ended, some of the refugees whose claims were found credible are still languishing in Canada without any legal status. Typically, these people have been put in limbo by some complicating factor that has intervened during the process. Some applicants lost their jobs and had to go on welfare, while in other cases a family member has become ill or committed a

crime. These restrictions apply to all immigrants who wish to be considered for landed status.

In some instances, it seems the only difficulty has been locating files in the bureaucratic labyrinth of the Immigration Department.

“It’s pretty outrageous,” said Caroline McChesney, president of the Refugee Lawyers Association, a group of about 120 immigration lawyers in Toronto.

“The program was meant to clear the backlog and it is dragging it out further.”

Many of Toronto’s immigration lawyers have several clients whose cases date back to the backlog program, she said.

One such client is Julio Agustin Hernandez, 34, of Toronto, who came to Canada from Guatemala in 1987, and has now been waiting seven years to gain legal status here. Two years after he arrived, when the backlog program began, he was found to have a credible claim for refugee status and applied for permanent residence. His wife, Miriam De Leon Morales, and their two young children joined him in Canada and were also permitted to apply for landed status.

Mr. Morales has found work cleaning offices. Mr. Agustin Hernandez, who had been studying accounting in Guatemala, was a general helper in a factory until 1990, when he lost his job in the recession. He was forced to go on welfare, which disqualified him from receiving landed status.

But two years ago, Mr. Agustin Hernandez and his family were granted an exemption on humanitarian and compassionate grounds. All that remains is for Immigration to arrange for the family to cross over the border out of Canada, to satisfy a technical requirement, and then re-enter the country.

Immigration Department spokesman Kevin Sack said that Mr. Agustin Hernandez’s file is awaiting processing, but there is no indication of when he will actually become a permanent resident.

“It’s very hard for me and my wife. I don’t feel stable. I don’t feel sure that I’m staying in Canada,” Mr. Agustin Hernandez said.

Immigration officials have assured Mr. Agustin Hernandez that he will stay in Canada, Mr. Sack said.

While refugee claimants are awaiting a decision, they cannot leave Canada and must regularly renew their work permits.

About 2,000 cases from the backlog program, which officially ended more than a year ago, are still outstanding in Ontario, Mr. Sack said.

The majority of backlog cases are in Ontario, with smaller numbers in British Columbia and Quebec. There are about 150 cases in B.C. which have not been settled, said Shirley Clow, the backlog program co-ordinator for the province.

Toronto lawyer Sergio Karas has about five clients whose cases have become enmeshed in the backlog bureaucracy. One of Mr. Karas’s clients, accepted as a credible refugee, had a liver transplant in Canada and was deemed medically inadmissible, even though the man has returned to work and several doctors have certified that he is fit.

In another case, a family were accepted as credible refugees, but then one member of the family was convicted of assault. The entire family has now been denied permission to land.

I fail to understand why we are keeping people in this country when they aren’t landing them and they’re not willing to deport them,” Mr. Karas said.

searchers and those interested in the outcome, including persons in limbo interested in such research. The core of the cluster consists of the researchers undertaking work on the project. As indicated by the presentation to the Australian Parliamentary committee, this research project is solution oriented. This research project will *not* focus only on security cases and will *not* try to determine whether there was or was not reasonable grounds to believe the individual was a member of an organization that posed a security threat or whether the organization to which an individual allegedly belonged posed a security threat, however valuable such research might be. Nor will we assess what constitutes evidence of risk. The research is *not* focused on whether or not there has been a miscarriage of justice but on how many and for what reasons people are caught in a state of limbo and what solutions are available to end that state.



FORMER IRB CHAIR RESPONDS TO MINISTER'S

PETER SHOWLER



Peter Showler, the former Chair of the Immigration and Refugee Board, wrote an opinion editorial in response to rumoured changes to Canada's refugee status determination procedures in the Ottawa Citizen May 15, 2009. A very slightly modified form of that text is reproduced below.

Past Liberal and Conservative governments have failed to address fundamental flaws in Canada's refugee system. Now Jason Kenney, Minister for Citizenship, Immigration and Multiculturalism, wants to reform the refugee process in ways that will create more problems. Both parties have paid lip service to creating a merit-based system of appointing members to the Immigration and Refugee Board (IRB) while retaining the real authority to appoint and reappoint members from behind the hidden curtain of federal cabinet privilege without accountability. Both parties failed to implement a refugee appeal system already passed by Parliament while praising alternative judicial and bureaucratic review processes that have been ineffective and slow.

In 2005, the IRB had an inventory of approximately 21,000 claims and a capacity to decide 25,000 claims annually. Upon assuming power, the Conservatives failed to reappoint experienced IRB members or to appoint new ones and the board has gone from a healthy workload to a backlog that exceeds 65,000 claims and is still growing. This will add years to a refugee claim

process that is already too long. Minister Kenney rails against fraudulent refugees but it is delay that is most attractive to those who seek to abuse Canada's asylum system. The government is the author of its own misfortune.

Now the minister is compounding past mistakes with greater ones. He has made imprudent comments about fraudulent claims from Mexico and the Czech Republic. He seems to be unaware of the mixed human rights records in both countries, and that many such claims are viable.

He is also unaware that he has trampled on the independence of IRB members who must decide these claims without government influence knowing that Mr. Kenney holds the power of their reappointment. Any refugee lawyer worth his or her salt will raise those comments in Federal Court claiming institutional bias, thus causing more delay.

The minister proposes a new two-tier refugee system as a short cut to keep out fraudulent claims and offers the U.K. as a model. But the British refugee system has been roundly criticized as unjust and inefficient. Mr. Kenney likes the U.K. system solely because the number of new refugee claims has diminished. That is roughly equivalent to liking the quality of Leafs hockey because the Air Canada Centre is sold out for every game.

In recent days the Liberals and Conservatives have worked to quietly scuttle the bill to implement the Refugee Appeal Division and the prime minister has found refugee issues complicating trade deals with the Czech Republic. Indeed, Canada's refugee system does need reform and high claim flows from continental neighbours such as Mexico are legitimate policy concerns. But there are no quick fixes. It is a difficult and serious job deciding who has a legitimate fear of persecution and who does not. It requires independent and qualified decision makers and an effective appeal system to catch inevitable mistakes.

Just and reliable decisions provide a solid foundation for the prompt removal of undeserving claimants. A quick fix system of hasty and shoddy decisions leads to endless judicial reviews, blatant injustice and more delay.

TAKE ACTION! CCR CAMPAIGN UPDATES AND ACTIVITIES



Lives in the Balance: Responding to challenges to the refugee determination system.

Canada's refugee determination system has been the subject of recent public commentary, much of it focusing on "abuse" and alleged problems in the system. The realities of refugees in the system have received less attention.

The Canadian Council for Refugees has prepared some answers to current questions and concerns about the system, as well as information about a few of the individuals in the system.

Why not use this information to raise public awareness and when speaking with the media about refugee rights?:

Understanding current challenges to the refugee claim process: Lives in the balance -
<http://www.ccrweb.ca/documents/refugeeclaimsFAQ.pdf>



Correcting myths and misconceptions about refugees and immigrants in Canada

We encounter myths and misconceptions about refugees and immigrants like these every day, so how can we better promote positive images about refugees and immigrants in our communities?

At the last CCR Consultation in Quebec City in May 2009, participants at the myth-busting strategy workshop, came up with these tips:

- Promoting positive images *melts* myths: helping to dispel them and stop them from spreading
 - Talk to those around us about refugees and newcomers in our communities. They are our greatest allies and ambassadors.
 - Tell real, personal stories. Putting a human face on an issue helps people to sympathize and better understand the challenges faced by refugees and newcomers in our communities.
 - Emphasize personal experience. Ask people to put themselves in the place of a refugee. What would they do in a similar situation?
 - Develop your instinct to respond to misinformation. Don't let opportunities to respond pass you by. If we don't act, who will?
 - Have long-term goals: Change will happen slowly and over time, but change WILL happen.
 - Be patient: Being misinformed does not mean a person is unwilling to change their opinion.
 - Confront racism and discrimination wherever they occur.
 - Take our efforts into the mainstream. Take part in community events that are already planned to reach new audiences.
- Don't give up!

If you are looking for some helpful resources to use in your myth-busting efforts, check out some of these suggestions and browse the CCR's Public Education webpage at:

http://ccrweb.ca/en/public_education

-Refugee Assistance Rebuttal: Responding to chain email with false information

<http://www.ccrweb.ca/refassistrebut.html>

-Facing Facts - Myths and misconceptions about refugees and immigrants in Canada -

<http://www.ccrweb.ca/documents/FFacts.htm> pamphlet and Power Point.

-Refugee Claimants in Canada: Some facts -

<http://www.ccrweb.ca/documents/claimsfacts07.htm>

-Refugees, immigrants and advocates in our own communities are our greatest resources!

For potential speakers in your community, check out the list of CCR member organizations across Canada (see the Links page at <http://www.ccrweb.ca/eng/links/links.htm>) or the Passages to Canada program at: <http://www.passagestocanada.com/>



Campaign Update

Refugee Appeal Division bill stuck in House of Commons Committee (could change depending on Committee votes in the next week)

Adoption of Bill C-291 and the Refugee Appeal Division is in jeopardy. Liberals and Conservatives have joined together to block the bill in the Standing Committee on Citizenship and Immigration.

Refugees need the appeal in order to protect them from being sent back to face persecution following an error in the determination of their claim. Canada needs the refugee appeal in order to comply with our international human rights obligations not to *refoule* refugees.

The CCR has written to the Liberal members of the Standing Committee expressing dismay at this reversal of the Party's support for the refugee appeal:

<http://www.ccrweb.ca/documents/RADlettersjune09.htm>

THE NEW LIFE CENTRE: IMMIGRANTS ADVOCATE FOR CHANGE

BY GILBERTO ROGEL

It was the death threats that brought Mauricio Martinez and his family to a new life of poverty in Canada. Martinez, who arrived in Toronto with his wife and two children from Mexico last November, is now awaiting the outcome of a claim for refugee status. His family is surviving on welfare and he is struggling to make ends meet.

"In fact, every month the government gives me money," says Martinez, "but the money isn't enough. We can pay the rent and buy only a few things to eat.

It is really difficult."

The Martinez family has managed to find affordable accommodation in an apartment in Toronto's east end, but finding a good job has been tough for Mauricio, who has several years' experience working at a non-governmental organization in Mexico.

Martinez's situation is not uncommon. In fact, similar circumstances are shared among a growing community in the Toronto area. Getting a start in Canada is no easy matter, Martinez told a gathering of recent immigrants, refugees

and activists at the Mennonite New Life Centre of Toronto. About 20 people attended the meeting recently, organized by the centre's Newcomer Advocacy Committee.

Committee members invited Ontario MPP Michael Prue of the New Democratic Party to gain perspective on immigration and poverty. In a speech, Prue drew a strong connection between immigration and poverty, insisting that ethno-cultural communities, non-governmental organizations, political parties and the federal and provincial governments should make a more sustained effort to unite in the fight against poverty. Immigrants struggling to survive in Toronto and other parts of Ontario are further pressured by the ongoing economic recession.

Canadian economic researcher Nathan Laurie says Ontario's poverty rate will grow at least 13.6 per cent over the next year, placing more than half a million Ontarians below the poverty line. If that projection holds true, it will confirm what at least one in nine children in Ontario already knows: that poverty is on the rise.

There is more evidence. The average low-income family would need to increase their earnings by more than \$5,000 a year just to reach the poverty line, ac-

cording to the 25in5 anti-poverty network. Anecdotal evidence shows families are increasingly turning to food banks because they can't afford to feed themselves, on top of paying for shelter, clothing and transportation.

"Poor Ontarians are being forced to choose between paying the rent or feeding their kids," Prue says.

Martinez thinks Queen's Park could go further to help immigrants who "need more help with things like job training, mentoring, etc."

The Newcomer Advocacy Committee, of the **Mennonite New Life Centre**, which was created in 2008, has been trying to engage newcomers, settled immigrants and refugees living in poverty to address and transform their situations.

Says Martinez: "If there is only one voice, nobody will listen. But if we work together, we can join more voices and the provincial government will listen to our requests."

Mennonite New Life Centre. A welcoming centre for refugees and immigrants. We bring together newcomers and citizens to support each other, learn from each other, and advocate together for a more just and compassionate society. Our Vision is to provide a holistic person-orientated approach to the resettlement and integration of newcomers into Canadian society.

BOOK REVIEW: "WE DID IT"

BY ARIANA YAFTALI

Ariana Yaftali and her family fled Afghanistan, and, after being in temporary asylum in Pakistan, where she worked for UN agencies, they arrived as government sponsored refugees in Canada. Ariana is an amazing young woman, fluent in a number of languages, and, as can be seen in *We Did It*, particularly in English.

Ariana began working at the Manitoba Interfaith Immigration Council (MIIC) in 2003 administering the community based, family linked, refugee sponsorship program. In order to inform and promote private sponsorship MIIC publishes and distributes a short monthly newsletter, *Options*, which Ariana began to take responsibility for in 2003. Her articles come from her experience and her heart. She writes about the experience of refugees overseas, private sponsorship experiences, and settling in Canada.

We Did It is a collection of Ariana Yaftali's articles from 2003 through 2008. They are written with passion and insight and range from the personal such as in "A Plea for Help", "Tears of Joy and Happiness",

or "Waiting for an Exciting Evening" through the educational, "Learning and Sharing", "Team Play in Refugee Resettlement" to the political, "Is there any Faster Way", "Transportation Loans- A Burden on Newcomers" and "Denial of Their Rights". Many folks both within the sponsorship and settlement communities and the public at large have come to look forward to Ariana's monthly missives and in 2008 there were suggestions from numerous folk that a collection of Ariana's "Options" articles should be published. With financial and moral support from the Manitoba Department of Labour and Immigration, and the graphic skills of Masoud Moradi, "*We Did It*" found its way into print in early 2009 with 3,000 copies being distributed, free of charge, at MIIC.

Being Ariana's boss I am somewhat biased, but I think she has done a hell of a job describing the joys and pain of refugees, their families and their sponsors. She has developed expertise and insight into the system, its successes and failures and writes in a clear, non-academic, English. The articles are short and to the point. *We Did It* is divided into three sections: Refugees, Settlement and Sponsorship of Refugees. The articles collected range from the mi-

cro, Ariana's personal experiences with refugees and sponsoring groups, to the macro, the refugee experience and "the system". Some of the chapters do not quite fit the arbitrary section titles, but, nevertheless, they can be read in sequence or at random and are usually relevant and easy to read.

Masoud Moradi, MIIC's resident computer whiz, has done a marvellous job providing illustrations, graphics and photographs to supplement Ariana's words. In summary, *We Did It* is an informative, sometimes

emotional and always a worthwhile read. Ariana Yaftali has done us all a service by putting her emotions, experience and intellect into print.

As if getting published was not enough, on May 8, 2009, Ariana Yaftali brought into the world a seven pound four ounce female Canadian, Liliana Hannah Yaftali Lampert. It's been a good year for Ariana.

Marty Dolin

REMEMBERING THE ANNIVERSARY OF THE BOAT PEOPLE AND PRIVATE SPONSORSHIP THIRTY YEARS AGO

BY FRANCISCO RICO-MARTINEZ

It's thirty years since Canadians volunteered on a massive scale to help resettle some 60,000 Vietnamese refugees in Canada during 1979 and 1980. Many of them were brought under umbrella agreements, arrangements swiftly cobbled together by religious leaders and the government. Here Francisco gives a reflection on "sponsorship" then and now.

1979... On one hand, who knew in Canada something about refugee sponsorship? Who talked about refugee resettlement? How many people discovered the urgent need to build a coalition in Canada for the support of the work with refugees? The Canadian

Council for Refugees did not exist... Even the phrase "settlement" had not been invented... There was nothing about "SAHs" or "CGs", or that entire lingo. All of the above was not even imaginable... Certainly there was no real settlement sector as we know it today. No learned lessons nor experience or professionalism on sponsorship, on settlement or resettlement. But look at Canada now... everything that we have developed around all those topics has been since then.



It is just unbelievable. 1979... on the other hand, there were people who wanted to help. Lots of them. A lot of them were making their living working in different traditional sectors of the economy, in corporations, finance, in trade, education, social services, churches, etc... Yes, good people running around

Canada like a headless chicken in regards to refugee issues. But ready to help... When the horrific pictures of what became known as "the boat people" started to appear on the television... people started talking on the radio, everywhere, and like the waking up of a giant ... The people of Canada... not the government of Canada... started to mobilize, to do something about these people so far away. Many...

many... thousand Canadians were caught up in this wonderful spring tide of response. Were you there? Please feel proud... you did very well.

How many of you Canadians, at the beginning of your day at work or middle afternoon while taking a break or maybe in the evening during a volunteer meeting for something else, started to talk about sponsoring a family of Vietnamese "boat people"? Do you remember how easy it was to convince them? Good people all, they went for it. Then, the proactive

person of the group made just a phone call or went to talk in person to someone at the local immigration office (in person JaJaJa... take that one now). Yes, yes, people just expressed their interest in sponsoring a family, and got the information and started working on it. Shortly after, papers were signed. All these good people understood that they were responsible for the reception and settlement of the refugee family. The families came and almost every time it was a pleasant and joyful reception where languages were the most important things in the repertory of ignorance. Everything that started by these Good Samaritans became an amazing experience. There is a lesson to be learned that is still so interesting and complex even now. How simple. How easy. How straightforward. How satisfying. How amazing it sounds right now. God bless the people of Canada.

Thirty years have now passed and even though

the fire of good volunteers is still there and sometimes is even bigger, it is interesting to witness the explosion of bureaucracies, not only the Canadian one but any bureaucracy. They seem to have an unwilling perverse capacity to take something so simple, so beautiful like the sponsoring of “boat people” and make it increasingly complicated, long, paper based and over structured, always surrounding it with layer upon layer of rules until the initial goal... to sponsor refugees in need... is subverted, frustrated, and someone can say, unwillingly forgotten. God bless them with wisdom for change, the sooner the better. Of course there are some exceptions to the above painful generalization. Some people, human beings, at CIC have remained very pleasant to deal with and committed to the work. Some of them still appreciate the efforts of “the good people”, the volunteers, who are now known as “SAHs” or “CGs” or “group of fives”. Some of the CIC people are still very helpful and God bless them too with the blessing of multiplication!

ARE ALL CITIZENS EQUAL WHEN IT COMES TO FREEDOM OF MOVEMENT?

The Canadian Centre for Victims of Torture sent the letter below to the Prime Minister's office asking that a Canadian citizen be allowed to enjoy his right to leave and to return to his country. As of June 19th the Canadian government had agreed to comply with a court order to allow Mr Abdelrazik to travel back to his country of Canada.

The Right Honourable Stephen Joseph Harper
Prime Minister of Canada
Office of the Prime Minister
Langevin Block, 80 Wellington Street,
Ottawa, ON. K1A 0A2

March 10, 2008

Dear Prime Minister Harper,

We at the Canadian Centre for Victims of Torture (CCVT) are extremely concerned about the well-being and fate of Mr. Abousfian Abdelrazik, a dual Canadian/Sudanese national who has been stranded at the Canadian Embassy in Khartoum for a year. We are writing to urge that the Cana-

dian government takes action to put an end to his six-year long forced exile and bring him back to Canada safely and promptly.

It appears Mr. Abdelrazik was a subject of interest to CSIS and other foreign intelligence agencies because of his alleged links to individuals who might have been involved in terrorist activities. He travelled to his native Sudan in March 2003 and was detained by Sudanese authorities in August of the same year and was held until July 2004. Mr. Abdelrazik was taken prisoner again in November 2005 and kept captive until July 2006. In both occasions, Mr. Abdelrazik claimed, was tortured. Also, very worrying to us are documents released under the Privacy Act which indicated that the Canadian government has been involved in his detention, which renders his case an example of “extraordinary rendition”.

To the best of our knowledge, Mr. Abdelrazik has not been charged with any criminal offence, neither in Canada nor in Sudan, and is not subject of any arrest warrant anywhere in the world. It is our understanding that he has been cleared by the RCMP and that the federal government has even attempted to remove his name from the UN no-fly list. Even though Mr. Abdelrazik's

name remains on the UN list, that does not bar his travel back to his country of citizenship, Canada, which is an exception to the ban on flight. Despite this, on April 3, 2009, the Minister of Foreign Affairs, Hon. Lawrence Cannon, without explanations, refused to issue Mr. Abdelrazik an emergency passport. This message reached Mr. Abdelrazik's lawyers just hours before the flight which was to bring him home, departed from Khartoum.

As you may be aware, the plane ticket he was to utilize was purchased by well-wishing fellow Canadians who, aware of his plight, campaigned to raise funds in order to obtain his ticket back to Canada. It has become public knowledge that Mr. Abdelrazik has no means to support himself. It is extremely difficult for him to survive on a loan of \$100 a month he receives from Canadian officials in Khartoum. We believe his living conditions to be humiliating and inhumane, and should come to an end without further delay.

In addition, Mr. Abdelrazik continues to fear of being incarcerated and mistreated again, a fear we believe is understandable, and we urge you to prevent this from happening in the future. We, at the CCVT, are puzzled by the Canadian government's indifference and lack of action regarding Mr. Abdelrazik. It seems that your govern-

ment has, instead, obstructed and delayed any efforts to bring him back to Canada.

Mr. Prime Minister, we believe Mr. Abdelrazik's prolonged banishment to be grossly unjust and reprehensible. We are against the practice of two-tier citizenship in Canada. As a Canadian citizen, Mr. Abdelrazik must be protected. If there are concerns about his involvement in any terrorist activities, they can and should be dealt with under the Canadian justice system. We plead to your government to ensure Mr. Abdelrazik's safe and immediate return home.

Canada has accepted the greatest challenges in global human rights leadership. We expect your government to protect Canadian values and play a leading role in the promotion of the civil and human rights here and abroad. Please help with the continuation of adhering to these basic principles that make Canada an admired and respected nation.

With best wishes and in the hope of more collaborations in the future,

Yours sincerely,

Mulugeta Abai
Executive Director

REFUGEE UPDATE

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