

REFUGEE UPDATE

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Exclusionary Changes in the Conservative Immigration, Refugee and Citizenship Policies: The Beginning of the End

Francisco Rico-Martinez

In June 2008, Bill C-50 gave the Minister of Citizenship and Immigration Canada broader power to change or cancel any Immigration and Refugee Protection Act (IRPA) program or class through Ministerial Instruction (MI), without oversight by any parliamentary body or institution; in other words, the ability to run the Ministry by decree. This heralded a disturbing new tradition in Canadian legislation and policy implementation, one that contradicts the often quoted claim: “Canada has the fairest immigration and refugee system in the world”.

This article describes recent changes to the Canadian immigration system that detrimentally impacts refugees, as well as the settlement and refugee-serving sector. The sum of these changes points at a new era in how Canada ‘welcomes’ immigrants and refugees, one that is so exclusionary that it is a contravention of the Refugee Convention and bears little resemblance to 1986, when Canada won the UNHCR Nansen medal for “major and sustained contribution to the cause of refugees.” (IRB Canada, 2013).

According to the UNHCR, Canada has dropped from number five to fifteen in its rank of refugee receiving countries (UNHCR annual asylum trends report 2015).



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Celebrating June 26th: The international Day in support of

Victims of torture

Ezat Mossallanejad



On Dec 10, 1948, the General Assembly of the United Nations recognized the need to end of the widespread use of torture through Article 5 of the Universal Declaration of Human Rights, which stated, “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” This was restated in 1966, in Article 7 of The International Covenant on Civil and Political Rights. On December 10, 1984, the UN General Assembly adopted the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. This most important effort by the international community to emphasize the urgent need to end the criminal practice of torture, came into force on June 26th, 1987.

1998 was the first year when the *Canadian Centre for Victims of Torture (CCVT)* celebrated June 26th as the *International Day in Support of Torture Survivors*, with an evening of solidarity with survivors. The theme of the event was “Prometheus the Woman”, highlighting the history of women’s torture and resistance throughout the ages. June 26th is marked by the CCVT to commemorate the spirit of survivors, through workshops, speeches, performances, and refreshments. Hundreds of people from dozens of communities participate each year. They come together to enjoy this special day, hoping that one day torture will be eliminated from the face of the earth.

When John Swain completed his *Book of Torture* in 1929, he cherished the hope that there would be no more torture in the “millennium of civilization”. He even went so far as to suggest that “torture as a means to confession has disappeared”.¹ It is unfortunate that today torture is being practiced in two-thirds of the world’s countries, including industrial nations of the North.

According to Amnesty International, torture is practiced in at least 79 countries that are signato-

ries to the Convention against Torture, as well as in 40 other countries, that are not yet signatories.² In 2014, CCVT assisted a total of 1,623 survivors of torture from 90 different countries. Of these, 1180 were adults, 47 were seniors, 184 were children, and 212 were youth between the ages of 13 to 24 years.³ These statistics are a vivid reflection of the widespread use of torture around the world.

This year, the CCVT enthusiastically celebrates the International Day in Support of Victims of Torture, on the theme of “The Right to Rehabilitation”. Article 14 of the UN Convention against Torture reads, “Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.” The right to rehabilitation was emphasized through a panel discussion, followed by a cultural program with skits, music, and other performances.

Let us act today! Expose oppressive and torturing regimes; identify torturers; bring them to justice;. Let us not allow torture to continue! As the UN Secretary-General, Ban Ki-moon, noted on June 26th, 2014, “The right of victims of torture to effective remedies, including rehabilitation, is yet to become a reality... As we honour the victims on this International Day, let us pledge to strengthen our efforts to eradicate this heinous practice.”⁴

1. John Swain, *The Book of Torture*, Worldwide Copyright Ltd., 1968, p. 244.

2. “Global crisis on torture exposed by new worldwide campaign”, *Amnesty International*. 13 May 2014. Web.

3. For more details see Canadian Centre for Victims of Torture (CCVT), Annual Report 2014, Toronto, pp. 46-47.

4. Secretary-General's message on the UN International Day in Support of Victims of Torture [scroll down for French version], New York, 26 June 2014

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The disturbing trend of exclusion and creation of impermanence has been manifested through various ongoing ways.

The ‘four-year rule’ for temporary foreign workers was implemented in 2011, requiring temporary foreign workers to leave Canada after four years of employment; they may reapply for a work visa after living outside Canada for four years. The stated goal of the Federal Conservative government was to encourage employers to hire Canadians (CBC newscast). Despite community resistance and the Canadian Federation of Independent Business calling for an easier path to Permanent Residence for temporary foreign workers, especially in provinces suffering from labour shortages, no revision were made to the exclusionary elements of such policy and led to the largest deportation in Canadian history on April 1st, 2015 (Toronto Star).

The Refugee Reform: In June 2012, Bill C-31 or *Balanced Refugee Reform Act* was passed, described by some as the complete overhaul of Canadian refugee and immigration traditions. Refugee claimants are currently divided into three categories:

1) Designated Countries of Origin (DCO). On December 14, 2012, the government released a list of countries designated as “safe”, a contravention of the Refugee Convention. Nationals from DCOs have reduced rights in the refugee process (shorter timelines, no access to appeals, etc.). Refugee rights activists believe that this forms a “two-tiered” and exclusionary practice. The assigned designation is based on quantitative factors (number of claims made and claims abandoned from a particular country, etc.) and qualitative factors (if a country has an independent judiciary system, the ability of nationals to access democratic rights, etc.). Designating a country “safe” by Ministerial *opinion*, can be subjective and dismissive in practice, where refugees are judged based on their country of origin, rather than factors such as abuse and discrimination. For example, while a country may have an independent judiciary body, or mechanisms to access democratic rights, members “of particular social group” may be persecuted by government, state actors and members of civil society without access to legal protection.

2) Designated Foreign Nationals, also defined as “irregular arrivals”, is contravention to Refugee Convention since it focuses on the ‘way’ the claimant arrives in Canada rather than where they come from. Essentially, the Minister of Public Safety can designate groups of people as “irregular arrivals” in particular

circumstances, including if the Minister believes that the group cannot be examined in a timely manner, or suspects that the group might have been smuggled. These nationals are subject to many extreme measures, from mandatory detention of adults (with no access to the Appeal Division of the IRB in case of a negative decision), to a bar of up to five years on applying for permanent residence, even if they are accepted as a person in need of protection. These measures highlight a trend of criminalizing refugees and newcomer populations, removing their right to “seek and enjoy asylum.”

3) Non-Designated Countries of Origin. This category of refugees include those claimants who are not from a Designated Country of Origin list, or a Designated Foreign National (according to the Minister of Public Safety).

Since Bill C-31 there has been an increase in negative decisions on refugee claims found to be “without credible basis”. The concept of “credible basis” gives decision makers another tool to refuse claimants, who are then denied the right to appeal such decisions. This tiered and exclusionary system, where access to rights depends on where a claimant is from, how they entered Canada, and if they have adequate evidence and documentation to support their claim to convince the IRB, reflects the extent of decision-making power resting in the arbitrary hands of the Federal Government.

These disturbing elements not only impact claimants who have entered Canada after 2012 but can lead to the loss of convention status of claimants already determined as in need of protection. Currently, convention refugees and protected persons can lose their permanent resident status if the IRB determines they are no



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longer in need of protection (“cessation” as per law) if the person visits their country of origin as a Permanent Resident, or if they obtain or renew their passport from their country of origin - no exceptions are recognized in the law. These elements, which make people feel unsafe and unwelcome, reflect a blatant dislike of refugee populations, some would argue.

Other Barriers to Regularization of status and Permanent Residence

- Bill C-31 includes other elements that impede the full and equitable participation of many newcomer populations in Canada. For example, since 2012, if an applicant’s claim is refused, they must wait twelve months before submitting a Humanitarian and Compassionate (H&C) application; 36 months for claimants from a DCO. The H&C application is now an in-country procedure, forcing many to stay without legal status, sometimes under threat of arrest, detention or removal. The precariousness increases because of limited access to services (healthcare, social assistance, etc.), and being forced to work in unsafe, exploitative conditions.

On July 1st, 2012, the Canadian government made sweeping cuts to Interim Federal Health coverage for refugee claimants and refused refugees, which had far-reaching and detrimental impacts on these communities and on organizations that serve them. As a result of the work of various groups who insisted that “Health care is a right and not a privilege”, on July 4, 2014 the Federal Court struck down these cuts as unconstitutional. The government has since appealed, despite community resistance.



Another change is the imposition/increase of fees, which increase the economic burden, stress and insecurity for newly-arrived and precarious migrants. In February 2014, the fees for a Temporary Resident Permit (TRP) increased to \$100, a study permit to \$150 and a work permit to \$155. In February 2015 an additional \$100 was imposed for an open work permit. According to Ministerial Instruction, these fees can be changed without notice and as often as the government deems necessary. An illustration of this is the recent increase in the application fees for Canadian Citizenship, which more than doubled in less than six months, totaling \$630 for each application. To put this in context, this is higher than the maximum monthly amount of social assistance a single person receives in Ontario.

The journey to citizenship is now more complicated; applicants must live in Canada for four out of the last six years, excluding time spent in Canada before receiving permanent residency. Applicants between the ages of 14 and 64 are now required to pass the citizenship test and prove language proficiency in either English or French. They must declare their “Intention to Reside in Canada”. The assessment of these intentions, often subjective and exclusionary, is conducted prior being granted citizenship.

Similar trends may be seen in Bill C-24, which has created a two-tier citizenship system; those with dual citizenship can have their Canadian citizenship revoked if they commit certain actions deemed as being against Canada (such as war crimes, crimes against humanity, human rights violations, organized criminality or membership in a group engaged in armed conflict against Canada). This Bill portrays a growing tendency to “radicalize” certain migrant populations, exemplified by Canadian military participation in Iraq and Syria, and the growing fear associated with the Islamic State (including ISIS).



The Illegalization, Radicalization and Isolation of Migrants

The changes around citizenship demonstrate an ongoing xenophobic and ‘Othering’ mentality. Both Bill C-24 and Bill C-43 underline these attitudes. The very title of Bill C-43 - “the faster removal of foreign criminals”, highlights its discriminatory nature. Bill C43, passed in November 2014, is meant to expedite the removal of “foreign criminals” and make it harder for people who “pose a risk to Canadians” to enter the country. It is important to note that the definition of “foreign criminals” for the Federal government includes anyone who has committed a crime that has a maximum sentence of 2 years, or received a sentence of six months or more. Thus, someone who has lived here for most of their life, but has not applied for citizenship, can be at risk of removal and separation from their families for committing petty crimes. If someone knowingly misrepresents themselves on any application or during any process, the penalty has increased from a two-year to a five-year period of inadmissibility to any immigration application. The risks are heightened for those who are not familiar with processes in Canada, or do not speak English or French, and rely on immigration consultants or unscrupulous third parties.

In August 2014, the definition of “dependent child” changed from 22 years of age to 19, with the exception of those with mental or physical disabilities; children over the age of 19 must apply separately. Newcomers and newcomer-serving communities argue that such changes heighten the risk of family separation as many children may not live independently at the age of 19.

The heightened criminalization is also apparent in the increased detentions and deportations in 2015. Recent reports indicate refugees are being detained for months or even years, with at least 9 people dying while under the custody of the Canadian Border Services Agency (CBSA) since 2000.

Reshaping Care

In November 2014, the Minister brought a change to the Live-in Caregiver Program. Applicants are no longer required to live with their employer – a triumph of the work of community activists and the Live-in Caregiver movement. However, this remains the only unskilled worker program where participants may apply for permanent residency after fulfilling the requirements. Despite the possibility for permanent residency, under the new “Caregiver Program”, migrants must have a positive Labour Market Impact Assessment (LMIA) or their application is returned.

Citizenship and Immigration Canada has created two new pathways to apply:

- 1) Caring for Children Pathway;
- 2) Caring for People with Medical Needs Pathway.

The Minister of Citizenship and Immigration wants workers with a moderate level of experience and skill who will be paid wages for the unskilled, under the guise that one day they will earn the “privilege” of becoming permanent residents. These changes impact current Live-in Caregivers who can only move out of their employer’s home if the employer applies for a LMIA under one of the new pathways. For Live-in Caregivers working under the old system, moving out of their employer’s home may cost more than \$1,000, without any guarantee of being accepted under the new system.

The Incessant Drip of Ministerial Instruction

- The steady stream of changes from the federal government over the past two years have not only detrimentally impacted diverse newcomer communities, but have created serious concerns for non-profit organizations and service providers. Settlement and other frontline workers accompanied clients through a whirlwind of new information and changing application processes, fearing information may not be up-to-date and may negatively impact clients. In the atmosphere where advocacy can only be 10% of the work of a non-profit, federal policies have instilled fear that if they speak out against any of these injustices, staff risk losing their jobs and the organization risks losing its charitable status.

- In October, 2014, in light of the Ebola outbreak, Citizenship and Immigration Canada paused all temporary and permanent resident applications for applicants who had lived, or traveled to or through affected nations (Guinea, Liberia, and Sierra Leone). This prevented many people from leaving the affected areas and seeking help in Canada, which many argue, was needed during the Ebola crisis.

- The moratorium on removals to Haiti and Zimbabwe was lifted on December 1st, 2014, reinstating the possibility of nationals from these countries being forced to return. It was debatable whether conditions in both countries had improved to a level where people would return without hardship. The vast majority of people had been in Canada for many years and have made Canada home. Removing them from their communities in Canada would only add to their trauma. Activists also argued that the numbers of Haitian and Zimbabwean nationals are moderate, implying no huge financial burden.

- In December 2014, Bill C-585 received royal assent, allowing provinces to deny social assistance to newly arrived refugee claimants by imposing minimum residency requirements, creating further stress and further limiting their equitable participation in Canadian society. However, the measures contained in this Bill will not take effect unless a province decides to impose the residency requirement for claimants.

- In January 2015, Ministerial Instructions were announced at an astounding rate, including one that repealed all processing eligibility criteria for new applications in three classes:

- 1) Skilled Worker Class;
- 2) The Skilled Trades Class;
- 3) The Canadian Experience Class.

The same Ministerial Instruction implemented the Express Entry Program. Arguably not an immigration program/class, it allows for the submission of personal and professional information online, where applicants compete against other candidates to gain enough points to realize entry to Canada. A maximum of 1200 points are awarded: 600 for the individual portion (experience, age, marital status, transferable skills and so on) and 600 for the job offer (whether through provincial nominee or valid LMIA). This program has been chastised for its perpetuation of racist, classist and hetero-capitalist values, which widen disparity and potential for discrimination of

underprivileged, marginalized and vulnerable newcomer communities.

The legislative changes are ongoing and continue to reflect the deeper shift in how Canada welcomes and treats refugees. Refugees are now labelled as criminals before they land on our shores, while those who make it to safety face deportation for something as minor as a traffic violation, despite lifetime contribution they make to the fabric of the Canadian society. It is increasingly apparent how a steady stream of changes, tightly woven in law and marked by convoluted intricacies, have caused panic in the settlement serving sector. The doors are continuing to close for many in need of Canada's protection, as well as those attempting to come through any economic or professional means, marking this new era of Canadian migration with values of exclusion, impermanence, xenophobia and the criminalization of migrants.

According to the UNHCR, Canada has dropped from number five to fifteen in its rank of refugee receiving countries (UNHCR annual asylum trends report 2015). Where will we be in the years to come?

Breaking News!

Court strikes down appeal bar for nationals of Designated Countries of Origin

On July 23, 2015, the Federal Court ruled that denying refugee claimants from Designated Countries of Origin access to the Refugee Appeal Division is a violation of the Canadian Charter of Rights and Freedoms. The Court ruled that these claimant must have access to the Refugee Appeal Division, effective immediately.

The decision is available on the Federal Court website at:

<http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/110850/index.do>

or in PDF:

<http://ccrweb.ca/sites/ccrweb.ca/files/fc-rad-dco-july-2015.pdf>

Singh Decision: 30th Anniversary

Ezat Mossallanejad

2015 marks the **30th Anniversary** of the 1985 **Singh Decision** in which the Supreme Court of Canada passed one of the most significant rules in Canadian Immigration history. On April 4, 1985, in accordance with Section 7 of the Canadian Charter of Rights and Freedoms, the Supreme Court of Canada extended the rights guaranteed to all Canadian citizens to refugee claimants. This Section states: “Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.” The Singh Decision significantly raised the standard of fairness for refugee claimants, where the Court ruled every refugee claimant has the right to have at least one oral hearing before an independent tribunal.

Recognizing the significance of the Singh Decision, refugees and refugee rights communities in Canada have declared April 4th as the Canadian Refugee Rights Day. Each year refugee protection agencies in Canada commemorate Refugee Rights Day. It provides a golden opportunity to consolidate solidarity among various human rights and refugee rights groups. They act, collectively and individually, in different parts of the country, and share concerns, problems, vulnerabilities and grievances of refugees while celebrating their resilience.

Refugee Appeal Division: Information Session

Alexander Bogomazov

When I saw the advertisement about the Refugee Appeal Division (RAD) Information Session, I knew I would attend it.

The Immigration and Refugee Board (IRB) in downtown Toronto, where the session takes place, was not new to me. I remembered several tribunal hearings in the IRB Immigration Division (ID) and Immigration Appeal Division (IAD) that I had attended in the past to boost my understanding of immigration procedures in Canada. Yet, the Refugee Appeal Division had always been a mystery for me.

The session went smoothly. There were several members of the public, and three IRB Officers, who elaborated on the meaning of the procedure and took questions from the floor. The importance of the RAD info-tours can hardly be overestimated. The sessions familiarize refugee appellants with the hearing procedures, and helps him/her get better prepared for the appeal process.

I would highly recommend this for all refugee appellants.

FREE ORIENTATION FOR REFUGEE CLAIMANTS APPEALING THEIR NEGATIVE DECISION TO THE REFUGEE APPEAL DIVISION (RAD) OF THE IMMIGRATION AND REFUGEE BOARD (IRB)

I received a negative decision in my hearing, what should I do?

Am I eligible to appeal?

Where should I go if I want to appeal?

Who can help me to prepare an appeal?

RAD Info-session

RAD information session

RAD info-sessions will provide the Appellant with a FREE opportunity to be better prepared for the submission of their appeal before the RAD:

- What you need to do to appeal your negative decision?
- The documents you need for your appeal
- What happens during an appeal to the RAD?

REGISTRATION
www.readytour.ca
E-mail: [Carolina Teves](mailto:Carolina.Teves@readytour.ca)
info@readytour.ca

RAD info-sessions are hosted by the Coalition of Service Providers for Refugee Claimants in Southern Ontario in partnership with the Refugee Appeal Division of the Immigration and Refugee Board of Canada.

Enforced Closure to Regulated Mobility: The need for Paradigm Shift in Migration Policies

RCIS Working Paper No. 2015/4 by Francois Crepeau

The following excerpts are from the keynote address delivered on May 13, 2015, at the 8th Annual Conference of the Canadian Association for Refugee and Forced Migration Studies (CARFMS) at Ryerson University, Toronto

Migration, including irregular migration, is normal and here to stay

Stopping migration isn't really possible over the long term. States must accept that migrants will come, because there are either push factors or pull factors for them to do so. Any attempt at "sealing" borders, as the nationalist populist discourse stridently calls for, will continue to fail on a massive scale, as this creates a market for opportunistic smuggling rings.

Criminalising migration has little deterrent effect, but huge consequences as to the human rights of migrants

The language used by politicians and the media is criminalising. The systematic detention policies of irregular migrants are a form of criminalisation. The treatment of migrants – such as forced returns to the country of origin while being restrained and helmeted, like a criminal is shackled – is criminalising. This portrayal of migrants has extremely negative consequences on the migrants themselves. Their rights will be trampled by people who know that they will not protest or mobilise.



Their marginalisation and exploitation is therefore further entrenched by the criminalising attitude, adding to the difficulties they already know, such as the language barrier, sexual harassment, and lack of social support.

Administrative law has become the most dangerous law of the land

The stringent guarantees which evolved over a few centuries in criminal law – being the only legal arena which could result in death, torture or imprisonment ... have not yet reached the core of administrative law, resulting in serious human rights concerns regarding the treatment of migrants

Immigration regulations, proceedings, and policies now "mimic" the criminal justice system in many ways, including the importation of criminal categories, criminal law enforcement mechanisms, institutions of criminal punishment, and crime control rationales. However, these shifts have not been accompanied by increased legal safeguards of the kind found in criminal law.

The continued insufficiency of human rights guarantees within administrative proceedings relating to migration, coupled with the increasing use of punitive sanctions and regimes akin to criminal law, often place irregular migrants in a very precarious position.

We all need to understand migration logics and the strategies of migrants

Migrants who don't see a future for themselves or their loved ones will try to seek that future elsewhere, like all of our forebears have done. If legal avenues for migration are open, they will use them. If not, they will find other ways. Because they need to. Because their options are limited.

One needs to recognize the agency and dignity of these migrants and refugees when they decide that this is the best course of action to create a future for themselves and their loved ones. They face very difficult choices and make courageous decisions. They may be facing exclusion, marginalisation, discrimination, harassment, violence on a daily basis, and yet they endure and persist. It is an act of survival, often performed out of love.

Irregular migration is the result of barriers: smuggling is an opportunistic industry

With our prohibition policies, we have created a new and lucrative market for smuggling rings, a market which could not exist without this prohibition. Smugglers are actually implementing the labour mobility that our own underground labour markets need in order to thrive in sectors of our economies where huge numbers of irregular migrants are employed, such as agriculture, construction, hospitality, or caregiving.

Banking on mobility would be much more efficient and would mean regaining control of many borders

Prohibitions and repressive policies, without regular migration channels for asylum seekers and much needed low-wage migrants, only entrench smuggling operations and underground labour markets where

unscrupulous recruiters and employers exploit undocumented migrants and increase the precariousness of migrants' situations, resulting in more deaths at sea and more human rights violations.

In the end, it is better to recognise this effective mobility as an inescapable fact, a direct consequence of globalisation, to offer refugees and migrants what they need and therefore create incentives to register officially, to ultimately regain control over entries and exits from the smuggling rings and labour markets from unscrupulous underground employers.

For many refugees, massive resettlement policies are needed

Most refugees would, however, wait in line and contribute some money for a meaningful opportunity of resettlement in the Global North. We are missing here a great opportunity for active cooperation in a global resettlement programme.

This would considerably reduce the market for smugglers and the consequent suffering of such refugees. It would also reduce significantly the number of asylum applications made by such refugees.



BREAKING THE SILENCE: A CONVERSATION AROUND FEMICIDE

Carolina Teves

UN Women had published several articles about situations of FEMINICIDE around the world. One of them, *Femicide in Latin America*, published on April 2013, explains that “femicide is a crime involving the violent and deliberate killing of a woman, but many States do not specifically define such a crime in their criminal codes. As a result, statistics are hard to come by.” The same publication said that according to a Small Arms Survey report, more than half of the 25 countries with very high femicide rates are in Latin America, with El Salvador at the top of the list.

Silent Screams is a documentary about the violence that women continue to face, specifically in El Salvador. The FCJ Refugee Centre was happy to release this documentary as a resource to create awareness about this situation. The main message to take away from the film is that violence against women continues to happen and there is a lot of work to do.

Gerson J. Peña, the film’s producer, shared his experience on the production of this documentary with Refugee Update

Silent Screams is a documentary that shows the violence that women are continuously facing, specifically in El Salvador. FCJ Refugee Centre was happy to release this documentary as a resource to create awareness about this situation around the world. The main message to take away from the film is, that violence against women is continuing to happen and there is a lot of work to do. The video will be available soon.

Gerson J. Peña shared his experience on the production of this documentary with Refugee Update

What inspired you to choose this theme?

When I first heard about the idea for this film, I was immediately intrigued and on board, for a couple of reasons. The first and most important was the subject matter. Violence against women anywhere should not be tolerated. I think that with the many distractions we are exposed to in North America, we, as a society, forget that this type of thing continues to

happen. You don't have to look as far as El Salvador, it's happening here in Canada, especially in the lives of women from First Nations. The second reason is that as an artist, you always want to grow; as someone who tells stories through cinema, this was a great opportunity to tell a story with a personal element - I was born in El Salvador and it was important to me to shed light on this theme as a Latino-Canadian. When one is attempting to bring new or a continued awareness to issues like violence against women, that is so broad, it's important to allow room for the audience to be engaged and not just be watching a documentary film. You want the audience to hopefully, learn something new.

What is the main message the audience can take away from the film?

I think that the main message to take away from the film is that violence against women continues to happen and more needs to be done about it. This is not an issue of El Salvador only but a global issue. Many people will look at the film and call it a feminist film or ask me why I made a feminist film. I think the film goes beyond that. This isn't about feminism, it is about human rights - the basic human right to live. We are all humans and therefore we should all be one.

Tell us about some of your experiences in the production of this documentary.

Making this documentary touched me in a deep and personal way. To realize that my home country enjoys being up-to-date on pop culture news, fashion trends, etc. and yet can be so antiquated in treating women the way they have been for long periods of time filled me with sadness. I think El Salvador has to grow and progress as a society before it come close to being any type of example for Latin America and the world.

To whom is this film addressed and how it is connected to the Canadian reality?

This film is for anyone who believes in the rights of all of us who live in the world, regardless of

where you're from or what your gender or the colour of skin is. It's a short film but I believe the message is clear for anyone who is willing to watch and listen. As I have said, this is not a Salvadoran issue but a global issue. In Canada too, there are still strides to be made, particularly when it comes to Native women, but for all women who suffer from domestic violence, sexual assault, harassment, etc.

In the film, one of the main characters is Lazaro Moran. What made you choose his story as the main core of the documentary?

When we met Lazaro Moran and he told us his story, I knew that it would help the audience connect with the theme on a deeper level, especially with how vast this topic can be. Once we had Lazaro's story I knew putting the rest of the pieces together would be an easier task. I also think that since he was seeking refugee status in Canada, it was important for me show a Canadian audience that the threat of violence and danger in countries like El Salvador is very real. We hear news stories all the time, on television or social media, about Latinos making their way north; some people take an apathetic approach because they believe some of the things said about Latinos in the media. As Lazaro's daughter says in the film, when



Gerson [last name], Loly Rico, and Jessica Morales in the launch of the documentary Silent Screams. Toronto, Canada. 2015

something happens it's not only the victim that is affected, it's the whole family. I could never imagine losing my wife, after 47 years, in such a violent way.

What were the main challenges you faced through the production of the film?

I think that one of the barriers or maybe not barrier but something that was always on my mind when I was making the film was that I am a male making a film about violence against women; I always had this little doubt that I would not be able to do the subject justice. I hope that I have. Another concern was finding a good balance for the film. I wanted people to know Lazaro's story because it is important but balancing his story and looking at the reasons why this happened to his wife, we also look at why this is happening to women in El Salvador and what El Salvador is doing to combat this issue.

After the production of this film, what is the next step?

Currently, we are hoping to go to El Salvador and screen the film at a couple of venues, which I think is really great. It has also been recently accepted at the Documentary Tirana International Film Festival (DOCUTIFF) in Tirana, Albania, which makes me so happy and proud. It is also being considered at a few other film festivals, including Montreal, Vancouver, and in Latin America and the U.S.



An underlying philosophy of the work of FCJ is the famous quote by Antonio Machado: "Traveller, there is no path. The path is made by walking." Ride for Refuge is a valuable opportunity to allow us to continue on this path.

Join us October 3, 2015 in the Ride for Refuge, a fantastically fun, family-friendly bike-a-thon supporting charities serving the displaced, vulnerable, and exploited. You can also choose to join the Walk for Refuge team.

Go to <https://rideforrefuge.org/charity/fcjrefugecentre> to register. (Don't forget to choose your charity as the FCJ Refugee Centre)

Ukraine refugees: the roots of the conflict

Alexander Bogomazov

The recent Russian-Ukrainian conflict has divided the global society, with pro-Ukraine social & political circles promising to help the Ukrainians to get rid of the Russian yoke, and the pro-Russia groups swearing to support poor Russian souls to withstand injustice inflicted upon them in Ukraine. In this war of words, it is difficult to impossible to judge the events happening on the Russia-Ukraine border, which has been compromised in light of the Russian invasion of Crimea and the part of Eastern Ukraine. This conflict fits into the classic pattern of numerous casual-

ties, millions of uprooted civilians, and uninterrupted flow of destitute people, who leave behind their murdered family members and flee, vaguely hoping that they may return one day. What this conflict does not fit in, however, is an understanding of *who* is *who* in the standoff.

The common approach to the conflict can be conceptualized in a form of "Russians against Ukrainians," where "Russia employs the policy of racialization in the region." Obviously, this approach is too shallow to conceive the roots of the conflict. Instead, an inquisitive mind should ask the following questions: *Who is a Russian? Who is a Ukrainian? In what way are the two nations similar and distinct to each other? What is the 2014th standoff all about? What is a rational explanation for Russia and Ukraine to stubbornly stick to their positions in the diplomatic dead-end that has shaken a fragile geopolitical equilibrium in the region, and has produced inflow of migrants into neighbouring countries? Is this conflict about racism and ethnic cleansing? Is this about an overblown nationalism or patriotism in both Russia and Ukraine?* In order to comprehend the outcome of a conflict that produces casualties and refugees, it is imperative to vis-

ualize the dynamics of the confrontation between the two states, which is the issue of this essay.

The Organization of Ukrainian Nationalists (OUN) introduced the concept of an ethnically pure Ukrainian nation in 1929, where "Ukrainians are those who are blood of our blood and bone of our bone. Only Ukrainians have the right to Ukrainian lands, Ukrainian names, and Ukrainian ideas" (Rudling 2011: 6). One of the most popular ideas of Russian nationhood has always been "the view that the entire



tsarist empire/USSR was the Russian nation-state; the perception of the huge size of the state and its constantly expanding boundaries as formative elements of Russian national character; the identification of Kyiv Rus as the First Russian state; and the belief that Russians, Ukrainians and Belarussians shared common origins in the old Russian nationality of Rus. (Tolz 2002: 235).

Thus it becomes clearer that the conflict of 2014 is not more than a clash between Russia's imperial ambitions and the Ukraine's longing for national self-determination. The words of Russian President, Mr. Putin, come as no surprise, recommending further military aggression against potentially any post-Soviet state: "Above all, we should acknowledge that the collapse of the Soviet Union was a major geopolitical disaster of the century. As for the Russian nation, it became a genuine drama. Tens of millions of our co-citizens and compatriots found themselves outside Russian territory." (1)

Though there is no room for analyzing the pattern of the *Orange Revolution* (November 2004 - January 2005) that paved the way for the *Euromaidan Revolution of February 2014* in Ukraine, it is important to stress that Russia played its cards right in using

the pretext of protecting ethnic Russians in Crimea, and in southern and eastern Ukraine (Russia's Motives in Ukraine 2014; Freedman 2014:21), as well as an excuse of expanding the NATO eastward, a fact Mr. Putin referred to as "a serious provocation that reduces the level of mutual trust." (2)

The Russia-Ukraine confrontation displaced millions of Russians and Ukrainians (3, 4) in the Eastern Ukraine and Crimea, who either moved to western parts of the country or to neighbouring countries in the quest for shelter. According to the UNHCR, there are 1,400, 000 internally displaced people and more than 500, 000 refugees who fled to countries neighbouring the Ukraine.(5) Konstantin Romodanovsky (Russian Federal Migration Service) reported that there were about 2.5 million migrants from Ukraine in Russia, among whom 550,000 citizens of Ukraine were found as illegal residents. (6)

The growing number of migrants from the conflict zone in Crimea and the Eastern Ukraine caused concern to new NATO states that were former members of the rival Warsaw Pact in 1955–1991. In this respect, the Latvian Interior Minister expressed concern of a potential inflow of refugees from Ukraine in Latvia, which would probably require Europe's assistance.(7) The Prime Minister of Latvia, Laimdota Straujuma, shared these concerns, stating that Latvia would accept a limited number of refugees.(8) It is important to note that not all the EU countries demonstrate the same level of socio-economic and political maturity to absorb the migrants, despite their obligation to a certain quota of refugees. Thus, Romania, Greece, and Turkey would be under heavier pressure than



Poland and the Baltic States. As for Bulgaria, it has been stranded by influx of refugees from Syria (9) and expected inflow from Macedonia.(10)

Currently, there is a significant flow of Ukrainian refugees into Russia, where the Russian Orthodox Church (ROC) plays a leading role in providing assistance. According to ITAR-TASS, the ROC "has raised more than 120 million rubles [CAD\$3 million] in donations to the Ukrainian refugees and peaceful civilians in Donbass." (11) The ROC helps the migrants with food, clothes, housing, and jobs. With respect to the jobs for foreign nationals in Russia, the number of whom is amounted to 10,961,437, in 2015 (12). Mr. Putin tacitly underlined internal tensions in the Russian society: "Ukrainian refugees should be given a possibility to work in Russia without creating problems for the labor market." (13)

In light of the crisis in Ukraine, it is important to look at the attitude of Russians towards the migrants from Ukraine, Ukrainians in general, and Russian politics in Ukraine. Based on a survey of 1,600 Russians by Levada-Center,(14, 15) which is a major source for statistics and sociological analysis in Russia, the following data has emerged:

- 42% 'somewhat attentively' follow the latest events from Ukraine;
- 52% said 'definitely yes' to annexation of Crimea by Russia;
- 59% feel bad about the current leadership in Russia (Importantly, the rating of the President of Russia remains very high in Russia); (16)
- 50% have 'mostly good' attitude towards residents of Ukraine in general;
- 49% have 'mostly good' attitude towards residents of Lugansk and Donbas, which are pro-Russia cities in Eastern Ukraine;
- 39% have 'mostly good' attitude towards residents of the central and western regions of Ukraine, which is a pro-Ukraine territory;
- 44% have 'mostly positive' attitude towards the ceasefire between the pro-Ukraine troops and the pro-Russia Eastern-Ukrainian militias.
- 29% are of opinion that the Ukraine suffered defeats, and the pro-Russia militias were reaching the borders of Donetsk and Lugansk, threatening to go farther westward;
- 33% believe that the current ceasefire will lead to signing a peace agreement;
- 42% do not believe in a prolonged ceasefire.

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- 52% believe that Ukraine is prone to undermining the future peace agreement and its promises to abide by the ceasefire.

Though Russia claims that the reasons for the invasion of Ukraine were expansion of NATO closer to Russia's borders and the protection of the Russian speaking minority group in Ukraine, the history and socio-political composition of the Rus, the Russian Empire, the Soviet Union, and the Russian Federation point at an opposite motive: the expansion of economic and political influence over regions adjacent to Russia. Throughout history, Russia has extended its territory with sword and fire. Compared to the relatively homogeneous Ukrainian nation, the Russian identity is by far obscure; currently more than 185 unique ethnic groups (17) reside in the Russian Federation. They speak their national languages and follow their unique cultures. The crisis in Ukraine serves as a minuscule example of what can potentially happen to the rest of the countries of the former Soviet Union, where "stay with Russia or else" is a guiding principle behind the peace initiatives of the Big Brother. Ironically, Russian-speaking Ukrainians look for protection inside Russia, rather than anywhere else. (18)



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In two consecutive meetings prior to the year 2000, the CCVT representative at the NGO-ExCom meeting of the United Nations High Commissioner for Refugees (UNHCR), appealed to have a day designated to mark global solidarity with refugees. On 4 December 2000, the United Nations General Assembly declared June 20th as World Refugee Day, under resolution 55/76, since that day was had already been celebrated by many African countries, a decision welcomed by the Organization of African Unity (OAU). It was timely as 2001 marked the 50th anniversary of the 1951 Convention relating to the Status of Refugees.

Each year on June 20th the UNHCR as well as a myriad of human rights and refugee rights agencies across the globe commemorate World Refugee Day as an opportunity to educate the public about refugees and other uprooted persons through various events. Commemorating World Refugee Day is particularly important since the right to asylum is at stake everywhere. It is vital to draw public attention to the need for relief and protection of the millions of refugees, displaced people and others who have been uprooted due to war, genocide, generalized violence, torture and other brands of crimes against humanity. According to the UN Secretary-General Ban Ki-Moon:

Most of the world's refugees – 86 per cent -- live in the developing world, compared to 70 per cent 10 years ago. ...These rising numbers are a stark reminder of the international community's inability to overcome its divisions to prevent and end conflicts. (From Secretary General's Message on World Refugee Day, New York, 20 June 2014. See <http://www.un.org/sg/statements/index.asp?id=7802>)

World Refugee day

Ezat Mossallanejad,

On June 18, 2015 CCVT hosted a walk to commemorate World Refugee Day. They were joined by several Toronto-based organizations that provide services for refugees, including Neighborhood Legal Services, Oasis, Sojourn House and Regent Park Community Health Centre. During the walk, the group stopped at significant places and a number of refugees shared their stories about the agony of family separation.

The walk began at the CCVT office, where staff, along with the honorable Member of Parliament, Chrystia Freeland, welcomed the group, and discussed the importance of celebrating Canada's refugees. "In a way, we are all refugees," Freeland concluded. The first stop was which was Regent Park Community Health Centre. There, we learned about the range of services the center offers refugees, including support programs, English classes and homework clubs. The group then continued on to Neighborhood Legal Services, which provides free support and legal services to refugees in the area. The next stop was a corner store where refugees generally purchased phone cards to connect with family members back home. There, dozens of used phone cards were handed out and the group was invited to reflect on the difficulties refugees face when trying to connect with their family. At Sojourn house the group learned about the many services it offers to refugees, including shelter and transitional housing. The final stop was Moss Park, where the group reflected on the walk and the stories they had heard along the way. They had heard about the happy, sad and hopeful experiences of many refugees, who hailed from many countries around the world, including Afghanistan, Ethiopia, Somalia and Kenya. Many are separated from their loved ones who remain back home. The story of an Afghan mother, whose small children remain at great risk in Afghanistan and Pakistan was especially moving for everyone present. We also heard from refugees who were finally reunited with their family members after years of waiting. These refugees discussed the difficulties they faced, both being separated from their family members and being reunited with them after so long. Each story emphasized that much has to be done for Canada's refugees to accelerate the process of family reunification.

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For so-called economic migrants, acknowledgement of the real labour needs, especially for low-wage labour, would mean creating many avenues for low-wage migrants to come and establish themselves

In fact, we should allow a lot more people to easily come and look for work and change their visa into a work permit if they find a job. This would respond to employers' needs, individuals' mobility, and would be the best means of responding to labour market needs and allocating skills.

This should be accompanied with a sharp increase in the effectiveness of labour inspections for ensuring the respect of labour conditions, as well as a real effort in the repression of unscrupulous exploitative employers. Reducing such underground labour markets would create an entirely new framework for legal and better regulated labour markets, thus reducing an important pull factor for irregular migration. Temporary migrant worker programmes, such as the ones implemented by Canada, do not respond sufficiently to the needs of the Canadian labour market, particularly in sectors where there is traditionally labour exploitation, and they certainly create their own precariousness and human rights violations. Furthermore, our labour inspection mechanisms are too weak.

Undocumented migration is only normal if other avenues are not available

We should therefore not blame the refugees and migrants for using smuggling rings: this is often the only course of action open to them. Demonizing them, rather than their oppressors, is counterproductive, as it drives them further underground and into exploitation. We should encourage and facilitate mobility and recognise it as the best strategy ever invented to cope with political, economic, and environmental stress.

François Crépeau is the United Nations Special Rapporteur on the Human Rights of Migrants, Chair of the Coordination Committee of the United Nations Human Rights Special Procedures and Hans & Tamar Oppenheimer Professor in Public International Law, Faculty of Law, McGill University.



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