

Canadian Council for Refugees(CCR)

Fall Consultation and Annual General Assembly Meeting

November 22-24, 1991, Ottawa, Ontario

The following is a partial list of the CCR resolutions relevant to refugee determination issues. The resolutions were passed at the above-mentioned meeting in Ottawa on 24 November, 1991. Although all of the resolutions were officially passed at the meeting, it should be noted that some minor changes may be made to some of them before the final draft is available. The adjustments will not, however, change the substance of the resolutions.

RESOLUTION 2: PUBLIC DISCOURSE ON REFUGEES

Whereas:

1. The act of asking for asylum is a positive act permitted under Canadian law and the fulfillment of our obligation as a signatory to the Geneva Convention on the Status of Refugees;
2. Canada should be proud to be considered a country of refuge for the persecuted of this world;
3. The lack of proper documentation is not an impediment to making a valid refugee claim and indeed the absence of such documentation may be a consequence of the persecution which refugees have suffered;
4. The tone of recent government statements in the media and in government documents tends to convey to the Canadian public that refugee claimants are cheaters, criminals or persons who abuse our system(see pg. 11 of the Annual Report to Parliament, November, 1991);

Be it Resolved that:

The CCR Executive convey to the Canadian government our dismay at the deteriorating tone of government statements regarding refugees and refugee claimants, and urge in future a positive presentation of the plight of refugees and the reasons that bring them to our doors.

RESOLUTION 3: PERSECUTION ON GENDER BASIS

Whereas:

1. Randy Gordon, departmental assistant to Bernard Valcourt, Minister of Immigration, has referred to a refugee woman's gender persecution by commenting in NOW magazine, November 19, 1991, that the

Minister would not intervene in refugee women's cases "if it is only gender persecution" and further that "...the definition is quite clear. Women are not one of the categories and you are just going to open a can of worms about the way women are treated in different cultures";

2. Canada is a signatory to the Convention on the Elimination of Discrimination Against All Women (CEDAW);
3. Persecution and discrimination contravene international human rights instruments, regardless of gender;

Be It Resolved That:

1. The CCR Executive write a letter to Minister Valcourt, censuring his departmental assistant, Randy Gordon, and asking the Minister to clarify his government's position on the definition of persecution and discrimination with respect to women;
2. The Working Group on Refugee Women initiate a letter writing campaign on this issue.

RESOLUTION 8: INDOCHINESE REFUGEES

Whereas:

1. The Canadian government is a signatory of the 1989 Comprehensive Plan of Action (CPA) regarding the situation of Indochinese refugees;
2. The CPA is being incorrectly carried out due to an arbitrary, flawed, and unfair process used by the governments of the countries of first asylum in Southeast Asia, on behalf of the United Nations High Commissioner for Refugees, to determine the refugee status of asylum seekers;
3. The above has resulted in numerous genuine refugees being denied the opportunity of resettlement in third countries;

Be It Resolved That:

The CCR request the government of Canada to make representation to the UNHCR for a thorough review of:

- a.) the refugee status determination system;
- b.) the cases where people were denied the refugee status in order that corrective actions can be taken where necessary.

RESOLUTION 11: SOMALIAN REFUGEES IN AFRICA

Whereas:

1. Somali refugees in countries of first asylum in the East African region are suffering harsh and often life-threatening conditions;
2. The current situation in Somalia appears to be deteriorating rather than stabilizing, thus diminishing prospects of safe repatriation;
3. A support of relatives and community exists in Canada to provide assistance with resettlement and integration;

Be It Resolved That:

The federal government be asked to implement a Fast Track programme to accelerate processing for resettlement of Somalians from the region by:

- a.) increasing staff and resources at consular and visa offices in the region;
- b.) increasing the level of government-assisted sponsorship;
- c.) utilizing currently available resources of Canadian and regional NGOs operating in Africa to accelerate the processing of applications for both family class and sponsorship cases.

RESOLUTION 13: INDEPENDENCE OF THE IRB

Whereas:

1. The CCR has always advocated for an independent decision-making body to decide on refugee determination cases in Canada;
2. The Immigration and Refugee Board has been established to decide on refugee determination cases in Canada;
3. The chairman of the IRB, Mr. Gordon Fairweather, has recently made public comments concerning the need for the Immigration Commission to deport more rejected claimants;
4. The CCR is concerned that such statements appear to bring into question the independence of the IRB and its Chairman.

Be It Resolved That:

The CCR Executive forward a letter to the Chair of the IRB, Mr. Gordon Fairweather, expressing the CCR's concerns regarding his recent public comments concerning the need for more deportations and the issues this raises concerning the independence of the IRB and its Chairman.

RESOLUTION 14: CCR POSITION ON APPEAL

Whereas:

1. The CCR has always maintained that a meaningful appeal is an integral part of Canada's refugee determination process;
2. There are indications that the government is considering legislative changes to the Immigration Act in 1992;
3. The CCR feels that it is important to press the government to consider the inclusion of a meaningful appeal in any legislative changes to the Immigration Act.

Be It Resolved That:

The CCR take steps to press the government for consideration of a meaningful appeal in any upcoming legislative changes to the Immigration Act.

RESOLUTION 15: ACCOUNTABILITY OF MINISTER OF DEPORTATIONS

Whereas:

1. The CCR is concerned about the increasing rate of rejection for refugee claimants in Canada;
2. The CCR is opposed to the deportation of rejected refugee claimants in the absence of a meaningful appeal in the refugee determination process;
3. The CCR believes that it is crucial for the Minister of Immigration to intervene to protect cases of rejected refugee claimants who may be at risk if deported from Canada;
4. The decentralized process of reviewing rejected cases on humanitarian and compassionate grounds does not replace the ministerial review on errors in the determination system;
5. At the time of the coming into force of Bill C-55 promises were made by the Minister of Immigration that steps would be taken to ensure that refugees mistakenly rejected by the refugee determination system would not be deported from Canada;
6. There are indications that the Minister is refusing to intervene on an increasing number of cases.

Be It Resolved That:

1. The CCR Executive write to the Minister of Immigration insisting that he continue to consider representations from the NGO community concerning rejected refugee claimants and that he intervene to protect cases where persons may be at risk if deported from Canada.
2. The Working Group on Refugee Protection take other appropriate action to achieve this aim.

RESOLUTION 16: STANDING COMMITTEE MEETING ON DEPORTATIONS

Whereas:

1. The Parliamentary Standing Committee on Labour, Employment and Immigration is currently examining the government's policy on deportations;
2. The Chairman of this committee has invited the Assistant Deputy Minister, Mr. Peter Harder, to appear before the committee on Wednesday, November 27, 1991 to report to the committee respecting deportations;
3. Many member organizations of the CCR are involved in making representations to the Minister with respect to cases of rejected refugee claimants who would be at risk if deported from Canada;
4. It is important for the CCR to express its concerns about deportations to the Standing Committee on Labour, Employment and Immigration;

Be It Resolved That:

The CCR Executive fax a letter to the Chairman of the Standing Committee on Labour, Employment and Immigration requesting that one or more representative of the CCR be permitted to appear before the committee on the subject of deportations.

RESOLUTION 17: DEPORTATIONS OF SRI LANKANS

Whereas:

1. The CCR Resolution #13 of the 1990 AGM called for a moratorium on the removal from Canada of Sri Lankan nationals;
2. The situation of hostilities against the Tamil population has not abated, but has increased in recent weeks;
3. The Minister in his recent reply implies that except in a few cases return to Sri Lanka is acceptable;
4. The UNHCR continues to have a general policy against the involuntary return of Tamil Sri Lankans from the North to Sri Lanka;
5. Amnesty International advises that deportees to Sri Lanka are subject to extreme measures on arrival in Colombo;
6. In recent weeks there has been a significant increase of deportation orders against Sri Lankans;
7. Individual case review situations are not being handled sympathetically, but rather only dealt with under extreme pressure;
8. Deportation orders are not being given to Sri Lankans who were determined not to be refugees at the time prior to the summer of 1990 when the IRB

erroneously believed that stability had returned to Sri Lanka, and whose cases by law may not be reopened;

Be It Resolved That:

This CCR meeting reaffirm its strong position opposed to the deportation of Sri Lankans and urge the Minister to declare a moratorium, permitting those persons affected to apply for permanent residence status from inside Canada.

RESOLUTION 21: INLAND PROCESSING FOR SPOUSES

Whereas:

1. There are rejected refugee claimants who have been ordered to leave Canada but who have subsequently entered into legitimate marriages with Canadian citizens or permanent residents;
2. These marriages have been accepted as *bona fide* by the Commission and in the past have been facilitated for inland processing;
3. Director P. Pirie of the Ontario region has issued a directive stating that such inland processing should no longer occur;
4. Such a directive will result in great hardships and suffering;

Be It Resolved That:

The CCR Executive write to the Minister, the Associate Deputy Minister Peter Harder and Mr. Pirie expressing our opposition to the recent directive and calling on them to continue to act humanely and allow inland processing for those spouses who are being told to leave Canada and that the Minister issue a directive allowing inland processing for *bona fide* marriages.



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