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CANADA'S PERIODICAL ON REFUGEES

# REFUGE

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SPECIAL DOUBLE ISSUE

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## Refugee Status Determination

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### EDITORIAL

In preceding issues, we have concerned ourselves with individuals who have been given landed immigrant status prior to their arrival in Canada because a Canadian Visa Officer has found them to be refugees or members of a "designated class". Their problems relate to Canada's laws and policies concerning, among other issues, selection criteria, application of those criteria, integration programmes and family sponsorship.

This issue of *Refuge* focuses on the law and policy of refugee status determination within Canada. The problems examined concern people who are in Canada with some kind of temporary status (such as *visitor* status) or who have no immigration status whatsoever. These are individuals who seek the protection which Canada, as a party to the 1951 Convention and 1969 Protocol relating to the Status of Refugees, is obliged to give to each person who fulfills the components of the

Convention definition of the word "refugee".

Before Canada can provide protection, it must first identify the beneficiaries — hence, the need for a procedure to determine refugee status. The articles in this issue deal with the history of the determination procedure, a description of the procedure itself, critical analyses of both the procedure and ancillary matters which touch "refugee claimants", and finally, a model for change.

Recently, the Supreme Court of Canada heard arguments concerning whether or not the procedure used in Canada for determining refugee status is fair according to certain legal standards and the Charter of Rights. The Court has reserved its judgement of this landmark case. However, the contributors to this issue make it clear that the question of the fairness of the procedure (according to the *layman's* definition of fairness) has preoccupied individuals and non-governmental organizations in

Canada for some time.

It is likely that the concern and discussion surrounding the refugee status determination procedure will not abate until the procedure itself, and all issues relating to it, are thoroughly examined. More important, any serious and comprehensive examination should, given the already long period of dissatisfaction, lead immediately to a model for change that is equally comprehensive. The Minister of Employment and Immigration is expected to announce the appointment of Rabbi Gunther Plaut (a refugee from Nazi Germany with a distinguished scholarly and human rights record) as an external consultant to examine the process and develop a new model.

We look forward then to that time when the appropriate authorities develop a constructive response to the many ideas for improvement of the procedure, which NGOs and concerned, expert individuals have placed before them.



## REFUGE

c/o Refugee Documentation Project,  
York University, 4700 Keele Street,  
Downsview, Ontario M3J 2R6

### Editor:

Howard Adelman

### Managing Editor:

Caroline Stephens

### Editorial Assistants:

Shirra Freeman

Alex Zisman

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Linda Weigl, Regina

### Typesetting and Layout:

Publications Department,  
York University

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### To the Editor

The International Institute of Humanitarian Law is an independent, non-governmental institute incorporated under Italian law which seeks to promote international law and co-operation in the prevention of disasters, whether man-made or natural, and in the protection of the victims of such disasters. It regularly holds conferences

working groups and lecture courses at its headquarters, the Villa Nobel in San Remo.

In the coming summer months, it is holding a series of meetings on human rights, humanitarian law and refugee law. These will concern such matters as improved regional co-operation, the detention of refugees and fundamental principles in the protection of victims

of all disaster situations.

The Institute publishes a yearbook as well as the reports of its various meetings and studies by different experts.

*International Institute  
of Humanitarian Law  
Villa Nobel  
Corso Cavallotti 112  
18038 San Remo, Italy*