CANADA'S PERIODICAL ON REFUGEES

REFUGE

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On Determination

When Christopher Wren designed his famous cathedral in London, the term "awful" was originally applied to the building. But in the original application, "awful" meant awe inspiring. Tastes changed. What was previously awe inspiring came to mean its opposite, "horrible". Is this the prospect for determination? Will the refugee determination system, developed originally to help and protect refugees, come to mean a system used to deter refugees and protect countries from the influx of spontaneous arrivals?

Determination is an equivocal term. It can refer to an attitude of resolve. It can be used as an adjective to refer to a process by which a decision is made. Unfortunately, a new meaning is starting to be attached to the term — a determined used of procedures to deter. In other words, instead of standing for a process of decision making, it begins to stand for a process which is aimed at deterring others from deciding, specifically deciding to escape their home countries and seek refugee status.

The article in this issue on the Hong Kong Refugee Determination system argues quite forcefully that this has, in fact, become the objective of the new refugee determination system in Hong Kong. The article reviewing the results of the first four months of the Canadian refugee determination system suggests that this has *not* been the result of the Canadian system, even if a case can be made that it may have been, to some degree, the strategy of the civil servants who developed and are still in charge of implementing the legislation. We have approximately the same number of successful refugee claimants as we had prior to the introduction of the new legislation, though we do not know if and how many genuine refugee have been deterred by the new system. Thus, in both cases we have determination systems designed to deter arrivals, but, in the case of Hong Kong, the arrivals keep coming even though there seems to be a total absence of objective determination in the system, while, in Canada, the arrivals have dropped significantly but the relative objectivity of the process has by and large been established.

Will "determination", when associated with refugees, come to develop a negative connotation associated with deterrence or will it retain a positive connotation associated with fair processing of claims?

Howard Adelman, Editor

IN THIS ISSUE:

Boat People Returned to Haiti in Record Numbers

In the first four months of 1989 (through April 25) 2,669 Haitians, risking their lives in overcrowded wooden sailboats in attempts to reach the United States, were stopped by the US Coast Guard and returned to Haiti.

The month of March saw the greatest number interdicted since the operation began in 1981: 1,533 Haitians on 16 boats were forcibly repatriated. Twenty-three others drowned off the coast of eastern Cuba when their 40-foot sailboat, carrying a total of 166 people, capsized in heavy seas. [from **Haiti***Insight*, Vol. 1, No. 1 (May 1989), p. 5]

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Immigration and Refugee Board Status of Claims

January 1 — May 25, 1989

Initial Hearing Stage	*Québec*	*Ontario*	*Prairies*	*B.C.*	*National*
Claims initiated	1557	1689	114	420	3780
Hearings adjourned/postponed	207	154	4	21	386
Claims withdrawn/abandoned	55	53	6	19	133
Decisions rendered	1295	1482	104	380	3261
Of Decisions rendered					
Claims rejected					
eligibility	0	1	2	1	4
credible basis	63	127	8	38	236
Claims to full hearing	1232	1354	94	341	3021

Initial Claims by Country of Alleged Persecution

Afghanistan	20	Iraq	73
South Africa	6	Jamaica	18
Argentina	38	Lebanon	450
Bangladesh	49	Nicaragua	46
Brazil	14	Pakistan	63
Chile	41	Panama	14
Peoples Republic of China	169	Peru	26
Colombia	12	Philippines	7
Costa Rica	5	Poland	149
El Salvador	276	Portugal	9
Ethiopia	37	Dominican Republic	1
Fiji	6	Somalia	415
Ghana	72	Sri Lanka	610
Guatemala	84	Syria	17
Guyana	11	Trinidad & Tobago	26
Haiti	22	Turkey	3
Honduras	26	Venezuela	8
India	57	Zaire	29
Iran	345	Other	526

Full Hearing Stage	*Québec*	*Ontario*	*Prairies*	*B.C.*	*National*
Claims initiated	693	739	47	210	1689
Hearings adjourned/postponed	68	72	0	57	197
Claims withdrawn/abandoned	5	2	0	4	11
Decisions pending	116	155	13	19	303
Decisions rendered	504	510	34	130	1178
Of Decisions rendered					
Claims rejected	53	22	5	6	86
Claims upheld	451	488	29	124	1092

The New Refugee System: Success or Failure?

by Howard Adelman

It is too early to provide any definitive judgement on the success of the new legislation concerning refugee claimants made within Canada or at our border. After all, the legislation has only been in effect for five months. But it is not too early to take a preliminary reading.

Two criteria for judging the system are fairness to genuine refugees and efficiency and cost effectiveness in processing claims. As a by-product of such efficiency, bogus claims will be dramatically discouraged, further enhancing the efficiency of the system.

History

The refugee support groups, which virtually unanimously opposed the new legislation, did agree that an efficient new system was needed which would provide a rapid turnaround time, thereby discouraging bogus claimants. But they bitterly fought the new legislation. There were three major grounds for their opposition. They were opposed to the Safe Third Country provision on which to judge whether an individual was eligible to make a claim; they advocated universal hearings and opposed the use of preliminary hearings to presort claims; finally, they wanted a review system to catch errors and to ensure similar standards for assessing claims were used across the country.

The notion of a Safe Third Country provided that if a claimant arrived via a third country where the claimant could have made a refugee claim, the claimant would not have been eligible to make a claim in Canada. In the eventual legislation, the requirement provided that the claimant had to sojourn in that safe country for at least two days. Further, the Minister had assured the public that the Safe Third Country provision would not apply to specific groups of refugees where the countries in which the claimants had sojourned had a poor record of accepting claims.

The legislation also provided for preliminary hearings to assess whether claimants were credible or eligible to even have a hearing. The legislation made no provision for a review system within the Refugee Board.

As a result of the conflict over the legislation, the new legislation and its implementation was delayed at least two years. In the meanwhile, the number of cases coming to Canada more than doubled each year from a base of approximately 8,000 in 1986. The backlog grew to 115,000 cases with an open door to abuse the system.

Has the government been proven correct in fighting so hard and long for the new legislation?

Safe Country

Before the system was introduced, the government shelved the Safe Country provision as unworkable. The major centre piece of the new legislation was abandoned before the system was even started.

Preliminary Hearings

The second major point of contention was the absence of full refugee hearings for every claimant before an independent Refugee Board. Instead, Preliminary Hearings were introduced to weed out non-credible and ineligible claimants. How has the Preliminary Hearing System worked?

From January to May 1st, of 2,806 claimants, 2,504 were given preliminary hearings. Of these, 114 (5 per cent) were withdrawn or abandoned and, of the remaining 2,390, 2,210 (93 per cent) were referred to a full hearing. Of those rejected, 2 were not found to be eligible and 178 were found not to have a credible claim. That is, the preliminary hearings end up eliminating only 7 per cent of the claimants since one can presume the other 5 per cent of withdrawn or abandoned cases would have followed the same pattern whether they went to a preliminary hearing or to a full hearing. There is even a possibility more might be abandoned if they went directly to a full hearing.

To eliminate 7 per cent of claimants processed (180 of 2,390) in a preliminary hearing, an expensive and cumbersome extra step in the refugee procedure was introduced. The extra cost of the Preliminary Hearing Stage is estimated to be at least $16 million for the government and $3,750,000 for the refugees or legal aid.

The estimate is arrived at by several calculations. For example, if the cost of the refugee claims process is $100 million per year, if central office costs (library, communications, administration, etc.) are estimated at 20 per cent, and if the preliminary hearings are even estimated to cost one fifth of the balance (half the time for half the number of cases), then the cost is about $16 million. Similarly,

the cost can be calculated by estimating the time of an average hearing that is challenged and the overhead cost of interpreters, refugee board members, immigration officials or refugee hearing officers, etc. The estimated cost of the claims that go to a full *preliminary* hearing where there is a government challenge. is estimated at about $3,000 per hearing for an estimated 4,000 hearings, or a cost to the government of about $12 million (excluding the legal costs of counsel to the refugee claimant) if the claims are restricted to one half a day per hearing. (In fact, some of the preliminary hearings are taking a full day and, in effect, have become refugee hearings, which, unfortunately, merely have to be repeated at the full refugee hearings which follow.) Further, if the other 4,000 preliminary hearings in which no challenge takes place is also calculated at one-third of the cost of a full hearing, then this adds another $4 million to the bill for a total of $16 million.

In other words, if only the estimated *direct* costs to the government of the preliminary hearings are taken into account (and not the indirect costs or the costs of postponed preliminary hearings or the costs incurred directly or indirectly by the refugee claimants), the cost to eliminate one refugee claimant from the system at the preliminary stage is about $28,500 even if the hearings are completed in half a day. That is, if there are an estimated 8,000 hearings, and 7 per cent of these are eliminated (about 560), and the direct costs of eliminating those claimants in 1989 is $16 million, then the direct cost per claim eliminated is $28,500.

In addition, the Preliminary Hearing stage builds in the potential for a new backlog as about two-thirds of those challenged failed to get their hearing within the first month let alone within 48 hours of arrival as initially expected by the department. Refugee Board members have to hear the claims of almost half of those making claims twice, a terrible waste of very expensive personnel who could be spending their time giving refugees a full hearing, thereby speeding up the process. Further, of those who went to a preliminary hearing, postponements were presumably allowed to enable the refugees to arrange for counsel and/or allow counsel to prepare their case, a time interval that would have been sufficient to prepare for a full hearing. In other words, to eliminate only 7 per cent of claimants at a cost of $16 million or $28,500 per claim without any significant saving in the processing time and with a potential to build a new backlog, an extra step was introduced which significantly slows down a system which depends on a fast turnaround time to discourage bogus claimants.

The Preliminary Hearing may go the way of the Safe Country Provision, and follow numerous Royal Enquiry Reports and obsolete or unworkable legislation onto the dusty shelves of history.

The Preliminary System is costly. It has a low rate of effectiveness. Further, it may also be unfair. Of the claims rejected in the first month where we examined each of the claims rejected at the preliminary hearing stage, at least 2 and possibly 3 should not have been. An Ethiopian claimant was rejected; he not only had a prima facie credible case, but seems to have a provable case as a Convention refugee. A claimant from China slit her wrists upon being rejected at the preliminary hearing; in subsequent news reports we read about some grisly details of her case, including the torture and death of a family member at the hands of government authorities. She may not have a provable case as a Convention refugee, but she appeared clearly to have at least a case that deserved a full hearing. Subsequently, on compassionate grounds, the Minister of Immigration allowed her to stay. Whether the refusal of the psychiatrist to release her to face a deportation hearing was a factor in this decision, we are unable to say. This means that on fairness grounds alone, if the first month provides any indication, there seems to have been an error rate of at least 10 per cent that we know of in the preliminary hearing stage, a very high rate of error when one understands that this process is about life and death issues.

There are already hints that the government is considering shelving the Preliminary Hearings by gradually reducing the number of challenges and letting more and more of the claims go directly to a full hearing. The Preliminary Hearing may go the way of the Safe Country Provision, and follow numerous Royal Enquiry Reports and obsolete or unworkable legislation onto the dusty shelves of history. This would be a commendable de facto solution to an element of the legislation that is very costly, of little effect and which builds a potential for a new backlog quite aside from the considerations of unfairness. The Preliminary Hearing process could be kept as a reserve to handle cases of claimants from non-refugee producing countries, particularly if even small numbers begin to appear on Canada's doorstep.

A Review System

Then there will be only one major area of dispute with the refugee support groups across the country — the need for a review system. The elimination of the Safe Country provision would have been unworkable and a political embarrassment; it was eliminated because of its own inherent flaws and proved unnecessary in any case. The elimination of the Preliminary Hearing as a general procedure will result from its high cost and ineffectiveness, though the political embarrassment of some of the unjust decisions may also help bring about its reservation for very restrictive application.

But a review system will not save money; it will cost money even if far less than the cost of the Preliminary Hearings. This change will be much harder to achieve. One cannot expect the government to capitulate on a point of pure fairness which costs money when it has so stubbornly clung to two flaws in the legislation, losing a very important two years, when those flaws were not only unfair, but costly, unworkable and inefficacious.

The one possibility for introducing a review is the political not the financial cost. These costs arise from two different sources. The most critical is the fate of the returnees rejected through the system. So far, three cases of returnees rejected by the refugee claims system have beenreported as possibly having suffered upon their return, though there is no direct evidence as yet. The second cost arises within the system itself if some political appointees to the Refugee Board prove to be weak and a potential source of embarrassment as a result of their pattern of decision making. Neither situation would be welcomed by the government or the Refugee Board. Whatever the critics may say of the government, it would be wrong to accuse the government of deliberately wanting any individuals to be returned to their countries of origin if they end up being persecuted. For purposes of self protection, the Refugee Board may introduce its own internal review procedure. Though such a weak form of administrative review would not meet the claim for a full right of appeal on substantive grounds, it is likely to be the best that can be expected at this time. And if virtually no genuine refugees can be proven to have been refouled once such a system were in place, then this is as far as the improvements are likely to go in the foreseeable future. The pity is, these were precisely the elements in the compromise worked out by Jim Hawkes when he was the Tory Chairman of the House Standing Committee on Labour, Employment and Immigration in the previous Parliament.

Howard Adelman

The Explanation

If these changes are to come about, it is important to understand the reasons for these errors in the legislation. If the errors arose from an ideological bias by the Tory government against genuine refugees, then the changes are less likely to occur. If, however, they arose for other reasons, then alterations are more likely. That likelihood will be enhanced if the real source of the problem is identified and the correct strategy is adopted.

A combination of three factors which had led the government to introduce the new legislation and alienate the entire non-government refugee support system has been suggested. First, a small core of Tory backbenchers, and the portion of the public supporting them, were antithetical to any refugees claiming refugee status within our borders. Their motives varied from an ethics of Me first, a desire to save money and to racist beliefs; their ideology was best expressed in the Nielsen report on immigration. Secondly, civil servants wanted to control the selection of those who came into Canada; they were not anti-refugee but were critical of a situation in which a large number of spontaneous arrivals threatened their ability to plan and control the numbers and types of individuals allowed to enter Canada. Thirdly, pragmatic politicians, who were also not anti-refugee, were responding to the backlash against the spontaneous arrivals as evidenced by the flood of critical mail received when less than 200 Tamils arrived off the coast of Newfoundland.

Just before Christmas, government immigration officers were sent a Christmas present. They were instructions ("the most important set they would read") describing the Program Delivery Strategy for implementing Bill C-55 and Bill C-84. Those instructions seem to confirm speculations about the intent of government civil servants who promoted and defended the new legislation.

The Program Delivery Strategy in implementing Bills C-55 and C-84 provides direct evidence to support

the preeminence of the second motive and suggests it will be the most influential factor in the administration of the new laws. These most important instructions stress, in its own words, "control issues". "The Perfect Plan", as the Strategy asserts, "is not a plan at all. Rather it is an accounting exercise." The object of the exercise is to control the intake of numbers. What about protecting genuine refugees?

The instructions assert that there are "two extremely important ideas contained in the strategy". The first asserts that the Commission wants "genuine refugee claimants to go to the new Immigration and Refugee Board". Note the innovative use of language. Previously, the Canadian public had been bombarded with a false dichotomy: genuine refugees were those whose claims were granted and *all* others who claimed refugee status were bogus. This was in spite of the fact that the government statistics suggested that there were three categories of refugee claimants, not two: successful refugee claimants (30 per cent) and unsuccessful claimants, the latter in turn dividing into bogus claimants (19 per cent) — those making fraudulent claims — and those coming from refugee producing situations in which they felt their lives were in danger but were unable to prove that danger represented a well founded fear that they, as individuals, were targeted for persecution.

The Program Delivery Strategy applies this linguistic distortion to the preliminary hearing stage. The preliminary hearing is *not* (according to the instructions) designed to to sort out *credible* and eligible cases from non-credible and ineligible ones, preventing the clearly bogus claimants from obtaining a full hearing and ensuring that anyone with a credible case at all goes before the Refugee Board. The instructions do not assert that, "We want all credible claims to go before the Refugee Board." They assert, "We want *genuine refugee claimants* to go to the new Immigration and Refugee Board".

One can give these instructions a second reading. One could argue that they mean that the immigration staff are to be as helpful as possible in ensuring that all genuine refugee claimants go before the new Refugee Board, but others may be allowed to go as well. It is a possible reading. But the following factors suggests that it is not the intended meaning. First, no where in the instructions are officers told that their responsibility is *not* to determine who is a genuine refugee or not, but only to determine who has an eligible or credible case. Secondly, if officers are instructed to ensure that genuine refugees go before the Refugee Board, this implies that they have a responsibility for determining who is a genuine refugee and not simply determining who has a credible and eligible case. Thirdly, we can now understand why the lawyer defending the refugee claimant from mainland China, who slit her wrists when she was denied a hearing at the preliminary stage — in spite of the fact that she claimed her father had been murdered by the Communist regime — was shocked at the outcome. As he stated in an interview on the CBC, he thought he had only to produce enough evidence to prove the claimant had a credible claim; he did not think he had to prove at the preliminary hearing she was a genuine refugee and he blamed this erroneous assumption for the outcome of the preliminary hearing. The rejection of the Ethiopian refugee claimant who had a clear prima facie case as a refugee but had an inexperienced designated counsel to defend him at the preliminary hearing is another instance indicating that the two stage process is not one to sort out credible from non-credible claimants at the first stage, but to decide who is a genuine refugee. The assumption is that, as much as possible, all refugee claimants who go before the Board should be able to prove they are genuine refugees. Since, 93 per cent of the refugee claimants who had a full hearing received a favourable decision, the statistics support such a contention. This suggests that the preliminary hearings are, in fact, serving to select refugees and not just eliminate bogus claimants.

But there is a fourth piece of evidence which is even clearer in suggesting that the immigration officers were being instructed to determine who is a genuine refugee and not just who is a credible and eligible claimant. The instructions project the statistics which will result from their strategy. Bissett predicts that after one year there will be a 60 per cent decline in claims and that "there will be an out-take of 10 per cent at the front end of humanitarian and compassionate cases." This means that only 30 per cent of the historical number of claims will appear before the Refugee Board for a full hearing. This is precisely the percentage of traditional claimants who were able to prove that they were refugees. In other words, the intake into the Refugee claims system will be reduced by 70 per cent, the exact percentage of claimants who were unable to prove they were refugees. Not only would all bogus claimants be eliminated from the system. All other cases who have difficulties proving their claims, whether or not their claims are credible and whether or not they are eligible, will be eliminated from the system at the first stage.

The second extremely important idea stressed throughout the instructions reinforces the interpretation that the main thrust of the top civil servants in the Immigration Department is to have control. As the introduction to the instructions conclude, "The main thing to remember is that we are in charge of this program and we intend to manage it." The main purpose is *not* to ensure that anyone with a credible and eligible claim gets a full and fair hearing. The main thing is not to ensure that the Refugee Board is given the responsibility and the opportunity to decide who is and who

is not a genuine refugee. The intent is "to reduce the intake into the refugee process to a level which the Board can handle on an ongoing basis." Management needs, not refugee needs, will determine the level at which the system will operate. We are in charge; we are in control; we manage. This is the ideology of the immigration civil service as articulated by Joe Bissett, the Executive Director.

But is this fair? The instructions, after all, state that the function of the new bills are to "combat abuse". "The thinking behind C-55 was that as claims were quickly decided *negatively on grounds of eligibility,* credible basis, and by the Refugee Board after a full hearing, the word would get around that there was no advantage to be gained by bogus people claiming refugee status." This seems a very commendable strategy. But the strategy as outlined in the document suggests another more important goal — control, reduction of numbers, even if those numbers happen to be refugees.

As the strategy document itself makes clear, Bill C-55 and Bill C-84 are just part of the control strategy. T he broader strategy includes the use of visas, fraudulent documentation detection, prevention of embarkation through fines on the airlines, etc. "Prevention of arrival is as important as as removal in reducing demand upon the refugee producing process." The document further notes that, "the target for the External Affairs 'out-take' from the system should be *considerably* higher than any target set for removals."

This means that the department could eliminate, on a statistical count, the exact percentage of cases who could not prove that they were refugees. *But* this has, in fact, been the impact of the new legislation without the use of the Safe Country provision. Further, it would be the impact without the use of Preliminary Hearings.

In other words, whether we like the strategy or not, whether we applaud or disapprove of its effects, the strategy has been successful. And it does not require either the Safe Country provision or the Preliminary Hearings to achieve that success. In other words, the civil servants can feel they have achieved their goals while allowing the Preliminary Hearings to whither away and without pressing to introduce the Safe Country provision, provided, of course, they are not absolutist in their goals.

Principles

One could, of course, insist the battle be joined on principles. Though the Safe Third Country provision has already been shelved as unworkable, the strategy document suggests that if it had been used as envisioned by the civil servants, then the United States would have been classified as a Safe Third Country, in spite of the fact that the USA had a terrible track record during the Reagan administration, according to its own courts and statistical records, for granting genuine Central American refugees refugee status in America. As the strategy document notes, "the return-to-safe-country provisions are expected to have a substantial impact on demand" along with the deterrent factor of directing people back to the United States. In fact the strategy document went even further; "We want cases which are removable on the basis of arrival from a Safe Third Country ... to be detained because removal will be imminent." Detention was to be used not to protect Canadians but to increase the efficiency of the controllers.

One could argue that the battle needs to be fought on principle to prevent the *possible* introduction of such measures as detention or the Safe Country provision. This may be valid, but it might be preferable to achieve what can be achieved where there is little disagreement on the basis of effectiveness, strategy and ideology.

We did not need the Safe Third Country provision to reduce the intake significantly. We do not need the system of Preliminary Hearings to reduce the intake. In other words, the civil servants who want to control the intake into the system can boast that they have already achieved their goal (setting aside whether such a goal is desirable or not).

There are already hints that the Preliminary Hearing System may follow the practice of a de facto shelving without any admission by the architects who constructed the system that they were wrong. Raphael Girard, labelled as the chief architect, admitted as much in a Southam News Interview by Joan Bryden reported in the *Toronto Star* on February 6th. As Girard is reported, "The government is also considering contesting fewer claims at the preliminary hearing so more go directly to a full hearing." They presently challenge less than 50 per cent, so if there is to be a significant decrease in challenges, the extra costs and delays as well as the risks of unfairness may lead to the reality that virtually all claims go to a direct hearing.

Conclusion

One might gloat over this victory. It appears that the government fight for the Safe Third Country provision and the preliminary hearings, which in themselves probably led to a two year delay in passing and implementing the new legislation and the consequent huge build-up in claims, was a total waste of time. But the point is not to gloat, but to implement de facto changes to improve the system. We trust these are in fact in process even if there is no public announcement to prevent any loss of face.

Howard Adelman *is the Director of the Centre for Refugee Studies at York University and the Editor of* Refuge.

An Opinion on UNHCR Involvement in Hong Kong

by Simon Ripley

The Universal Declaration of Human Rights proclaims that everyone has the right to seek and to enjoy in other countries asylum from persecution. In the fortieth year of the Convention, the Hong Kong government has introduced an eligibility procedure for the determination of refugee status for Vietnamese asylum seekers arriving in the territory. The primary objective of the procedure was to deter asylum seekers. It was introduced because Western States have in recent years become less willing to resettle refugees from Hong Kong. There has also been an assumption made that most of those now arriving, do so for economic reasons.

The procedure came into effect on June 16, 1988. Since that date, 10,000 boat people have arrived and will be interviewed by the Immigration Service. The Immigration Service makes a decision on the asylum seekers's status according to the UNHCR definition of a refugee (as explained in the UNHCR Handbook). To date, of 313 cases examined by the Immigration Service only 2 have been found to be "deserving" of refugee status in their own right.

Clearly the theory is that a greater deterrent is presented to those still in Vietnam if fewer people are successful in their applications for asylum. It is with this in mind that *the Immigration Service administers the procedure.* Of perhaps greater deterrent value is the fact that *all asylum seekers* arriving since June 1988 and those who are determined not to be deserving of refugee status, *are detained in closed detentions camps.* They have no prospect of resettlement or freedom. At the present rate, it is likely to take seven years to deal with the current case load. Once refused, applicants are classed as illegal immigrants and they are detained pending repatriation to Vietnam. There is in fact no plan to forcibly repatriate the Vietnamese and any such proposal is most unlikely to be forthcoming. Those refused therefore await an uncertain future in detention, with 1997 on the horizon. Or they can volunteer to repatriate. One is forced to ask the question how voluntary can a decision to repatriate be, when one is faced with such bleak alternatives.

It cannot be correct that so many people are still risking their lives and their futures. It cannot be right that the people leaving, whatever their motives, are undeserving of protection or even of basic human rights. If a policy such as this is so clearly unfair, is it possible for the UNHCR to work to improve it? Ought not the UNHCR be challenging the very existence of such a policy?

The Agreement

The statement of understanding, reached between the Hong Kong government and the UNHCR concerning the treatment of asylum seekers arriving from Vietnam in Hong Kong, came into effect from September 1988. It states that the Hong Kong government will apply appropriate humanitarian criteria for determining refugee status, taking into account the special situation of asylum seekers from Vietnam. The agreement provides a questionnaire designed by UNHCR to form the basis of Immigration Service interviews and to reflect the elements of the criteria used for determining status. In the agreement much emphasis is placed upon the UNHCR handbook as a means to interpretation of the 1951 Convention, but in essence, and in practice, a very rigid definition of refugee is used, i.e. well founded fear of persecution as applied in other states. The Hong Kong Immigration Service subsequently embraced this definition in a very inflexible way that probably was not foreseen in the agreement. UNHCR confirmed in the agreement that they had been consulted on the criteria to be applied and that it would brief immigration officers involved in the determination procedure. At this briefing UNHCR was satisfied that the criteria were to be applied in a generous manner although this later proved to be an unfounded assessment. Three months after the commencement of the agreement the Immigration Service declined UNHCR's offer of a further training session.

The agreement facilitated a procedure for cordial discussion between UNHCR monitoring officers and the Immigration Service. This was intended to establish broad agreement on the sort of cases which should be granted refugee status. This spirit of co-operation quickly deteriorated.

To some extent there was a trade-off in the agreement, in that eligibility procedure was only part of the change in the treatment of refugees in Hong Kong. The Hong Kong government agreed to the immediate

and progressive opening of the refugee centres which had been closed since the earlier deterrent policy, attempted in 1982. It is unclear to what extent UNHCR's involvement in monitoring the eligibility procedure was contingent on the liberalization of the closed centres.

The Hong Kong Immigration Service

It seems clear that the Hong Kong government has taken a policy decision to "screen out" asylum seekers. It has applied a very rigorous interpretation of the United Nations refugee definition, and their starting point is that new arrivals are economic migrants. These assumptions are supported by the statistical evidence, by conversations with the Immigration Service officials, by an examination of those 2 cases which have been "screened in" and theoretically in that the more "screened out", the greater the deterrent.

UNHCR monitoring offices found it hard to argue with Immigration Service decisions to "screen out" in many cases where such an argument was based on the information contained in the Immigration Service files. Often the file on a particular case contained so little information that no decision either way would normally be possible. The Immigration Service interview of the asylum seeker is of a very poor quality.

The interview is conducted in three languages. The immigration officer asks the questions on the questionnaire in Cantonese, this is translated by the official Hong Kong Government interpreter into Vietnamese and the response passed to the immigration officer.

The notes are then made by the immigration officer in English. The Hong Kong Government interpreters are required to pass a proficiency test, but their Vietnamese is often inadequate. All left Vietnam before 1975, and so have little knowledge of recent language usage under the current regime. All are ethnic Chinese and there are also regional language differences. Many immigration officers deviate from the questionnaire to ask more probing questions but some do not. It is quite common to see a questionnaire with ten or more consecutive negative responses, though it is hard to believe that an asylum seeker has absolutely nothing to say. Some of those who have been interviewed state that the immigration officer shouted at them and UNHCR's monitoring officers did witness this in some cases.

Without doubt the interview is not carried out in the most relaxing of atmospheres. From having spoken to the immigration officers, it is clear that the majority carry out the interview with the assumption that the asylum claim is bogus and that the applicant is an economic migrant. Questions are often aimed at finding discrepancies so as to discredit the applicant rather that to corroborate or consolidate information. In Hong Kong generally there is an atmosphere of hostility towards the Vietnamese and the "screening" procedure only serves to strengthen this.

Given the nature of the interview, there is great doubt as to the ability of the applicant to adequately express a well founded fear of persecution. Nevertheless, it forms the basis on which the Immigration Service makes a decision. The file is then passed to senior immigration officers and chief immigration officers to make an assessment and final decision. The file is minuted with their opinions and reasoning. The asylum seeker is then informed and can lodge an appeal within fourteen days. So far all those screened out have appealed. When the asylum seeker is informed of the decision to refuse, only in a small minority of cases are the applicants given reasons for the refusal. At this stage the file is passed to UNHCR, who are responsible for the preparation of grounds of appeal.

UNHCR can intervene at any time, if it feels there is a strong case to be made. These interventions and grounds of appeal are considered by the Immigration Service, who are then able to reverse their decision. If the decision is not reversed, the file moves up to the Security Branch, where grounds of appeal are considered. The final decision to refuse rests with the Governor of Hong Kong in Counsel. *There is no independent body examining the file at any stage. There is no provision for a hearing or the making of oral representations.*

The United Nations High Commission for Refugees

UNHCR entered into the agreement to monitor the screening procedure with an apparent lack of preparedness. Six consultants were hired as monitors, although no thought was given to the provision of interpreters. Much time was spent by the consultants hiring interpreters from abroad and at the time of writing only three were in post. This meant that only three consultants were able to monitor the Immigration Service interviews. As UNHCR was obliged to take on appeals, the consultants with interpreters were even more thinly stretched and were able to monitor less than 20 per cent of the interviews. The Hong Kong Law Society agreed to provide legal services for the preparation of grounds of appeal. Due to the expense of their services, their inexperience in refugee law and lack of knowledge on Vietnam, and the fact that they endorsed many immigration decisions rather than challenged them, UNHCR decided to cease the arrangement. This meant that UNHCR's consultants for a short time did appeal interviews with those screened out to prepare grounds of appeal. Whilst this gave consultants a wealth of information on Vietnam and a better understanding of the

reasons for leaving Vietnam, it did mean they were over-stretched. The lack of interpreters also proved a constant barrier to full working capacity.

UNHCR proceeded to hire four additional consultants to prepare appeals under the aegis of a voluntary organization based in Hong Kong. At the time of writing, no appeals had been decided by the security branch.

At an early stage UNHCR consultants contacted local lawyers on the possibility of making applications for Judicial Review. It was felt that the procedure, as described, inadequately protected the refugee's rights and the application of UK precedent case law, though Judicial Review of the procedure was one means by which the process could be improved. Authoritative legal opinion on the prospects for Judicial review suggested that the failure of the screening procedure to permit legal representation at the initial Immigration Service interview stage fell short of the civilized standards required under the Convention and to be expected of the Hong Kong government. Judicial Review proceedings would have a reasonable prospect of success. A fairer procedure, it was suggested, would allow a legal representative to make an interview with the asylum seeker contemporaneous to the Immigration Service interview. Representation would then be made to the Immigration Service, which would make a decision on eligibility in the light of its own assessment and the legal representations. The discrepancies that inequitably arise could then be ironed out before a decision is made.

UNHCR made clear to the consultants however that Judicial Review would not be appropriate at such an early stage in the policy and, besides, UNHCR would not want to be seen to be directly endorsing an application for Judicial Review in a confrontation with the Hong Kong government.

Consultants found that when they made appeal interviews with those "screened out", substantial new information came to light that the Immigration Service interview had failed to obtain. When faced with this new information, the Immigration Service did undertake to re-interview the appellant. This however would further prolong the process beyond the seven years suggested above. More fundamental to the spirit in which the process was functioning is that great doubt was cast upon the new information by the Immigration Service given that it came after the refusal and after those refused had time to talk to friends and to UNHCR's consultants.

At one stage a senior immigration officer stated to one of the consultants that the Immigration Service could neither trust UNHCR nor its interpreters not to feed the asylum seekers with a good story to strengthen their cases.

UNHCR had a number of meetings with senior officers at the Immigration Department intending to establish a dialogue as to which cases UNHCR felt were deserving of refugee status. It was also hoped that procedures, interviewing techniques, background information on Vietnam, etc. could be improved. These meetings were held in an atmosphere of polite diplomacy through they bore little fruit in terms of any improvement in the recognition rate. Following high level missions to Hong Kong by staff from Geneva, the High Commissioner made diplomatic advances to the Hong Kong Government, stating that current practices and recognition rates were unacceptable. It remains to be seen what response this will elicit.

The Refugees

For those seeking asylum who have already been detained since June 1988, conditions in detention camps have deteriorated. In Chimawan and Hei Ling Chau, the camps where screening has been taking place, an atmosphere of insecurity and hopelessness has grown up. There has been fighting in both camps. Ostensibly this is between people from Haiphong and people from Quang Ninh but certainly there are underlying factors. Some say there are criminal elements in the camps who fled to avoid prosecution in Vietnam, or who were released from jails there. All say that people in detention have nothing to lose, they fear justifiably that they will be screened out, and so certain elements establish protection rackets to intimidate other inmates. Many people have been injured in the fighting, some very seriously.

At the start of February asylum seekers started to boycott the Immigration Service interviews and UNHCR appeal interviews. They feel there is no point in attending and hope that this protest will express their anger at this unfair system. At a meeting organized to discuss these issues, refugees in Chimawan told UNHCR consultants that they stood together in their search for asylum, that all or none should be recognized as refugees. They asked UNHCR not to become involved in supporting individual cases, but to support them en masse.

Conditions in the camps are very poor and crowded. There is no privacy, little education provision and limited recreation facilities. A considerable proportion of the camp population are children, growing up behind double high fences topped with barbed wire. For the lengthy time periods expected, these conditions are quite unacceptable.

There is a large body of opinion which argues that UNHCR should have fought more strongly the closed camp deterrent policy introduced in Hong Kong in 1982. As a deterrent, it did not work but did cause unnecessary suffering for a large number of people. It is hard to see anything of benefit to asylum seekers in the policy introduced by the Hong Kong government in 1988. Given that it is not possible to deport those

screened out back to Vietnam since the Vietnamese government refuses to allow forced repatriation; given that it is not safe to return people to Vietnam against their will due to threats of further persecution against them; given that it is deemed necessary for UNHCR to monitor even those that return voluntarily to see that they are not prejudiced; and, finally, given that illegal departures from Vietnam are seen as a punishable crime against national security, it does seem premature to introduce any sort of eligibility procedure. It is doubtless true that many of those detained since June 1988 are not refugees within the strict UNHCR definition, nevertheless, it is not possible and not safe to return them. Accordingly, they must still be given protection and at the very least temporary asylum pending safe repatriation or resettlement elsewhere.

Since the procedure as outlined above is so unfair, less than one percent have been given the protection of refugee status and the process takes several years, it is disgraceful that UNHCR condones the detention of 10,000 innocent people in such inhuman conditions. Detention of asylum seekers has been in principle condemned by UNHCR, yet there appears to be very little willingness to challenge detention in Hong Kong.

Even if the process by which the refugee definition is applied were fair, and an attempt was genuinely made to find those with a well founded fear of persecution for Convention reasons, there must still be considerable doubt about the terms of the definition itself, and indeed the appropriateness of applying any definition at all in such a situation of a large scale influx. Many applicants do not fall within the definition and a perfunctory examination of cases might elicit primarily economic reasons for departure from Vietnam. This, however, is a naive assessment, but it is one which those in the Immigration Service in Hong Kong have found easy to exploit in making decisions to refuse asylum.

Many asylum seekers experience harassment, discrimination and deprivation of the right to earn a living as a result of having been classified as bad elements or as counter-revolutionary. This can be due to either relatives before them who had links with the South Vietnamese army, the United States presence, or the French Colonial presence, or due to having made previous escape attempts. As a result of this classification, families are subject to capricious treatment by local authorities, children may be removed from school, parents may be denied permission to go fishing or to gain access to local co-operatives. As a result, they are forced into private enterprise, and this in turn is frowned upon and access to goods at official prices can be denied. This forces reliance on a black market, and this is illegal; so goods obtained can be seized.

There appears to be a cycle of oppression of which the above is but a brief example. Because Vietnam is a very poor nation and has a very restrictive and oppressive political system, most persecution of those leaving does take place on an economic level. Those with any power to persecute do so in part for their own economic gain, and because they too are poor. Bribery and corruption are therefore rife, but if one looks below the surface, there are frequently quasi-political elements beneath. To say that the Vietnamese are leaving simply for better economic opportunities misses this point entirely. People leaving for lack of religious freedom and those who refuse to fight in Kampuchea are also part of the case load. This religious aspect is well documented and the occupation of Kampuchea has been condemned by the United Nations itself.

For all of these reasons, the UNHCR definition is inappropriate. Those now arriving are in need of protection and durable solutions. It is wrong to use the 1951 definition — the cornerstone of UNHCR's existence, as a means by which to deter asylum seekers. Countries of resettlement must continue to provide asylum outside of Hong Kong, but more importantly, emphasis must be turned to Vietnam, to examine the reasons why people are still leaving in such large numbers. It is contrary to place the burden of the solution on the people already in need of assistance, without addressing the reasons for their departure. Greater efforts should be made to bringing Vietnam back into the international community, to improving the economic situation and human rights in the country. "Screening" can only be applied when it is possible and safe to return those determined not to be refugees to their country of origin. "Screening" can only be functional when it is procedurally fair.

Essentially, UNHCR ought never to have agreed to participate in this policy. It is doubtful whether continued involvement will improve a fundamentally unjust procedure. To condone government policies of this nature will only serve to spread the sort of restrictive measures we are witnessing in Europe and North America to other regions. Since the policy requires the long term detention of large numbers of people, it is unlikely that other states in South East Asia currently turning away boat people, will change their practice. If UNHCR is to retain credibility as a humanitarian organization working to protect asylum rights, it must challenge governments where injustice is done, rather than condone that with which it does not agree.

Simon Ripley *was legal consultant to the UN refugee commission until February 1989, when he resigned and wrote the opinion which we now publish (the italics are ours). He is now working with the United Kingdom Immigrants Advisory Service.*

News in Brief

- Immigration Minister Barbara McDougall issued special minister's permits to refugee claimants Hussein Mohamoud from Ethiopia and Nasrin Peiroo from Iran, whose claims were initially rejected at preliminary hearings. This followed reports that refugee claimants from Somalia, India and Nigeria, deported earlier on from Canada, could not be located after their departure by concerned monitoring groups.
- Forty-four new members have been appointed to the Immigration and Refugee Board chaired by Gordon Fairweather to deal with the refugee backlog. Over 115,000 claims, which had not been determined before the new refugee determination process came int effect on January 1, 1989, await to be resolved. Twenty-eight of the new members will be working in the Toronto Regional Office, since most backlog claimants reside in the Metropolitan Toronto area. Twelve members have been appointed to the Montreal Regional Office and four to the Vancouver Regional Office. Two-member panels, consisting of a member of the Immigration and Refugee Board and an Immigration Adjudicator, will hear each claim for refugee status and apply the definition of a Convention Refugee to the facts and circumstances of each case. It suffices for one of the two-panel members to rule that the claim has a credible basis to ensure the confirmation of refugee status. The Board will begin hearings after the completion of an intensive training course for the new members.
- Three new members have been appointed to the Convention Refugee Determination Division (CRDD) of the Immigration and Refugee Board. These include Centre for Refugee Studies research associate Lisa Gilad, who will be reporting to the Montreal Regional Office from Newfoundland; Paul Matarazzo, who will be reporting to the Toronto Regional Office from Thunder Bay; and Sherry Makarewicz, who will be reporting to the Calgary Regional Office from Edmonton. These new additions bring the total member contingent of the Board to 167, including the Chairman, of whom 145 are assigned to the CRDD and 21 are assigned to the Immigration Appeal Division.
- On April 10, a 55-foot wooden sailboat with 261 passengers, including 19 children and seven pregnant women, was stopped by the Coast Guard just a few yards from Miami's luxury Fisher Island community. The passengers were immediately interned by the INS at the Krome Avenue Detention Center, where they joined sever hundred other Haitians, including boat people who had reached the US in December. Following intervention by the Haitian Refugee Center, the children and pregnant women were released to relatives, but many family members remain in detention. By the middle of April, some 750 people, most of them Haitians, were being held in Krome, a facility designed to house 525. [from **Haiti***Insight*, Vol. 1, No. 1 (May 1989), p. 6]

Book Reviews

Freda Hawkins *Canada and Immigration: Public Policy and Public Concern*, 2nd edition

Kingston and Montreal: McGill Queen's University Press, 1988

Freda Hawkins *Critical Years in Immigration : Canada and Australia Compared*

Kingston and Montreal: McGill Queen's University Press, 1989.

by Anthony H. Richmond

When the first edition of Canada and Immigration appeared in 1972 it was a pioneer work which added substantially to our knowledge and understanding of how Canadian immigration policy had developed in the post-war period. Written from the perspective of a political scientist with a special interest in public administration, it benefited from the author's access to department files, together with exten-sive interviews with government officials and politicians involved in the administration of immigration programmes. The book examined Canada's position in the international scene, considered the role of the Provinces, overseas operations, the role of the voluntary sector, and the management of immigration. Some attention was paid to the refugee programmes in the immediate aftermath of World War II, Canada's relations with UNHCR and ICEM, together with the later Hungarian, Czechoslovakian and Tibetan movements. The book ap-peared before the government em-barked on its "Green Paper" review of immigration policies and programmes and prior to the Special Joint Committee of the Senate and House of Commons report. The latter led to the new Immigration Act, 1976, which did not come into force until 1978.

The second edition of *Canada and Immigration* includes a new preface and a concluding chapter dealing with the period 1972-86. Needless to say, in a single chapter of 27 pages covering fourteen years, the author could not provide the same detail as in the earlier part of the book. However, it is a pity that fuller opportunity was not taken to up-date some of the Tables so that the work could be used for reference purposes. Notwithstanding the many controversies surrounding immigration and refugee policies in recent years, Freda Hawkins retains the optimistic outlook she exhibited nearly two decades ago, concluding that "some millions of immigrants and refugees settled successfully in Canada ... without undue stress and strain "(p. xvii).

For a more thorough treatment of immigration policy and management since 1971 we must turn to the author's new book, *Critical Years in Immigration*. This is more ambitious in scope, adopting a comparative perspective in which Canada's experience is set against that of Australia, and the links between the two countries traced. The first chap-ter reviews the immigration experience of Canada and Australia since 1900, spelling out the origins of "White Australia" and parallel discrimination in the administration of Canada's immi-gration policies, until 1962. Unfor-tunately, condensing such a lengthy history for two countries into forty pages leads to superficiality. There are many questions that deserve much fuller treatment, including the history of restrictions on Asian immigration and the question of Jewish refugees in the inter-war and immediate post-war period.

Two chapters follow, dealing with Canadian and Australian immigration policy and management, respectively, for the period 1972-86. The same theme is taken up in the concluding chapter, where some forecasts of demographic trends are made. Again, an optimistic outlook for the continued successful integration of immigrants in both countries is expressed. Another chapter deals with the evolution of "multi-culturalism" as an official ideology in Canada and Australia, emphasizing the political motives of those who have espoused similar programmes in both countries.

For readers of this periodical, the chapter on "Refugees and Undocumented Migrants" will be of particular interest. Special attention is paid to refugee and quasi-refugee movements from 1970 to 1986, including the Uganda expellees, the Indochinese/Vietnamese movements and those from Chile. The problems created by undocumented migrants, refugee status determination and status adjustment programmes are reviewed. All these issues are examined from the perspective of their effective *management*. It is noted that Australian refugee policy was more flexible than that of Canada but also more vulnerable to changes in the political party in power. She also praises the closer integration of immigration with settler adjustment, citizenship and multi-cultural programing in Australia. However, no attempt is made to consider the adjustment or adaptation of the refugees themselves, from an economic or socio-psychological point of view. Hawkins is critical of the way in which some politicians and bureau-crats handled the situations in question, but remains convinced that Canada's Immigration Act, 1976 "is one of the best pieces of immigration legislation to be found anywhere" (p. xix). Never-theless, in both Canada and Australia, she recognises a conflict between maintaining the integrity of the borders of a sovereign state and attempts to treat refugees in a just and equitable way.

Both books should be compulsory reading for any student of, or worker on refugee and immigration problems. However, not all social scientists, lawyers, bureaucrats or social workers will necessarily agree with Hawkins' analysis or her conclusions. One is compelled to ask if the Immigration Act, 1976 (and the regulations administered under its auspices) were so great, why were Bills C-55 and C-84 seen by the government to be absolutely necessary ?

Anthony H. Richmond *is a Professor of Sociology at York University, and the author of* Immigration and Ethnic Conflict, *published in 1988.*

Refugees in the World: The European Community's Response

International Conference, December 7-8, 1989

The Dutch Refugee Council and the Netherlands Institute of Human Rights (SIM) will host an international conference, *Refugees in the World: The European Community's Response*, at The Hague, Netherlands, from Thursday 7 to Friday 8 December 1989. This event is sponsored by the Ministry of Foreign Affairs of the Netherlands, the Ministry of Justice of the Netherlands and NOVIB.

The Dutch Refugee Council and the Netherlands Institute of Human Rights have formed a Working Group which is in charge of the organization and the preparations concerning the content of the conference. The Working Group is assisted by a Conference Advisory Board whose members include Professors P. van Dijk (International Organizations, University of Utrecht), Th. C. van Boven (International Law, University of Maastricht), H. Meijers (International Law, University of Leiden), E. Postel-Coster (Cultural Anthropology, University of Leiden), and Doctors J. Hoeksma (UNHCR Branch, The Netherlands) and F. Florin (Head of the Protection Department of the Dutch Refugee Council).

Close to 100 participants are expected to attend, including scholars, representatives from international governmental and non-governmental organizations, national governments and parliaments of EC countries, and developing countries.

Forced mass migrations, due to situations of hunger and starvation, civil war, ethnic conflict, natural disasters and political repression, are increasingly demanding the attention of the governments and general public in the economically developed European countries. This is not only the result of better and more sophisticated information through the media, but also of an increase in the physical arrival of victims of those situations in the countries of the West.

Victims of situations of deprivation and man-made or natural disasters are, notwithstanding the fact they are most often in real life-threatening situations, therefore not allowed a permanent stay and immigration in European countries. However, a special category of victims of threatening situations must be allowed access to European countries under the obligations of international instruments. Granting asylum to victims of repression and persecution in terms of the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol and other related conventions and agreements, cannot be looked at as a matter of immigration, but rather as a matter of human rights policy, as many European governments have themselves stated time and again.

Although all European countries are of the opinion that they fulfil their obligations to those in need of international protection under the international instruments already mentioned, the right to asylum is nevertheless threatened. Against the background of increasing applications by those who are forced to migrate for other reasons than the grounds of the standing definition of asylum seekers, European governments have begun to work together in a number of different forums to develop methods of limiting the numbers of asylum applications. They take measures which are intended both to deny access to asylum seekers and to encourage restrictive interpretations of the Convention and Protocol.

Scholars, non-governmental organizations, parliamentary bodies, including the European Parliament, have started to point out that the right answer to the increased number of applications is not the restriction of the right of asylum. Instead, the answer should be found in positive and alternative measures, linking the asylum, immigration, human rights and development policies of the European governments and institutions of the European Communities and the Council of Europe.

The main purpose of the two-day international conference is, therefore, to ascertain the various approaches to the triangle of human rights, development and migration, and the consequences they entail for the formulations of a just, but also realistic refugee policy in the framework of a human rights and development co-operation policy of the European Community. Alternative strategies in the sphere of assistance with regard to resettlement, creating a durable solution within the regions, or giving access to European countries will be the main focus of the discussions.

* * *

For further information and registration, contact the Conference Secretariat: SIM, Boothstraat 6, 3512 BW Utrecht, The Netherlands, telephone: (011 31 30) 394033, telex: 70779 sim nl, telefax: 011 31 30 393242; or the Dutch Refugee Council, 3e Hugo de Grootstraat 7, 1052 LJ Amsterdam, telephone: (011 31 20) 881311.

New Publications

- **HAITI***Insight*, a bulletin on refugee and human rights affairs, is a monthly publication of the National Coalition for Haitian Refugees in co-operation with Haiti Solidarité Internationale. This bulletin will provide readers with information on human rights in Haiti and their political, social and economic context and will also cover US-Haiti relations and the challenges facing Haitian refugees. The publication is sent free of charge upon request to interested groups and individuals. Requests should be addressed c/o National Coalition for Haitian Refugees, 275 Seventh Ave 11th Floor, New York, NY 10001, USA.

- *Voluntary Repatriation to Afghanistan: UNHCR Plan of Action for 1989* was published by UNHCR in support of the section on voluntary repatriation of the *Plan of Action for United Nations Assistance in Afghanistan (1989).* The UNHCR document includes background and an overview of UNHCR activities in 1988, basic assumptions and conceptual framework, planned UNHCR activities in protection, preparedness and assistance, a budget summary and several annexes on specific issues.

- The Immigration and refugee Program of Church World Service has published its annual *Refugee Resettlement Appeal* which includes a description of some of its programmes and suggestions for congregational involvement with refugees. It is available from CWS, 475 Riverside Drive, Room 656, New York, NY 10115, USA.

- M. Blucha, *Flight and Integration: Causes of Mass Exodus from Ethiopia and Problems of Integration in the Sudan.* This work is based on several hundred interviews of refugee households from Ethiopia. It reviews the history of refugee movements in Africa and particularly from Ethiopia, and considers the economic, social, cultural and psycho-sociological dimensions of their integration in the Sudan. Available from the Scandinavian Institute of African Studies, PO Box 1703, 751 47 Uppsala, Sweden.

- *The New Asylum Seekers: Refugee Law in the 1980s* is the Ninth Sokol Colloquium on International Law, and is available from Martinus Nijhoff, c/o Kluwer Academic Publishers, PO Box 322, 3300 AH Dordrecht, Netherlands.

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