



CANADA'S PERIODICAL ON REFUGEES REFUGE

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NOT JUST NUMBERS AND NEW DIRECTIONS: IMPLICATIONS FOR CANADIAN REFUGEE POLICY

Introduction

Michael Lanphier

Formal governmental concerns over Canadian immigration and refugee policy and legislation span more than two years of intensive inquiries and reports. This issue of *Refuge* highlights issues arising from the two reports: *Not Just Numbers: A Canadian Framework for Future Immigration*, published in January, 1998; and its successor, *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation*, which appeared one year later, in January, 1999.¹ These reports followed a year-long investigation, inaugurated in November, 1996, of a special Legislative Review Advisory Group to the Minister of Immigration. This Group was charged with reviewing the whole of Canadian legislation on immigration and protection of refugees. As it traversed the country for an initial assessment, the Advisory Group invited some to deliver oral presentations and other interested parties to make written submissions, all of which would be taken into account and di-

gested into its voluminous 172-recommendation report, *Not Just Numbers*.

The appearance of that much-awaited report aroused a groundswell of reaction in early 1998. The outpouring of concern required the Minister of Immigration, Madame Lucienne Robillard, to extend her initially planned highlighting tour to a veritable second set of inquiries. Groups and interested parties who had been passed

over on the first round insisted on a hearing while engaging the local and national print and electronic media to attend not only to the government's proposed legislative agenda but to counter-representations on nearly every topic raised in the initial report.

These vociferous representations have resulted in substantive modifications. They attempted to clarify initial aims of the Advisory Group, e.g., to

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REFUGE

Centre for Refugee Studies
Suite 322, York Lanes
York University
4700 Keele Street, Toronto
Ontario, Canada M3J 1P3
Phone: (416) 736-5663
Fax: (416) 736-5837
Email: refuge@yorku.ca

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Editor
MICHAEL LANPHIER
Guest Editor
MICHAEL LANPHIER
Managing Editor
OGENGA OTUNNU
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French Translation
PAUL LAURENDEAU

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render the legislative and administrative processes more transparent; separation of specifically "immigration" issues from those of refugee protection and strengthening enforcement systems. They also modified certain substantive provisions, several of which are detailed in the articles to follow. They include a softening of requirements of knowledge of official languages and a widening of skill eligibility as prerequisite for immigration. For refugees, the initial recommendation that the arm's length quasi-judiciary Immigration and Refugee Board be transformed into an administrative wing of the Department of Citizenship and Immigration has been veritably ignored.

Equally important, the style of deliberation and decision-making has developed much more into a processual model. Instead of a fixed set of resolutions being tabled for viewing prior to their submission to Parliament in formal White Paper, the Minister now indicates her Department's willingness to consult and to entertain modifications of some magnitude. The style change is palpable in the second report, *Building on a Strong Foundation ...* (referred to herein as *New Directions*). Recommendations are presented as broad orientations for formulating policy, not as policy created. Even the rhetorical style suggests some tentativeness, as the conditional verb form is repeatedly employed in places where the indicative would be expected.

This issue cannot purport to provide commentary on the whole scope of the legislative review process. Rather, it attempts to provide commentary on significant issues relating to refugees which are currently under consideration and which arose from issues in the Advisory Group's 1998 report. Thus articles address both the *New Directions* and *Not Just Numbers* reports.

Notwithstanding the processual dialogic signals in the 1999 *New Directions*, observers still sense orientations in the report which require reconsideration or modification. These are brought forward in varying styles in the following articles. Michael Lanphier notes

that the new report fails to qualify as a white paper owing to its general overview approach to policy which cannot "translate" directly into legislative bills, as expected in White Paper form. Thus some review procedures lack precision. Moreover if the style were that of a "Green Paper," far more comprehensive attention would be expected to all aspects of refugee policy. Yet this report is selective with respect to the topics chosen for attention. Missing is a thoroughgoing sensitivity to the humanitarian qualities which should infuse all of refugee policy and which has mandated both in domestic and international instruments to which Canada is signatory. Yet the report is replete with concerns over security and abuses of the system.

While underscoring many themes in the prior article Sharryn Aiken focuses particularly on protection issues especially with respect to determination of refugee status. *New Directions* points toward important measures to protect persons at risk. This terminology is employed frequently to signal that "refugees" as strictly defined by the UNHCR definition are not the only types of persons of concern. Others may fail to qualify under those criteria but may be in danger because of escalated conflict, generalized terrorism or other peril. Nevertheless, *New Directions* makes no reference to the need for adequate safeguards to ensure that people fleeing persecution will be assured their right to seek asylum. The government's enhanced attention to interdiction and more elaborate screening prior to and immediately upon arrival suggests that Canada may attempt to reduce its role as safe haven for those at risk seeking state protection.

Michael Casasola likewise focuses upon resettlement policy both in *Not Just Numbers* and *New Directions*. He relates the general orientations especially in the latter document to more specific and detailed reporting of a model generated by the resettlement working group of the Canadian Council for refugees. He recommends that more sustained collaboration between the governmental and non-governmental organizational sec-

tors would result in greater accommodation to needs of refugee newcomers. Moreover, Canada would be the beneficiary of much improved legislation.

With respect to persistent questions of implicit and structural discrimination by gender, Jennifer Hyndman presents an analysis of implications of selection policy in *Not Just Numbers*. The distinction between immigration policy emphasizing adaptivity to the Canadian economy and refugee policy emphasizing protection policy has multiple effects, she argues. In the globalizing of the world economy, immigration serves to "renationalize" policy which has been denationalized by the economic exchange. For refugees, Canada's interest appears to be best served by developing new models of international responsibility sharing the identification of those in need with other states. In this context the selection of women and children should receive priority. Yet if the emphasis falls on "sharing" this responsibility, the result may be fewer refugees admitted to Canada for resettlement. Not only may fewer women enter Canada as an ironic outcome, but women in certain categories may be disfavoured in immigration policy, especially domestic workers who often arrive with high educational and professional skill qualifications.

The concerns of Shawn Beck and Janice Sanford on behalf of the refugee claimant community at Toronto's Romero House deal largely with determination and its relation to governmental administration. The overriding preoccupation in the *Not Just Numbers* report lies in the apparent linkage of the determination system with the bureaucracy of the Ministry of Immigration. This

linkage would only reinforce existing apprehensions that the determination process already is weighted too heavily in favour of a culture discrimination against the applicant. If new "protection officers" reported directly to governmental bureaucracy of the Ministry of Immigration, rather than to a judicial agency, their loyalties would either be divided or lie with the very administrative unit which reviews their performance. Overall, the perspective of the claimant is insufficiently represented in *Not Just Numbers*. There remains a danger that claimants, already in a vulnerable situation in a judicial process in a new country, yet a process which can determine their whole future, may not receive the due attention to their urgent needs and concerns.

Fortunately, the 1999 *New Directions* report recommends that IRB not be redefined into an administrative arm of the Department of Citizenship and Immigration. The issue of arm's length relationship between the adjudicative determination process and administrative remains a general concern for many, especially for those who are themselves claimants, past or future.

This issue also contains a comparative article by Finnish researcher Kathleen Valtonen comparing initial resettlement experiences of refugees in Turku, Finland with similar groups in Toronto. She focuses not only on the experiences of the newcomers but also on arrangements for service deliveries in the two countries. While Canada's non-governmental organizations have been well established for refugee resettlement, Finland has an elaborate welfare system which provides an

important alternate form of settlement support.

Overall, this issue underscores the importance of Canada's role as world leader in refugee policy and resettlement. Recent policy developments especially in Europe on harmonization of determination activities signal a change in attitude on the part of governments with respect to granting asylum to persons at risk. As an international player in the arena of refugee and asylum activities, Canada cannot be immune to the increasing emphasis on control and abuses which permeate European policies of the 1990s. Thus the statements from the Minister of Immigration are timely and force not only government but organizations and others interested in resolving difficulties in the continuing international refugee crisis to declare their priorities.

Symbolically, as we stand at the point of Millennium, there is no more appropriate time. Nor is there more urgent a question. ■

Notes

1. Both reports are published by the Minister of Public Works and Government Services Canada for Citizenship and Immigration Canada. The corresponding titles in French are: *Au-delà des chiffres: L'immigration de demain au Canada*, and *De solides assises pour le 21e siècle: Nouvelles orientations pour la politique et la législation relatives aux immigrants et aux réfugiés*, respectively. They are available on-line at the Government of Canada website:
<<http://cicnet.ci.gc.ca>>. □

Michael Lanphier is Professor of Sociology at York University and faculty associate of Centre for Refugee Studies, where he serves as Editor of Refuge. His research focuses on Canadian immigration and refugee policy and service deliveries by non-governmental organizations.

CENTRE FOR REFUGEE STUDIES ON-LINE

WebSite: <http://www.yorku.ca/research/crs>

Email: refuge@yorku.ca

New Directions—a Ministerial Review in Review

Michael Lanphier

Abstract

The Ministerial review, *Building on a Strong Foundation for the 21st Century: New Directions* attempts to solidify certain recommendations from the December 1997 Not Just Numbers report of the Legislative Review Advisory Group. The present review does not qualify as a "white paper" as its guidelines are suggestive and incomplete, rather than being convertible into an integrated set of legislative proposals in a parliamentary bill. Its guidelines stress the need for greater and more transparent accountability of immigration regulations and administration. This emphasis is evident both for immigration and refugee policy, the latter to be distinguished by creation of a special Protection Agency. Protection, a term undefined in the document, is twinned with control of abuse as administrative preoccupations. Overall, the guidelines stress administrative vigilance over humanitarian objectives to which Canada is committed as signatory to many international instruments.

Précis

Le rapport ministériel intitulé *De solides assises pour le 21^e siècle: Nouvelles orientations s'efforce d'affermir certaines des recommandations du rapport Au-delà des chiffres de décembre 1997 émanant du Groupe Consultatif sur la révision de la législation. Ce rapport ne mérite pas la désignation de «livre blanc» car ses directives sont suggestives, incomplètes, et difficilement convertibles en un corps de législation pouvant s'intégrer dans un projet de loi parlementaire. Ses directives mettent en relief le*

besoin d'une responsabilisation plus nette et plus transparente des règlements d'immigration et de leur administration. Cette mise en relief est évidente dans le cas de l'immigration et des politiques en matière de réfugiés, ces dernières se voyant distinguées par le projet de création d'une agence spéciale de protection. Cette protection—le terme n'est pas défini dans le document—est jumelée à l'idée du contrôle des abus comme préoccupation administrative. En gros, les directives valorisent la vigilance administrative au détriment des objectifs humanitaires qui sont normalement la vocation du Canada en sa qualité de signataire d'un grand nombre d'ententes internationales.

I. From Legislative Review to New Directions

A. Report of Legislative Review

The Legislative Review, whose advisory group was established in November, 1996, finally submitted its report, *Not Just Numbers: A Canadian Framework for Future Immigration*, some 13 months later, at the end of December, 1997. Its 172 recommendations cut a wide swath through the domain of immigration and refugee policy and law. Its effects at once aroused heightened interest among those active in immigration and refugee affairs and focused attention upon administrative arrangements from design through implementation of programs.

The three principals of the Advisory group and their staff invited oral presentations and written submissions from a wide variety of interested and expert groups. This wealth of material was organized into a lengthy report and further distilled into an executive summary of recommendations.

The following articles treat mainly those sections of the report touching refugees, although a hard and fast line cannot be drawn since certain recommendations (e.g., family reunification)

cut across all immigration categories. This Legislative Review energized vociferous and sustained response throughout Canada among those interested in immigration and refugee issues—so great as not only to alter the ministerial timetable for converting the report into legislative proposals but to force a reconsideration of the thrust of the very report.

In the Minister's formal response, *Building on a Strong Foundation for the 21st Century*, forwarded a year later in January 1999, the results of the Legislative Review Advisory group's report as well as consultations have been converted into "an ongoing process." Instead of the report's recommendations being definitive, they are now interpreted as the first step in setting "broad directions" in a "coherent [and] comprehensive package."

Those recommendations most closely related to refugees and those admitted under other humanitarian auspices derive from the recommendation to separate issues of refugee protection from those relating to immigration and settlement of persons in other classes (independent, entrepreneurial, family).

B. "White Paper" or "Green Paper"?

Presumably, the ongoing process of policy review will lead within the near future to specific legislative proposals. The Minister has referred to the recent report, *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy*, as a "white paper."¹ According to the British common-law tradition adopted in Canada, a "white paper" contains sections or paragraphs which would quickly convert into legislative proposals for parliamentary debate. This interpretation appears somewhat more advanced in the legislative process than the text itself allows. The report contains

Michael Lanphier is Professor of Sociology at York University and faculty associate of Centre for Refugee Studies, where he serves as Editor of *Refuge*. His research focuses on Canadian immigration and refugee policy and service deliveries by non-governmental organizations.

"Proposed Directions" and specifications of issues and items to be addressed in possible legislation. But both the tone and substance lie some distance from the precision and concreteness required for legislation.

While the paper does not qualify under the British "white paper" standard, neither does it fall neatly into the "green paper" category of a wide-ranging attempt to set a frame within which policy may be fashioned. The report lies somewhere between the two typical forms of policy papers.

The proposals indeed attempt to come to terms with specific issues. Formally, the report insists on a methodology to render more transparent a complicated and sometimes convoluted series of inquiries. The proposal, for example, to render into a single inquiry and decision the present three-step procedure for determining 1) refugee status determination; 2) post-determination risk review; and 3) risk-related humanitarian review, consolidates a presently cumbersome and time-consuming process. It is innovative as much for its method as substantive and administrative impact.

What major changes have there been in the 20-year period since the enactment of Canada's present *Immigration Act*? The sheer volume of immigration to Canada has increased overall, and most notably in the component labelled "humanitarian" including refugees. At the time of drafting the *Act* (1976), refugees arrived irregularly and in small numbers, rarely more than 5,000 persons per year in the early to mid-1970s. Refugee claimants were an unknown quantity. Further, the effects of the rapid increase in transportation and communication efficiency on the movement of peoples and their ability to reach the formerly remotely located Canada were not foreseen. Finally, the interdependency between immigration flows and global and regional developments have loomed far more important in the late 1990s. Thus immigration policy becomes even more an instrument of political, economic and social control in an arena where Canada is so closely interlinked with all other nation-states.

The *New Directions* report, in its attempt to highlight the changes which the Minister considers of primary importance, fails to indicate what disposition would be made to provisions presently in the *Immigration Act* (as modified) but which are not mentioned. Do they remain untouched regardless of implications arising from those provisions which are recommended for change? It is therefore difficult to discern whether absence of commentary on a given provision implies concurrence with the status quo or whether another report will follow with fuller specification. In any event, the *New Directions* report both fails to meet the traditional precision of a White Paper and remains incomplete.

II. *New Directions*: An Oxymoronic Challenge

The Minister's challenge, as enunciated in the White Paper appears almost oxymoronic. It is necessary to develop revisions to the existing *Immigration Act* which contribute to social cohesion and economic well being, reflect Canada's tradition of humanitarianism and reflect Canadian values. The values for this reformulation underscore family as a basis of security and social stability, a mutually supportive citizenry with respect for mutual rights and obligations, respect for personal honesty, social diversity and formal institutions. Simultaneously, the revisions must render the *Immigration Act* more transparent in its implementation, facilitate smooth and quick entry of newcomers after careful security screening.

It would require the judgment of Solomon and the astuteness of Montesquieu in order to provide revisions to remake the *Immigration Act* into a series of seamlessly interconnected provisions, conforming to the enunciated value structure. Yet these bureaucratic admonitions are issues without a compensating attention to the urgency and humanitarian need of many migrants whose destination to Canada has been forced by circumstances of persecution and social upheaval. While every nation-state as a matter of enlightened self-interest opts for an immigration intake

which promises to improve the quality of its population and augment its national productivity, they also recognize the obligation to reach out to refugees and other forced migrants for whom political circumstances have dictated exodus. This humanitarian component is integral to every immigration policy, not least that of Canada, which boasts of its compassionate record.

Moreover, in addition to Canada's Charter of Human Rights, mandating certain rights and obligations of persons in this country, Canada is signatory to international instruments, such as the *Geneva Convention* and the *Convention against Torture*. They require Canada as part of its international commitment to human rights to assume a variety of responsibilities to accept refugees regardless of their prospects for economic self-improvement or for possible implications for long-term care. Thus humanitarian action in resettlement in Canada moves hand-in-hand with compliance required in the international arena.

In the world of day-to-day bureaucratic administration of refugee policy, how might revisions stand any chance of rendering the highly desirable outcome of intake efficiency, thoroughness in screening and compassion in light of the unrelieved procession of world crises? Only a limited number of options are available, which we shall examine in turn.

A. Decentralizing Authoritative Decision-making

The Ministry of Citizenship and Immigration might decentralize many of the functions currently the prerogative of its own department. Several possibilities are suggested throughout the report. Provinces may assume enhanced responsibilities in selection of immigrants in various categories. Specific individuals and groups may be nominated as either prospective employees or sponsored with the expectation of rapid turnaround between arrival and employment at the option of the respective provinces. Analogous schemes for family reunification might similarly be decentralized to provincial ministries.

For refugees, decentralization to provincial level appears more complex. The respective provinces would have to furnish representatives abroad for selection while in-province authorities coordinate this activity with reception, orientation, housing and initial resettlement.

Non-governmental organizations (NGOs) would assume a much strengthened role. Those NGOs linked with an international service organization would be called on to screen migrants forcibly removed from their homelands or villages. Decision on eligibility and selection would involve at minimum a tripartite group: NGO, provincial and federal representatives. A division of labour would have to be struck on responsibilities for safety, transportation, health and security clearances. Responsibility to assure family reunification would have to be similarly allocated.

Within Canada, resettlement activity would have become exclusively a provincial responsibility. Provinces, in turn, might delegate responsibility to NGOs and/or to major municipalities. Municipalities, in turn with collaboration of NGOs, would decide on initial placement of families/households and responsibility for allocation of services during initial months after arrival.²

It is clear that decentralization would evolve additional responsibility upon newcomers themselves. They would have to assure provision of documents and information, decide quickly on family matters and intervene in timely manner to maximize the possibility of filling their needs and preferences.

Despite the emphasis on certain decentralized activity, the role of UNHCR determination activities are not mentioned. It is not clear whether the government intends to depend more upon UNHCR offices for recommending likely candidates or whether their screening processes may substitute for those which Canadian officials abroad currently assume. Articulation with international bodies and legal instruments is only briefly alluded to in connection with its commitment to re-

spect protection needs provided in the *Convention against Torture*.

B. Centralizing Authoritative Decision-making

Against the backdrop of provisions for decentralizing decision-making noted above, *New Directions* in the overall strengthens the centralizing authority inherent in the current policy in refugees. This current is evident in the structure of proposals as well as in the discussion of means to streamline policy in an age of increasing information and technological sophistication. As the thrust of the report stresses this centralizing tendency, especially with reference to refugee policy, the remainder of this article addresses these tendencies as they bear implications for the two "streams" of would-be refugees: those selected overseas and those making inland claims in Canada.

"Strengthening Refugee Protection"

The report continues very much in line with the recommendations of the Advisory Group which appeared in *Not Just Numbers*. Refugee protection is identified as an undertaking separate from immigration. Accordingly, a separate section is devoted to issues specific to refugees as persons not only seeking admission to Canada as newcomers, but more importantly uniquely requiring protection. Both versions agree that protection as an issue should take priority over selection for resettlement in Canada. Certain refugee groups might be better accommodated by Canada's assisting in local settlement in a neighbouring country, both versions allow. The 1999 *New Directions* report distinguishes two areas of reform, corresponding to the venue where would-be refugees initially make their claim to a Canadian government official: overseas or inland. The term "protection", however, is nowhere defined. Its meaning has to be derived from the context in which the term appears.

Overseas Refugee Resettlement

Details as to the conditions under which the latter option, protection without re-

settlement in Canada, would be chosen are not offered. Thus the reader must consider this as a general policy statement without implications as to the quantity, origins or quality of refugee intake abroad. No criteria are offered on which to decide what groups or individuals would be selected among all those deemed eligible for admission as refugees for resettlement in Canada. This issue raises nontrivial questions regarding resource allocation in refugee protection. Should more resources be devoted to assisting neighbouring countries accommodate refugees seeking asylum than presently offered in Canadian foreign policy, for example? More concretely, to what extent would strengthening of protection through such assistance for local settlement draw resources from Canada's existing resettlement activities? In that sense, the "protection" and "resettlement" activities may compete for the same resources.

Canada's commitment to overseas resettlement cannot proceed with any degree of greater efficiency or volume if the number and location of visa-granting posts abroad is not greatly redistributed and augmented. In the regions of the world which produce many if not most of the world's refugees, visa offices are either remote or inaccessible to those in flight. In the whole of the African continent, for example, only three visa posts may be found. Thus most refugees in Africa cannot reach a Canadian post. Canadian visa officers who visit camps likewise find distances remote, requiring several days out of the office even for travel. Intake abroad thus remains sporadic and low for want of sufficient offices established with proximity to refugee-producing regions.

Protection

Substantively, protection is only briefly sketched. A typology for occasions for refugee determination abroad is not articulated. Such a typology is much needed in order to show what kind of "new directions" are implied by the identification of protection as a separate function. Without such specification, the distinction amounts to little more than a minor clarification.

Despite ambiguity in definition or delimiting "protection" as an essential function, the report enumerates several administrative modifications which, if enacted, will greatly ease difficulties experienced by refugees seeking status abroad. Notably, immediate action in cases of urgency and a more expeditious implementation of (immediate) family reunification appear as important agenda items. For the former, action in cases of urgency, the case appears self-evident. Its very appearance raises questions as to why the government may have been insensitive to such instances in the past.

In the case of the "Women-at Risk" program, part of its slow and halting implementation has resulted from the incapacity of the government to move quickly to remove women from dangerous situations (Spencer-Nimmons 1994). Admittedly, assistance in cases of urgent need requires additional governmental personnel and closer working ties with NGOs and international agencies to identify cases and the type of need. Greater resources (especially human) will have to be dedicated to this urgent protection task in a variety of venues of civil upheaval and mass persecution throughout the world. Prompt admission to Canada also requires support of agencies within Canada to assist persons at the moment of arrival and to "follow through" on emergency and longer-term service deliveries to such persons.

Family Reunification

New Directions offers important (and long-awaited) observations on the importance of family reunification for those refugees selected abroad. Without providing necessary detail, the text refers to "ensur[ing] promptness in immediate family reunification." Presumably, efforts would be made to gather members of the immediate family together prior to arriving in Canada.

The observation on immediate family reunification appears self-evident. Difficulties arising from arrival and adaptation to Canada would be immeasurably alleviated thereby. Yet this matter is far from simple: there may be

important reasons for deferring family reunification, such as the wish of the family head to establish a "beachhead" in the host country (Canada) before bringing the rest of the family. This pattern of migration has of course been characteristic of immigration to North America throughout the past century. Nevertheless, more recent history of refugee migration has been filled with delays in family reunification for reasons often relating to bureaucratic procedure, to the disadvantage and sometimes outright danger of those left behind to languish in camps or other unwelcoming temporary settings. Explicit commitment to family reunification, albeit with the limitation to "immediate" members, therefore marks an important humanitarian policy advance.

Official Period for Resettlement

For the past two decades, administrative convention has postulated twelve months as the formal or "official" resettlement period following arrival in Canada of refugees selected abroad. However convenient for administrative purposes, refugees and sponsors have complained that in many if not most cases, a period of twelve months is insufficient for the initial phase of resettlement. This is true, despite the fact that Canada's official period stands among the longest among resettlement countries. If language training precedes job search, for example, a twelve-month period is often insufficient for developing language mastery adequate for any but jobs requiring little verbal and no written interaction. Moreover, refugees may arrive with experience of significant trauma—torture or abuse. In such cases, initial resettlement may be indefinitely protracted.

In recognition of the variety of difficulties inherent in initial refugee resettlement, the *New Directions* report refers to a "longer period" required, without specifying an upper limit. Doubtless further legislative drafting will have to establish a limit. Yet the brief paragraph in the report signals an important change cognizant of the realities of adaptation to the new host country.

The *New Directions* report calls for greater coordination in overseas refugee selection with non-governmental organizations (NGOs). Again, formal recognition is awarded to practices that have existed informally for a few decades. In any event, such arrangements adumbrate a "triangulation" of activity abroad: federal government (perhaps accompanied by provincial representatives) would coordinate its selection activities with UNHCR and other international organizations and with NGOs with well established networks in various countries. The fund of experience with local conditions and needs of refugee populations will be greatly enhanced. Selection criteria may be broadened with sensitivity to refugee needs as well as those of the state.

Inland Refugee Claims: From Protection to Determination

In the cases of persons seeking refugee status upon arrival in Canada, the report shifts emphasis from protection to determination. Apparently, the very presence of a person physically present in Canada seeking refugee status constitutes *prima facie* evidence of protection. As signatory to the UHNCR Convention, Canada is pledged to observe *non-refoulement*: persons will not be removed to the country in which persecution occurred or is apprehended.

The issue must be further qualified, however, since those *claiming* refugee status are not accorded such status until after due process of determination. "Protection" therefore refers to *non-refoulement* and *assurance of this due process*, rather than the award of rights to obtain landed status in Canada and assurances against removal for lack of that status and rights to work, schooling and a range of social benefits. The burden of proof to establish refugee status remains with the claimant, who must convince a refugee determination board of the legitimacy of his/her claim according to prevailing procedures and regulations.

Canada also has a corresponding obligation to facilitate resettlement of claimants once their claim has been adjudicated and approved. In the case

of inland claimants, several impediments presently exist, for which few if any remedies have been offered in these recommendations. Claimants whose documentation appears insufficient or missing may be kept waiting for long periods of time without appropriate governmental action. Similar fate awaits those who cannot muster the requisite "Right-of-Landing" fee as well as those who are suspected of security or health risk. The *New Directions* report recommends the change of a maximum waiting period of five years to three. Yet no means is suggested for expediting such administrative blockages which currently leave such claimants unsuccessful in establishing a claim in limbo.

"Consolidated Decision-making"

In order to streamline what has become an extraordinarily complex series of steps for claim adjudication, the report proposes to collapse three discrete processes into one single decision under a single body of decision makers. This body strengthens the present Immigration and Refugee Board, which would be charged in a single ruling with the three decisions. These include deciding upon the need for protection under those instruments to which Canada is signatory (including the Geneva Convention). The Board would simultaneously humanitarian and compassionate circumstances for admission to Canada. As a result, the present three steps of determination, post-determination risk review and risk-related humanitarian review would be collapsed into a single decision labelled "protection."

The recommendations also restrict the time frame within which the claim may be lodged to 30 days after arrival. Within the context of improving administrative efficiency, the provision appears almost self-evident. There is no allowance, however, for delay in cases of missing information or circumstances impeding the claimant's ability to identify him-/herself as one requiring protection.

Administratively, this process appears clean and neat. Certainly, the

speed of the full decision-making process currently in place will be greatly accelerated. These provisions as presently sketched eliminate any change for review or "second thought" of the first (and apparently final) decision. There does not appear to be any recourse for appeal against possible irregularity in application of legal procedure, as presently available.

What procedures assure that such streamlining will result in fairness as well as efficiency? The text provides for a "more comprehensive front-end screening of claims. This screening is specified to occur promptly—within 30 days after arrival in Canada in all but "compelling situations." In this manner, only those claims initially judged to appear legitimate to presently unspecified officers will go forward to this comprehensive review.

The *New Directions* report goes to some lengths to specify types of administrative efficiencies in detecting "manifestly unfounded" claims. Those with reasons unrelated to persecution and those coming from countries with no known refugee production will be processed on a priority basis. These provisions, presumably to deport such persons without delay prior to reaching the full determination process, are introduced to expedite the "flow through" of apparently well-founded cases. For origin from "safe countries," this screening appears to be categorical, rather than individual. There is no specification for accommodating persons who claim persecution from these presumably "safe" countries.

Nor is there attention to the definition of "safe" countries other than reference to countries which are signatory to the UN *Convention*. Yet not all countries treat those being returned uniformly. Canada cannot be sure that a would-be claimant returned to the country where he or she might first have established a claim would in fact be allowed to remain there. That country could well return the person to a country with a known record of persecution according to Canada's reckoning. The notion of "safe" Third Country is seriously flawed. The *New Directions* report pro-

vides no further clarification of Canada's policy stand or administrative resolve to "protect" those who might be subjected to a chain of rejections ultimately returning them to the very country from which they sought relief from persecution.

The screening-process proposals remain vague on several points. What governmental office and which officers will conduct such a front-end screening? How would these officers be so qualified? What kind of assistance (qualified interpreters, legal counsel, UNHCR representatives) would be available to claimants in this screening?

In case of negative decisions, no less urgent questions likewise surface. The *New Directions* report is silent on questions such as whether persons whose cases are decided negatively offered any recourse before being deported. Again, provisions for those claiming status from a country known to be persecuting certain categories of its residents and citizens are not specified. What kind of remedies would be available under pre-removal risk assessment? Appeal procedures would continue to be restricted to issues of law, without provision for appeal on the merits of the case in such instances as the late arrival of information with a crucial bearing of the possible favourable determination decision.

Ministerial Discretion

It is clear that *New Directions* offers the Minister's office increased unilateral latitude in decision making at several important junctures with respect to inland refugee determination. First, it is proposed that the Minister have the right to intervene in the IRB refugee determination process. This intervention is a new power since the present provisions call for "arm's length" relationship between IRB and governmental process. Second, the Minister could select cases for "vacation": i.e., the authority to recommend (to IRB) revocation of refugee status.³ Such cases might include those in which some misrepresentation was believed to occur during the determination process. As well, refugee status would "cease" under speci-

fied conditions, such as voluntary repatriation to the home country.

The report suggests that the bluntness of this unilaterality might be mitigated in two ways. First, criteria and process for selection of decision makers might be introduced. Secondly, the existing advisory committee to advise the minister on appointments might have their role clearly specified.⁴

Nevertheless, the scenario provided by the provisions for ministerial intervention in cases of refugee determination demonstrates clearly the enhanced role of the minister. The scope of control appears wider with few checks on discretionary powers. Little place for accountability to the interested public appears in the report, and even those instances of mediated accountability (through the advisory council) are couched, even grammatically, in conditional terms.

Security Issues

"Protection" as a leading motif of *New Directions* brings with it renewed concern on the part of the Canadian government for improved and heightened security. Canadian immigration and refugee intake being among the highest per capita in the world, opportunists and others are eager to circumvent regulatory controls to gain entry either for themselves or for the purposes of trafficking in human cargo. Security issues are bound to be a high governmental concern, not least since borders appear to be closing to would-be claimants and asylum-seekers throughout the developed world. Canada therefore looms larger as one of the remaining points of entry to the developed world.

In light of changing worldwide reactions, balancing Canada's security concerns with compassion for asylum-seekers who feel pressed to flee under any circumstances and lacking appropriate identity papers continues to grow more delicate with each passing year if not month. Any intake stream may be infused with smuggled people (sometimes with smuggled contraband), inadequate or missing documentation and health problems, all of which are

perceived as threats to security of the Canadian government and its citizenry.

The report acknowledges that a wide-ranging set of corrective security measures is the requisite remedy. Ramifications exist not only for active perpetrators (smugglers, those misrepresenting themselves and their purposes) but for those more passively involved, including claimants with improper or missing documentation.

In order to protect against form of exploitation now common in people-trafficking, the report recommends establishment of new classes of inadmissibility. These would exclude members of governments already sanctioned by Canada, people smugglers and those who make false statements on permanent residence applications.

The most inclusive set of security measures arises with respect to improper documentation on arrival. As a response, the government proposes to enhance collaboration with other countries in sharing data on illegal migration and to enable prosecution of persons assisting in illegal migration.

Among the most disadvantaged among potential arrivals are those fleeing with insufficient personal and material resources who fall easy prey to such trafficking schemes. A vigorous clampdown would therefore have the untoward effect of barring some of the world's most vulnerable—those most in need of a durable solution. Ignoring security threats, on the other hand, patently invites predators to "pounce for the kill" if Canada lacks vigilance.

As if to "balance" Canada's reputation for generosity in intake, *New Directions* proposes several security enhancements. These include interdiction of improperly documented persons prior to disembarking in Canada, more precise specification of inadmissibility of classes of people. Such classes include those linked with governments already negatively sanctioned by international multilateral bodies such as the UN. Obviously, known traffickers in human cargo and those making false declarations of their status or behaviour would likewise be excluded categorically.

Those with inadequate or falsified documentation constitute a less decisive category of security risk or breach. Many, if not most, (would-be) refugees fleeing a terrorist persecutory régime cannot possibly obtain appropriate documentation. They invariably purchase bogus papers through some intermediary whose activities are not only illegal but may well be extortionist. These victims therefore become tainted through their connections to procure ill-gotten papers. The proposed remedy takes harsh action against those who refuse cooperation in attempt to establish identity. They would be detained with review at periodic intervals.

Looming over these security concerns are possibilities of vastly widened information surveillance through improved technology such as scanning. The government will explore the possibilities of scanning all documents of travellers en route to Canada. Thus even if documentation were destroyed, images would be retained. Implications for vulnerable persons who have to obtain bogus papers in flight for lack of appropriate documentation from the home country are not mentioned. Such victims of the flourishing trade in false documentation would face detention and criminal investigation on arrival in Canada. It is not clear how their situation might be protected while prosecution of perpetrators of such false documentation and extortion advances.

Appeal System

New Directions traces few if any implications for refugees with respect to appeal to the Federal Court, a process independent of the claims procedure. Presently, refugee claimants whose application is turned down must seek leave to appeal the negative decision. Such leave is granted on matters of law involving presumed irregularities in due process and not on matters of new information which might alter the interpretation of the claim. The requirement to seek leave is now proposed for cases appealing decisions from abroad in order to bring consistency in such cases. Currently such applicants refused vi-

sas from abroad have direct access to appeals.

It thus appears that under the new recommendation claimants will experience a speedier claims process but one whose administrative efficiency is balanced against rigour of outcome. Appeals against negative decisions will receive no new relief. Chances of appeal remain highly restricted.

Humanitarian Policy Orientation?

Integral to any immigration policy at the apogee of the most destructive and terrifying century in human history should be the recognition of the crucial intervention of humanitarianism in the policy of the nation-state. There is at present no alternative to the nation-state as determiner, if not arbiter, of who shall be able to migrate *vs.* those whose intentions and needs will not be fulfilled. This recognition must transcend prolegomena of compassion to those persecuted unjustly. Such recognition has to be integrated into every provision of entry and qualification for admission as a potential member of that state. Provisions of a policy statement must contain not only an overall sensitivity to issues of need but correlative administrative provisions to accommodate needs of forced migrants.

The present document separates the "protection" function for refugees from other immigration procedures. It provides few if any administrative means to embody this worthwhile division of function. As noted above, the term "protection" is nowhere defined, despite the fact that concepts and argumentation for such definition abound in the literature and are readily accessible.

New Directions neither states explicitly nor does it provide the groundwork for any provisions for Canada to accommodate persons who may "escape the net" of the general UNHCR definition or whose conditions may otherwise arouse a particular humanitarian concern for Canada which might not be shared internationally. Yet Canada has already demonstrated such concern through administrative arrangements in the 1976 *Immigration Act*. The "Designated Class" provision refers to "refu-

gee-like" situations in which Canada may opt to accept collectively groups of persons who categorically appear to be in a persecutory situation. Such cases are enumerated in an appendix to the *Immigration Act* and modified periodically as urgencies of persecution wax and wane. Such a provision was unique in immigration legislation at the time of its enactment. Yet the unceasing procession of crises beginning with the Indochinese persecutions to those throughout Eastern Europe, Middle East, Central America and more recently Africa have all relied on this form of aggregate decision-making in order to accelerate processing in light of international emergency.

There is no mention of how this provision or other administrative arrangement will provide recognition of peoples in persecutory distress. There is no indication of how Canada might use its new immigration legislation proactively to search out situations and peoples whose condition demands immediate action of admission for resettlement. There is no statement which calls attention to Canada's continuing obligation to provide humanitarian assistance, nor an engagement to accommodate those who are caught in the untenable and dangerous if temporary state of victimization. Administrative accommodation for such persons and groups appears to be wanting.

Thus the *New Directions* paper appears unbalanced. It provides extensive detail in a separate chapter about security precautions, replete with recommendations for administrative implementation. No such detail is found in parallel to implement the humanitarian objectives to which the document refers in altogether general terms. The document therefore tilts toward exclusion as a guiding principle. The counterbalancing pressures for inclusion are inadequately addressed.

Conclusion

Implications for refugees in the recommendations contained in *New Directions* point to markedly improved administrative procedures. These recommendations contain implications for

incorporation into revised legislation of the *Immigration Act*. For the most part, they are suggestive of legislative directions but lacking specificities normally expected in a White Paper.

The overall theme throughout the recommendations for refugee policy is that of enhancing protection, although the term and its implications are not explicated. Nevertheless, the importance of the state providing a protective function cannot be underemphasized as the distinguishing characteristic of *refugee* as distinguished from immigration policy in general. The recommendations are consistent with this overall theme.

In certain respects, the provisions appear to decentralize policy activity. The recommendations call for an increased role for NGOs, especially in overseas selection of appropriate cases requiring protection. Canada appears to wish to extend its scope beyond that afforded by a small cadre of overseas officials concentrated disproportionately in the developed rather than developing regions.

The balance of the recommendations, however, emphasize the necessity of government to centralize its decision-making and control over the process. Structurally, it proposes a single decision-making level, collapsing the former three levels of refugee status determination, post-determination risk review and risk-related humanitarian review. A single decision therefore indicates the government's final disposition on the case. Thus claimants and advocates are afforded only one opportunity for intervention in the determination process.

The overall thrust of the *New Directions* paper leads the reader to approve the circumspection with which the Canadian government approaches its international obligations of immigration intake. In so doing, it appears to be keeping pace with its European counterparts. The report remains silent, however, about its proactive role in protection for refugees and other forced migrants. Administrative implementation of this equally important goal lacks attention and specification. *New Directions* thus seems a misnomer: the

direction in this work appears quite singular. ■

Notes

1. This terminology appeared in several newspaper accounts as well as in a the Minister's address to the Third Conference on Immigration and Metropolis, Vancouver, 16 January 1999.
2. France has allocated refugees to municipalities which houses arriving families for an initial period (e.g., six months) in a communal hostel arrangement. Thereafter, the municipality undertakes responsibility to find housing, assure (welfare) subsidy, education for children and job search and placement for those destined for the labour force.
3. The French version specifies as follows: "pour permettre au ministre (...) de choisir des cas en vue de retirer son status à un réfugié."
4. The French version likewise uses the conditional verb form: "Les critères et le mode de sélection, ainsi que le rôle et la composition du Comité consultatif ministériel (...) pourraient être précisés dans la législation."

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Refugee Rights: Report on a Comparative Survey

By James C. Hathaway and John A. Dent

Toronto: York Lanes Press, 1995; ISBN 1-55014-266-6; 82 pages; \$11.95

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From Being Uprooted to Surviving: Resettlement of Vietnamese-Chinese "Boat People" in Montreal, 1980-1990

By Lawrence Lam

Toronto: York Lanes Press, 1996; ISBN 1-55014-296-8, 200 pages, indexed; \$18.95

The saga of the "boat people" is a dramatic story, a story of one of the largest refugee movements in recent years. Canada played a significant role in the resettlement of these refugees in bringing them to Canada where they could start anew. *From Being Uprooted to Surviving* by Professor Lam, is based on ethnographic data of a sample of Vietnamese-Chinese accepted for resettlement in Montreal in 1979 and 1980, who were interviewed again in 1984-85 and in 1990-91, this book provides a longitudinal account of their experience of resettlement in Canada. This experience has been marked by successive stages of their struggle to overcome structural barriers and to negotiate a meaningful niche in Canada.

Contents: Preface, The Boat People Phenomenon, Resettlement—Issues and Perspectives, The Vietnamese-Chinese Refugees, Exodus and Transition, Resettlement Process—The First Three Years, Resettlement—Beyond the First Three Years, Conclusion.

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New Directions for Refugee Determination and Protection in Canada

Sharryn Aiken

Abstract

This article is a review and analysis of the Canadian government's recent "white paper" on immigration and refugee policy and legislation. This review focuses on the proposals related to inland refugee determination and protection. While noting a number of positive initiatives in the document, the author expresses concern about the future of Canada's role in refugee protection in the next millennium.

Précis

Cet article passe en revue et analyse le récent «livre blanc» du gouvernement canadien sur les législations et politiques en matière de réfugiés et d'immigration. Cette analyse concentre son attention sur les propositions formulées en matière de détermination et de protection des réfugiés intra-nationaux. Signalant un certain nombre d'initiatives positives dans ce document, l'auteur exprime malgré tout son inquiétude sur l'avenir du rôle du Canada en matière de protection des réfugiés dans le prochain millénaire.

In February 1998 the Canadian government funded the chartering of an airplane which returned a boat load of 192 Tamil asylum seekers to Sri Lanka. Soon after their boat was intercepted by the Senegalese navy off the coast of Senegal, the Tamils were "voluntarily" on their way home where they were all arrested and held in detention for several weeks. At least one of these individuals was subsequently rearrested and tortured. In the only public acknowledgment of this interdiction action almost a

full year later, a Canadian government spokesperson boasted of the success in saving the country from "illegal economic immigrants."¹ The government seems to have overlooked its obligations pursuant to the *United Nations Convention against Torture* not to return anyone (including alleged members of militant groups such as the Liberation Tigers of Tamil Eelam) to a country where there are substantial grounds for believing that she or he would be at risk of torture.² Implicit in the obligation to respect the principle of *non-refoulement* is the necessity to implement adequate procedures to identify people who may be at risk of human rights violations if returned to their home country. Sri Lanka is a country in which the arrest, abuse and torture of Tamils by state security forces continues to be widespread.³

Meanwhile, here in Canada, the deportation of persons at risk, despite intervention by Amnesty International, and in two egregious cases, in direct contravention of formal requests made by international human rights bodies, have become increasingly common.⁴ Current concerns include the imposition of a \$975 "right of landing fee" on every adult refugee applying for permanent residence, the thousands of Convention refugees in interminable limbo because of "unsatisfactory" identity documents⁵ or for security reasons,⁶ as well as the long delays and procedural obstacles associated with family reunification.

In 1979, Canada played a leading role in resettling tens of thousands of Vietnamese refugees in the aftermath of a decades-long war. While the government condemned the interception and piracy of Vietnamese boats on the high seas, it was forging innovative partnerships with private groups across the country to receive and support the refugees. As a result of these efforts the United Nations awarded the people of Canada the prestigious Nansen Medal,

"in recognition of their major and substantial contribution to the cause of refugees." In 1989 the government established the Immigration and Refugee Board, principally in response to the *Singh case*, a landmark decision by the Supreme Court.⁷ The Supreme Court had ruled that fundamental justice required that credibility be determined on the basis of an oral hearing. Refugees and refugee advocates hailed the decision and the newly constituted Convention Refugee Determination Division as a major step forward. Canada's record of respect for international human rights standards and the *Refugee Convention* in particular has been uneven, however. The fundamental flaws in Canada's refugee determination system lie not so much with the determination procedures, but with the barriers to access, the politicization of the appointments process and the competence of Board members as well as the lack of appeal on the merits of a negative decision. As for inland refugee protection issues, the vast majority of current concerns emanate from government policy initiatives that trace their genesis to the early 1980s with the onset of globalization and the push for international migration control. As borders have become increasingly porous to facilitate the movement of goods and capital, Canada has been steadily embracing concomitant restrictions on freedom of movement for people, even as the official rhetoric suggests otherwise.⁸

After completing a series of public consultations beginning early in its first term and more recently, in conjunction with the legislative review process initiated in late 1996, the federal government finally unveiled its proposals for reform: *Building on a Strong Foundation for the 21st Century: New Directions on Immigration and Refugee Policy and Legislation (New Directions)*. Not quite the dramatic institutional and legislative overhaul recommended by the Minister's advi-

Sharryn Aiken is Past President of the Canadian Council for Refugees. She is director of the Centre for Refugee Studies' Summer Course on Refugee Issues, and director of Refugee Law Judges Training.

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sory group in *Not Just Numbers*,⁹ nevertheless the document merits careful scrutiny in a number of critical areas. What follows below is a brief review and reaction to the government's proposed directions for inland refugee determination and protection.¹⁰

Compliance with Human Rights Standards

New Directions proposes to adjust the objectives of the *Immigration Act* to "reflect evolving values." The new *Act* would differentiate between the refugee and immigration programs and clearly set out the overall objectives and components of each program. *New Directions* refers to protection decisions being made with reference to Canada's obligations under the *Convention Relating to the Status of Refugees* and "other instruments to which Canada is signatory and that relate to the life and security of the person such as the *Convention against Torture*." The document fails to identify compliance with the *Canadian Charter of Rights and Freedoms*, the *International Bill of Human Rights* and other relevant human rights instruments which Canada has ratified as an overall objective, however. Rather than respect for human rights, enforcement and the need to buttress Canadian borders appear to be the paramount objectives of *New Directions*.

It is time to end the incongruity between Canada's work in the international arena promoting compliance with international and regional human rights treaties while failing to take the necessary measures at home to implement the treaties the government has ratified and pledged to uphold. As recommended by the Canadian Bar Association, any person who seeks admission to Canada on either a permanent or temporary basis or who is subject to removal proceedings should be accorded treatment that is consistent with the *Charter* as well as Canada's international legal obligations.¹¹ The new *Act* should explicitly adopt and incorporate all relevant international human rights standards, including the Beijing commitments with regard to women, a glaring omission in existing legislation.

Consolidated Decision Making

New Directions proposes to retain the Convention Refugee Determination Division of the IRB and consolidate responsibility for decision making with regard to refugee status and other protection claims within the Board. Implicit in this proposal is the positive recognition that all decisions with regard to risk and protection should be made by an independent, quasi-judicial tribunal. Within the context of a single hearing, claims should only be reviewed for protection on the basis of risk other than that covered by the refugee definition after the refugee determination and there should be a definitive decision on the merits of the refugee claim in all cases. This is critical in order to ensure that access to the greater protection afforded by Convention refugee status is maintained. It is also important in terms of ensuring consistent jurisprudence in this area.

Included in the section on consolidated decision making is a proposal for pre-removal risk assessment, "in appropriate circumstances." At the outset, it must be emphasized that any consolidation of decision making within the IRB should not eliminate the right of pre-removal risk assessment to the full range of individuals who may not have made a refugee claim in the first place as well as persons who may be subject to removal on grounds of criminality or threats to national security. Exclusion of any class of persons from such a risk assessment is inconsistent with Canada's international legal obligations, including the *Convention against Torture*. Consideration must be given to establishing transparent procedures by which the pre-removal risk assessments are conducted and which comply with international human rights standards as well as the basic principles of fairness and due process.

Front-end Screening/Admissibility

The government proposes to engage administrative officials in more comprehensive front-end screening of refugee claimants. Yet existing eligibility criteria are already inconsistent with the

Refugee Convention and the *Convention against Torture*. The IRB has the mandate to exclude undeserving refugees from protection, and that is where decisions related to exclusion should be made. Furthermore, front-end screening adds a layer to the determination process. Any additional layers are resource intensive and necessarily produce delays. To the extent that few claimants are excluded in the existing eligibility process, a more efficient and just alternative would be the immediate referral of all claims to the IRB for determination.

The existing definitions in the *Immigration Act* relating to criminal and security inadmissibility are far too broad and the procedures currently applied fail to respect international standards.¹² *New Directions* fails to address admissibility issues in the context of Canada's international legal obligations relating to refugees and others at risk of serious human rights violations. Rather than seeking ways to remedy the significant deficiencies in existing procedures,¹³ the government is proposing to add at least three new inadmissible classes to the *Immigration Act*.¹⁴ The *Refugee Convention* itself recognizes a government's right to expel where there is evidence that the refugee is a national security threat or has been convicted of a "particularly serious crime" and constitutes a genuine public danger.¹⁵ However, even in those cases, an individual can never be returned to a country where he or she faces a serious risk of torture, disappearance or extrajudicial execution. As recommended by Amnesty International, decisions on these matters should be made by the IRB and not, as is currently the case, by immigration officers and adjudicators.¹⁶

Prescribed Time Frames

New Directions proposes to impose a thirty day time frame for making a refugee claim, subject to exceptions in "compelling circumstances." The imposition of a rigid time frame, whether it is three days (as recommended in *Not Just Numbers*), thirty or even three hundred days violates international standards. The Executive Committee of the Office of the United Nations High Commissioner for

Refugees has concluded that, "While asylum seekers may be required to submit their asylum requests within a certain time limit, failure to do so, or the non-fulfilment of other formal requirements, should not lead to an asylum request being excluded from consideration."¹⁷ Canada is a member of the Executive Committee and supported this conclusion at the time it was passed.¹⁸

A prescribed time frame will have an adverse impact on certain groups of refugee claimants, particularly women fearing gender-based persecution and anyone with claims based on sexual orientation. These groups are least likely to be informed of their right to make a refugee claim and often face formidable barriers in terms of accessing the necessary support and assistance to initiate a claim. While current statistics may confirm that the vast majority of refugee claimants actually make their claims within a thirty-day period, a rule which provides for exceptions only in compelling circumstances will certainly result in serious injustice. A prescribed time frame would prohibit or certainly impede *sur place* refugee claims yet the *Refugee Convention* recognizes that protection may be needed based on events that happen long after a person has left home. As an alternative to a prescribed time frame, the existing practice of requiring the refugee claimant to explain the reasons for any delay in making their claim in the hearing itself should be continued. The claimant has the burden of providing a reasonable explanation for the delay and if unable to do so, the claim may be rejected.

Second/Multiple Claims

New Directions includes a proposal for the blanket elimination of the right of access to a refugee hearing for all failed refugee claimants who return to Canada after 90 days. Such an arbitrary rule fails to distinguish between those persons who have returned to Canada after 91 days versus those who have returned after many years and a clear change of conditions in their country of origin. It fails to distinguish between those few individuals who may indeed be abus-

ing a revolving door of refugee protection from those persons who are forced to initiate a second claim after 90 days due to the incompetence or absence of counsel at their first hearing, the lack of an appeal process to adequately correct mistakes made at the first instance, as well as the restrictive provisions under which a refugee claim can be re-opened for consideration of new evidence. Given the diversity and complexity of factors which may result in persons seeking to initiate second refugee claims in Canada, the existing practice of providing access to a full refugee hearing and placing the burden on the claimant to establish the basis of their second claim should be continued. In the medium term, the Board should collect statistics on the number of second claims being processed and the acceptance rates in relation to these claims. It is likely that this information will obviate the need for an absolute bar to second or even multiple claims.

Manifestly Unfounded Claims and Safe Countries

New Directions proposes to give priority to the processing of manifestly unfounded claims. Yet "manifestly unfounded" is a deeply flawed concept. Refugee status determination requires extremely sensitive and individuated assessments. The key to meeting the requirements of the refugee definition very often rests with evidence of a government's inability to protect a particular individual. While the proposal for priority processing is much less draconian than what has been adopted in many European states and in the United States, it is still problematic. The manifestly unfounded label would be highly prejudicial to a fair assessment of an individual's refugee claim. In the absence of concrete details with regard to how the "priority" might actually be applied, it is important to emphasize that all refugee claimants should have equal access to a refugee hearing with sufficient time to retain counsel and prepare for their refugee hearings.

New Directions also proposes to identify "safe countries" of origin which would constitute the basis for a mani-

festly unfounded designation. Yet, human rights violations occur throughout the world. Even highly advanced, democratic countries will produce *bona fide* refugees from time to time. In fact, there may be safe people but there are no safe countries.¹⁹

Ministerial Intervention

The current *Immigration Act* restricts the right of the Minister of Citizenship and Immigration to participate directly in refugee hearings. Nevertheless, in any case where exclusion has been identified as an issue (i.e., on the basis that the claimant may have committed a war crime or a serious crime outside of Canada), a representative of the Minister is permitted to intervene and actively oppose the refugee application. The existing limitation on ministerial intervention is an important safeguard to ensure that refugee hearings remain non-adversarial. As noted by the *Plaut Report* in 1985,

[T]he adversarial system assumes that there are conflicting interests to be resolved by an impartial judge. In refugee determination, there is not (or should not be) an 'adversary' to the refugee. There do not exist, as in a civil suit, two parties with conflicting financial or other interests; nor are there, as in a criminal proceeding, the interests of the state confronting the accused.²⁰

Rebuilding Trust, authored by James Hathaway in 1993, confirms that in acceding to the *Refugee Convention* Canada has agreed as a nation to admit refugees. This implies that it is incumbent upon us to dispassionately

apply the relevant criteria rather than seeking either to promote or to challenge the applications presented to us ... [W]e must not view refugee claimants as opponents or threats, but rather as persons seeking to invoke a right derived from international law.²¹

For the vast majority of cases, the participation of a Refugee Claims Officer in the hearing ensures that the tribunal has adequate assistance in questioning the claimant and providing a summary of relevant concerns at

the conclusion of the hearing. Unrestricted ministerial intervention would likely invite increased levels of such intervention, a significant and inappropriate erosion of the principle of non-adversarial refugee adjudication.

Improperly Documented Claims

The government is proposing a series of measures, including the prospect of detention, aimed at addressing the issue of improperly documented refugees. These measures completely fail to account for the reality of the vast majority of "undocumented" refugee claimants arriving in Canada: people who come from countries with no central authority to issue documents or countries where the use of identity documents is limited and confined primarily to male, upper income residents of urban areas; people who have fled without having the time to acquire a passport or other identity documents; people who are unable to acquire such documents from the government as it is the very agent of persecution that the refugee is fleeing. In the face of expanded policing and interdiction practices around the world, many refugees fleeing persecution have no option but to use false documents and passports.

Commenting on the requirement in the current *Immigration Act* for refugees to provide satisfactory identity documents, the UNHCR noted that

recognized refugees ... are effectively denied the right to family reunion and are not entitled to receive travel documents, as provided in Article 28 of the 1951 Convention. Another serious concern is that the inability to obtain permanent residence status can be a serious impediment to integration in Canadian society.²²

While refugees without permanent residence are protected from *refoulement*, they face a myriad of barriers that result in severe hardship. In addition to family separation, access to post-secondary education, professional training programs and bank loans for small businesses and in many cases, even employment, is denied.

New Directions justifies the targeting of improperly documented refugee claimants under the rubric of maintaining the safety of Canadian society. Yet the government has provided no evidence of widespread danger. The refugee hearing itself provides an opportunity for extensive examination of identity issues. Refugee applications are turned down if it is found that the individual is not who he/she claims to be. Nevertheless, mistakes can be made. For the few who manage to obtain refugee status on the basis of misrepresentation or concealment of any material fact, proceedings can be initiated against the particular individual pursuant to existing provisions of the *Immigration Act*.²³ Given the extensive consultations between the Department and community representatives over the past six years with regard to this issue, the government's manifest capitulation to an agenda premised squarely on myths and misconceptions about refugees is particularly disturbing.²⁴

Undocumented Convention Refugee in Canada in Class

New Directions proposes to reduce the waiting period from five to three years for refugees who are unable to obtain identity documents by reason of the absence of a central authority in their country of origin. *New Directions* is silent with regard to the plight of undocumented refugees who are unable to obtain documents for other reasons. The imposition of any waiting period and the concomitant restrictions which it entails discriminate against people who are without satisfactory identity documents through no fault of their own. The requirement for identity documents for Convention refugees and others seeking landing in Canada for risk-related reasons should be eliminated.

Decision Makers

New Directions proposes to improve recruitment and increase transparency in the selection process for decision makers, a proposal that is both sound and long overdue. To ensure that both Canadians and the refugee claimants whose

very lives are at stake have confidence in the legitimacy and integrity of the tribunal, the appointment and re-appointment process must be depoliticized. The government should be encouraged to introduce legislative amendments to achieve these objectives immediately. Representatives of non-governmental organizations and the bar should be included in a reconstituted appointments advisory committee.

Appeal on the Merits of Protection Decisions

Current reform proposals do not include the introduction of a right to appeal on the merits of a refused claim. As recognized by both the UNHCR and Amnesty International, the right to an appeal or review is an internationally accepted minimum standard for refugee determination. As noted in *Not Just Numbers*, the inclusion of an internal appeal mechanism is necessary for maintaining procedural fairness, correcting mistakes, and ensuring consistent interpretations of the law, especially given the potentially life threatening consequences of an error in judgment. The existing system of judicial review with its leave requirements and narrow grounds for review is extremely restrictive and for this reason fails to provide an effective remedy or substitute for an internal appeal.

The Right of Landing Fee

New Directions fails to address the injustice caused by the Right of Landing Fee, a modern day "head tax" and the burdensome, non-refundable "processing fees." These up-front fees have a differential impact on refugees from the South where \$975 very often represents up to three years salary. The government has claimed the fee is not discriminatory because it applies to everyone. Given the disparities between refugees in terms of income earned, however, the fee amounts to a regressive, flat tax that violates fiscal fairness.²⁵ It has impeded family reunification, forced people who earn minimum wage to go hungry and incited a proliferation of loan sharks.²⁶ The *Refugee Convention* obliges states to take active steps to facilitate the assimilation

lation and naturalization of refugees and to reduce as far as possible the charges and costs imposed upon them.²⁷ Instead of working to honour this commitment, *New Directions* proposes to levy an additional fee associated with a new permanent residence card.

The availability of a government loan program has done little to ameliorate the hardships caused by the right of landing fee. Many categories of refugees and others seeking landing for protection related reasons have been deemed "unlikely to repay" and denied the loans. Single women with children are disproportionately affected in this regard. Concerns about the right of landing fee have been raised by the Canadian Human Rights Commission²⁸ and the National Action Committee for the Status of Women. The United Nations High Commissioner for Refugees conducted a survey and found no other country imposing such a fee on refugees. Even the Liberal party itself passed a resolution roundly calling for a "reexamination of fee." In light of the success of the government's deficit reduction strategy (the fee was originally defended as a necessary "trade-off" to preserve publicly funded settlement services while at the same time addressing the goals of debt and deficit reduction), the government should be encouraged to abolish the right of landing fee and avoid the imposition of any further cost recovery programs on refugees. The actual costs of other publicly funded programs are not borne so disproportionately by any narrowly defined user group. Those costs are shared by everyone and collected through the tax system based on the principle that those with the most resources contribute accordingly.

Conclusion

It should be evident from the foregoing review that the government's *New Directions* includes a number of positive proposals, which if developed effectively, stand to enhance meaningful protection for refugees and others at risk. At the same time, however, there are disturbing signals in the text of the propos-

als as well as in the gaps and omissions which stand to chart a treacherous course for refugees seeking protection from Canada in the next millennium. Most ominously, the paper's proposals to enhance interdiction, "to intercept improperly documented people before they arrive in Canada,"²⁹ belies the government's professed commitment to refugee protection and suggests that there will be far fewer refugees arriving at our borders in the years to come. *New Directions* makes no reference to the need for adequate safeguards to ensure that people fleeing persecution will be assured their right to seek asylum. In fact, as the case of the Tamils off the coast of Senegal last year aptly underscores, Canada already deploys a range of measures that prevents refugees from reaching safety. With the imposition of visa requirements and carrier sanctions to the stationing of immigration officers in airports abroad, vast numbers of *bona fide* refugees are increasingly caught up in a web of migration control measures with devastating results.³⁰

Let us recall that many other western countries receive more refugees than Canada, both in terms of absolute numbers and per capita. As identified by the U.S. Committee for Refugees, year after year, Germany, the United Kingdom and the United States have each received more refugee claimants than Canada.³¹ The majority of the world's 15 million refugees come from and remain in countries of the South. Over the past few years the total refugee population in Canada, including persons resettled from overseas as well as persons who have made claims in Canada, has represented between nine and eleven percent of the country's overall immigration intake in any given year—for 1997 a mere 34,689 persons.³² In the face of this reality the government's challenge will be to honour and extend the country's international legal commitments to refugees and others in desperate need of protection. Steps must be taken to stanch the anti-refugee sentiment that has gained ascendancy with the neo-liberal agenda over the past decade. Canada can and should assume a leading role in encouraging

states to eradicate the human rights violations that are the root cause of all involuntary migration, while at the same time preserving access to asylum. For asylum, to paraphrase Atle Grahl-Madsen, is the ultimate human right when every other safeguard has failed. ■

Notes

1. The government's comments were reported in an article in the *Globe and Mail*, 16 January 1999. The real story, however, had surfaced some five months earlier in two Amnesty International Bulletins: AI Index, ASA 37/19/98; ASA 37/21/98.
2. *United Nations Convention against Torture*, Article 3.
3. Human Rights Watch, *World Report 1999*; U.S. Department of State, *Country Reports on Human Rights Practices for 1997*; Amnesty International, *Amnesty International Report 1998: Sri Lanka*.
4. In 1997 Canada ignored a request from the Committee against Torture in the case of Tejinder Pal Singh and in 1998, from the Inter-American Commission on Human Rights in the case of Roberto San Vicente. See "Canada deports Venezuelan," *The Globe and Mail*, 13 March, 1998, A7; and Amnesty International, "Refugee Determination in Canada: The Responsibility to Safeguard Human Rights," Draft Response to the Government of Canada's White Paper, February 1999.
5. Amendments to the *Immigration Act* enacted in 1993 imposed the requirement on all Convention refugees to produce satisfactory identity documents in order to be landed. Thousands of Convention refugees are in legal limbo because they can't get documents. In 1997 regulations were adopted creating the "Undocumented Convention Refugee in Canada Class," imposing a five year waiting period for undocumented refugees from two designated countries, Somalia and Afghanistan, who were seeking landing. No measures were adopted for refugees from other countries.
6. "A Loyal Liberal is Branded a Terrorist Threat," *The Globe and Mail*, 10 February 1999, A1.
7. *Singh et al. v. Canada (Minister of Employment and Immigration)* [1985] 1 S.C.R. 177.
8. See Andrew Coyne, "The Case for open immigration," *Next City*, Winter 1995, 34.
9. *Not Just Numbers: A Canadian Framework for Future Immigration* was made public on January 6, 1998. In the face of strong public opposition to some of the report's key rec-

- ommendations, particularly in the area of standardized language testing and the requirement that immigrant selection be predicated on a demonstrated knowledge of French or English, the Minister of Citizenship and Immigration quickly distanced herself from many of the report's more radical proposals.
10. Much of the commentary related to specific proposals is based on text the author developed for inclusion in a policy brief for the Coalition for Just Immigration and Refugee Policy, an advocacy organization based in Toronto.
 11. Canadian Bar Association, *New Directions*, Draft Submissions on the Refugee Proposals, February 1999, 1.
 12. At a Canadian Council for Refugees conference in Ottawa on November 26, 1998, an official with the Department of Citizenship and Immigration acknowledged that there were approximately 300–350 cases of refugees in limbo on security grounds and that at least part of the problem rests with the over broad interpretation of membership in the definition of inadmissible classes pursuant to section 19 of the *Immigration Act*.
 13. See, the Security Intelligence Review Committee Annual Report 1997–1998 with regard to the role of the Canadian Security Intelligence Service in immigration security screening.
 14. The white paper proposes to deny admission to members of a government against which Canada has approved sanctions pursuant to a resolution of the United Nations or other multilateral body; people smugglers; and people who make false declarations on their application for permanent residence.
 15. *Convention relating to the Status of Refugees*, Article 33(2).
 16. Amnesty International, *supra* note 4.
 17. Conclusion 15 (XXX) 1979.
 18. Canadian Bar Association, *supra* note 11, p. 11.
 19. *Ibid.*, 19–20. The "safe country" designation is particularly problematic in the context of women fleeing situations of domestic violence as well as lesbians and gay men persecuted on the basis of their sexual orientation. These groups continue to be at serious risk in countries with otherwise satisfactory records of human rights compliance.
 20. W. Gunther Plaut, *Refugee Determination in Canada: Proposals for a New System: A Report to the Honourable Flora MacDonald, Minister of Employment and Immigration* (Ottawa: Minister of Supply and services Canada, 1985), 122.
 21. James C. Hathaway, *Rebuilding Trust: Report of the Review of Fundamental Justice in Information Gathering and Dissemination at the Immigration and Refugee Board of Canada* (Ottawa : Immigration and Refugee Board, 1993), 6–7.
 22. Letter to Canadian Council for Refugees, 14 May 1997.
 23. In these circumstances, section 69.2(2) of the *Immigration Act* permits the Minister, with leave of the Chairperson of the IRB, to make an application to reconsider and "vacate" the refugee determination. *New Directions* proposes to eliminate the requirement for leave of the Chairperson so that the Board would be required to consider all applications for revocation of refugee status.
 24. Dr. Mohamed Tabit, "Identity Documents and CIC Broken Promises," *Refugee Update*, Winter 1997.
 25. Citizens for Public Justice, "What would it cost to remove the \$975 Right of Landing Fee," December 1998.
 26. Canadian Council for Refugees, "Impact of the Right of Landing Fee," February, 1997.
 27. *Convention relating to the Status of Refugees*, Article 34.
 28. Canadian Human Rights Commission 1995 Annual Report.
 29. *New Directions*, 47.
 30. In the first nine months of 1997 there were 1,285 claims from the Czech Republic, primarily from Czech Roma, who were fleeing persecution at the hands of neo-Nazi skinheads. The European Roma Rights Centre, the International Helsinki Federation and even Canada's own Research Directorate of the IRB documented the growing racist violence as well as local police complicity in attacks against the Roma community. Close to half of the Roma claims considered by the Board were accepted but in October 1997 the Canadian government imposed a visa requirement for all citizens of the Czech Republic, effectively preventing any other Roma refugees from seeking asylum in Canada. See, Canadian Council for Refugees, "Refugees in Canada: Canadian refugee and humanitarian immigration policy," 1998; Research Directorate, Immigration and Refugee Board, Issue Paper, Roma in the Czech Republic: State Protection, November 1997.
 31. U.S. Committee for Refugees, *World Refugee Survey 1998*, for the period 1993–1997.
 32. CIC Statistics compiled by the Canadian Council for Refugees, October 1998. □

Finalist in the 1997
Thomas & Znaniecki Prize competition
awarded by the International
Migration Section of the
American Sociological Association

PATHS TO EQUITY Cultural, Linguistic, and Racial Diversity in Canadian Early Childhood Education

by Judith K. Bernhard, Marie
Louise Lefebvre, Gyda Chud,
and Rika Lange

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ISBN 1-55014-277-1; 112 pages,
size 8.5x11; \$18.95

Paths to Equity is based on an extensive nationwide study of 77 childcare centres in Montreal, Toronto, and Vancouver on the cultural, linguistic, and racial diversity in Canadian Early Childhood Education (ECE). The report presents the results this study on how the ECE system is responding to the increasing diversity of contemporary Canadian society.

A fully one third of teachers interviewed in this study responded, at the time of graduation from ECE programs, did not feel that they were well prepared to work effectively with children and parents from diverse backgrounds. In this groundbreaking study, the authors have addressed teachers' views on diversity in the education programs; parents difficulties in collaborating within the current education system; teachers' difficulties in understanding many "ethnic" parents; desire of many parents for better communication with staff, preferably in their own languages, and for more information about their individual children, and chances for effective input; and the evidence of some continuing problems with racism, irrespective of the good intentions of centre staff.

Paths to Equity will be of interest to ECE faculty, policymakers, centre supervisors and staff and others interested in the inclusion of diversity content in professional education programs.

Available from:
Centre for Refugee Studies
Fax: (416) 736-5837
Email: refuge@yorku.ca

Legislative Review, *New Directions* and Refugee Resettlement

Michael Casasola

Abstract

On the surface the proposals surrounding refugee resettlement in the 1999 "white paper" *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation* appear to be watered down versions of Legislative Review Advisory Group (LRAG) 1998 report *Not Just Numbers: A Canadian Framework for Future Immigration proposals*. However, the "white paper" proposals are the "tip of the iceberg" of a series of recommendations Citizenship and Immigration Canada (CIC) has developed on how Canada should resettle refugees in the future. This paper outlines and compares the LRAg report, the "white paper" and CIC's model for future resettlement. It argues that the proposals offer an opportunity to diminish long-standing barriers to the Canadian resettlement program, though the motivation for these changes may be partially based on very practical operational needs. Yet in order to ensure such change takes place, NGOs will have to continue to pressure CIC and the Minister of Citizenship and Immigration that Canada's resettlement program be truly humanitarian and that the number of refugees resettled each year not be reduced.

Précis

En surface, les propositions concernant la relocalisation des réfugiés dans le «livre blanc» de 1999 *De solides assises pour le 21^e siècle: Nouvelles orientations pour la politique et la législation relatives aux immigrants et aux*

réfugiés apparaissent comme une version édulcorée du rapport *Au-delà des chiffres: L'immigration de demain au Canada, ayant émané du Groupe Consultatif en 1998. Cependant, les propositions du «livre blanc» ne sont que la pointe de l'iceberg d'une série de recommandations développées par Citoyenneté et Immigration Canada sur la façon dont le Canada devrait désormais relocaliser les réfugiés. Le présent article décrit et compare le rapport du Groupe Consultatif, le «livre blanc», et le modèle proposé par Citoyenneté et Immigration Canada. On développe ici une argumentation selon laquelle toutes ces propositions offrent une opportunité de réduire les vieilles barrières entravant le programme canadien de relocalisation, malgré le fait que les motifs suscitant ces changements sont probablement en bonne partie fondés sur des besoins opérationnels et pratico-pratiques. Cependant pour s'assurer que ces changements sont effectivement mis en place, les ONG vont devoir continuer d'exercer leurs pressions sur Citoyenneté et Immigration Canada et sur le Ministère de la Citoyenneté et de l'Immigration pour que le programme canadien de relocalisation maintienne sa perspective humanitaire, et pour que le nombre de réfugiés relocalisés n'aille pas en s'amenuisant.*

The proposals regarding refugee resettlement within the Legislative Review Advisory Group (LRAG) 1998 report *Not Just Numbers: A Canadian Framework for Future Immigration* were the source of initial excitement. The report seemed to recognize what NGOs had been saying for years, that legislative barriers were undermining the effectiveness of Canada's refugee resettlement program as a tool of protection. However, the framework proposed by the Advisory Group was ambiguous and actually risked undermining resettlement through the introduction of new barriers.

The recommendations concerning resettlement in *Citizenship and Immigration Canada's (CIC) 1999 "white paper" Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation* are also exciting, yet equally ambiguous. On the surface they appear to be watered down versions of LRAg proposals. To understand them better, however, one should look not at the LRAg report, but at CIC's own Refugee Resettlement Model (RRM). This model, developed by CIC for the most part independent of the LRAg process, has not been so much in response to the principles laid out in the LRAg report, but in response to practical political imperative and departmental needs. This model is superior to the LRAg framework in that it is more likely to be implemented and addresses some of the weaknesses in the Canadian system identified by the LRAg without introducing new barriers. Nevertheless, the ambiguity of *New Directions* and the fact that the RRM continues to evolve underlines the importance for NGOs to continue to urge the Minister and CIC to lower barriers without reducing Canada's resettlement levels.

The Current Canadian Resettlement System

Historically refugee resettlement has been one of the most important ways Canada has contributed to international responsibility-sharing for the world refugee crisis. Over time, large numbers of refugees have been resettled in Canada. In fact, Canada is one of very few states which routinely provides resettlement opportunities.¹ Despite the value of this solution, fewer refugees have been coming to Canada through its resettlement programs in recent years. Throughout the 1980s Canada averaged annual resettlement levels (all programs) of 21,000.² For 1998 the government projects arrivals of resettled

Michael Casasola is the Director of the R.C. Diocese of London Refugee Office and has managed refugee sponsorship for the Diocese for eight years. He is actively involved nationally and internationally in refugee resettlement policy development, and has participated in both the LRAg and RRM consultations.

refugees at 9,500. The estimates for the number of refugees Canada plans to resettle in 1999 are 10,100–11,300 (7,300 government-assisted refugees and 2,800–4,000 privately sponsored).

The Private Sponsorship of Refugees Program in particular has suffered a serious downfall. Private sponsorship levels have declined from an average of 9,000 per year in the 1980s, to the current low of below 2,200. This decline has been due in part to high refusal rates, slow processing of cases overseas and problems in communication.³

For a refugee to be selected by Canada for resettlement, she must not only satisfy a Canadian visa officer that she is a Convention Refugee or a member of a Humanitarian Designated Class,⁴ but that she has the “ability to successfully establish” herself in Canada. This seemingly objective assessment essentially measures the ability to become financially independent within one year of her arrival.⁵ In reality this is a highly subjective assessment which has led to inconsistent decision-making among visa posts. This criterion can prevent Canada from resettling refugees believed to be in greatest need of protection or a durable solution.

Another shortcoming has been slow processing of applications. This reality has meant that, barring exceptional cases when a Minister’s Permit is used, Canada is unable to assist those in urgent need of protection. While other countries can move a refugee out of danger within 24 hours, Canada must first complete criminal, security and medical checks. Furthermore, refugees are affected by Canada’s medical admissibility criterion. This criterion bars from Canada all those with a contagious disease as well as those who have either a medical disability or require treatment viewed as “excessively costly” on the Canadian health care system, even if they have been identified by UNHCR as refugees in need of resettlement.

These barriers prevent Canada from responding to those refugees in greatest need - either most vulnerable or those in imminent danger. Instead, Canada responds best to those refugees needing resettlement who are near Canadian

embassies or are in stationary camp-like situations. The fact that there are more visa officers in Europe partially explains why Canada has tended to select a higher percentage of refugees in Europe. This is in greater proportion to the resettlement need identified by UNHCR in that region. Areas like Africa and the Middle East have proportionally fewer Canadian visa officers in comparison to the resettlement needs identified by the UNHCR.⁶

This phenomenon is magnified by the reality that in the age of Canadian budget cutting, there are fewer and fewer visa posts offering immigration processing, fewer visa officers overall and an emphasis in immigration processing of minimizing the direct involvement of visa officers. This approach contrasts with refugee processing which requires relatively more time and resources because of the need for interviews and area missions.⁷

Not Just Numbers (LRAG)

Proposals

The LLAG response proposed a new system which combined the inland and overseas systems and emphasized protection at first opportunity. The report’s novelty and significance was that it acknowledged the barriers that NGOs had long identified as undermining Canada’s resettlement program.

Our current resettlement from abroad program, established under the Immigration Act, is designed to select persons who both require protection and are able to demonstrate the basic skills to settle successfully in Canada. Thus, our requirements sometimes deny us the very tools we require to select those in greatest need, by screening them out.⁸

While immigrants should be selected according to Canada’s needs, the report argued, refugees should be selected solely in response to their protection needs, whether inland or overseas. The report expressed a preference for providing protection at first opportunity, meaning overseas, rather than responding to their protection needs at Canada’s borders. It emphasized protecting

the most vulnerable and those most in need. However, it also proposed erecting new obstacles that undermine these goals through the introduction of admission ceilings and tying the overseas systems resources to the inland system.

LRAG Highlights Relating to Refugee Resettlement:

- Protection Act (separate from a Citizenship and Immigration Act).
- Prioritizing the most needy and most vulnerable at first opportunity.
- Selection decisions will be made by a new decision-making body, a Protection Agency, composed of protection officers, career civil servants independent of Citizenship and Immigration.
- Protection Officers are to be highly trained on international humanitarian and human rights obligations, judicial procedure and to rotate postings in Canada and overseas.
- NGOs could be contracted by the Protection Agency to undertake refugee selection.
- Not all refugee applicants may be interviewed; paper screening could be used.
- Refugees in immediate need of protection could be moved immediately to Canada under a Temporary Protected Status upon which time their landing will be finalized.
- Refugees must still pay the Right of Landing Fee. A loan program would be available.
- Refugees will no longer be assessed on their ability to successfully establish in Canada.
- Persons granted protection and their dependants will be exempted from the excessive cost component of the medical inadmissibility provisions.
- No appeal (can seek leave to review at Federal Court).
- Counsel will be permitted (at the applicant’s expense) to attend interviews.
- Organizations will be able to enter into agreements with the Protection Agency to sponsor persons in need of protection.

Probably more than any other area of the LLAG report, the Advisory Group’s

resettlement model is unclear and undefined, making it from the outset unlikely to be implemented. The report introduced ideals of assisting "the most vulnerable and most in need" without defining whom they mean. The emphasis on resettlement at first opportunity is also ambiguous. It does not explain how providing resettlement at first opportunity can be provided in the context of resettlement, whether it simply means that resettlement is preferred to asylum, that processing overseas should be expedited, or that resettlement efforts should be concentrated in or around source countries.

The report envisioned a new role for NGOs. It recommends contracting NGOs to select refugees in some areas. NGOs had a number of obvious concerns about the proposed change of their role from advocates and service providers to implementing Canadian policy in refugee selection.

While there a number of merits in the proposed LLAG framework, it also included measures which could reduce the number of refugees Canada resettles. The report proposes to set limits on the annual numbers of refugees to be resettled from abroad, effectively undermining the voluntary sector's contribution. This would mean the more that private groups sponsor, the fewer the government may resettle—thus undermining a significant portion of the voluntary sector's interest in assisting in resettlement.

The LLAG report also made possible the reduction of resettlement numbers through the linking of resources between the inland and overseas systems. LLAG proposed that the two systems be linked and that the federal government be responsible for the entire cost of refugees selected in Canada. The reality that the numbers entering via the inland system are unpredictable and that resources would always be prioritized for the inland program since it is based on an international obligation, means that the resettlement program could be subject to serious funding fluctuations if the inland system were to experience even simple problems like processing delays. This model would make Canadian re-

settlement levels unpredictable contrary to UNHCR guidelines.⁹

Currently, some resettlement countries are threatening to link resettlement with asylum costs by reducing their resettlement programs in response to increased cost to their inland processes. Switzerland has put this approach into effect and has apparently eliminated its resettlement program for 1998 because of increased costs in its asylum system. Without clearly saying so, the LLAG report would have had Canada join this trend.

Overall, the LLAG report cites the seemingly higher principles of assisting those in "greatest need" overseas, while at the same time creating a funding approach which would make doing so more difficult.

Building a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation

New Directions says very little about resettlement. Nevertheless, it recognizes some of the barriers identified by LLAG and makes a commitment to strengthen resettlement and address the barriers through examples of some new measures. It proposes "A more responsive overseas resettlement program."¹⁰ Specifically,

It is proposed that Canada's refugee resettlement program be made more responsive through such measures as:

- shifting the balance toward protection rather than the ability to settle successfully in selecting refugees;
- establishing procedures that will allow members of an extended refugee family to be processed together overseas and, where this is not possible, providing a mechanism for the speedy reunion of families;
- working more closely with non-governmental organizations in identifying, pre-screening and resettling refugees; and
- ensuring the immediate entry into Canada of urgent protection cases.¹¹

New Directions is ambiguous. It is unclear whether it proposes legislative, regulatory or policy changes. The recommendations reflect certain themes

from the LLAG report, including an emphasis on protection, working in partnership with NGOs and responding immediately to urgent protection cases. Like LLAG, it also recommends requiring leave to appeal to the Federal Court in a resettlement case.

It does respond to an issue of concern for NGOs, not mentioned in LLAG, by offering to assist refugees' extended family members. For years refugee family members, particularly elderly, have been caught between the resettlement and the family reunification program, often not eligible for either, despite the recognition that family reunification is one of the criteria set out by UNHCR as a basis for resettlement.¹² This proposal presents the opportunity to begin to address this long standing problem.

The inclusion of a proposal concerning refugee family reunification demonstrates that other factors influenced the framing of *New Directions* outside of the LLAG report. Certainly the public consultations played a role. Nevertheless, to better understand the recommendations in *New Directions*, one should consult CIC's Refugee Resettlement Model.

Refugee Resettlement Model

While LLAG provides a legislative framework, the RRM is an operational model which includes legislative, regulatory and policy proposals. It is a model which attempts to bring together both policy and operational processes. For CIC it is an operational paradigm shift. Instead of approaching the various tasks concerning resettlement in isolation, the RRM looks at refugee resettlement as an integrated continuum through the six components of identification, locating, selection, destining, orienting and finally settling in Canada. Unlike the LLAG report, which focuses on overall principles, the RRM builds on the status quo and focuses its efforts on operational issues such as effectiveness and preparedness.

The model has been developed by CIC along with operational partners over the past year. However, to date it has been as much process as product. It is not yet fully defined, though much of the direction was developed during a

March 1998 consultation. The process has also included the establishment of a number of Working Groups, which bring together the views of all the actors involved in delivering all aspects of resettlement, including partners like NGOs and UNHCR.

As far as concrete proposals, the RRM involves a whole series of recommendations for each of the six identified points on the resettlement continuum. Some are minor changes while others are more substantive. Emphasis is on concrete, practical proposals feasible within budgetary constraints. The recommendations are still being honed and a critical path is being developed. Nevertheless, some overall themes have surfaced. In keeping with the model's approach to resettlement as a continuum, there are overall objectives of improved communication and feedback along the continuum responding to basic information needs such as identifying emerging refugee populations and feedback on the settlement of refugees in Canada. Training is another issue for visa officers as well as operational partners. In addition, the model seeks to strengthen partnerships, such as with NGOs, and to develop new operational partnerships.

The RRM model is viewed as a three-year project with the first year to implement pilot projects. The following are just a few highlights.

Some Highlights of the RRM

- The model's focus is operational improvements.
- Built on the current resettlement system.
- Understands resettlement as a continuum going through six stages: identification, locating, selection, destining, orienting and settling.
- Established a number of working groups (which include NGO representation) to address particular problem areas.
- Promotes communication throughout the resettlement continuum on issues such as identification of new refugee populations and settlement experience, as well as arguing the need for information management in

order to prevent duplication and to ensure that the information shared is useful.

- Training is recognized as an across the board need, including visa officers, CIC in Canada and NGO partners.
- Establish a "dedicated refugee officer" visa officer or improve specializing of visa officers to work with refugee selection.
- Seeks to strengthen partnerships with NGOs both in Canada and Overseas.
- Seeks to develop overseas service partners (either a NGO or IGO) who would be responsible for identifying eligible refugee populations for resettlement and processing applications.
- Overseas pre-departure orientation to focus on orientation to Canada as opposed to language training.
- Developing blended initiatives—Refugee sponsorships which are partially funded by both the government and private sponsors to respond to either resettlement emergencies or refugees who do not meet current Canadian criteria.
- Establish a New Zealand-style reception centre(s) capacity for refugee Women at Risk resettled to Canada on an emergency basis.
- Goal for refugee is independence which is measured on sliding scales concerning the following components: orientation, language skills, employment, family reunification, security/stability.

The RRM was initiated in response to the resettlement "crisis" CIC experienced in the summer of 1997. At that time it appeared that CIC would actually not be able to achieve its resettlement targets—that it would not be able to "find" 7,300 refugees that were eligible and admissible. The Minister of Citizenship and Immigration's apparent unwillingness to see numbers decrease forced the department to scramble in order to meet the required targets. This experience and the fear that it may be repeated in subsequent years suggested the need to begin long term planning on how it will select refugees in the future.

This planning recognizes that this problem was likely to be only compounded in coming years as fewer refugees from Bosnia were likely to need resettlement and that Canada would have to discover and identify new populations which need resettlement and meet Canadian criteria. At the same time, UNHCR, the organization most likely to be able to help Canada identify potential refugees for resettlement, faces its own resource crunch making it more difficult for it to find the resources necessary to help Canada meet its resettlement targets. This experience led CIC to develop a new model in order to address and prepare for current and impending problem areas.

Some of the RRM recommendations appear to be watered down versions of the LLAG report. For example, instead of eliminating the "ability to successfully establish" criterion, RRM asks only to loosen the criterion. While the LLAG proposes the use of NGOs to select refugees, RRM proposes a more American Joint Voluntary Agency style model in which NGOs would identify and prepare resettlement cases for visa officers.

A strength of the RRM is its focus on problem solving. While grounded in the current resettlement approach, CIC's proposed changes also recognize that the Canadian refugee resettlement process is in a state of disrepair. CIC recognizes long standing problems such as inconsistency in the application of eligibility and admissibility criteria by visa officers. It also concedes that CIC is ill-prepared to deal with emergencies and immediate protection cases.

The RRM's willingness to move towards diminishing the importance of "ability to successfully establish" criterion is an important breakthrough. This measure would achieve a number of objectives. First, it affirms the humanitarian nature of Canadian resettlement. Secondly, it responds to a view within CIC that refugees may require longer periods of assistance. Finally, it helps CIC in responding to its overall commitment to reach established resettlement targets.

Lowering this barrier will likely produce critics who will argue that it will lead to the admission of refugees requiring longer periods of assistance and increased demands on settlement services. Subsequently, Canada's resettlement levels should be reduced if Canada is to continue to operate within the current budget. Ultimately, they propose that Canada's resettlement program should be driven by dollars and not by numbers.

This view must be challenged. Admitting refugees who may take longer than one year to adapt only recognizes what may already be reality and occurring within the current budget. At the same time, the argument that refugees may take longer to settle should not be accepted entirely before examining the effectiveness of Canadian settlement programs. An obvious barrier to the success of current settlement programs is the reality that CIC measures settlement by economic self-sufficiency. Yet, CIC funded programs do not include employment training.

Fortunately, to date the Minister has not pursued a dollar-driven approach and has maintained resettlement targets in spite of the interest within CIC at times to introduce a 6,800–7,300 target for yearly intake. NGOs can be heartened by the success they have achieved by encouraging the Minister to insist on maintaining current resettlement levels. This pressure is in many ways responsible for re-examining old tenets like the ability to successfully establish criterion.

The emphasis on delivering numbers since mid-1997 has forced CIC to select from refugee populations it had not previously considered, like Bosnian refugees in Germany. The belief that the Bosnian resettlement need is diminishing, means Canada is forced to look at new refugee populations who are less accessible and for whom ability to successfully establish has been seen as a barrier to their admission. Expecting refugees to be able to become financially independent within, for example within a three to five year time frame, instead of one year, would create the domino effect of making more refugees

eligible for resettlement who were previously ineligible. This, along with the introduction of NGO partnerships overseas to help identify these refugees, solves CIC's problem of reaching its targets.

Conclusion

On the surface *New Directions* proposals appear to be responsive to LLAG proposals. However, it is not so much responsive to the LLAG's proposal, but more a foreshadowing of the Refugee Resettlement Model.

The goals set out in *New Directions* concerning resettlement are generally worthy of support. However, their ambiguity requires that they be spelled out. The RRM is the source behind the proposals, yet there is a risk that these goals may change over time if they are not also spelled out. As a result, with the subsequent consultation and subsequent legislative proposals, it will be important that NGOs ensure that all future proposals are developed in a way to ensure that barriers to protection are removed. The LLAG report will be a useful reference in identifying the barriers current regulations have on assisting those in need of resettlement.

Secondly, it is important to continue to keep in mind that CIC's model has been motivated by very practical concerns. Its problems achieving targets have driven a substantial part of the development of the RRM process. It is therefore important that NGOs continue to support keeping the government-assisted program level at a minimum of 7,300 persons per year. This is not merely because of the obvious benefit for refugees needing resettlement. The reality is that CIC is being forced to look at eliminating successful establishment not simply because it is a barrier to protection, but because these requirements are inhibiting the department from finding enough admissible refugees.

It is too early to offer an endorsement of *New Directions* or the RRM since the outcome remains uncertain. Nevertheless, CIC's willingness to concede long standing weaknesses in the Canadian system and to develop pilot projects and

other means of addressing long term problem areas, presents opportunities to improve Canada's response to refugees. The LLAG Report, the RRM and *New Directions* all stress strengthening partnerships with NGOs. To date, the RRM has been responding to mainly CIC's operational needs. While some of the recommendations address some NGO concerns directly and indirectly, it will be up to NGOs to ensure that their concerns are raised and addressed as future Canadian resettlement policy develops. It is important that NGOs follow and participate in the process, not simply for the sake of the importance of their involvement, but to ensure that the final result is that Canada's refugee resettlement program is responsive, effective and truly a humanitarian program. ■

Notes

1. While a variety of countries have offered resettlement at various times and at varying scales, only ten countries currently commit to providing resettlement of refugees on an annual basis. They are: Australia, Canada, Denmark, Finland, The Netherlands, New Zealand, Norway, Sweden, Switzerland, United States of America.
2. Canadian Council for Refugees, *Resettlement 1979–1996 Statistical Information*, November 1996, 2.
3. For more on problems in the private sponsorship program see: Non-Governmental Representatives of the NGO-Government Committee on the Private Sponsorship of Refugees, *Response to the Report of the Legislative Review Advisory Group "Not Just Numbers,"* Ottawa, 11 March 1998.
4. Canada's Humanitarian and Designated Classes are made up of the Country of Asylum Class and the Source Country Class. For definitions see: Immigration Regulations.
5. Visa officers are supposed to balance the need for protection against the successful establishment criterion, so that the greater the need of protection, the less the establishment issue would be a barrier.
6. For more discussion see: Canadian Council for Refugees, *Refugees Worldwide: Assessment of Global Resettlement Needs and Resettlement in Canada Statistical Overview 1993–1996*, February 1997.
7. Canadian Council for Refugees, *Issues Surrounding the Involvement of NGOs As Overseas Service Partners*, September 1998, 2.

8. Legislative Review Advisory Group, *Not Just Numbers: A Canadian Framework For Future Immigration*, 1998, 81.
9. "UNHCR promotes with Governments the establishment of resettlement programmes which are: *predictable*, in terms of admissions levels, budgets, and eligibility criteria; *diverse*, in terms of the refugee beneficiaries, to include protection cases as well as refugees with special needs; *responsive* to emergency needs, emerging needs and appeals for burden-sharing; *proactive*, in addressing domestic considerations linked especially to budget constraints and problems related in integration. There is a unique challenge for Government and NGOs to listen to the local municipalities and to take active steps to lead, inform and assist them to make resettlement work properly at all levels; and *holistic*, in using resettlement to ensure protection and as a lasting solution, within the context of a broader refugee policy which addresses needs in countries of origin and first asylum." UNHCR *Resettlement Handbook* (revised), April 1998, II/6.
10. Citizenship and Immigration Canada, *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation*, 1999, 43.
11. *Ibid.*, 43.
12. UNHCR, *Resettlement Handbook* (revised), I/3. □

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Asylum: A Moral Dilemma

By W. Gunther Plaut

Toronto: York Lanes Press, 1995
ISBN 1-55014-239-9; 192 pages, indexed; \$19.90

Every year the refugee landscape changes, but only in that more problems are added, fewer are solved, and all become constantly more urgent. Fuelled by the explosion of the world's population, the quest for asylum is one of the most pressing problems of our age. Refugee-receiving nations—located frequently, but by no means exclusively, in the Western world—have to respond to masses of humanity searching for new livable homes. Human compassion for these refugees can be found everywhere, but so can xenophobia and the desire to preserve one's nation, economic well being, and cultural integrity. The clash between these impulses represents one of the great dilemmas of our time and is the subject of Plaut's study. In exploring it, he provides a far-ranging inquiry into the human condition.

The book presents political, ethnic, philosophical, religious, and sociological arguments, and deals with some of the most troublesome and heartbreaking conflicts in the news.

Contents: *The Issues*; Questions Without Answers; Definitions; Religion, Natural Law, and Hospitality; A Look at History; Some Ethical Questions; Through the Lens of Sociobiology; Community and Individual; Contended Rights: To Leave, Return, Remain.

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Asylum—A Moral Dilemma is simultaneously published in the United States by Praeger Publishers, and in Canada by York Lanes Press.

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Legislative Review and the Voice of Refugees

Shawn Beck and Janice Sanford

Abstract

This statement represents the collective voices of refugee claimants and landed refugees at Romero House, Toronto. It expresses concern over provisions in Not Just Numbers relating to the proposed replacement of the quasi-judicial Immigration and Refugee Board with an administrative unit of the Department of Immigration. Independence of the decision-making process would thus possibly be compromised by the interests of governmental bureaucracy.

Précis

Le présent texte représente la voix collective de demandeurs du statut de réfugié et de réfugiés installés de la maison Romero de Toronto. Il exprime une inquiétude face à certaines des clauses du rapport Au-delà des chiffres portant sur le remplacement proposé de la Commission sur l'Immigration et les Réfugiés, aux fonctions quasi-judiciaires, par une unité administrative du Département de l'Immigration. L'indépendance du processus décisionnel serait dès lors nettement compromis par les intérêts de la bureaucratie gouvernementale.

Introduction

Romero House is a community of refugee claimants, Convention refugees, refugee resettlement officers (who live and work on a daily basis with claimants), and many others who share our concern for the well-being of refugees. As a grassroots advocacy and resettlement community, we are well equipped to do an analysis of the proposed legislative changes to the immigration act in light of the daily realities of claimants. It

would seem appropriate that the Minister, in considering the report, *Not Just Numbers*, before her, and desiring to weigh justly all the factors involved, would want to hear what refugees themselves have to say about such an important and comprehensive piece of legislation. The report itself strongly urges a wide and extensive consultation process, involving not only government agencies but also community organizations, advocates, lawyers and the general public (including, one would assume, refugees and immigrants). To our great surprise and dismay, however, we have seen that the Minister is ignoring this wise piece of advice from the report and making a mockery of the entire consultative process.

Be that as it may, we feel that it is important that the choices of refugees be heard. These are the people who have been through the process and know first-hand how legislation impacts on real lives. Since we have not been allowed to present our concerns to the Minister in person, this written submission will have to suffice. The concerns voiced here arise out of the shared experiences of various refugees in the Romero community. Please keep in mind that the following criticisms of the report come not from the academic sector, nor from "professional activists," but rather from real people who have had their lives profoundly shaped over the years through their experiences with Immigration Canada.

Concerns

This submission lists four major concerns:

1. By far the most pressing concern which refugees have about *Not Just Numbers* is the replacement of the quasi-judicial determination body, Immigration and Refugee Board (IRB), with a bureaucratic administrative procedure (Sec. 7.7, iii).¹

Based on past experiences with immigration officials, refugees fear that too much power and control will be in the hands of the very people who have consistently been problematic in the landing procedure. Refugees have had numerous experiences of arbitrary decision making, stalling, withholding of information, broken promises and outright lies from immigration officials. There is really no trust that these officials, under the new title of "protection officers" would behave any more humanely and fairly in this new schema than they do in the present. Refugees' experience of the immigration bureaucracy is that it is permeated by a culture of discrimination, with an operative agenda quite different from the one promoted as the public face of the Department of Immigration, namely an agenda of intentional exclusion. Without independence from the Department, how can "protection officers" and "appeal officers" make fair decisions unadulterated by political influence? There is no control mechanism for accountability to principles of natural justice built into the administrative determination process. Thus the potential for abuse of the power by bureaucrats is frightening. We all know that the IRB has its share of problems, but replacing it by a non-judicial agency is not the right solution.

2. Another area of concern for refugees is the question of appeals (Sec. 7.10, iii, 7). Again, immigration bureaucrats are in charge of the entire appeal process. Where, then, is the independence needed for a fair review? We know that at present the limited appeal options that still exist, namely the Post-Determination Refugee Claimant in Canada Class (PDRCC), consist of the "rubber stamp" procedure. How would the

Shawn Beck and Janice Sanford are refugee resettlement officers at Romero House, Toronto. They write on behalf of Assan Amaddin, Awad Amaddin, Sami Durgan, Suleyman Goven, Mohammed Hashi, Keerti Ratanweera and Zeinab Warah.

appeal process be qualitatively improved under the new system? Also, the timeline set out for appeals (15 days to submit and a further 15 days for new evidence) is arbitrary and unrealistic. It often takes a lot longer to get reliable information on changing country conditions (the former Zaire is a case in point, as was Eritrea several years ago). Again, the report seems to be driven by a draconian need for "cost efficiency" rather than adherence to the demands of natural justice.

3. *Not Just Numbers* sets out stricter and somewhat arbitrary timelines for the entire determination process (Sec. 7.10, ii-iii, 1-7). While refugees certainly acknowledge the need for reasonable time limits (especially when it comes to the painful waiting process involved in decision making), they are extremely distressed by the initial claim application deadlines (Sec. 7.10, iii, 2). Within thirteen business days of arrival in Canada, refugees are expected to have a full claim submitted. This is ludicrous. Common sense should reveal that other factors such as traumatization, disorientation, language barriers, lack of procedural knowledge and the need to find shelter and food make this

time deadline almost impossible to meet. It is hard enough to meet the current twenty-eight day deadline for Personal Information Form (PIF) submission, let alone a thirteen-day deadline. Also, it is extremely unclear as to the nature of the claim to be submitted. Is this a PIF? And why are claimants not to be given access to legal counsel until after the submission of a completed protection claim (Sec. 7.10, iii, 3)? The report states that "counseling would be provided at the first opportunity." But are we to believe that claimants would be fairly "counselled" by the very agency to which they are making their claim? Refugee remain quite skeptical.

4. Finally, refugees express concern about the whole "safe Third Country" concept (Sec. 7.10, i). With the current realities of "fortress immigration policies in Europe and the United States, it is doubtful that the safe Third Country provisions will be the just and effective way to "restore the original purpose of international humanitarian law." The report states that "Canada could become the repository for those asylum seekers frustrated by safe Third Country bars in countries much

closer to the source of the migration flow. Some argue that this should be the role for Canada." We are in league with those who support this position. Refugees are legitimately concerned about issues of racism and trade policies coming into play if the Minister is given power to determine safe Third Countries.

Conclusion

In conclusion, we would like to remind the Minister that changes to immigration legislation, especially such sweeping proposals as those made in *Not Just Numbers*, affect real people, not just statistics, not just abstract principles. In writing this submission we have tried to represent accurately the views of the refugees who studied sections of the report, met together with us and shared their hopes, concerns and fears about the report if enacted. We urge careful consideration of what they have said, as it is their lives that are impacted, more than those of others well established here. Listen to the refugees' voices, because, in the end, they are not just numbers. ■

Notes

1. All citations refer to *Not Just Numbers*. □

So That Russia be "Saved"

Anti-Jewish Violence in Russia: Its Roots and Consequences

By Tanya Basok and Alexander Benifand

Toronto: York Lanes Press, 1993; ISBN 1-55014-010-8; 61 pages; \$9.95

The growing popularity of ultra-nationalism and neo-Nazism in Europe and to some extent in North America is truly alarming, and this publication offers a perceptive analysis of the political trends in Russia and their implications for Russian Jews. It provides an historical analysis of anti-Jewish violence in Russia and poses an important question: can those conditions which resulted in anti-Jewish pogroms at the turn of the century re-emerge today?

Dr. Basok and Dr. Benifand argue in this occasional paper that there is a number of clear indications of the popularity of the anti-Semitic and ultra-nationalist ideas not only among the masses and nationalist organizations but in the government as well.

Many of those who have been impoverished as a result of the "shock therapy" or who have grown extremely disillusioned with Yeltsin's reform policies, have become attracted to the solutions such as: getting rid of ethnic minorities, especially Jews, territorial expansion of the Russian federation to include the former Soviet republics, the extension of the Russian sphere of influence in Europe and Central Asia, protection of Russian lands (e.g., the Kurile Islands) and the curbing of ethnic nationalism within the Russian federation. Basok and Benifand's insightful analysis is an excellent attempt to understand the rise of ultra-nationalism in Russia.

Available from: Centre for Refugee Studies Fax: (416) 736-5837 • Email: refuge@yorku.ca

Globalization, Immigration, and the Gender Implications of *Not Just Numbers* in Canada

Jennifer Hyndman

Abstract

The immigration of refugees to Canada has always been gendered. Today, the majority of refugees to this country continue to be male, while family class immigrants are more often female. Social integration and labour market participation upon arrival also vary tremendously by gender, among other factors. The recent Legislative Review, entitled *Not Just Numbers*, has important gender implications for future immigration to Canada. The author argues that the proposals outlined promote economic self-sufficiency and global competitiveness as the basis for future immigration, refugees being the sole exception. The Review is analyzed in relation to Saskia Sassen's work on globalization, immigration, and the "new geography of power." The gendered implications of the Review's proposals are discussed with specific reference to refugees, domestic caregivers, and family class immigrants.

Précis

L'immigration de réfugiés vers le Canada a toujours impliqué une nette dimension de sexe. Encore aujourd'hui, la majorité des réfugiés de ce pays sont de sexe masculin, alors que les immigrants de la catégorie de la famille sont plus souvent des femmes. L'intégration sociale et la participation au marché du travail à l'arrivée varie aussi très fortement, fonction de plusieurs facteurs, dont le sexe. Le récent rapport législatif, intitulé *Au-delà des chiffres* a de nombreuses implications en terme de sexe pour l'immigration future au Canada. Les auteurs présentent ici une argumentation selon laquelle les propositions mises de l'avant dans ce rapport législa-

tif font la promotion de l'autonomie économique et de la compétitivité globale comme fondement de l'immigration future, exception strictement faite des réfugiés. Le rapport est analysé ici à la lumière des travaux de Saskia Sassen sur la globalisation, l'immigration, et la «nouvelle géographie du pouvoir». Les implications sur le sexe des propositions du rapport sont discutées avec référence spécifique aux réfugiés, aux tuteurs domestiques, et aux immigrants dans la catégorie de la famille.

We consider the effect of the global economy on Canada's economic immigration. Our policy model ... maximizes long-term potential benefits for Canada while minimizing any short-term costs ... (Executive Summary, *Not Just Numbers*, 3)

Who fits best and costs least? This is the spirit of the *Immigration Legislative Review*, entitled *Not Just Numbers*, commissioned by the minister of Citizenship and Immigration Canada, and released in January 1998. In this brief paper, I analyze the gender implications of the Review's recommendations across the immigrant/refugee distinction. I argue specifically that the proposal, which suggests separate legislation for immigrants and refugees, also creates the basis for a feminized protection act to assist refugees at a distance and a gender-blind, self-supporting system for all other groups of immigrants. Furthermore, I draw on but amend Saskia Sassen's analysis of immigration as one of the last remaining spaces of sovereign power in the context of an increasingly globalizing economy, arguing that the *Immigration Legislative Review* in fact proposes to fine-tune Canadian immigration policy to promote freer trade in high end immigrants. Citing the report, "[g]lobalization is the code word for the breakdown of traditional boundaries among sovereign nations, economic markets and individuals" (chapter 1,

1.4). The Review advocates recruitment of "modern pioneers" as its self-supporting immigrants, pushing for well-educated, employable candidates who are competent in either English or French. Diversity in culture, class, and source countries, as well as a gender balance, will be more elusive should these proposals be accepted, but the economy should prosper. As Saskia Sassen notes, "[w]hat matters here is that global capital has made claims on national states, which have responded through the production of new forms of legality."¹ In this case, new legislation has yet to be implemented, a fact which provides the impetus for this paper and a basis for discussion as well as action.

Background on the Review

The Review acknowledges lack of attention to gender. The authors state that

[i]n the time available, we were unfortunately unable systematically to check the effect of our recommendations on equality between the sexes. Citizenship and Immigration Canada should undertake such an analysis before formulating its policy, revising the Act and Regulations and establishing its programs. (Chapter 9, 126)

Gender is conspicuously and admittedly absent.

The Review proposes the separation of immigration and refugee legislation. It also argues for the combination of the immigration and citizenship acts, arguing that these latter pieces of legislation are part of continuum (recommendations 1 and 2). Apparently refugees are not part of the citizenship trajectory, and this is reflected in recommendation 5 of the Review in which people are barely mentioned in the objectives:

The Objectives of the Protection legislation should be to: a) Enable Canada to take leadership in the international community ...; b) Fulfil

Jennifer Hyndman, Ph.D., is Assistant Professor in the Department of Social and Behavioural Sciences, Arizona State University, West Campus, Phoenix, AZ, USA.

our domestic obligations with respect to international humanitarian and human rights law; and c) Uphold our obligations by ensuring that we extend protection only to those who require and deserve it.

In contrast, the first objective of the immigration and citizenship legislation is to

Facilitate the entry, whether temporary or permanent, of those persons who will contribute to Canada's prosperity and to the economic well-being of Canadians. (recommendation 4)

The implication of this is that Canada is obliged to protect refugees, but they will not seriously contribute the economic prosperity of this country.

Directions for the Current Immigration and Refugee Situation

A major and controversial feature of the report is a proposed official language requirement. In 1996, 41 percent of Canada's 224,000 newcomers spoke neither French nor English.² Counting official language competence as a criterion for prospective self-supporting immigrants would have a gendered impact. The Canadian Council for Refugees notes that

[f]actors such as official language skills, professional experience and education are all [currently] taken into account, to the disadvantage of refugee women who have less opportunity than men to acquire these skills and experiences. In addition, single women with children are often found to be unlikely to successfully establish.³

Women's access to language training, it should be added, is generally less than that of men due to family responsibilities, societal norms, and economic circumstance.

During the 1997-98 fiscal year, the Federal Government paid Ontario \$95.6 million for adult language instruction; the cost to Ontario for children's language instruction was \$236.2 million.⁴ These figures point to the impetus for ensuring linguistic competence in English or French. While Ontario receives

54 percent of all new immigrants,⁵ the Ontario government plans a drastic reduction in financing for adult education.⁶ At the same time as provinces want the Federal Government to pay more of the English as a Second Language (ESL) instruction, especially for children who fall under provincial jurisdiction, the Federal Government wants to reduce its spending, not add to it. The authors of the *Review* acknowledge one trend that influenced their report: "'tax fatigue,' deficits and debt have imposed severe financial constraints on governments" (chapter 1, 1.5). Starting from this assumption, immigrants should pay for themselves—at the very least.

Separate and Unequal: Immigrants and Refugees in the New Canadian Order

If the recommendations of the *ILR* were adopted, a two-tier stream of immigration would emerge: on the one hand, a gender-blind stream of employable, well-educated, and linguistically competent immigrants and their families; and on the other, a very different refugee stream of newcomers whose "ability to establish" is no longer a question. There are already major differences and inequalities between landed immigrants on the basis of immigrant class, but the changes proposed by the *ILR* would exacerbate these considerably. Just as Nancy Fraser has argued that social assistance is a more feminized stream of government assistance than (un-)employment insurance which serves the formerly employed in a given economy,⁷ so too would the refugee stream be more feminized and marginal to the economy than non-refugee immigrants. The *Review* argues that in order to assist the most needy, namely women and children, the "ability to establish" criteria should be dropped. "... Canada can focus on assisting the most vulnerable, overwhelmingly women and children, as close as possible to their home country" (recommendation 88). The assumption that women and children are more needy than men is not proven, nor is the assumption that the most needy (read: most worthy) refugees requiring

resettlement are located close to their home country where violence or threat of persecution has occurred, rather than at a port of entry in Canada. The implication is that many refugees who arrive at Canadian borders are fraudulent, and while there is no doubt some truth to this, no evidence is presented or case made.⁸ Instead, it is assumed that gender is a constant defining quality of *bona fide* refugee status, a premise which is problematic in international refugee law.

Of the proposed Protection Act, the Office of the United Nations High Commissioner for Refugees (UNHCR) states succinctly, "[t]oo little independence, not enough flexibility, flawed assumptions."⁹ The UNHCR is particularly concerned that the inland refugee determination process would lose its quasi-judicial independence, if handed over to departmental bureaucrats. The "underlying assumption may be that persons seeking protection overseas are more in need than asylum seekers who arrive directly in Canada," said the UNHCR commission; "[i]f so, UNHCR would respectfully disagree." The hierarchy of need for asylum outlined in the *Review* is not codified in law nor supported in refugee policy. It represents, in my view, a political decision driven by neo-liberal economics.

Another important observation relates to the geographical "spacing" implied in this and other recommendations. The most needy refugees, assumed to be women and children, should be assisted as close to their home countries as possible. This attests to a preference to manage the refugee problem "over there," rather than provide resettlement places "over here" in Canada. This vindicates a trend identified by refugee scholars: as states nominally respect their international obligations in refugee law but reduce their resettlement numbers, they have increased financial contributions to multilateral organizations—like the United Nations High Commissioner for Refugees (UNHCR)—in order to manage "the refugee" problem far away from their own borders.¹⁰ Canada and the United States are perfect examples. This

begs the rather obvious question, “protection for whom”—refugees or Canadian borders?¹¹

Wenona Giles contends that refugees are spatially and institutionally divided on the basis of gender. She presents evidence to illustrate that the small group of refugees resettled in Canada is biased towards men, and that refugee women and children tend to be helped in a different way and in a different place—through international aid, generally in camps adjacent to their home countries.¹² Using this gendered socio-political map as a heuristic tool, the *ILR* proposes shifting emphasis from current refugee resettlement to Canada to refugee women and children abroad. While this proposition may sound more gender-sensitive, it is a defensive and rhetorical move to maintain “the refugee problem” at a distance. As Rosalyn Kunin, co-author of the *ILR*, states,

we have no obligation, no legal obligation to protect refugees who are not in Canada. But Canada is a rich and a compassionate country ... we certainly can solve problems for some refugees abroad.¹³

To assist refugees abroad is to prevent them from becoming legal obligations to the Government of Canada in Canada under international refugee law.

The *ILR* recommends that “[t]he Protection Act should enable Canada to exercise leadership in generating international protection-oriented responses to refugee crises” (recommendation 82). While suitably vague, this recommendation says nothing to suggest that Canada should even maintain its current refugee resettlement numbers. In fact, the executive summary (p. 4) states that

Canada should take a position of leadership in developing new models for international responsibility sharing in the identification and resettlement of those in need of protection ... Until such time as those international models are developed and operational, Canada should reinvigorate its commitment to the displaced and persecuted.

The implication here is that Canada should be part of an effort to deal with

refugees in some other manner, but until then the status quo should be maintained.

The target of government-sponsored (or CR-1) refugees in Canada has remained constant at 7,300 for the last four years. In real terms, however, the numbers have fallen because the Government has folded various special groups and programs into this number as the years progressed. Although there is a commitment in the *Review* to screening more refugees overseas (or at least close the source), there is no mention of increasing the numbers of refugees selected there. In fact, numbers suggest that a reduction is already underway. Statistics for 1997 illustrate the permanent residence (or landed immigrant status) was granted to 7,712 government-assisted refugees, 2,658 privately sponsored refugees, and 10,624 refugee claimants through the inland determination system.¹⁴ The number of privately sponsored refugees (2,658) is the lowest for this category since the beginning of the program in 1979. The combination of private and government-sponsored refugees selected overseas (the proposed groups of choice under the *ILR*) amounts to 10,370, also the lowest number for these categories taken together since 1979. Finally, because the number of inland cases authorized for permanent residence is so much lower than government estimates of 14,000–18,000, one can surmise that approval rates for refugee claimants who apply at a Canadian port of entry have fallen.

There is also little evidence to suggest that the political will to increase resources required to increase numbers either here or in the United States (see table 1).

Decreases in Canadian refugee resettlement are not as marked as those in the

United States. Nonetheless, the United States accepted a much greater proportion of the refugee burden than did Canada earlier in the decade. A positive development outlined in the *ILR* is the expansion of the definition of refugee to include evolving human rights norms. This proposal is a good one, but rhetorical if there is no commitment to allow resettlement numbers to reflect an expanded definition and therefore potentially expanded need.

Saskia Sassen argues that “economic globalization denationalizes national economies; in contrast, immigration is renationalizing politics.”¹⁶ Speaking of the United States, she provides evidence that these two processes are simultaneously underway. However, her comments need to be amended in the Canadian context because of a major geographical difference between the two countries, namely, the 2000 mile U.S. border with Mexico and, in practice, with much of Central America. This southern border provides the focus of attention for United States authorities, given the current tide of migrant workers—both documented and undocumented—from further south. Canada is the more controlled position of having only one land border with the United States. One can argue, then, that economic globalization in the *Review* is most closely connected with immigration policy and government “choice” of newcomers. The proposed Protection Act, by contrast, is an expression of national sovereignty and well-being—an effort to “renationalize politics” by attempting to help refugees near the source of the problem, rather than in Canada. “There is,” says Sassen, “a combination of drives to create border-free economic spaces yet intensify border control to keep immigrants and refugees out.”¹⁷ In the case of Canada,

Table 1¹⁵
Annual Resettlement Ceilings for Government-Sponsored Refugees

	1992/93	1993/94	1994/95	1995/96	1996/97
USA	142,000	121,000	110,000	90,000	78,000
Canada	13,000	11,000	7,300	7,300	7,300

the *ILR* implies that it is refugee claimants who must be kept out. All others—immigrants and refugees selected overseas—would be technically controlled by the government. The proposed separate legislation and major distinctions in selection criteria for refugee and immigrant migration moves the direction of Canadian immigration towards greater segregation and ghettoization between the refugee stream of immigrants and the self-supporting newcomers.

Going Global: Harmonization of Immigration & Global Economic Integration

One can argue that the best immigrants are those that can integrate well and contribute financially to the prosperity of the country—a difficult claim to counter. When economic productivity prevails as the defining criteria, however, other characteristics such as social class and cultural background are at risk of becoming less diverse. One of the most progressive exceptions to this scenario in the *Review* is the expansion of the definition of “family” to include common-law and same-sex couples. While this is a welcome move, it seems to be the exception to the proposed rules outlined in the *Review*.

Combining immigration and citizenship in one act, the *ILR* proposes that citizenship standards rise to include “active participation” in Canadian society. Recommendation 31 outlines proposed criteria for citizenship which would include, among other things, active participation in at least two of the following: employment, study, volunteer/community service, and family care. The Canadian Council for Refugees has noted that these criteria discriminate against family care-givers, usually women, who “are often fully occupied in the home and do not have opportunity to qualify for one of the other 3 categories.”¹⁸ Existing patterns of gendered participation in overseas study, the workplace, and the voluntary sector are seemingly ignored.

These criteria of active participation are particularly troubling for domestic care-givers from abroad who currently

provide affordable child care and domestic work to Canadian households. I have serious reservations about the sub-standard terms of employment outlined by the government for these migrant workers who can apply for landed immigrant status after two years work in Canada. I am more perturbed, however, by the idea that these women might be excluded altogether from permanent residence and citizenship. Many of the domestic workers from the Philippines are highly qualified as accredited teachers, nurses, accountants in their own countries.¹⁹ However, it is likely—based on the *ILR*—that they would no longer be eligible for permanent resident status and citizenship. Their education and qualifications would not be applicable to their offer of employment in Canada, which is a requirement for immigrant skilled workers.²⁰ Therefore, they would be considered only for proposed “Foreign Worker Program.”²¹

Currently, these women (mostly women of colour) subsidize our economy by providing time and energy for many Canadian women to participate in the labour force at higher rates of pay. The care-givers in some sense liberate Canadian women (and men) to participate in their communities and to volunteer their time if they so choose. They do so at a very high price, however: most domestic care-givers forfeit their own professional training and post-secondary education to gain experience as a care-giver and learn English working for an employer in Singapore or Hong Kong, so that they can qualify for the current Canadian program. Under the *Review*, they would not have access to permanent residence and citizenship, but be confined to the temporary worker stream. It becomes a moot point that if domestic care-givers were included in the permanent resident stream, would they might still be excluded from citizenship, based on the active participation requirement in which two of four criteria outlined above must be met. Women paid to look after other people’s children, and to clean and cook in someone else’s home are unlikely to have much time for volunteer community work, a second job, or

full-time study. Marginalized not only by their gender and cultural markings, these women would be short-changed on the basis of their non-immigrant status.

In the absence of other options, simply to eliminate this program without careful reexamination would be to eliminate the one racialized and gendered stream of Canadian immigration without further discussion. In their own words, these women are “the Third World in our living rooms.”²² They happen to be well-educated, employable, and competent in an official language too. To relegate them to temporary migrant status with no future in Canada is to cut out the pay off for the sacrifice many of these women make. The point is not simply, however, to preserve the current system of allowing domestic workers to come to Canada and then become landed immigrants, but rather to point out that the very groups that the *ILR* wants to include under the rubric of “modern pioneers” tend to exclude people of colour, in this case women.

Designer Immigrants Only?

Responding to charges that the language proficiency requirement is racist, Susan Davis, a co-author of the *Review* said that “[i]t’s not that we want designer immigrants, it’s not that we want them from English-speaking countries only.”²³ Nonetheless, it is clear from this short analysis that such requirements will weed out some women and people in non-English or non-French-speaking countries from the proposed self-supporting class. The recommended requirements of citizenship, namely employment, study, family care, and community participation, may also have an adverse impact for women who—despite great strides—remain the primary care-givers in families and are also responsible for most of the unpaid domestic work.

While the *Review* calls for “modern pioneers” to come to Canada to generate prosperity, stability, competitiveness, new technology, and global investment (chapter 6, 6.3), the notion of *postmodern pioneers* is perhaps more apt. These pioneer immigrants would be knowledge

workers, armed with a job offer and/or experience in high-end services upon arrival in Canada. They would be at ease moving between cultures and airports in the increasingly borderless world economy. The family class of immigration would remain largely intact and would provide a substantial stream of newcomers to Canada as long as they could speak an official language or finance their own tutoring. The less fortunate temporary foreign workers—with a smaller chance of qualifying—would create a transnational migrant circuit of short-term employees from various locations.

Left in their wake are what I see as the modern, now outdated, pioneers, namely refugees, whose entry is ensured through government-sponsored international agreements growing out of World War II. Accepted grudgingly as part of international legal agreements and humanitarian obligation, these modern pioneers find themselves outside the circulation of voluntary migration on a global scale. They are wards of the increasingly outdated, state-centric system of what is now global political economy. If implemented, the *Review's* recommendations would separate self-supporting immigrants and their families from refugee immigrants more than ever before: the cosmopolitan post-modern immigrant would have little, if anything, in common with the newly arrived refugee who participates in a much more marginal economy of international displacement and migration.

Concluding Comments

The existence of two very different regimes for the circulation of capital and the circulation of immigrants, as well as two equally different regimes for the protection of human rights and the protection of state sovereignty, poses problems that cannot be solved by the old rules of the game.²⁴

It is no surprise that sovereignty is increasingly decentred and the territory of states like Canada partially denationalized. Nonetheless, it is largely a domestic issue that is at the base of current

discussion of immigration. At the heart of immigration debate is the reality that the federal government sets legislation and policy, but does not assume much financial responsibility for the settlement and integration of newcomers. This is an intractable problem, but the proposals of the *ILR* do not represent the best solution.

If implemented, the proposals outlined in the *Review* will create a two-tier system of immigration to Canada: on the one hand, a wave of highly qualified immigrants who are more likely to be male than female given the prerequisite education, language, and skilled employment experience; and on the other, a small marginal group of refugees which will not be assessed on their "ability to establish," but will be chosen from embassies and consulates overseas, rather than accepted from ports of entry here in Canada. This distinction between the best and brightest versus the vulnerable and deserving could not be more starkly drawn.

The *ILR* in this connection proposes very gendered streams of masculine expertise and feminized need. Self-supporting immigrants and their families will be *worth* Canada's while, whereas the handful of refugees accepted for resettlement will be *worthy* of Canada's shrinking humanitarian hospitality. The least desirable group is that which is *not chosen* by either Canadian immigration authorities nor designated employers, namely refugee claimants. Refugees should be helped as close to home as possible, says the *Review*, where they are—in my estimation—no burden to the Canadian economy nor to the taxpayer. ■

Notes

1. Saskia Sassen, *Losing Control?* (New York: Columbia University Press, 1996), 25.
2. CIC, 1996 cited in Virginia Galt, "Language Barrier: Racist or Realistic?" *The Globe and Mail*, 20 January 1998. English-speaking immigrants 52%, French-speaking 4%, both English and French 3%; neither language 41%.
3. CCR, "Immigration Legislative Review and Refugee Women," issued by the CCR Gender Issues Core Group, 4 February 1998.

4. For BC ESL students, the province paid "about \$70 million" annually. See, Editorial, *The Vancouver Sun*, 27 February 1998.
5. Editorial, *Toronto Star*, 2 March 1998.
6. Virginia Galt, "Language Barrier: Racist or Realistic?"
7. Nancy Fraser, *Justice Interruptus* (New York/London: Routledge, 1997); see also "Women, Welfare and Politics," in *Unruly Practices* (Minneapolis: University of Minnesota Press, 1989).
8. Citizenship and Immigration Minister Lucienne Robillard made her point regarding fraudulent in a recent report to a House of Commons committee ("Grit Tough on Aliens, More Getting the Boot: Minister," *Globe and Mail*, 30 April 1998). She noted that the deportation of illegal immigrants and refugees is up 36.5 percent in 1997 as compared to 1996; "4,800 bogus refugees go the boot, an increase of more than 95%."
9. Bruce Cheadle, "UNHCR pans some proposed changes to Canadian refugee system," *The Vancouver Sun*, 18 April 1998.
10. Bill Frelick, "Preventing Refugee Flows: Protection or Peril," in *World Refugee Survey 1993* (Washington, DC: US Committee for Refugees, 1993); UNHCR, *The State of the World's Refugees: A Humanitarian Agenda* (Oxford/New York: Oxford University Press, 1997).
11. I am grateful to Dan Hiebert for this particular phrasing of the issue.
12. Wenona Giles, "Aid Recipients or Citizens?: Canada's Role in Managing the Gender Relations of Forced Migration," in *Development and Diaspora: The Gender Relations of Refugee Experience*, edited by W. Giles, H. Moussa, and P. Van Esterik (Dundas, ON: Artemis Enterprises, 1996).
13. Rosalyn Kunin, "A Discussion of the Immigration Legislative Review: Not Just Numbers: A Canadian Framework for Future Immigration" presentation to the Research on Immigration and Integration in the Metropolis Project, Vancouver, 17 March 1998.
14. This information was provided by CCR based on CIC statistics in CCR listserve communication April 23, 1998 issued by Janet Dench.
15. Sources: U.S. Department of State, Department of Justice, and Department of Health & Human Services "Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1996," July 1995. Pre-publication copy; "Report to the Congress on Proposed Refugee Admissions for Fiscal Year 1995," September 1994; most recent numbers are taken from the State Department web site at <<http://www.state.gov/www/global/prm/FY97refugees.html>>. Canadian

totals are announced every November 1st; they come from Citizenship and Immigration Canada and were confirmed for the purpose of this table by the Immigrant Services Society of British Columbia.

16. Saskia Sassen, *Losing Control?*, 59.
17. Saskia Sassen, *Losing Control?*, 86.
18. CCR, "Immigration Legislative Review and Refugee Women," issued by the CCR Gender Issues Core Group, 4 February 1998.
19. Marie Boti and Sr. Florchita Bautista (directors), *Brown Women, Blonde Babies*, (Montreal: Productions Multi-Monde/Le Vidéographie; Vancouver, B.C.: Idera Films [distributor], 1991).
20. See recommendation 50.
21. See recommendation 75.
22. Marie Boti and Sr. Florchita Bautista (directors), *Brown Women, Blonde Babies*.
23. Susan Davis cited in Virginia Galt, "Language Barrier: Racist or Realistic?"
24. Saskia Sassen, *Losing Control?*, xvi. □

Breaking Ground:

The 1956 Hungarian Immigration to Canada

Edited by Robert H. Keyserlingk

Toronto: York Lanes Press, 1993; ISBN 1-55014-232-1;
117 pages, \$6.99

This book is a collection of personal and archival-based memories on the selection, transport and settlement of about 40,000 Hungarian refugees in Canada in one year. It is a source of primary record as well as scholarly reflection on one of the most significant refugee movements to Canada after World War II—the 1956 Hungarian refugee movement.

Based on papers that were presented at a 1990 conference, the authors touch on the unique political, administrative and settlement features of this movement. The resulting work, edited by Professor Keyserlingk, is a unique mix of personal reminiscences and academic scholarship.

Available from:
Centre for Refugee Studies

Legitimate and Illegitimate Discrimination: New Issues in Migration

Edited by Howard Adelman

Toronto: York Lanes Press, 1995; ISBN 1-55014-238-0; 287 pages, indexed; \$22.95

Freedom of movement: If the members of a state are forced to flee, the legitimacy of that government is questionable. On the other hand, if members cannot or must leave, again the government is not democratically legitimate.

Immigration control: While limiting access and determining who may or may not become members of a sovereign state remains a legitimate prerogative of the state, the criteria, rules and processes for doing so must be compatible with its character as a democratic state.

Legitimate and Illegitimate Discrimination: New Issues in Migration, edited by Professor Howard Adelman, deals with the question of legitimacy with cases studies from the Developing World, Europe, Australia, the United States, and Canada.

CONTRIBUTORS:

Rainer Bauböck, Howard Adelman, Gaim Kibreab, A. Essuman-Johnson, Grant M. Farr, Lawrence Lam, Oscar Schiappa-Pietra, Tomas Hammar, Frédéric Tiberghien (in French), Lois Foster, and Arthur C. Helton.

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Middle East and Southeast Asian Refugees in Canada and Finland: Case Studies in "Mature" and in "Incipient" Multiculturalism

Kathleen Valtonen

Abstract

In this article a case study of resettling Middle East and South Asian refugees in the Metropolitan Toronto area is presented and juxtaposed with a parallel study conducted in Finland. The main strategies for labour market participation in Canada were education, "volunteering" and networking activity. The agency principle was pronounced. Inter-ethnic accord is evident at individual level, while at the group level of collaboration it is more elusive. The large size of the communities and Canadian multicultural policy allows for a decentralized style of intra-community activism, but in Finland, the mode of issue-focused civil and political activism across groups could enhance participation of small communities.

Précis

Dans cet article, l'étude du cas de la relocalisation de réfugiés du Moyen Orient et du Sud-Est Asiatique dans la région métropolitaine de Toronto est présentée et mis en parallèle avec une étude similaire menée en Finlande. La principale stratégie de participation au marché du travail au Canada sont l'éducation, le volontariat et les activités de prise de contact et de constitution de réseaux. Les principes de l'agence sont formulés explicitement. L'accord inter-ethnique est évident au niveau individuel, mais plus évanescent au niveau de la collaboration collective. Au Canada, la vaste dimension des communautés et la politique multiculturelle canadienne encouragent un style décentralisé d'activisme interne à la communauté. En Finlande le type

d'activisme politique et civil orienté vers des questions spécifiques pourrait permettre une accentuation de la participation des petites communautés.

Introduction

Changes in migration flows during recent decades are affecting countries like Finland, which are no longer on the periphery of routes, as well as the more traditional countries of immigration such as Canada. There has been a much wider diversity of areas of origin of migrants and refugees, who come from cultures which were hitherto unfamiliar to the receiving societies. Under the auspices of humanitarian immigration in Finland, groups of very diverse geographical and cultural origin have been resettled during the previous decade. In Canada, the range of diversity in immigrant groups rose with the 1967 *Immigration Act* which marked the change in immigration policy away from Eurocentric bias to a universalistic and non-discriminatory direction. The ongoing responsibility of resettling and integrating new minorities is a challenge to policy-makers and publics in the receiving states.

In this article the integration process of resettling Middle East and South Asian refugees in the Metropolitan Toronto area is examined, using case study methodology. The study is basically an exploration of the integration process. The findings are discussed in the light of a parallel case study conducted in Finland during the same period, introducing a comparative dimension in the latter part of the article.

The frame of analysis for integration is societal participation. Societal participation as a conceptual framework for integration, is broad enough to capture into the one construct, central spheres of integration, and thus to lay the basis for a holistic picture of the phenomenon, which is an aim of this

study. Societal participation refers here to the participation of refugees in the economic, social, cultural and civil/political spheres of the resettlement society. Societal spheres represent a comprehensive matrix for investigation, but they are not discrete participation areas. In order to facilitate investigation, they are collapsed into the following participatory arenas: labour market participation and related educational activity; social interaction; acculturation (two-way cultural integration between the resettling groups and the majority society); and civil/political participation.¹ Societal participation can also be conceptualized as "institutional participation," or participation in the formal and informal institutions of the surrounding society.

Participation in the above sense, constitutes objective aspects of the integration process. In order to explore the subjective, or life quality aspect, participation is examined in the present study in relation to the subjects' self-reported goals. It is an assumption in the study, that the gap between goals and actual participation is an indication of life quality or its absence. If participation is harmony with goals, I assume this to be an indication of life quality in that integration is proceeding in a manner satisfactory to the resettling persons. On the other hand, serious inconsistency between participation and goals would indicate an unsatisfactory condition and hence poor life quality. The gap between goals and actual conditions has been found to be a good predictor of life quality (see Ross, Eyman and Kischuk 1986). In this study, participation is understood to be a phenomenon corresponding to "actual conditions."

Theoretical Framework and Constructs

Integration theory deals with a very complex phenomenon, and is necessar-

Kathleen Valtonen, Ph.D., is a researcher at the Department of Social Policy, University of Turku, Finland. She is currently conducting a study on how labour unions and employer associations influence immigrant employment in Finland and Canada.

ily multifaceted. Integration can be seen as proceeding along cultural and structural dimensions. Cultural integration denotes cultural exchange or acculturation, while structural integration is a term used for institutional participation, including a degree of assimilation into the formal institutional structures of the receiving society (most frequently the economic and political/civil) (see Kallen 1995, 152–62). The above conceptual matrix is roughly co-terminous with the analytic framework of economic, sociocultural and political/civil spheres used here. However the present participation concept brings to the study a more 'actor' centred focus.

From a social-psychological perspective, Berry (1996) identifies two criteria for integration: retention of cultural identity and the establishment of ties with outgroups. These criteria are embedded in the acculturation and social interaction aspects of scrutiny in the present study. In the current integration discourse, the right of resettling individuals and groups to retain their cultural identity is hardly contested. However, with the possible exception of officially multicultural societies, the retention of culture and ethnocultural identity may in practice be feasible only in informal circles. Harrell-Bond (1986, 71) has proposed that integration is a "situation in which host and refugee communities are able to co-exist, sharing the same resources—both economic and social—with no greater mutual conflict than that which exists within the host community." While Harrell-Bond's definition applies mainly to countries of asylum in the developing world, this author raises the important question of competition over resources in resettlement society, and indirectly, that of community and intergroup relations, which are salient issues in integration research.

In this study, I adopt a working definition from Breton (1992), in which *integration refers to the process by which immigrants become part of the social, cultural and institutional fabric of society*. As is practical in the qualitative methodology, the definition chosen is broad enough to accommodate the range of

anticipated participation phenomena, as well as others that may arise in the course of the research. Breton (1992) has also brought out the importance of individuals' and communities' capacity-building activity which is often crucial to the integration process.

Methodology

The research method in both the Canadian and the Finnish case² was based on semi-structured, in-depth interviews of 1½–3 hours in length. The interview questions were open-ended, covering issues related to the main fields of participation, such as educational and professional background; language skill; labour market participation and employment strategies; support and interaction networks; relations with majority society; organizational activity, civic and political activism; and cultural integration. The sequencing of themes was flexible. For the subjects, the interview relationship was largely one of the sharing of resettlement experience that was constantly going through a process of collective reflection in the communities. The dialogue yielded information on individuals' situations and, especially in the Canadian case, drew upon the communities' cumulative immigration experience. The perceptions and meanings given to phenomena had a robustness derived from the common experience. The dialogue was, in this way, often lifted out of the personal perspective to the social one. The case in Canada may have lost some "uniqueness" in this medium of general reflection. There was a slight trade-off between "uniqueness" or the intrinsic quality of purely individual experience, and deliberation at a developed stage. In any event, this was not disadvantageous in medium of qualitative methodology. The procedure of "coding" entailed fracturing and reorganizing of the raw data. The findings are presented according to participation area.

The interviews were conducted in fall 1994–spring 1995. The field work in Toronto extended over a period of nine months and involved participation in some community activities and partici-

pant observation. In addition I collaborated on this site with six research informants who were themselves settlers of some other national origin, but possessed considerable experience in resettlement work with the communities examined in the study. The field work in Turku benefited from my previous experience in settlement work with the communities under study, and subsequent periods of participant observation.

In the Toronto Metropolitan site, the case comprised 24 individuals originating from Islamic countries in the Middle East and South Asia (Iran, Iraq and Afghanistan). The second case resettling in the Turku city environs in southwest Finland, comprised 29 individuals originating from countries in the Middle East (Iran, Iraq and Kuwait). From the research perspective, the dominant characteristic in both cases is their refugee background. They had arrived in the context of involuntary migration and in the aftermath of complex sociopolitical displacement phenomena which have remained largely unresolved in the interim settlement period. The cultural gap in resettlement is, in both cases, deeper than if resettlement had been possible in neighbouring countries or in the region of origin. In the Finnish case, which had arrived in the early nineties the subjects' period of residence was between one and five years. In the Canadian case, eleven subjects had resided under five years, but thirteen of the group had been resettling over a longer period (5–10 years). The spread of the subjects' residence period in Canada was roughly similar in the national groups which all included persons who had arrived nearly ten years previously as well as those who had come more recently.

Even though origin in Islamic society is an underlying linking feature among the subjects, there is considerable variation among individuals in the adherence to, and practice of Islam. The subjects themselves have emphasized religious and other innate diversity in communities. For example, the resettling groups under study here include persons who are highly educated, of "middle class" urban backgrounds, as

well as individuals for whom resettlement into cities in Canada or Finland, also represents a "rural-urban" transition. The weight of the investigation is, however, upon the integration issues and tasks which they face as newcomers and minorities in the resettlement environment³. The populations under study displayed strong intra-group cleavages along political, ideological and confessional lines. Intra-group differences are probably of the same order as inter-group variation, including ethnonational variation, a circumstance which argues against using purely ethnonational characteristics as sampling criteria.

Canada and Finland as Settlement Countries

Both Finland and Canada are advanced welfare states that include immigrants as members with the same rights to social welfare as other citizens. Settlement into this type of society means that a basic level of financial security and services offset, to some extent, the risks of unemployment, sickness, disability and old age. At the time of the study, the labour market situation in both countries was difficult.

Immigration policies of Canada and Finland are different. Organized immigration has been seen as part of the strategy for building the demographic and economic base in Canada, which reports one of the highest levels of immigration in the world (Thomas 1994). Immigration policy that was liberalized in the late sixties, promotes a socio-economic cross-section of immigrant admission, with selection procedures emphasizing employability. In recent years, the annual immigration figure has been around 210,000 persons, including all classes of immigration. Attention has been drawn in the mid-nineties to the changed profile of the flows, brought about by high levels of family reunification and sponsorship, in which selection criteria cannot be uppermost. The sponsorship program has facilitated the reunification of wider kin circles, conditional upon financial obligations being met by the

sponsoring person over an agreed number of years.

In Finland, there has been no period of foreign labour immigration. The utilitarian aspects of immigration have not been discussed a great deal, as Finland is not currently in need of additional labour force. The level of unemployment during the recession of the 1990s, has been around 16 percent. Immigration policy remains restricted or "controlled," except within the context of the European Union, of which Finland is a member. On the other hand there is a substantial flow of "return ethnic migration." In addition to regular return flow, persons coming from the area of the former Soviet Union who are of Finnish origin, are entitled to reside permanently in Finland. The annual rate of intake is around 2,000, and since 1990 approximately 15,000 "returning ethnics" have already settled in Finland. Non-European immigration arrives mainly within the category of humanitarian immigration, which is organized under United Nations High Commission for Refugees (UNHCR) and state auspices. The refugee resettlement program is ongoing. Around 1000 persons are received per year, including quota, humanitarian and "spontaneous" categories.⁴ Since 1973, when the first group of Chileans were resettled, about 15,500 refugees have been received, the main countries of origin being Vietnam, Somalia, Iran, Iraq and the former Yugoslavia. Refugees form approximately 0.3 percent of the population, and for them there are clear provisions for reunification of immediate family members of the two generation family. Immigrants form 2.2 percent of the population, the main groups originating from neighbouring countries such as Estonia, Sweden and the Former Soviet Union. This figure includes "returning ethnic" migrants.

The "Canadian" Case

In Toronto, interviewees were accessed through numerous community organizations and contacts. The target group was purposefully sampled,⁵ and included six persons involved in settlement services and three who were

volunteers in the same sector. In addition to their own personal experience of refugeedom, these persons were able to share valuable insights and experiences from the communities they served. Data were given an added dimension of community as well as personal perspective. In using direct quotations, I have altered the names of the subjects to maintain confidentiality.

The target group is not representative of populations from which they are drawn, and findings cannot be generalized to the whole entity. However, as in qualitative research, the findings can deepen our knowledge and generate insight into the complex processes involved in refugee settlement and integration, in this way, assisting theory-building.

A brief profile of the target group's social characteristics will facilitate contextualizing of the empirical data. Half of the subjects were male, and half female. The age range was 20–65 years, almost the entire span of labour force eligibility. The educational background of this group was strong: 14 persons had reached high school level, or higher education; five had intermediate level and five elementary level schooling. The unemployed were in the majority (14), while among the employed (10 persons), six were connected with settlement service provision. One-third of the subjects were still awaiting family reunification. The group was roughly divided between those who had been resident between one and five years, and those who had resided for longer periods, between five and ten years.

Participation in the Economic Sphere

In investigating the subjects' labour market situation, I also sought information on their educational and professional experience prior to resettlement, and on the employment strategies which they used. In this group with a relatively high education level, nine persons had already had a considerable amount of professional and working experience in their home country. Of these, five were employed. However, in the target group, none of the ten em-

ployed subjects had found occupations corresponding to their qualifications and experience. Some had found work that was somehow related to their field of expertise/experience, but had experienced severe occupational downgrading, as for example, from electrical engineer to electrician, from owning a footwear enterprise to shoe repair. Others had managed to relocate into another area. Of the thirteen who had arrived earlier, seven were in employment, but they had not been able to achieve over time, the required degree of upward professional mobility to reach equivalent socio-economic status. Thus on the basis of these data, educational/professional background and longer length of residence do not seem to have had significance for labour market entry, or for upward occupational mobility.

It is evident that employment, of whatever kind, denotes a tangible outcome of integration effort. Those in employment had in different ways achieved financial independence and the active/productive role and status that participation in the labour market brings although admission to the labour market was attained at the price of underemployment, or in some instances, relocation. Professional relocation was not reported as a disadvantage. The interviewees who were employed in the human service and settlement field felt that they were at least in useful roles and that they were engaged in meaningful work.

At the time of data collection, the labour market conditions in the resettlement society were very difficult. Facing a situation of job scarcity, those who had not yet located work, were, like their local counterparts, having to engage in innovative and long term strategy to gain labour market admission. The main strategies involved activity in *education* (such as training courses and further education), "volunteering" in the public sector institutions (e.g., hospitals, schools) and *networking* in the job search.

Training courses were considered by the subjects to be effective, not only on account of the additional expertise

gained but also because they could provide contacts to the labour market. The ability to access a course appropriate to their specializations, and which would place them in a better position in the job market, was highly valued by subjects. The course teacher, too, was seen to function as a concrete link to the labour market. Through his/her instrumentality, valuable information, tips and contacts were passed on to the students who would otherwise, as newcomers, have no avenue to specific and current information.

Through volunteering, or voluntary activity, the formal merit of work experience in the Canadian setting was obtained. In one sense, relations of interdependence with the resettlement society became reinforced, as individuals offered their time and services free of charge in a useful way to the community. The engagement in volunteering activity was felt to be "two-way" and at times strongly binding. A female subject, related that she assisted a terminally ill co-ethnic during her period of illness at the hospital. She explained her role and the nature of the assistance she could render: "When one is in crisis, one needs to communicate in one's own language. In one's mother-tongue, it is possible to convey so much more." Volunteering thus involved people in a special way in the community, apart from being a means of acquiring the formal merit.

Individual networking for employment opportunity was heavily emphasized in the settlement services, especially by immigrants with longer resettlement experience. In the well established Iranian community, for example, accumulated practical experience in the job search and labour market participation, when shared, can be an empowering element for newer members of the community who are seeking employment. Among the subjects, the agency principle (the efficacy of the individual to influence his own environment, and "take charge" of his own life situation) seemed to be uppermost in the job search. One settlement worker described in detail how he instructed a timid client on finding his way to, and

approaching officials and potential employers. These skills are also focused upon in orientation courses for immigrants. The preliminary labour market stage was clearly regarded as one of goal-directed activity. The employment strategies in the communities, and the emphasis on "agency" in settlement services, suggest that Canadian multicultural policy, in explicitly underwriting the membership of immigrants in the society, may confer at the same time, an implicit mandate on them to seek out and pursue opportunity on their own initiative.

Canada and Finland Compared

Continuing education and labour market training have come to occupy a central place in labour market relations both in Canada and in Finland. Persons of labour force age are becoming used to mobility and re-training in the job market as intrinsic phases and preconditions of labour market participation. In this regard, the dimension of "capacity building" comes into question in the integration process (Breton 1992). While this condition applies to the majority society and immigrants alike, the terms of participation are not equal. As mentioned above, locating employment at a level corresponding to qualifications is a problem which is often encountered by resettling individuals. Several of the subjects were encountering difficulties in transferring their professional skills and experience, even though accreditation procedures have been established.

A level of labour market participation that does not correspond to qualifications and experience constitutes a leakage of human capital for the receiving society. For resettling persons of higher educational background, requalification as an integral part of relocation, naturally postpones the development of labour market ties. A graver problem arose when age and the family situation of subjects would eventually rule out their possibility of undertaking several years of equivalency studies and practical training. A serious hurdle in the target group was financing since opportunities for ob-

taining support for studies had shrunk, and was in most cases not available. Subjects pointed out that for persons without sufficient economic resources or for those with dependents, lengthy accreditation procedure was not a realizable possibility, unless they could combine work and study with family responsibility. In this target group, subjects with a strong educational background had invariably tried to become requalified. Some had had to give up for personal or family reasons, others were still in the process of re-acquiring qualifications or were seeking skills in other fields, such as those individuals who were volunteering in the social services.

Personnel in the ethnospecific settlement services (orientation and settlement services organized by the immigrants as part of the multiculturalism system) expressed concern over the fact that immigrant professionals' prospects were often low in comparison with that of local professionals, materializing not unusually in gas station or convenience store jobs, which are in general the temporary starting point for local youth. Settlement worker Kazim, described the difficulty:

A young person can perhaps study for the additional qualifications required. But an older person with a family to support, cannot afford the time taken for exams and studying. They give up and take whatever employment is available. For financial reasons, they drop out of their career.

The predicament of resettling professionals is exemplified in the case of immigrant physicians in Ontario. The "uncertain quality" of Foreign Medical Graduate's (FMG) professional education has been raised as a core argument in the prevailing stand on the limited entry rate of FMGs into professional practice.⁶ Limited internship opportunities as well as underaccreditation also raise the threshold to employment.⁷

In Finland, a similar situation exists among, e.g., engineers and doctors, although the resettling populations are smaller. The unemployment rate of immigrants has been three times higher than the average, and is marked in the

groups under study here, which arrived more recently and are more highly educated. Trained teachers in the Finnish target group had been teaching in the refugee camps. They cherished the goal of finding work or at least a place to study in Finland. The process of gaining admission to higher education institutions was not simple. One subject stated: "I had a different idea of Scandinavia—the reality is that there is no work ... and the opportunities to study depend on so many conditions." The same subject explained that he (and others like him), had been unable to continue their university studies in their home country, because they had been disqualified during the political screening when officials had delved into the political past of all their kin.

One subject, Maryam, had a background in civil engineering in Iran.⁸ She was one of those who had invested considerably in their professional training, and was steadfast in seeking a way to become requalified and utilize her human capital appropriately. She expressed it this way:

After the first three needs, when one has already a "quiet life": one is free, there is enough to eat and one has a home, there are other things to attend to. Education has not been handed on a silver platter, one has made an investment in it for a better life, and it cannot be thrown away.

The employment objective of the highly educated would demand extra manoeuvres in resettlement. For these persons, resettlement has brought the "quiet life." Although security is highly valued, it is questionable whether it can continue to generate life quality indefinitely and compensate for a gulf between professional goals and reality.

The Afghan Predicament

Unemployment among Afghan subjects in the target group, signified a very deep gulf between priorities and goals. Dependence upon basic welfare type allowances, meant that they were lacking resources to render material assistance to kin and close relatives in precarious circumstances in first asylum and in zones where civil strife still endanger

life and limb. The dilemma of the Afghan subjects is common to other refugees whose close circles are still facing problems of survival in the home country or in first asylum. Fatima explained:

Everyone has brothers, sisters or parents in the countries of asylum. International assistance has been stopped, since Afghanistan is considered safe for return. They are without work, without food, without medicines ... If they were in a camp, or under international protection, it would be a very different situation from what it is now. But the authorities think that it is time for Afghans to return and have stopped assisting them ... When there is no international assistance, refugees become weaker and are vulnerable to diseases like malaria. I received a letter recently from my brother. He writes for help, no matter how small ... their situation is getting desperate ...

Subjects felt responsibility for assisting their relatives. They wished also to sponsor them to the country of resettlement. Both these tasks hinge upon the ability to generate income from work. Unemployed persons are not accepted by authorities as sponsors as the former are not in a position to comply with the conditions of sponsoring, i.e., to assume financial responsibility for the sponsored relative/s over the prescribed number of years after arrival. The frustration and anguish at not being able to alleviate the situation spring from the culturally based family cohesiveness and extended kinship network solidarity (see Hatch Dupree 1990) in the Afghan community. Integration and participation in this community, emerged as a process with collective as well as individual ramifications. The order of resettlement goals is reversed when the subjects' own secure situation is taken into consideration. As a spokesperson for the community explained, "We put first our parents, our children, our nieces and nephews, our brothers and sisters. Our ways are not self-centred." Fahima, a young mother said:

I will do any kind of work. We realize that we are immigrants. We are young, we can do anything and are willing to take whatever we can get

... but we seem to have no chances at all.

The interviewee quoted above spoke for a group of others who have been hoping and trying to sponsor some of their close relatives out of first asylum conditions for over twelve years. The scarcity of jobs was compounded by their lack of language skill. Being able to access language training, in turn, depended upon the availability of child-care facilities. The situation in this group indicated that the existing scope of settlement and other services was not adequate for their empowerment in the integration process. For some women who were wanting to work or attend language courses, the inaccessibility of child care facilities, combined with travel distances ruled out their chances at the time.

Participation in the Socio-Cultural Sphere

In this area of participation, the interview questions relate to intra-community relations, inter-group relations and out-group relations in general. When asked about inter-ethnic relations, subjects were never at a loss to reply. One subject proposed that "the weight of the communities automatically puts all nationalities on an equivalent footing as Canadians, since neither the Anglo-Saxons or the French are in the vast majority." In urban immigrant concentrations such as Toronto, the fact that even smaller groups are of substantial size, reduces majority-minority bias in relations. A type of official cultural equity among groups has been negotiated through multicultural policy's recognition and legitimization of the place of distinct ethnocultural entities within the nation.⁹ This explicitly stated inclusion of minority groups is valued by resettling communities and minorities such as, e.g., Assyrians whose status in their own homeland has been problematic.

For another subject, the initial impression of Canadian multicultural society remained vivid:

It is difficult to explain how it was when I first came to Toronto ... it felt like an ocean of different people. I

had lived in Iraq where I had always been part of the society. In Spain [the subject's country of transition before resettlement in Canada] one would still feel different after living many years there. For example, if I went to church, I could not understand anything at the beginning, as I did not at first know Spanish. I felt as if I were deaf. A person needs somebody with whom to talk, and especially in your own language. Without this one can become afraid.

Communities of viable proportions, such as those that have developed in Canadian cities, offer a liberating effect in many areas of participation. There is scope for choice in informal interaction as well as in the developing of formal associations. In national groups under study, in which political, ethnocultural and other cleavages persist, it is not possible to achieve cohesion at overall group level. A degree of cohesion is generally achievable at the micro-level of sub-groups and circles. (See Valtonen 1994; Gold 1992 for similar findings in other resettlement countries). Large communities offer scope for intra-group structure, whether they be spontaneously developed informal support circles, or formal associations with differing missions. As a rule, the decentralized nature of community organization in Toronto seems to have grown out of the imperative of establishing several focal points in each community, to accommodate the intra-group variation along sociocultural, confessional, political, ideological and other lines. Multiculturalism, or the cultural "mosaic" model, has been developing for over two decades in Canada. Over time, the initial goal of inclusion of diverse cultures into the national fabric has evolved also into anti-racism and equity promoting action. The decentralized pattern of community organization represents a blueprint for activism and participation on a broad front. It reflects the heterogeneous composition of ethnic groups and seeks to address the spectrum of their resettlement needs and aspirations. In this sense, the present style of activity can be seen as the *modus operandi* of the multicultural mosaic.

Multiculturalism is not an easy phenomenon to track from policy into implementation. For example, the overcoming of sectarian attitudes and intra-ethnic cleavages has not been systematically addressed by multiculturalism in Canada except through the ethos of inclusiveness that characterizes multicultural programs. Nonetheless the officially declared principle of "unity in diversity" has functioned in legitimizing a place for all ethnic groups and in introducing order and community pride to a large scale resettlement program (see McAll 1990 for a fuller discussion of Canadian multiculturalism).

In a culturally plural urban centre like Toronto, outgroup interface is multifaceted. Social interaction as well as acculturation is happening on many fronts. As one subject described,

The multicultural situation has brought together people of many backgrounds and cultures. We do things together, we meet every day and slowly learn to know each other better. We may value this one for his honesty, that one for his friendliness, and so on, not only for the similarity of background. Understanding increases on another basis. We find other commonalities. Multiculturalism is, in a way, a success in that we live in one place, we are "forced" to attend the same schools and are "thrown in" with each other. We can relate to each other, we find that we are all Canadians. The citizenship certificate or paper does not in itself accomplish this.

The interethnic accord, which is one of the central aims of multiculturalism, is thus evident at individual or personal level, even though at the group level of collaboration it may be more elusive, and not easily realized through formal measures. Survey data from a study commissioned in 1991 by the Department of Multiculturalism and Citizenship have indicated a direct correlation between cultural pluralism and tolerance level in the community (Lindström 1995).

Separation in the family unit of involuntary migrants profoundly disturbs the most basic relationship network. In

the target group it was observed that prolonged periods of waiting for family reunification were usually very dysfunctional for the adjustment and integration process. One subject with experience in settlement service stated that in some cases, integration would begin in earnest only after five years, if such was the period before the "nuclear" family could be reunited. Family reunification is naturally the fundamental priority in cases of extant family separation. Problems in this area are psychologically enervating with the result that progress towards full participation in the surrounding society is obstructed.

The subjects cherished autonomy in selecting their close circles among co-ethnics. Such behaviour was explained as a security precaution in divided communities. In the immediate aftermath of civil conflict in the country of origin, even co-ethnics cannot be trusted indiscriminately. Underlying the very purposeful selection of circles is possibly a wish to avoid social control of the wider ethnic community. A select reference group can be a socially liberating milieu for interaction. Individuals may be making an effort to define themselves in social rather than in ethnic terms which tend to subsume individuality into a cruder category. This feature of "social self determination" is also very evident in the intra-group interaction dynamics of other resettling groups, e.g., Vietnamese (Valtonen 1994; Knudsen 1991).

Cultural Retention and Acculturation

The maintenance of culture and the organization of cultural activity is not difficult in large ethnic communities. Moreover, multicultural policy in Canada formally supports ethnic-based activity, not only from a "folkloric" aspect, but also in the practical context of so-called "ethno-specific" settlement services, organized by ethnic and other community organizations. Ethno-specific settlement services are developed in the large population centres where there are concentrations of immigrants and immigrant communities. The ethnospecific sector programs

have their own niche in the social service network, focusing on the whole field of settlement, while bridging to the mainstream service network. They are administered and implemented by persons who have themselves come as immigrants or refugees, and can, in a singular way, address the needs and problems of newcomers on the basis of their experience and skills. Workers from the communities can exploit their language skills and cultural competence in addition to professional skills for settlement work which are acquired through training courses.

Ethnospecific organizations in large cities have developed a wide range of services, including counselling, advocacy, referral, information dissemination, workshops and training in life skills, language courses etc. The quality of service is enhanced by communication in clients' own languages (as needed), as well as by appropriate ethnocultural approaches and methods when the need arises. The ethnospecific sector constitutes a level of institutional completeness in that some of the community's most crucial needs can be met in the medium of their own culture and institutions.

The danger of ethnic organizations encapsulating their ethnic clientele is countered by the availability of service alternatives. In sizeable ethnic communities, there are usually a few agencies. Settlement agencies can also function on an inter-community basis, targeting their services across ethnic, cultural or linguistic groups, as for example, The Arab Community Centre of Toronto, Southeast Asian Services Centre. The multicultural approach in service provision seems to be becoming more common in ethnic community organizations. The other service alternatives include mainstream (municipal) agencies and focused resettlement services, e.g. the Immigrant Womens' Job Placement Centre, Neighbourhood Centres etc. Subjects used the ethnic services selectively, and, because of the range of options, were not a captive clientele.

Some appraisal of the ethno-specific sector is in place as it is one tangible manifestation of Canadian multi-

culturalism policy as it has proceeded from the "folkloric" culture-emphasising stage toward programs that profess anti-racist, antidiscriminatory thrust and empowerment objectives. The sector, a quasi-public service area, has been developed in a niche that has been carved out for minority institutions. Services as well as service positions and professions have been generated. The ethno-specific sector is characterized by its employment of immigrants. This can be described as a form of positive action which promotes empowerment through proportional "representation" at institutional level.¹⁰ In another way, it also constitutes a direct measure for facilitating immigrants' participation in the economic sphere, as it has generated services that strongly support users' strategies to the labour market, e.g., courses on job interview techniques, telephone negotiation, CV writing etc.

From another utilitarian aspect, the sector has brought community assistance mechanisms into the formal professional sector, without losing the spontaneous community level dedication. The commitment of subjects in this sector are based on meaningful relations with, and as, community members. This not only enhances service, but also permits ethnic personnel to contribute effectively to the resettlement of their own communities.

The ethno-specific sector, as well as multiculturalism itself, has its critics. Ethnocultural settlement services are limited in scope to immediate tasks of settlement and seem to lack the capacity to assist, for example, those who are negotiating the "gates" of the professional associations and labour market. The ethnospecific sector is not seen to be at the cutting edge of critical integration issues of power and social inequality, although they do give voice to minority opinions. Whether their mandate extends to those areas is not clear. The growth of the ethno-specific sector has been accompanied by the danger of too much emphasis being given to the ethnic profile of resettling populations and the risk of unduly competitive relations at the inter-community level. In practice, the trend toward cross-cultural and

multiethnic service moderates the potential for conflictual configurations.

Political Participation

Subjects were asked about participation in party politics and ethnic-based political activism. There were few indications in the target group of actual participation in community-based pressure groups or in other forms of political action. There were strong indications that a background of political activism would not necessarily furnish a basis for activism in resettlement. On the contrary, in the Iranian, Iraqi and Afghan groups under study, a previous background of political activism and commitment tended to limit sharply the capacity for interconnections in the community as a whole.

Political activism in a resettlement context would call for refocusing on locally salient issues and reworking of affiliation. Activism requires familiarity and first hand experience with the sociopolitical field before interest can be transformed into aggregate demand, involvement and action. Questions of representation and interest mediation would also need to be negotiated on the basis of some level of intra-group consensus, which seemed to be an elusive quality. Nonetheless, at the time of the study, several subjects with longer resettlement experience, had made enquiries or were otherwise keeping themselves informed of interest-based activism initiatives in the communities.

In the target group, persons with interest in participating in electoral and extra-electoral political activity, indicated that they sought, or would seek, direct affiliation to mainstream parties. The data indicate that these individuals are making independent choices on their style of civil and political participation. Many would prefer not to be confined to ethnically based channels and immigrant interest groups, even though such inter-organizational fora do exist and attract participants.

Gender

An issue brought up by some of the subjects and settlement workers was an observed difference in mens' and

womens' coping capacity in the resettlement groups under scrutiny here, as well as in other resettling groups. For example, occupational downgrading was reportedly often much more unacceptable for male spouses than for female. The reported gender difference in integration is discussed here on the basis of case data from the target groups under study. This phenomenon is not identified solely with these particular populations, especially in the context of the high degree of heterogeneity in Middle East and South Asian societies. Moghadam (1993, 6-10) emphasizes the diversity within the Middle East region and within the female population:

The Middle East is not a uniform and homogeneous region. Women are themselves stratified by class, ethnicity, education, and age. There is no archetypal Middle Eastern woman, but rather women inserted in quite diverse socioeconomic and cultural arrangements.

In the same vein, Obermeyer (1995, 371) states that there is a good deal of evidence from many regions of the world suggesting that societal definitions of women's roles and reproductive rights are affected more by local and international politics than by religious doctrine as such.

In discussing aspects of role change and continuity in resettlement, female subjects pointed to the fact that the participation of women in public life had been increasing incrementally in their own countries prior to the events and social upheaval that led to flight. In Afghanistan, women had started to take part in public and working life as doctors and teachers, and in professions that were considered "appropriate" in the context of family responsibility. In Iran women were allowed to work outside of the home in e.g. teaching and nursing fields, and with increased female participation in education in the early 1970s, women could pursue studies in high technology areas and access employment in their own specialities. The evolution of the women's societal and public roles had begun in their countries of origin prior to resettlement.

With regard to adaptation problems and coping resources, a settlement worker, who had worked with "difficult" cases, stated that she had found that

Women are more flexible ... for example, a woman with Ph.D. will go to work in a donut shop, or do sweeping rather than stay at home helpless ... Women are [working] in the coffee shops in Scarborough. They go out and bring some money in. At home when the woman is the one working and bringing in the paycheck, it is not appreciated. The man resents his loss of status and role, he loses his self esteem and feels worthless.

The greater difficulty in "settling for less" among males was described by another subject as follows:

Problems of family life arise since the culture of equality in Canada is hard for men to swallow ... When people arrive they are so happy and glad to be in Canada; then they are faced with the actual situation they are in. Their dreams come crashing down, they experience loss of confidence and depression. I have seen it many times ... the process of elation, then dejection and depression and powerlessness.

Some women have a lot to bear. They have their own problems during resettlement, but in order to carry on the family life, they keep their own problems to themselves. They cannot speak out since the family is already going through so much. Some cannot cope in the long run, and the family then is in crisis.

Freire (1993) has found similar configurations in the Latin American refugee population in Toronto. This author argues that for Latin American women, the central and most meaningful life task of caring for their families is a constant throughout pre-resettlement, exile and resettlement.¹¹ Exile is thus a process that is experienced differently by men and women.

From the Finnish experience, it has been observed that women's adaptation problems can be alleviated by role continuity in the domestic sphere. In addition, however, their entry into wider resettlement society is formally

facilitated by universal access to language and labour market placements and training courses. In cases where women had previously had more secluded societal roles, the change can be experienced as positive. This is often in contrast to role changes of the male head of the family who may face indefinite periods of unemployment or misemployment, and a consequent shrinking of both formal and familial social roles. On some occasions, strong collective orientation to integration challenges has been an asset. If the family can perceive the uneven opportunity structure as a challenge in common, this approach may soften individual trials (Valtonen 1995).

Freire (1993) proposes that the basis of coping mechanisms for women lies in their ascribed socio-economic status, in which they are accustomed to having fewer opportunities and are assumed to be able to survive and cope for the family. Freire's (ibid.) thesis is relevant to this study. In many societies, including the societies of origin of the target group, women's problem-solving techniques are often honed in less than optimal circumstances, and they would be used to manipulating and maximizing a more limited range of strategy alternatives. Paidar (1995, 335) writes in the same vein on societal participation of women in Iran, which took place despite limitations. Although the Islamic state did not ban women's employment outside the home,

State legislation did encourage women to stay at home; what proved more inhibiting to women's employment was male prejudice and negative attitudes operating at the local level ... Meanwhile, women continued to use the opportunities open to them for supporting themselves and their families and contributing to the economy. (ibid.)

A source of insight into this issue is found in black feminist thought even though the latter is largely located in the context of the experience of Afro-American women. Hill Collins (1990) outlines the notion of empowerment through self knowledge, even in conditions that severely limit the individual's

ability to act. When empowerment is not forthcoming in the context of community, "such change can also occur in the private, personal space of an individual woman's consciousness" (ibid., 111). The following statement of one of the subjects illustrate this empowerment strategy:

My husband will not accept the present situation. Iranians have high expectations. I have tried to tell him, "Do not swim against the current, as you will expend yourself. If you swim with the current it will be possible to find ways to get through this situation, somehow or other" ... he is expecting that the clock will be turned back and the former way of life will be restored.

The concept of emancipation is also useful in this context. Refugee resettlement and integration is generally seen as embodying a marked aspect of emancipation, in that human rights, including civil rights, are restored, and the resettling persons gain "citizenship"¹² in the new society. For many individuals, resettlement means a degree of emancipation in one area but possibly setbacks in another. The attainment of civil liberty and freedom can be accompanied by restraint in another sphere, e.g., the professional sphere. Integration, as a process towards eventual full participation in resettlement society, implies the overcoming of barriers in all societal spheres.

Resettlement and Integration in Canada and Finland

Unemployment was an obstacle to integration across the target groups. Data indicated that locating employment, especially in the area and at the level of qualifications, was a task of the same magnitude for subjects in Finland as for those in Canada. A subject who had been trying for several years to enter the labour market, felt that: "Finns think that immigrants know nothing. It is so easy to underestimate us because we have no chance to show that we can do something and that we have capabilities. What we have is going to waste."

The onset of the economic recession in the early 1990s in Finland seems to

have been a turning point in resettlement. It precipitated labour market restructuring as well as high levels of open unemployment, necessitating an approach to resettlement and integration from the perspective of very long-term utilitarian concerns. Finland has maintained the principle of full employment as a core aspect of the welfare state. The high unemployment levels have been addressed in the interim by greatly expanded educational and labour market training programs, while atypical employment alternatives are being discussed and promoted. Deferment of more concrete engagement with society, via lengthy education and training, was difficult for some of the subjects who wished to take a more direct route into resettlement. This is expressed by a young Kurdish man: "I don't understand this system where refugees are taken and put through a couple of years in courses and training before they can be let out into the real world to survive and look after themselves." Data in both sites show that resettling persons are prepared for a period of "capacity-building" in the new society, e.g., language instruction and professional equivalency courses. Several looked very positively on the opportunity to participate in what can be seen as preliminary labour market training. However when this period of capacity-building was prolonged, and seen to be possibly a futile exercise that would not lead to employment, the activity was felt to be disempowering by the resettling person.

The problem of unemployment and underemployment of professionals in the target groups and in the resettling populations remains to be addressed effectively in Finland as well as in Canada, where resettlement experience is even much longer. Institutional mechanisms and interest group configurations that impact on this issue in Canada have been focused upon in studies by Lam (1996) and Battershill (1992). This problem is one of human resource utilization. Strong educational and professional background have generally been considered to be assets in resettlement. Yet resettling in-

dividuals with these very qualifications are faced with the difficulty of transferring qualifications and skills, often facing a type of professional disqualification in practice.

Immigrant business enterprise which is a well established avenue to employment in Canada, is also becoming more evident in Finland. For some resettling persons it is one alternative way of coping with "blockages" in the labour market (Lam 1996, 173-74). It constitutes a form of labour mobility, as does the transition to work in the ethnospecific settlement service sector described above. Some individuals with a previous background of entrepreneurship have managed to transfer and utilize their skills in the settlement environment. Others have switched to entrepreneurship, or a new area of entrepreneurship, using an opportunity for self-employment in a tight labour market.

The highly qualified professionals in Canada who have moved into the ethnospecific settlement service field have undergone a type of occupational mobility that is "oblique." In one sense, their having to start over again constitutes a type of occupational downgrading. However, since they have transferred to a new professional field, the direction of mobility has not been downward in a strict sense, but "oblique." The work satisfaction expressed by these individuals indicates that, for them, "oblique" labour mobility had proven to be an acceptable strategy. When asked how she felt about having had to switch careers and about the fact that her training in biochemistry was not used, Farida stated that the change in career was not disturbing, as her work was very interesting. She said:

One never gets bored, as for example, when sitting working in an office. I had never considered [the social field] ... but I enjoy my work and sometimes wonder how I did not think of doing social science before.

A subject who had simply moved drastically down the scale in his own field, felt more socially disoriented, as exemplified by his resigned comments:

I am not like Canadians, when they worry about trivial things and get upset. I take things as they are ... You see, I have seen how easy I can lose. All I had earned, everything I have spent to come here. I started with nothing. Others aim at having a good financial position, education, the good of their kids. Everything is much harder here.

These findings have implications for policy on labour market insertion of persons with strong professional and working experience, even though from a human resource point of view, "oblique" labour mobility may not be the optimum way to utilize their human resources.

The research findings indicate that an established numerically strong ethnocultural community can be a significant resource for its members. Although the degree of ethnic identity and affiliation of members varies, members nonetheless can have the benefit of wider information and social networks, links to majority society and brokerage mechanisms generated in large communities, as well as the advantage of a broad spectrum of accumulated experience. The groups in Finland face a different type of encounter with resettlement society, as resettlement experience and in-depth perspective on conditions are still in developing stages because of the relatively short period of adaptation, and numerically smaller communities. Moreover, the demographic imbalance between majority society and small resettling groups in Finland may be one of the prime factors generating social pressure or expectation of conformity to majority culture. One subject's wry comment was: "It is not enough to adapt in that one obeys the law and keeps within its boundaries. One must become Finnish." This was not evident in the Canadian target group, which forms part of a much larger immigrant community.

When newcomer groups are small, as in Finland, there can also be more reluctance to acknowledge and address structural obstacles or blockages to participation. For example, university application regulations for basic degrees, cater to applicants with local educational background, which in practice,

has proved to penalize candidates with immigrant background. The effort to make inroads into such policies proves to be very demanding for small resettling minorities.

The different immigration philosophies and policies in the two countries are shaped by their own socio-economic and other imperatives. Admission categories in Canada have included labour immigration, family reunification and sponsorship, selective business migration etc. This makes for community growth as well as a wider social cross-section *within* ethnic communities. The more humanitarian-oriented policy and narrower family reunification policy in Finland undeniably produces skew in resettling groups, especially that of age and generation. In this respect the resettlement configurations in the two countries vary. The priority placed on family reunification and the ongoing significance of original kinship and close circles is nevertheless very evident from the data in both cases. Through the sponsorship program in Canada, the wider family may also be reunited, the process being subject to different criteria, including that of viable financial status of the sponsoring person. Within the current policy framework in Finland, there is at this time, no scope for rebuilding the wider family entity in resettlement. The presence or absence of kinship circles may have significant effect on the integration process in the long term. This issue would call for further research in order to inform immigration and settlement policy in Finland.

Community Relations

As expected, the corresponding Middle East groups under study in Finland reflect cleavage characteristics on political, ideological and other lines that are similar to those observed in the Canadian target group. While the historical or sociopolitical origin of cleavage may be of interest, the aspect of these cleavages that has significance for resettlement, is their persistence, which is an indication of innate diversity and variation within ethno-national groups. There are clear indications that indi-

vidual settlers prefer to organize their own identity and reference groups against the backdrop of ethnic or ethno-national community membership and to avoid being dwarfed in an overriding ethnic category.

The increasing evidence for lack of cohesion in ethno-national groups (see, e.g., Rachedi 1994; and Gold 1992), calls for re-thinking of settlement program approaches which tend to coalesce around, and target collectivities on the basis of ethnic or ethno-national characteristics. It is obvious that culturally appropriate services offering the possibility of communicating in the mother-tongue, enhance the quality of settlement programs in the early settlement stage and in problem situations that require particularly supportive interventions. Neither does the need for ethno-specific service components diminish when immigration of particular groups is ongoing, for example, through channels of chain migration, and sponsorship in Canada. However, even in the well-developed ethno-specific settlement service sector in Canada, a multicultural, or inter-cultural principle has come to characterise service provision. This is portrayed in the multilingual medium, and multiethnic/multicultural composition of personnel in the larger community organizations. Issue-focused services (for example, in job placement and employment services, and mental health services) also cater to a cross-section of immigrants. In the smaller communities in Finland, that lack the numbers and capacity for effective subgrouping, there are indications too that alliances are being formed across groups. Such cross-group affiliation, born of necessity, could have positive impact on integration processes as well as helping to overcome, in their case, the disadvantages of numerical weakness.

From the point of view of fostering formal civil activism, a cohesive ethnic base would not necessarily be a decisive criterion, since the required base could be built otherwise around common issues and interests, dispensing with mobilization along ethnic lines. In these circumstances, group size or strong eth-

nic identification would not be decisive. If well used, the mode of *issue-focused* civil and political activism could enhance participation in this sphere thus overcoming the lack of unity or numerical weight in individual communities. The role of activism in Finland otherwise still remains to be defined in a resettlement arena that is characterized by centrally and formally organized structure.

The more centralized settlement services in Finland operate "on the ground" as part of the municipal social service units. Centralized settlement services guarantee access and consistency of service quality. Settlement service concentration within limited official channels can however, defer engagement with the wider community and lead to a prolonged period of mystification about the host society. This condition seems to be averted in the more decentralized Canadian settlement service system that comprises a spectrum of institutions and community organizations, and a plurality of service provision actors based on state and civil society institutions (e.g., community organizations and churches). The nature of resettling persons' initial interaction with service institutions and the surrounding society is thus somewhat different in the two research locations.

Data suggests that the recognition and official inclusion of diverse groups in the rhetoric and policy of multiculturalism in Canada constitutes an aspect of empowerment for resettling persons, the nation's newest citizens. Multicultural policy legitimizes in an explicit way the civil status of immigrants in Canada. In this regard, several subjects wanted to close with positive remarks about the settlement society, even though they had recounted negative or difficult experiences, for example, in the labour market. They wished to balance their responses with final remarks such as:

Canada is a good country. Anyone can study to be a doctor or lawyer, and work to get ahead. It is open for all, [and] I love Canada. It is a good place. I know I can succeed here. I am sure an opportunity will come for me.

Subjects in the Finnish target group had expressed concern over frequently encountered misunderstanding in the receiving society over their arrival and presence. They expressed the need to articulate to the public, the reason for asylum and resettlement. Lack of explicit and definitive status was perceived as giving rise to problems in the development of relations with the receiving society. Furthermore, uncertainty as to rights, duties and civil status in the receiving country constituted a source of insecurity. This reported area of unclarified status is not necessarily caused by basic difference in resettlement approach but could be a consequence of undeveloped level of policy, public debate and rhetoric. I argue that official delineation of the boundaries of inclusion in Canada, has reduced the civic vulnerability of "newcomers."

Conclusion

As a resettlement priority, employment ranked second only to family reunification. Welfare in both research sites is a buffer against the effects of unemployment among members of the labour force, but it is generally held to be a temporary measure, not an alternative income source (see Lanphier 1996). Prolonged welfare dependency provides a weak starting point for creating a role niche in resettlement society which would, on the contrary, call for strong two-way engagement and interdependence with resettlement society. Employment has become one of the main forms of interdependence in the societies of resettlement under study, being ostensibly a relationship of formal mutuality or reciprocity, in which the individual is contributing his work in return for his income. Some of the subjects saw unemployment in the context of Islamic tenets of the "right" and the "wrong," and found unacceptable the cultural impropriety of "having my hand out." A dedicated settlement worker said that he himself would not like to be in a position where he felt that the society "would be doing a kind deed by having me here." While welfare reduces the risk of poverty, there is the chance that it may at the same time,

mask the dysfunctional aspects of unemployment on immigrant integration.

The problem of immigrant professionals' unemployment persists in both resettlement countries. This points to deep-seated structural blockage, which would call for well-orchestrated intervention. Ethnic activism should be seen however as one among several potential instruments for addressing inequality of opportunity and structurally based obstacles to participation. The resources of professionals across ethnic groups would need to be harnessed and access obtained to elite and institutional decision-making. The study findings indicate that collectively based ethnocultural activity is indeed a very effective instrument for the humane and intermediate tasks of settlement and integration. Yet the 'hard' long term issues of equality of opportunity would need to be addressed by a wider alliance base that is well integrated into the institutional structures of the resettlement society.

In this respect, key contacts and linkages would be located in the civil society arena—an area which is often largely uncharted territory for the newest citizens. Resettling individuals' and communities' engagement with civil society is an area of importance that can be overshadowed by the more compelling short-term priorities of settlement. In particular in Finland, settlement service and activity could benefit by being partially relocated into the arena of civil society if this can be achieved without compromising the social rights of resettling persons. Recurring questions of equity call for interest-based activism that can flounder without a firm base in wider civil society.

Multiculturalism in Canada, as the national policy for organizing ethnic diversity, has developed through folkloric, anti-racism, equity and empowerment phases. "Inclusion" has been high on the agenda throughout its evolution. Finnish resettlement policy is gravitating toward a policy of multiculturalism, and has emphasized issues of tolerance, humanitarianism, and welfare state principles of citizenship rights

and equity. The focus has been shifting from cultural rights and social rights, as the challenging issues of equality of opportunity bring us into the area of resettling persons' civil rights. ■

Notes

1. The civil arena refers to activity of associations and interest groups formed to accomplish certain goals, further certain causes or defend particular interests outside the structure of political institutions directly associated with the state (see Ghai and Hewitt de Alcántara 1994, chapter 4); the political arena refers to party and electoral activity e.g., voting, campaigning.
2. A case may be defined as a functioning specific that is bounded (Stake 1994, 236), or alternatively, as a study in which the researcher explores a single entity or phenomenon ("the case") bounded by time and activity (a program, event, process, institution, or social group) and collects detailed information by using a variety of data collection procedures during a sustained period of time (Cresswell 1994, 12; Yin 1989).
3. The terms "community" and "minority" both refer to the resettling collectivities in Canada and Finland, but "community" has fewer connotations of power relations and interest configurations. Thus either term is used according to context.
4. *Quota refugees* are persons with official refugee status, who are resettled in Finland from first asylum countries or camps. Humanitarian groups refer to groups who are in need of international protection and are admitted for resettlement, although they do not strictly fit the criteria of the 1951 Convention, e.g. persons fleeing war, violence and mass persecutions. The "spontaneous" group refers to persons who seek asylum on, or after arrival in Finland, and who, on the basis of the refugee status determination procedure, are granted 1951 Convention Refugee status.
5. Purposeful sampling is a strategy in which particular settings, persons, or events are selected deliberately in order to provide important information that cannot be obtained as well from other choices. The selection of those times, settings, and individuals that can provide the researcher with the information needed in order to answer his research questions is the most important consideration in qualitative sampling decisions (Maxwell 1996, 71). Rubin and Rubin (1995, 71–76) use the term "completeness" to denote the sampling style in which the researcher sets about to "choose people who are knowledgeable about the subject and talk with them" until what is heard "provides an overall sense of the meaning of a concept, theme, or process."
6. Battershill (1992) points out that such systemic barriers faced by FMGs to their entrance into Canadian medicine are erected by governmental and medical policy but at the same time militate against the enactment of provincial and federal endorsements of multicultural health care. The health needs of growing numbers of immigrants and the FMG providers reflect a non-activated link of unmet demand and potential supply.
7. See also Bernstein and Shuval (1995) on professional role discontinuity of immigrant physicians to Israel.
8. See Paidar (1995) on women's formal position in nation-building and modernization processes in Iran.
9. In 1971, Prime Minister Trudeau announced the policy of multiculturalism, of which the key section was:

A policy of multiculturalism within a bilingual framework commands itself to the Government as the most suitable means of assuring the cultural freedom of Canadians. Such a policy should help to break down discriminatory attitudes and cultural jealousies. National unity, if it is to mean anything in the deeply personal sense, must be founded on confidence in one's own individual identity; out of this can grow respect for that of others and a willingness to share ideas, attitudes and assumptions. A vigorous policy of multiculturalism will help create this initial confidence. It can form the base of a society which is based on fair play for all ... The government will support and encourage the various cultures and ethnic groups that give structure and vitality to our society. They will be encouraged to share their cultural expression and values with other Canadians and so contribute to a richer life for all. (House of Commons Debates, 8 October 1971)
10. The empowerment goals set out by representatives of visible minorities are based on three institutional imperatives: access (openness to visible minorities), representation (proportionate to numbers in the population), and equity (equality of opportunity and removal of systemic barriers) (Elliot and Fleras 1990, 51–76).
11. Other studies show that women carry the main responsibility for household and children regardless of full-time employment, for example, see Thomsson (1996).
12. Citizenship is used here in the sense given by Marshall (1963) to include civil, political and social dimensions.

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Religious Refugees

*Guest Editor: Kathryn Graham, Creative Director,
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This issue of *Refuge* will explore problem of religious refugees whose numbers are growing. For example, an estimated 200 million Christians face persecution everyday for their beliefs in many parts of the world such as Sudan, China or Indonesia. Despite the lesson of the Holocaust, many Jewish communities cannot practice their religion freely in Russia. The treatment of Baha'is in Iran is despicable. Also, some Muslims have to face discrimination and fight against very negative stereotypes, which are perpetuated even in a democratic world. Unfortunately, many governments, organizations and even academic institutions which claim to stand for and fight for human rights shy away from addressing such problems in a comprehensive manner.

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