

# MER Colloquium Speaker Series 2010 - 2011

## **“Fortress Canada: Circling the Wagons Against Asylum-Seekers”**

Presented January 6, 2011 by  
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# Article 33: UN Refugee Convention

- No contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinion.



# WORLD OF INTERNATIONAL PROTECTION

## PERSONS OF CONCERN

<b>Refugees and Asylum Seekers</b>	<b>14 million (2008)</b>
<b>Number of Internally Displaced</b>	<b>26 million (2007)</b>
<b>Number of Stateless (Recorded)</b>	<b>3 million (2007)</b>
<b>Number of Stateless (Estimated)</b>	<b>15 million (2007)</b>
<b>Total Persons of Concern</b>	<b>43-55 million</b>



# GEOGRAPHIC DISTRIBUTION

## PRINCIPAL COUNTRIES OF ASYLUM (HOST COUNTRIES)

**Host countries with per capita income below \$2000**

**74%**

**Host countries with per capita income below \$10,000**

**22%**

**Host countries with per capita income above \$10,000**

**4%**

# Principal Host Countries (2009)

- Pakistan 1.74 million refugees
- Iran 1.07 million
- Syria 1.05 million
- Germany 593,000
- Jordan 451,000
- Kenya 359,000
- Chad 338,000
- China 301,000

# Destination Countries (2009)

- South Africa 220,000
- USA 48,000
- France 42,000
- Malaysia 41,000
- Ecuador 40,000
- Canada 34,000
- United Kingdom 29,000
- Sweden 28,000

# Principal source countries

- Afghanistan 2.89 million
- Iraq 1.79 million
- Somalia 678,000
- DR of Congo 456,000
- Burma 407,000
- Colombia 390,000
- Sudan 368,000







# EUROPE: INTERDICTION POLICIES

- **Visa restrictions**
- **Overseas interdiction (migration integrity officers)**
- **Carrier sanctions**
- **Deterrence: detention, withholding of assistance**
- **Extra-territorial interception**
- **Regional protection: diversion of claim process**
- **Eligibility screening: safe transit country or COI**



# MOTIVATIONS FOR MIGRATION

- **Political ( fear of persecution)**
- **Environmental**
- **Social**
- **Personal**
- **Economic**



# Three Observations

- 1) Migrants move from poorer to more prosperous countries ( not necessarily the most prosperous)**
- 2) Most migration occurs within the developing world**
- 3) Sovereign systems of migration regulation are being overwhelmed by the massive numbers of migrants**

# Canada's Asylum System

- Overseas Resettlement 11,000 refugees
  - Selected from refugee camps
  - Permanent residents upon arrival
  - Global resettlement 100,000 in 2009
- Inland refugee determination
  - 34,000 claims (2009)
  - 21,000 claims (2010)
  - May apply for permanent residence after positive refugee decision by IRB



# Canada: Inland claims

- **Broad access to asylum**
- **Moderate detention policy**
- **Respecting the Convention**
- **Full quasi-judicial hearing**
- **Two-member decisions**
- **Independent tribunal**

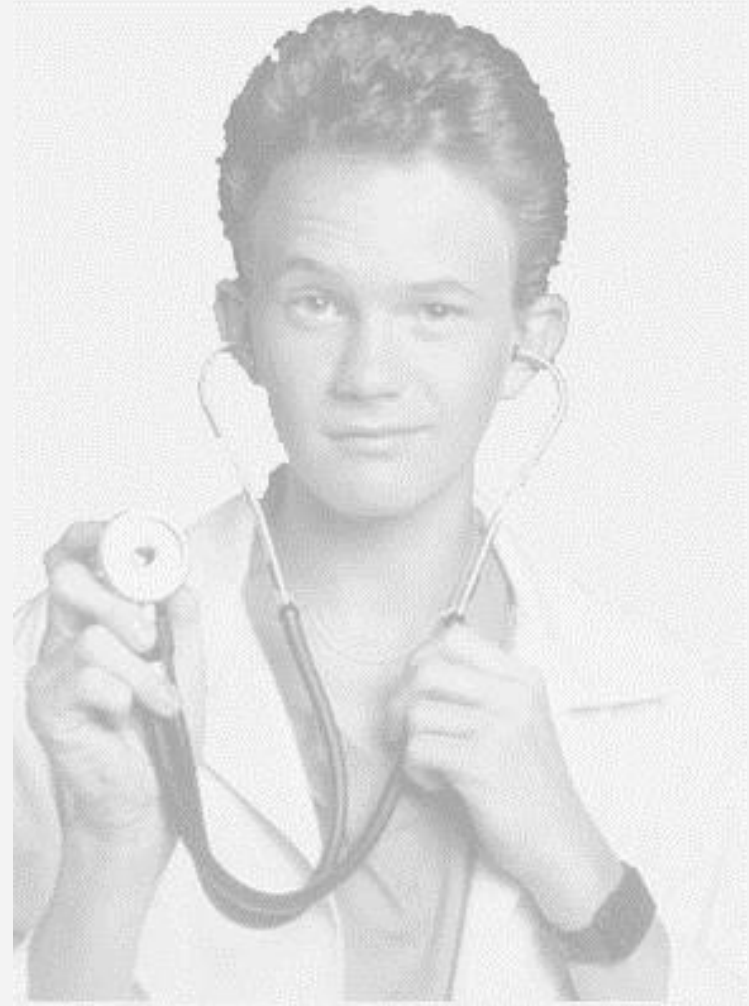






# Canada: positive view

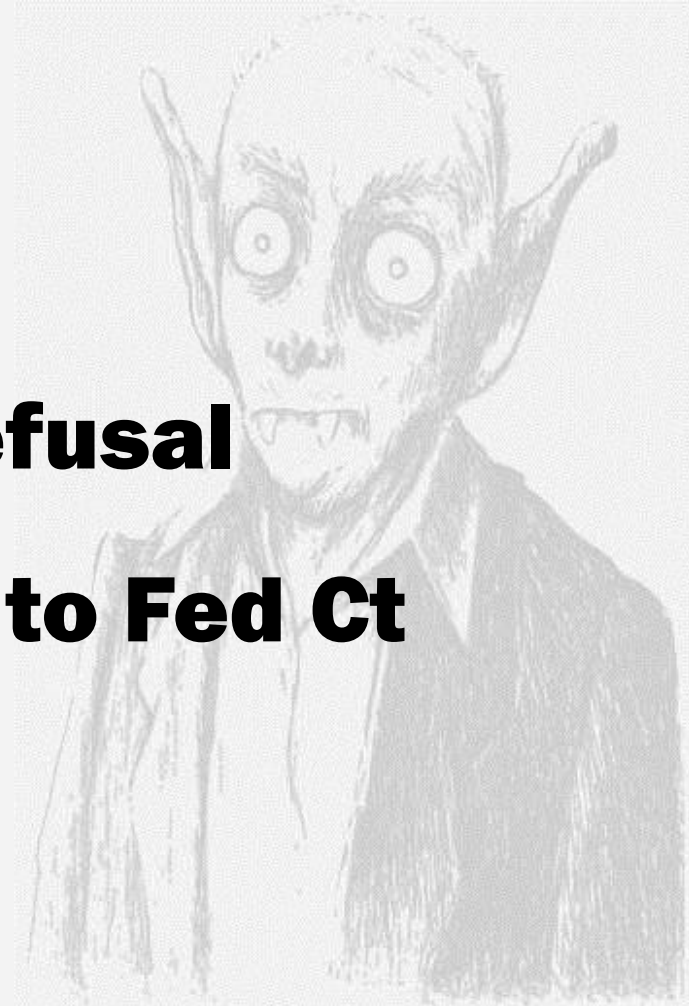
- **Progressive attitude**
- **High acceptance rate**
- **Liberal jurisprudence**
- **Permanent residence**





# Canada: negative view

- **IRB appointment process**
- **Lack of good counsel**
- **No appeal of first level refusal**
- **Leave for judicial review to Fed Ct**







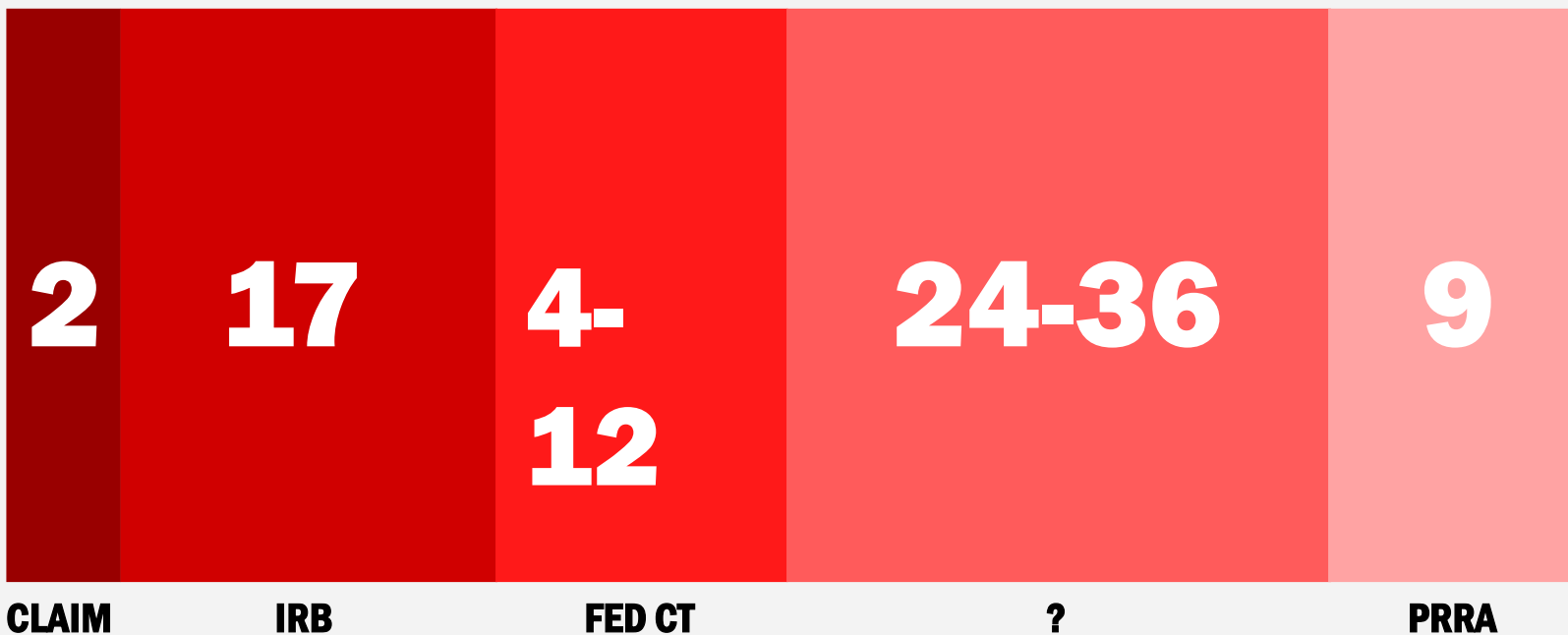
# Slow claim process

- **IRB Backlog: 51,000 claims**
- **IRB Capacity: 25,000 claims/yr**
- **IRB Delay: 18 months**
- **Refugee claim process: 4-6 years before removal**



# JUSTICE DELAYED

 **in MONTHS**



**TOTAL: 56-76 months (4-6 years)**

# Recent Refugee Law

- Immigration and Refugee Protection Act (2002)
  - Single member decisions
  - Refugee Appeal Division (not implemented)
  - Broad inadmissibility provisions
  - Security certificates
  - Pre-removal Risk Assessment

# Balanced Refugee Reform Act (June, 2010)

- Safe country of origin list
- Interview within 8 days (15)
- Hearing within 30/60 days (60/90)
- Decision-maker a public servant
- Refugee Appeal Division
- No PRRA if removed within one year
- No Humanitarian application alternative

# Bill C-49 Preventing Human Smugglers from Abusing Canada's Immigration System Act

- Power to designate group arrival
- Imprisonment for one year w/out review
- No permanent residence for 5 years
- No power to sponsor or leave Canada



# International Solutions

- **Massive increases for aid to in-transit migrants**
- **More vigorous pursuit of conflict resolution, national and regional**
- **Increased ground level support for repatriation programs**
- **More generous resettlement programs**
- **More honest and accessible asylum programs**
- **Wider recognition of core human rights**