

Political Change for Refugees in Canada

For more information, visit <http://ccrweb.ca/en/refugee-reform>

Immigration Policy (formerly called Bill C-31):

What has changed

The Roma in Canada

- C-31 will impact the Roma, the largest cultural minority in Europe
- Immigration Minister Jason Kenney visited Hungary in September 2012, claimed there was no danger faced by Roma. It is expected Hungary will be on the designated country list
- Contrary to Kenney's claims, there have been extensive media reports documenting escalating violence against Roma in the E.U
- C-31 means that more Roma could be wrongfully deported to dangerous conditions

Why these changes? What can we do?

- The Government is seeking Free Trade agreements with countries in Europe and South America; C-31 is a way for government to gain control over who is accepted to Canada as a refugee instead of the judiciary
- To take action, support organizations such as Doctors for Refugee Care, the CCR, speak to your Member of Parliament

Designated Countries

- The Minister of Immigration will decide that certain countries are 'safe' and unlikely to produce refugees. This will be done without consultation with legal or human rights experts. The list is due out Nov/Dec 2012
- Designated refugees have virtually no health coverage (see below), and are banned from the Refugee Appeal Division
- These claimants will be fast-tracked as "second-class" refugees through the system
- The designation allows for politicization of the refugee determination process

Changed Timelines

- All claimants are barred from applying for an H&C or a PRRA (see definitions on back) for year after a negative decision. This means they may be deported before they are able to apply
- The Refugee Appeal Division is restricted, only 15 days to file and perfect an appeal, making it virtually impossible to access
- The system is being 'fast-tracked': If from a 'Designated Country' refugees have 15 days to fill out paperwork, and 45 days preparation for their hearing
- This is too short since in this time they need to find a lawyer, get legal aid, find a home, gather documents

Detention of Minors

- If a refugee claimant is designated as an "irregular arrival" they are automatically jailed with reviews only at the 2 week and 6 month mark
- If refugees designated as irregular have a 5 year ban on Permanent Residence and family reunification is next to impossible
- Detaining refugees is expensive: \$70,000 a year per person, plus mental health costs in the long term
- This includes the detention of minors, which is in violation of the Canadian Charter of Rights and Freedoms

Healthcare cuts

- Cuts to IFHP (refugee claimant healthcare) came into effect June 30, 2012
- Originally, only emergency care was to be covered for refugees. Coverage was expanded in August due to protest, but is still limited & unclear

- Because of unclear communication by the government, some refugees have wrongfully been refused care by health care providers, such as pre/post natal care, diabetes care, etc.

- When the "Designated Country List" comes out, designated refugees will have very limited coverage
- Health care coverage is therefore determined by an administratively inefficient case-by-case basis

Definitions:

Bill C-31: Also called “Protecting Canada’s Immigration System Act”. Received royal ascent on June 28, 2012.

Canadian Doctors for Refugee Care: A group formed as a response to the health cuts in June 2012. They believe that Canada’s approach to medically treating refugees should be guided by fairness and sound public health policy; the federal government’s planned changes meet neither criteria, that cutting preventative and primary health care is poor health policy that threatens public safety and increases costs to taxpayers.

Designated Country: The Minister of Citizenship and Immigration will have the power to designate certain countries as “safe” (Designated Countries of Origin). The threshold criteria to exercise this power are: over 75% of the refugee claims from the country are rejected or over 60% of the claims are abandoned, or the Minister believes that the country is a democracy with an independent judicial system.

H&C (Humanitarian and Compassionate Application): An application for Permanent Residence in Canada which takes into account contribution to Canada and whether the individual would suffer excessive hardship if they had to return to their home country.

IFHP (Interim Federal Health Program): The limited, temporary health care provided to refugee claimants by Citizenship and Immigration Canada (CIC) as they are ineligible for provincial health care.

Irregular Arrival: The Minister of Public Safety will have the power to designate any group of over two refugee claimants as “irregular arrivals” if they do not have visas or other required documents and the Minister has reasonable grounds to believe that they travelled with the help of smugglers, or that investigations concerning these persons cannot be conducted in a “timely manner.” These claimants will be automatically detained.

Permanent Resident: A person granted the right to live permanently in Canada.

PRRA (Pre-Removal Risk Assessment): If you are told to leave Canada, you will be given a notice that the removal order is being enforced. At that time, if you are eligible, you will be given the opportunity to apply for a pre-removal risk assessment (PRRA). You have 30 days to gather evidence of changed conditions which put your life at risk in your country of origin and submit the application.

RAD (Refugee Appeal Division): Refugee claimants will have 15 working days to complete full appeal applications. In this timeframe, the claimant must present detailed reasons for overturning the IRB decision, including all the relevant documents and legal precedents in support of the appeal. Claimants are barred from this appeal if : they are designated as part of an “irregular arrival”, from Designated Countries of Origin, whose claims are deemed manifestly unfounded or without credible basis, claimants admitted as exceptions to the Safe Third Country agreement with the US.

Refugee: A person who is forced to flee from persecution and who is located outside of their home country.