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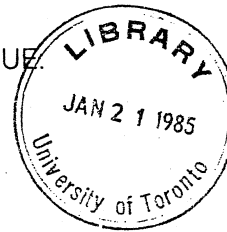


# CANADA'S PERIODICAL ON REFUGEES REFUGEE

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SPECIAL CHRISTMAS DOUBLE ISSUE  
CANADIAN REFUGEE POLICY



## The Three S's: Selection, Status Determination, Settlement

The core of refugee policy falls into three main areas: the numbers and sources of refugees selected abroad for resettlement in Canada, the refugee status determination process for those refugee claimants making a claim to refugee status within Canada, and the Canadian process of resettling refugees. There are, of course, other aspects of government refugee policy (including special programs for unaccompanied minors that we dealt with in the last issue, as well as support for international agencies abroad, which we intend to focus on in a future issue). All three major areas of Canadian refugee policy are dealt with in this issue.

The byword for all three areas is fairness. But fairness is an equivocal term. In the area of refugee selection, the fundamental criterion for fairness is the degree of need as determined by the number and condition of the refugees in different areas and the degree to which they would benefit from resettlement in Canada. In the case of status determination, fairness takes on a legal

coloration rather than a humanitarian one, and the principle of fairness becomes due process, a fair hearing, etc. In resettlement, fairness takes on a third meaning — equity in the delivery of services and the support given to all refugees whatever the mode of arrival in Canada.

Selection of refugees abroad is a matter of government policy. The private sector may advocate a specific number in its distribution, and may be consulted by government on that number and distribution. The private sector may augment those numbers and affect the numbers brought from a particular

source country through private sponsorship. The private sector may, by participating in the resettlement process as described in the report in this issue, even help save government funds so that monies are freed up to resettle more refugees. But the primary basis of selection policy is rooted in government decisions. In the global approach to planning and allocating a limited number of spaces, the government must distribute those spaces among many source countries. The key question is whether the total allocation is adequate and whether the distribution is fair.

*Continued on p.2*

The Standing Conference of Canadian Organizers Concerned for Refugees . . .	6
Refugee Status Determination: A Comparative Study . . . . .	8
Canada's Refugee Status Determination Procedures . . . . .	10
Canada Refugee Plans — 1985 . . . . .	12
Canada — A Country of First Asylum . . . . .	14
Refugee Resettlement: A New Policy . . . . .	16
Canada As a Country of First Asylum . . . . .	22

## REFUGE

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

*Editor:*

Howard Adelman

*Technical Editor and  
Circulation Manager:*

Cathy Mickalakos

*Editorial Assistant:*

Alex Zisman

*Publishing Advisory Board:*

Douglas Cohen, Montreal  
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Linda Weigl, Regina

*Typesetting and Layout:*

Publications Department,  
York University

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Continued from p.1

Refugee status determination is not a matter of Canadian generosity reinforced by self interest in maintaining a stable international order by resettling refugees from abroad, who could otherwise develop into a source of instability in the world. It is a formal legal obligation on the part of the government, an obligation evidenced by our signing an international covenant and protocol. Further, unlike refugee selection, where the motivation and decision making wholly resides within the Canadian polity, the refugee status determination process grants rights to refugee claimants. The process is not simply one of humanitarian policy, but of legal obligations and rights, and any fair refugee status determination process must realize reasonable standards of fairness in allowing refugee claimants to exercise those rights. That is why a good refugee status determination process is based on a quasi-judicial procedure independent of normal immigration mechanisms for screening, enforcement and granting permission

to non-citizens to stay in Canada while at the same time, avoiding the other perils of undermining and jeopardizing the normal process of immigrant intake. Since we dealt with the refugee status determination process extensively in a previous issue, this time we concentrate on assessing the fairness of Canada's procedure in comparison to the procedures of other western countries. From this assessment we will try to distill the principles inherent in a good refugee status determination process.

Refugee settlement policy, though set by government, is dependent for its effectiveness on the involvement of the private sector: the non-government service delivery agencies, religious organizations and the proposed host group system for refugees. This system would be supported by a community infrastructure for stimulating, orienting and supporting a host system for all refugees to help ensure equity in the delivery of services and support. H.A.

## Preliminary Report of the Plaut Commission

Recommendations that received universal support:

1. decision makers should be experts and sepecialists;
2. in depth information should be available to the decision makers;
3. oral hearings were necessary to assess the credibility of the claimant;
4. the decision making body must be independent of authorities making immigration decisions and of political pressures;
5. the system must be made accessible for all claimants without regard to whether they are in or out of status;
6. that support for claimants while waiting determination be improved;
7. most importantly, that the procedures be shortened and made more efficacious.