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CANADA'S NATIONAL NEWSLETTER ON REFUGEES

REFUGE

In November of 1981 Employment and Immigration Minister Lloyd Axworthy released a report by the Task Force on Immigration Practices and Procedures dealing with Canada's refugee status determination process. A summary of the report appeared in the last issue of *Refuge*. In February of 1982 the Minister convened a National Symposium on Refugee Determination in Toronto, to discuss some of the recommendations in the report.

The report and the Symposium drew together a great deal of critical thinking about our legal and humanitarian obligations to persons in Canada requesting protection as refugees. Many countries - in Central America, Southeast Asia, southern Africa - have recently proved unable or unwilling to adequately protect refugees from physical danger. As close to home as in the United States - a country traditionally hospitable to refugees - many Latin American refugees are in danger of being sent back to the countries from which they fled. The Task Force and the Symposium themselves have their origin in shortcomings, or at least perceived shortcomings, in our own fulfillment of our obligations. Yet at the same time, the principle of the responsibility of the international community to protect refugees is being taken more and more seriously. This issue of *Refuge* is devoted to the subject of refugee protection in Canada, and attempts to share some ideas on the subjects discussed at the Symposium.

Franz Krenz of the Office of the United Nations High Commissioner for Refugees noted in his address to the Symposium that the definition of a refugee requires a great deal of interpretation, since it contains such subjective elements as "persecution", "fear", and "well-founded". At the Symposium the Minister issued guidelines for its interpretation. These are printed in this issue for easy reference, together with a commentary by Howard Adelman.

Fulfilling our obligations to refugees in Canada also requires that we have procedures to determine whether a person falls within the definition. Much of the report and the Symposium dealt with these procedures, and especially with the question of whether a refugee claimant

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has a right to an oral hearing to defend his claim, and if so, at which stage in the process. James Hathaway provides one perspective on this question. Other insights are provided by one of the members of the Refugee Status Advisory Committee, Imre Rosenberg, who was once a refugee himself.

Normally a person in Canada who is determined to be a refugee is then admitted to Canada as a landed immigrant. But there are exceptions. The most controversial relate to national security. These are discussed in light of a recent cause-célèbre, the deportation order against Victor Regalado.

This issue also inaugurates a change in *Refuge* to make it possible to discuss refugee policy issues in greater depth. *Refuge* will be published in a longer format but less frequently - in September, November, January, March and May. We look forward to your comments and contributions.

Kristin Hanson