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CANADA'S PERIODICAL ON REFUGEES

# REFUGE

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## On Determination

When Christopher Wren designed his famous cathedral in London, the term "awful" was originally applied to the building. But in the original application, "awful" meant awe inspiring. Tastes changed. What was previously awe inspiring came to mean its opposite, "horrible". Is this the prospect for determination? Will the refugee determination system, developed originally to help and protect refugees, come to mean a system used to deter refugees and protect countries from the influx of spontaneous arrivals?

Determination is an equivocal term. It can refer to an attitude of resolve. It can be used as an adjective to refer to a process by which a decision is made. Unfortunately, a new meaning is starting to be attached to the term — a determined used of procedures to deter. In other words, instead of standing for a process of decision making, it begins to stand for a process which is aimed at deterring others from deciding, specifically deciding to escape their home countries and seek refugee status.

The article in this issue on the Hong Kong Refugee Determination system argues quite forcefully that this has, in fact, become the objective of the new refugee determination system in Hong Kong. The article reviewing the results of the first four months of the Canadian refugee determination system suggests that this has *not* been the result of the Canadian system, even if a case can be made that it may have been, to some degree, the strategy of the civil servants who developed and are still in charge of implementing the legislation. We have approximately the same number of successful refugee claimants as we had prior to the introduction of the new legislation, though we do not know if and how many genuine refugee have

been deterred by the new system. Thus, in both cases we have determination systems designed to deter arrivals, but, in the case of Hong Kong, the arrivals keep coming even though there seems to be a total absence of objective determination in the system, while, in Canada, the arrivals have dropped significantly but the relative objectivity of the process has by and large been established.

Will "determination", when associated with refugees, come to develop a negative connotation associated with deterrence or will it retain a positive connotation associated with fair processing of claims?

*Howard Adelman, Editor*

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