



CANADA'S NATIONAL NEWSLETTER ON REFUGEES

# REFUGE

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## INVESTING IN A MILLION — SUCCESSFULLY

By Maureen Johnson, CUSO

Refugee from Kampuchea

1979 will be remembered as the year of the Indochinese refugees.

Canadian University Students Overseas (CUSO), in a departure from its better-known role of providing skilled Canadians for two-year placements in developing countries, recently became involved in assisting one segment of these refugees - those who fled the war-ravaged country of Kampuchea. One million of them ended up living in makeshift shelters along the Thailand border. Camps were set up for them but were overcrowded immediately: like most refugee camp operations, the aim was to keep the people alive, but initiative and spirit were slowly destroyed.

By late 1979 the largest camp, Khao-I-Dang, was accommodating 120 people. But it was built on a low-lying ricefield: it would be flooded as soon as the monsoons arrived. Evacuation was imperative.

CUSO had been involved with several trial projects at the Khao-I-Dang camp, such as growing mushrooms and beansprouts in limited space, and setting up a dressmaking class since much of the clothing supplied by emergency services couldn't be used because it didn't fit. These projects had proved successful and were being considered for introduction at other camps.

And so several Thais who were appalled at the economic hardship in the camps approached CUSO field staff: they wanted CUSO to build and sponsor a camp to be operated by Thai and Khmer personnel. The camp would offer the refugees reasonable housing and other facilities and could



UNHCR

**REFUGE** is dedicated to encouraging Canadian citizen participation in helping refugees, by providing a forum for sharing information and opinion on domestic and international issues pertaining to refugees.

be turned over to the local Thai villagers when it was no longer needed for refugees. It would emphasize and encourage the education and technical skill development of both children and adults, and re-establish traditional cultural and religious activities.

CUSO took up the challenge and agreed to take on one of the four camps being established to accommodate the evacuees from Khao-I-Dang: Kab Cherng, Surin, some 400 kms. east of Bangkok.

Two Thai universities and 12 Thai non-government organizations became involved in planning the camp, and six of them have since taken over its operation. There are no foreigners actively involved in the camp administration. Day-to-day operations are carried out by 50 Thais and the Khmer leaders. Medical services are provided by Thai personnel - a doctor, two nurses and two midwives - who are training 30 Khmer to take over the medical tasks.

In the past, emergency relief has always been a hand-out affair: the refugees are given a finished product - food, clothes and shelter - and are left with nothing to do for themselves. At the CUSO camp, however, refugees grow some of their own food, make their own clothes and furniture, have equipped a school, and are involved in crafts, music and other cultural activities. Sixty Khmer teachers are educating more than 2,000 children, others are providing adult education, and many refugees are participating in vocational training programmes such as sewing and carpentry.

By hiring local agencies to administer Kab Cherng instead of flying in expatriate agency personnel, and by buying food and materials locally, operating costs have been reduced drastically. A little more than one dollar covers the needs of three refugees for one day. Moreover, the local farmers, living almost at the subsistence level themselves, have a new market for their produce. And the villagers benefit from the health and community services supplied to the camp: several hundred villagers, with no other access to health care, visit the camp hospital daily.



CUSO

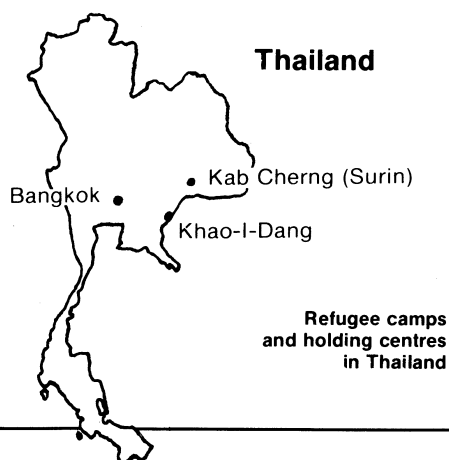
CUSO agreed to raise \$700,000 towards the \$2.2 million needed for the initial six-month operation of the camp. (United Nations High Commissioner for Refugees supplied the remainder of the funds.) The Canadian International Development Agency (CIDA) agreed to provide a grant of \$300,000, leaving CUSO with \$400,000 to raise from the Canadian public.

It was the largest fund-raising campaign CUSO had ever undertaken, yet CUSO reached its target within months. Donations came from Canadian corporations, foundations, parliamentarians, church and community groups, the Alberta International Assistance Programme, the British Columbia Ministry of Labour, refugee and professional associations and individuals from all across Canada.

CUSO, with CIDA's funding assistance, is continuing its commitment for a further six-month period and is expanding its programmes to assist Thai villagers displaced by the border fighting and now living in the vicinity of the camp.

CUSO's aim is to make Canada's first sponsored camp into a semi-permanent home for the refugees, help them become as self-reliant as possible and through emphasis on local involvement in establishing and operating the camp, develop within Thailand a lasting capacity to deal with such emergency situations.

This approach to refugee assistance is expected to become a model for others. □



#### ADDITIONAL FUNDS ANNOUNCED

On June 15, 1981, Employment and Immigration Minister Lloyd Axworthy announced that an additional \$4.3 million has been approved to assist the 60,000 Indochinese refugees now in Canada and the 10,000 expected in 1981.

\$3.37 million is allocated to the Adjustment Assistance Programme (AAP) to fulfill the basic needs of newly-arrived refugees.

\$927,000 will fund direct services such as interpretation and counselling provided by various voluntary community organizations under the Immigrant Settlement and Adaptation Programme (ISAP).

\$8.86 million for AAP and \$1.67 million for ISAP had already been approved for the 1981-82 fiscal year.

*More information on these funding programmes in our next issue!*

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## CAUTIOUS KINDNESS: CANADA'S REFUGEE LAW

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*By Bill Johnston, The Spectator*

Not since the Second World War have there been as many refugees as there are today. The United Nations conservatively estimates eight million people are outside their homelands to avoid persecution. Such numbers pose an immense challenge to the commitment to justice of nations able to offer refugees either asylum or a new home.

Canada's response has been contradictory: generous, yet cautious and self-serving at the same time.

No nation has accepted more refugees per capita than Canada since the Second World War, immigration officials say proudly. And the 60,000 Southeast Asians now being absorbed are the largest number of refugees from one place we have accepted since the war.

Yet, looking behind the numbers at whom we accept as refugees convinces major church and humanitarian groups that Canada tends to be quite selective. We tend to take the fittest and most qualified, those most able to foster our economic growth, and not those most in need of our social and medical services. We tend to reject those who have fled right-wing regimes.

### **Running for their lives**

According to the United Nations Convention on Refugees, a refugee is "any person who by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion" is outside his or her country of nationality or normal residence and, because of that fear, is unwilling to return or to seek the protection of that country. Canada's Immigration Act, which went into effect in April, 1978, uses the same definition.

Because of Canada's location, refugees do not swarm over our borders as they do in other places. Most refugees who enter Canada are selected by immigration officials in overseas refugee camps. Far fewer choose Canada (for example, boarding a direct flight from Latin America) to ask for asylum.

A refugee who escapes has been through a harrowing experience, described in a brief given to Employment and Immigration Minister Lloyd Axworthy in May 1980 by a delegation of concerned church, medical, legal and humanitarian groups. He has just fled a situation in which he was likely to have been detained and interrogated at any time, often by uniformed authorities, often in government buildings. Torture or murder was always possible. He may have been warned, on pain of death, not to reveal his persecution.

He may have had to bribe officials to obtain a passport. He arrives exhausted, perhaps in need of medical aid. He speaks only a foreign language, knows little of Canadian law or refugee procedures and is deeply afraid of being sent back. He faces questioning by a uniformed person and may well lie about why he is here, saying he is just visiting - anything just to get into the country and to find people who can help him make a refugee claim.

Too often, the refugee's plight is forgotten by those administering the legal process that determines whether a person is a refugee and entitled to remain in Canada.

### **The refugee screening process**

The process should, but doesn't, "facilitate entry to Canada of the legitimate refugee claimant," the delegation said in a March, 1979 brief. "This is an obligation under the U.N. Convention" Canada signed in 1969.

The process begins when a person, lacking any other legal claim to stay in Canada, says he would face persecution if he were forced to return home. The person must prove the claim or be deported.

The person will be interviewed, under oath, by an immigration official about why he cannot return home.

A transcript and translation of that interview is given to the Refugee Status Advisory Committee, which considers them along with information it has about the the country the person has fled. The committee advises the immigration minister whether or not the person is a refugee. In 1978, the committee advised in favour of less than 40 percent of applicants, according to McMaster sociology professor Rhoda Howard.

If the minister says the person is not a refugee, the person must leave the country or appeal to the Immigration Appeal Board. The appeal is actually only a written request for an oral hearing, which the board often refuses. From April to December, 1978, it allowed 37 but denied 57 hearings. If the board refuses a hearing, or if, after holding one, it decides a person is not a refugee, the person will have to leave Canada.

Appeal board decisions can be appealed to the Federal Court of Appeal but only on questions of law, not on the facts of the case.

Even those whom the minister or appeal board say are refugees need security clearance. The Immigration Act forbids entry to persons who might engage in subversion or violence or commit any offence under a federal act. If the immigration

minister or solicitor-general suspects a person violates that section of the act, a hearing will be held by the Special Advisory Board to weigh the evidence and advise the minister. There are no guarantees that refugee claimants may speak to this board and they will not be given any information considered "dangerous to national security."

Those rejected as refugees but cleared for security have one other chance to stay. The Special Review Committee, which isn't part of the refugee process, can recommend that the minister let a non-refugee stay for purely humanitarian reasons.

### Flaws in the process

Critics see serious problems with this process. A refugee claimant can be returned to his country of origin without a face-to-face hearing.

"This situation is contrary both to our notion of fairness and to the rules of natural justice which are fundamental to the Canadian legal system. It is all the more disturbing when considering the serious consequences of rejecting a *bona fide* refugee," the delegation of concerned organizations said in its March '79 brief.

Oral hearings are automatic in many other countries, lawyer Lorne Waldman said in Hamilton in May, 1979.

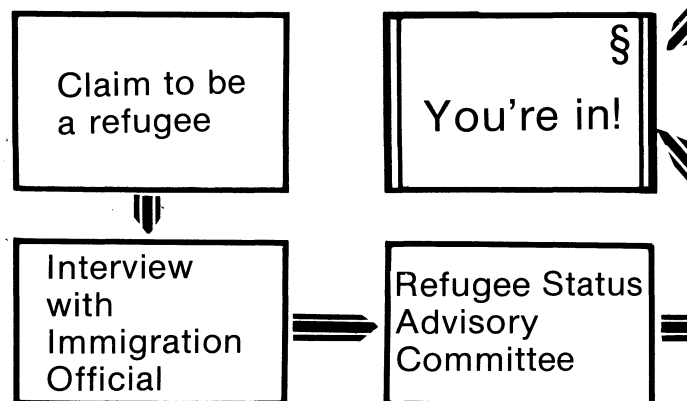
The lack of oral hearings violates Article 32 of the U.N. Convention on Refugees, according to Raul Vincenzo, a director of the Amnesty International Canadian section. The article says refugees can only be expelled on national security or public order grounds and only "in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself and to appeal to and be represented for the purpose before competent authority."

Due process concepts are also violated by the Immigration Act sections which forbid entry to people "who there are reasonable grounds to believe will" engage in subversion or crime, Vincenzo argues. Waldman says those clauses prescribe "guilt by clairvoyance."

An oral hearing is necessary to judge the credibility of a refugee's story. A transcript cannot adequately reflect the tension a claimant feels nor can it record his fear. Without oral hearings, good decisions depend on good transcripts from the original interview. Yet, the delegation and others note serious problems with transcripts, including bad jobs of recording the interview and poor translations, plus the difficulty a highly anxious refugee has in clearly stating his case - a problem compounded if he or she has no lawyer.

The original transcript can be supplemented with

## The Refugee Application Process

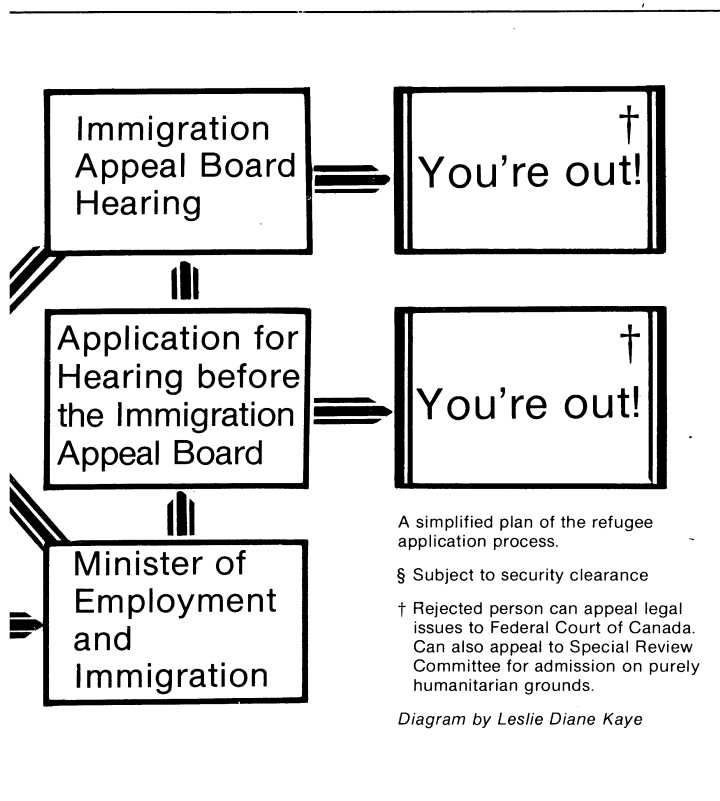


more information for appeals to the Immigration Appeal Board. Seven days are allowed for filing an appeal. The reasons for the decision being appealed are not always available at that time. The delegation recommends a 30-day period.

The Immigration Act limits the board to allow hearings only if there are reasonable grounds to believe a person can prove his or her case. "In any other case it shall refuse to allow the application to proceed and shall thereupon determine that the person is not a Convention refugee."

The delegation's 1980 brief says that the board has been reluctant to give the benefit of the doubt to refugee claimants. The board often seizes on inconsistencies or errors in the written material or on admissions of lying (usually claims to be visitors when first entering the country) as reasons for doubting the credibility of persons requesting hearings and thus, as reasons for not granting hearings. The board often displays great lack of knowledge about conditions in refugee-producing countries and does not have a research staff, as the Refugee Status Advisory Committee does.

"Many of the problems would be avoided if refugee claimants, assisted by counsel, were entitled to an oral hearing before a tribunal experienced in refugee matters, with access to accurate information about conditions in major



refugee-source countries, well versed in international law relating to the refugee Convention, and, most importantly, sensitive to the unique position and problems of the refugee," the delegation argued. The government has refused to act on this suggestion.

Steve Jeffrey, an immigration public relations officer, noted that most of the criticisms, including those about due process of law, had been made in parliament, yet a majority of parliamentarians voted for the new act although it ignored these problems. Refugee bodies, he stressed, are not courts of law. And refugee claimants do get to state their cases in writing "and if it's oral or written, the material would be the same."

Given the "overarching influence of economic priorities" on refugee policy, Canada has never adopted a policy of granting political asylum, Howard notes. "Political asylum implies that when an individual is in danger of persecution he ought to be removed from danger as quickly as possible, without consideration of his suitability as a settler in the country of asylum."

David MacDonald, Andrew Brewin and Louis Duclos, Canadian MPs who visited Chile, Argentina and Uruguay in 1976, reported in *One Gigantic Prison* that several Chileans on the urgent list of the United Nations High Commission for Refugees "have been refused entry to Canada because they

lacked the requisites for 'adaptation' to Canada."

Former Liberal Cabinet minister Robert Andras had told parliament in 1973 that Canada wanted to assist Chileans who sought "to make their homes in Canada" but not those seeking "a temporary safe haven in another country."

The Report to Parliament by The Special Joint Committee on Immigration in 1975 explicitly rejected the idea of making legal provision for Canada to be "a temporary safe haven" or country of first asylum. It did say the immigration minister ought to be able to grant asylum in specific cases. These proposals are in the new act.

As one improvement in our refugee policy, the Canadian Council of Churches proposes a complete separation of refugee and immigration policies and programmes to recognize the vast differences between the two groups - a proposal also made in the 1966 White Paper on Immigration.

### Political bias

The immigration department also seems biased against accepting as refugees people who have been politically active in opposing right wing regimes like those of Argentina and Chile, Howard says.

For instance, she noted processing of refugee applications from Chile took an average of four weeks in 1973-74, during which time applicants were in danger of being seized by Chilean police. No similar delays were encountered in bringing in Hungarian refugees in 1965, Ugandans in 1972 or Vietnamese in 1975.

Our government was able to grant refugee status to 6,000 Ugandans in two months in 1972, yet took 18 months to admit the first 1,500 Chileans after the Allende government fell, according to the United Church paper, *Issue 9: The Politics of People*.

Our government did not do away with prior medical, security and immigration procedures to speed removal of Latin American refugees, but did for Vietnamese and Ugandan refugees. George Hanoff wrote in the *Canadian Journal of Latin American Studies*, "The R.C.M.P. officers in Santiago (Chile) turned down a high proportion of the initial wave of applications (in 1973-74) on the basis that they comprised security threats for Canada."

But Warren Allmand, solicitor-general from 1972-1976, told the McDonald Commission on R.C.M.P. wrongdoing, that the Mounties unfairly branded many would-be refugees as subversives and "accepted without question" American Central Intelligence Agency reports on these people. Allmand said he told the Mounties that, had he been a Chilean, he might well have opposed the military junta though he is neither a Communist nor a subversive.

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## Why?

Why is this screening process so tough on refugee claimants - especially in light of one of the ten goals of the Immigration Act: allowing Canada to meet its international treaty obligations and to uphold its humanitarian tradition with respect to the displaced and persecuted?

The critics agree the answer lies in what Vincenzo calls "a basic misunderstanding by the Canadian government of what a refugee is." Unlike immigrants, refugees do not choose to leave their homeland and settle permanently in Canada. Refugees are forced to flee and look to Canada for protection until it is safe to return home, if that is ever possible.

But our immigration officials tend to admit refugees if they would be good immigrants, choosing those most able to help Canada rather than those most needing Canada's help. The Immigration Act is set up that way, Vincenzo says.

Immigrants get into Canada if they gain enough points in an assessment based on their age, finances and job and language skills - measures of their ability to adapt to Canada and contribute to its economy. But that same assessment, in a relaxed form, is also applied to refugees. In *Refugee Provisions* of the new Immigration Act, the department says two tests are applied in selecting refugees overseas, where most of our refugees are chosen. First, eligibility - is the person a U.N. refugee? Second, admissibility - is the refugee able to become successfully established in Canada? "The selection criteria for immigrants are used as a guide but points are not assigned." In case of doubt, account is taken of "any offers of assistance by interested organizations." This selection programme "recognizes that Canada cannot accept all of the world's refugees, and also recognizes that not all refugees can benefit from resettlement in Canada."

This means the act's humanitarian goal takes second place to all the other goals of ensuring Canada's economic prosperity and national security, Vincenzo states. Our immigration teams go after "the cream of the crop" - words he says a refugee official used proudly in describing Canada's success in choosing Ugandan refugees in 1972.

The Canadian Council of Churches says that the emphasis on refugees' ability to settle in Canada, rather than on their needs, meant that "during 1979 the more difficult Indochinese cases were scarcely touched." The Malaysian government's decision last fall to turn away boat people was a protest against the selectivity of rich countries like Canada, said George Cram of the Inter-Church Committee on Human Rights in Latin America. When rich nations pick the best, the real problems are left with the countries with the least resources to cope.

Vincenzo thinks the Immigration Act is "strictly anti-humanitarian" in relation to those who need medical help. It denies admission of persons suffering health impairments which "would cause or might reasonably be expected to cause excessive demands on health or social services." If a provincial government agreed to pay the medical costs, a crippled person could get in. But people who lost limbs or sight from Chilean torture have not been admitted, Howard says.

"If our policy is humanitarian we should give preference to them. People in places like Russia or Indonesia get long prison terms and "in most cases are completely broken by it. They are much more in need than many of the refugees Canada does accept," Vincenzo argues.

## What ought to be done?

The critics have many proposals for changes, several of which have been described. But Vincenzo stresses that changes in policies or regulations are not enough, because they could be reversed overnight by the minister.

"What is required is a change of attitude. The majority of people who have come here have come because Canada needs them. I think in at least some cases, refugees should be able to come to Canada because they need Canada."

Changed laws must embody that change of attitude. But Vincenzo also feels agencies, financed by the government, are needed to find jobs, housing, medical care and temporary income for refugees. Canada is weak in providing this help, which is promised in the U.N. Convention, he says.

The critics agree pressure is needed on the government to produce change. There is disagreement on the most effective means of pressure.

Vincenzo argues against any participation in activities which might indicate endorsement of the present refugee policy. When church and other groups sponsor refugees, the immigration department will use that as evidence of support for the whole refugee policy, making it harder to change, he argues.

Cram is also critical of sponsorship programmes but feels they can be used for good. Church and other groups could insist on sponsoring those the government wouldn't normally accept. Through sponsorship, groups could also learn a great deal about our refugee policy and might join those pressing for reform.

One thing is certain. There will be refugees who need Canada if Canada will take them. □

This article was originally published in *Catalyst: For Public Justice*, Vol. III, No. 3, August 1980 (Toronto: The Committee for Justice and Liberty Foundation).

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## RESOURCE EXCHANGE

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### The New Consumer

The Consumer Help office of the International Centre in Winnipeg provides basic consumer information to newcomers to Canada. It has produced a series of video programmes called "The New Consumer," which can be used in information sessions and language classes to facilitate adaptation to Canadian life. Each programme is about 30 minutes long and, except as noted, the dialogue alternates between English and a translation. (E=English, F=French, V=Vietnamese, L=Lao, K=Khmer.)

The following programmes are available to borrow or purchase:

*Winter Survival - Outdoor Clothing* (E/V,L,K; F/V)

*The Canadian Kitchen and Its Appliances* (E/V,L,K; F/V)

*Food Storage* (E/V,L,K; F/V)

*Shopping For Food* (E/V,L,K; F/V)

*Vietnamese and Canadian Meals* (E/V,L,K; F/V)

*The International Centre* (E/V)

*Tips for English Tutors* (E)

*Filing Your First Income Tax* (E)

*Choosing An Apartment* (E/V)

*Moving In* (E/V)

*So You Want To Drive* (E/V)

*Caring for Children* (E/V)

*The New Worker* (E/V)

*For more information contact:*

Doreen Old  
Consumer Help Office  
International Centre  
700 Elgin Avenue  
Winnipeg, Manitoba. R3E. 1B2  
(204) 772-0346

D.O.

### Law Classes in Vietnamese

Imagine not knowing that a driver's license is necessary to operate a car, or how many years it takes to become a citizen of Canada, or that in Saskatchewan you are protected against discrimination by a Human Rights Code.

To help inform recent Vietnamese arrivals about the laws of Saskatchewan and Canada, the Saskatoon Open Door Society and the Public Legal Education Association of Saskatchewan (PLEA) have developed programmes about motor vehicle law, labour law, human rights legislation, law enforcement, and citizenship.

For three months PLEA has offered free classes on various aspects of law in Vietnamese and English at the Saskatoon Public Library. The response to the classes has been excellent. A volunteer lawyer in the community provides the information in a lecture format. The lecture is simultaneously translated into Vietnamese by a volunteer interpreter from the Saskatoon Open Door Society. These programmes are being videotaped and broadcast by Saskatoon Cable 10. Copies of these videotapes in Vietnamese and English are available from PLEA or Cable 10 for a small fee. In addition, the Saskatoon Region Community College has included these classes as part of their English language programme for immigrants.

PLEA and the Saskatoon Open Door Society are planning another series of classes beginning in the fall on topics including unemployment insurance, criminal law, consumer law and family law.

*For more information contact:*

Meg Richeson, Director  
Public Legal Education Association of Saskatchewan  
311 23rd Street East  
Saskatoon, Saskatchewan. S7K 0J6  
(306) 653-1868, or

Anita Wilson, Director  
Saskatoon Open Door Society  
302-333 25th Street East  
Saskatoon, Saskatchewan. S7K 0L4  
(306) 653-4464

M.R.

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## A Guide to Orientation Materials for Indochinese Refugees and their Sponsors

This selected, annotated bibliography lists orientation materials ranging from an English-Khmer math vocabulary and a Vietnamese guide to welding shop rules to the *World Refugee Survey* published by the United States Committee for Refugees. With the exception of such local items as a Lao translation of Minnesota hunting and fishing laws, organizations will find a wealth of pamphlets on health, consumer education, Southeast Asian

cultures, etc., which they can use as they are or adapt for Canadian use.

Single copies available from:

Language and Orientation Resource Centre  
Centre for Applied Linguistics  
3520 Prospect Street, N.W.  
Washington, D.C. 20007  
(800) 424-3701, (202) 298-9292

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## CANADIAN GOVERNMENT PLANNED REFUGEE INTAKE BY PROVINCE INDOCHINESE, EASTERN EUROPEANS

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	British Columbia	Alberta	Saskatchewan	Manitoba	Ontario	Quebec	Atlantic Provinces	Total
<b>Indochinese</b>								
Number Projected	840	1072	368	336	2144	3040	200	8000
Percent of Total	10.5	13.5	4.6	4.2	26.8	38	2.5	100
<b>Eastern Europeans</b>								
Number Projected	360	800	200	280	1920	400	40	4000
Percent of Total	9	20	5	7	48	10	1	100

*Source:* Canada Employment and Immigration Commission.

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Douglas Cohen, Montreal	Dawn MacDonald, Toronto
Claudio Duran, Toronto	Michael Pitman, Toronto
Arie van Eek, Burlington	Linda Weigl, Regina

Nominations welcomed.

*Editor:* Kristin Hanson

The United Nations High Commissioner for Refugees, Mr. Poul Hartling, will visit Canada from June 27th to July 3rd, 1981.

Observers will be welcome at an international round table discussion with the High Commissioner on the subject of integration of refugees, organized by the Canadian Foundation for Refugees.

Monday, June 29, 1981 9:00 - 5:00  
University of Quebec in Montreal.

Phone the Canadian Foundation for Refugees, (613) 993-4833 for more information.

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