CANADA'S PERIODICAL ON REFUGEES

# REFUGE

Volume 5, No. 3 January 1986

# Betrayal

We thought this would be the last issue in a long time dealing with refugee status determination in Canada. We had written an editorial to that effect. (It is included as an ironic postscript.) Naively, we had expected legislation more or less to follow the essential thrust of the recommendations of a Parliamentary Committee, of the Plaut report, of the religious communities, ethnic groups, humanitarian organizations such as Amnesty International, of academic experts in the field.

Current proposals in preparation for consideration are an insult to Parliament, a travesty of the consultative process, disrespectful of the results of thoughtful and humane consideration, and another formula for embarrassment for the Mulroney government. Refugees have been betrayed. Religious, humanitarian and ethnic leaders have been duped. Rabbi Plaut has been misused. And the considerations and fundamental conclusions of a Parliamentary Committee with a majority of Tories have been rejected.

Instead of the long overdue final move toward a more rational and humane refugee status determination process, humane because it accurately identifies legitimate claimants and does not allow them to languish in limbo, and rational because it effectively puts a stop to large numbers of illegitimate claimants abusing the refugee status determination process, what has been proposed is the castration of any system, however rational and humane it might be.

Restrictive legislation would be introduced to prevent refugee claims from being presented. And the power to make the decisions would be in the hands of adjudicators, not a central authority as recommended by international guidelines and all concerned non-government organizations on this issue. Within 72 hours, the adjudicator could have sent the refugee claimant flying (literally) because, for example, he or she was a Baha'i from Iran who happened to have come here by way of Germany.

The proposals separate the admissibility issue from the merits of any claim. Instead of universal access, there would be limited access. For example, access could be restricted by insisting that, in order to be eligible to make a claim, a refugee must not have come via another country where the refugee could have claimed refugee status.

No due process. Supreme Court Justice Bertha Wilson has written that everyone *present* in Canada was entitled to the consideration of a judicial process in such situations. But the proposals would have adjudicators at the airport make the decisions. Whatever safeguards are proposed, decisions made within 72 hours will almost never satisfy principles of fairness. The proposals snub the conclusions of the highest court in the land. It is as if the Supreme Court had not ruled that refugee claimants must be offered the protection of the Canadian Charter of Rights. Hawke's Parliamentary Committee need not have seconded Plaut and recommended universal access.

The Minister of Employment and Immigration, Flora MacDonald, at the last meeting of organizations concerned with refugees said that she had some reservations about universal access. But she claimed she had listened to the arguments of those concerned. The fact is that a consultative process is abused when the discussions proceed on one track with a variety of alternatives and, at the last minute, a radically different procedure

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is proposed which separates the question of who is admissible from the procedure itself. In any case, the proposals indicate fundamental opposition to the principle of access and not just reservations.

The proposals probably will be found contrary to law by the Supreme Court if passed as legislation, possibly will be defeated if introduced to Parliament, but more likely will be withdrawn for consideration if Cabinet is foolish enough to buy this disastrous package and send it on to Parliament. Then the long overdue reforms will be delayed another year. The backlog will become much larger. More people will use the refugee claims process as a rear entry point for immigration to Canada. And legitimate refugees will continue to be kept insecurely waiting year after year unable to continue their careers and education.

Access! The central issue is access. The best and most humane process in the world is useless to refugees who arrive at our doorstep only to be sent away as ineligible even to obtain a proper hearing.

Should an individual who arrives on Canadian soil and claims refugee status be entitled to a fair hearing? The Supreme Court said yes. Rabbi Plaut said yes. The Tory dominated Parliamentary Committee said yes. The religious community, ethnic groups and the Nobel prize winning Amnesty International have all said yes. A few civil servants have decided that *all* of these groups are wrong and they are right.

This misguided group has decided that Canada does not want Europeans and Americans to dump "their" (not our or the world's) refugee problems into Canada. Keep the hordes out. The fact that we are talking about only 2000 or 3000 people per year who are in peril is forgotten.

The issue is no longer about creating a system that will be fair to refugee claimants while discouraging abuse. The issue has become one of restricting access even to legitimate refugees and insisting that they are some other government's problem and not ours.

Concerned Canadians must let our Minister know that such proposals are a betrayal of humanitarian principles and the Canadian Charter of Rights. They are also an abuse of the term consultation. No one asks the government to do everything requested of it. They do ask that as part of the courtesy and dialogue of a consultation that *all* the alternatives be put on the table for consideration and debate. When a proposal emerges that runs so contrary to the general thrust at the last minute after the consultative process is over, the democratic process has been sabotaged. The Mulroney government does not need another pratfall. It should back the recommendations of its own Parliamentary Committee. Canadians (others are welcome as well) should wire or write the Prime Minister, the Minister of Employment and Immigration, their M.P. and tell them so.

*Howard Adelman*
*James Hathaway*
*Michael Lanphier*

## Ironic Postcript

Status determination in Canada! For the past three years it has dominated, indeed sometimes it has overwhelmed, other critical issues of refugee policy in Canada. We appear to be coming to the end of a long road. New legislation should be forthcoming from Ottawa.

This issue makes clear that we have, in fact, not reached the end of the discussion, only a new plateau from which to view it. Although much fairer procedures may be introduced, there are still claims for higher standards of fairness—a satisfactory system of appeals, looser visa requirements and a better distribution of administrative offices for processing applicants. Even the improved measures proposed do not adequately satisfy the requirements of fairness and the rights of refugees according to the critics.

The debate continues not simply because of a few outstanding issues. The roots go deeper. There is a conflict between a conception of Canada as primarily a state with absolute control over the rights of non-citizens who wish to enter Canada and a conception of Canada as a state with a primary obligation to non-citizens in need who can appeal to Canadian law for protection. Canada's signing of the Refugee Convention already qualified our absolute control over entry. The Charter of Rights and the recent ruling of the Supreme Court (the Singh case) have extended the protection of our laws to non-citizens on Canadian soil.

We are no longer absolutely sovereign in controlling entry, and once entry is obtained it is clear that anyone on Canadian soil has the right to protection of Canada's laws. Our sovereignty is qualified by our international obligations, our humanitarian concerns and our own domestic legislation.

The ensuing years will witness the extent to which that sovereignty should be qualified in order to be just to non-citizens in need who claim Canadian protection.

*H.A.*

CANADA'S PERIODICAL ON REFUGEES

REFUGE

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# Report of the Standing Committee on Labour, Employment and Immigration

The following is a condensed version of the report of the Standing Committee on Labour, Employment and Immigration, presented November 7, 1985 to the House of Commons. The report was divided into the Plaut Report recommendations and the Committee response. This condensed version merges the two sections to avoid redundancy, and leaves out material which simply repeats the Plaut Report's recommendations or which is dealt with elsewhere in this issue.

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The combination of the Plaut Report and the oral and written testimony of witnesses has enabled the Committee to consider each of the options suggested by Rabbi Plaut...Where the Committee does not agree with Rabbi Plaut, the Committee has made recommendations in the belief that if the Parliament of Canada were to follow its advice, the result would be the system most likely to work in both an efficient and very human way.

...The decision to provide the protection of Canada to those who have well-founded fears of returning to their own country should be undertaken by a body of people knowledgeable and sensitive to human rights issues rather than immigration issues. The determination decision is not an immigration matter but instead a decision as to who are Convention refugees in need of Canada's protection. Care must be taken to make sure that...refugee claimants are dealt with by a refugee determination system that is not part of our immigration system.

It is the Committee's belief that the immigration decision, which follows a determination of refugee status, should remain in the hands of the Minister responsible for immigration.

Four basic principles are fundamental to the approach of the Committee and the recommendations it has made:

1. It is the Committee's strongly-held conviction that Canadians do not want people sent back to countries where they may be persecuted.

2. Every person in Canada who wishes to claim that he or she is a Convention refugee should have an unqualified right of access to a formal process that will adjuducate the claim.

3. All Convention refugee claimants should have their case decided at a non-adversarial oral hearing.

4. The decison-maker in the formal process shall have the power, in addition to declaring an individual to be a Convention refugee, to recommend to the Minister that specific individuals who are not within the strict definition of Convention refugee nevertheless should be considered for landing on compassionate and humanitarian grounds.

## I. Access Criteria

1. *Definition of Convention Refugee*

a) *Exclusion and Cessation Clauses*

Rabbi Plaut believes that although Canada has incorporated the general definition of a Convention refugee and the principle of non-refoulement into the Immigration Act (section 2(1) and section 55 respectively)...[he] recommends that the...exclusion and cessation clauses of the UN Convention be incorporated into Canada's statutory definition of a refugee (i.e., exclusion of refugees receiving UN assistance and "natural" refugees, cessation of refugee status upon reavailment of national protection or acquisition of lost or new nationality, etc.).

The Committee disagrees with this recommendation...These exclusion and cessation clauses provide little or no benefit to the refugee determination process and... few of the exclusion clauses apply directly to the refugee situtation in Canada. Inclusion of these clauses may therefore cause confusion and difficulty for those whose responsibility it is to determine refugee status.

b) *Prior Protection*

...Individuals may not be entitled to remain in Canada if they have received protection in another country which is a signatory to the Convention prior to coming to Canada...As a test to determine whether prior protection actually exists, Rabbi Plaut proposes that a Convention refugee should not be removed from Canada unless he or she is:

— "a person who is a permanent resident of another state and has an absolute legal right of re-entry into that state not subject to the exercise of discretion by border officials. Such residency must be permanent and not for a stated term of months or years;

— or is a person who has a valid Convention travel document with a return clause." (p. 67)

The Committee recognizes that refugees must not be bounced from country to country (i.e., refugees "in orbit"). Nevertheless...the status of permanent residence has no relevance in many countries of the world because they only distinguish between foreigners resident in their country for a limited period of time and citizens. Residency permits are valid for a stated period of time and must be renewed. Consequently, prior protection in Western Europe, for example, would not be recognized in Canada under Rabbi Plaut's test.

The alternative criterion, possession of a valid Convention travel document with a return clause, could accentuate the already-prevalent practice of destruction of documents.

The UNHCR has stated that refugees may be returned to a country which has previously protected them against refoulement and will allow them to remain under minimum recognized standards until a durable solution is found. Provided these conditions are met and due consideration has been given to Canada's policy of family reunification, the Committee believes that Canada should be allowed to return Convention refugees to countries which have previously protected them.

2. *Right to Make a Claim*

The Committee agrees with Rabbi Plaut that access to the refugee determination process is a right, not a privilege. It further supports his recommendation that there be no distinction between "in-status" and "out-of-status" claims, in other words, between refugee claimants who have entered Canada legally and those who have entered illegally.

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3. *Inadmissible Claim*

a) *Definition*

...(Although) Rabbi Plaut feels that the concept of manifestly unfounded claims (bogus claims) is practically unworkable, open to administrative misapplication and should be abandoned, he...recommends that claims which fall within one of... three categories [legally inadmissible, expired time limits, and repeat claims with no new evidence] be dealt with in a special way.

To ensure that all individuals in Canada have equal access to the process of refugee determination, the Committee believes that the concept of an inadmissible claim should not be adopted. The Committee also believes that if the original claim is negatively determined, then claimants should be provided with a mechanism that would allow them to present evidence dealing with a change in circumstances.

## II. Structure

1. *Refugee Officer*

Rabbi Plaut recommends maintaining a link between the Canada Employment and Immigration Commission (CEIC) ...(and) the refugee determination process (through)...a new category of CEIC personnel called a Refugee Officer (RO). ROs will act as liaison between CEIC and the Refugee Board (RB); interview refugee claimants within 24 hours of their arrival in Canada; guide refugee claimants to proper resources, especially counsel and support systems; identify inadmissible claims; identify cases which qualify for consideration under special programs; and identify those cases requiring enforcement action (p. 72, 73, 81 and 104). ROs should be selected by a joint committee of the RB and CEIC and be seconded to the RB on a contract basis for three-year terms at least (p. 72-73).

The Committee agrees that a new position called a Refugee Officer should be created. However, the Committee also believes that Refugee Officers should be selected and employed by the Refugee Board and not the CEIC. The duties of this position should be restricted to those of a facilitator rather than a decision maker. For example, assisting refugee claimants in securing the necessary resources to make a claim, providing information on special programs and indicating when claimants are ready for their hearing would all be appropriate activities. ROs could also be present at the Board hearing to ensure that refugee claimants' cases are fully presented.

From time to time, members of the Refugee Board should function as Refugee Officers in order to become more sensitive to the needs of refugee claimants.

The Committee believes strongly that Refugee Officers should not have any enforcement responsibilities. Ideally they would be selected from the local immigrant aid community and, in most cases, would be part-time employees of the Refugee Board...Refugee Officers should be specifically trained in matters pertaining to refugees.

2. *Refugee Board*

a) *Creation of the Refugee Board*

The Committee agrees with (Plaut's) recommendation to create a new body to determine Convention refugee claims. However, the name of this new body should be the Convention Refugee Determination Board (CRDB). The Committee agrees that this body should have three divisions: Hearings, Documentation and Information, and Education. The Committee further recommends that the CRDB should be located in Toronto, in view of the large number of claims made there. The CRDB should be headed by a refugee commissioner.

The Committee is strongly opposed to integrating the CRDB and the Immigration Appeal Board...the CRDB (should) be a board directly supervised in its administrative capacities by the Minister's office...This structure offers the greatest scope for approaching refugee determination in a non-adversarial setting. With regard to hearing rooms, there will be a need for permanent facilities in Toronto and Montreal, while in other communities existing community facilities could be used on a part-time basis.

The Committee recommends that the federal government consult with the provinces before establishing the CRDB and implementing the model proposed by the Committee. In addition, the government should consider providing the provinces with an ongoing advisory role in matters pertaining to refugee claimants.

b) *Powers and Duties of Members*

As Plaut recommends, in making a determination, members of the RD should not be bound by the strict rules of evidence (p. 124). Hearings should be non-adversarial. The RB should have the exclusive jurisdiction to limit cross-examination and the power to subpoena witnesses and administer oaths (p. 124-125). RB members should be permitted to ask questions of the claimant for clarification. The RB should be allowed to refer a case deserving of humanitarian consideration to the Minister with a favourable recommendation (p. 85 and 129).

The Committee believes that...in matters pertaining to detention, the Board could offer advice to the counsel of detained claimants ([but not] present its views to an adjudicator for release of a claimant who is in detention [p. 81]), but it should remain the responsibility of claimants or their counsel to argue their own case at detention hearings.

c) *Appointments*

The Plaut Report proposes that there should be a full-time member on each panel hearing a case. These members should be appointed by the federal government for a period of five to seven years. Where panels consist of more than one member, additional members should be selected from the public on a part-time basis. All members should be appointed on the basis of their expertise in the area of refugees, their knowledge of refugee law and their human sensitivity. Before appointments are made, non-governmental associations would be invited to suggest names for appointments to the panels, both as professional and as public members (p. 132-134).

The Committee agrees with the thrust of these recommendations. Expertise should be the guiding principle and consequently the Committee believes that the requirement to have one full-time member on each panel is too restrictive.

d) *Training*

The Committee agrees with the Plaut Report recommendations that the Education Division of the RB be responsible for providing initial and on-going training of all who are involved in the refugee process, conduct seminars and conferences in various parts of Canada and act as a general information office on behalf of the RB. In addition, it would disseminate information collected by the Documents and Information Division to panel members throughout the country (p. 142).

e) *Rules of the Refugee Board*

... The Convention Refugee Determination Board should be allowed to establish its own rules... (to) reflect the non-adversarial nature of the proceedings.

f) *Guidelines*

Rabbi Plaut recommends continued use of the Minister's guidelines (IE 8.06-8.09) (for RB procedures), since these reflect internationally accepted standards. In addition, the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status should be incorporated into the RB's guidelines (p. 126).

The Committee... feels that because of the complexity of the UNHCR Handbook there is no need to incorporate it into the guidelines. The Minister should review the UNHCR Handbook to ensure that Canadian procedures reflect its spirit.

3. *The Models*

Testimony indicated that a new refugee determination process should be fair and provide equal access to all. It should also be as efficient and speedy as the requirements of fundamental justice permit... The Committee has decided to propose its own model (in which)... all refugee claims will be heard orally, in a non-adversarial setting, by panels composed of two members located in the region where the claim is made... If one member of the panel makes a positive determination, then the claimant is deemed to be a Convention refugee. In the event that both members of the panel make a negative determination, they must then decide whether a recommendation should be made to the Minister to issue a permit to the claimant on humanitarian and compassionate grounds.

If a claimant receives a negative determination and is not permitted to remain in Canada on humanitarian or compassionate grounds, then the claimant may appeal the decision to the Federal Court of Appeal, with leave of that Court... The grounds of appeal should be broad. The Committee is not proposing that the Minister be given the same right of appeal. The Committee believes that the availability to the Minister of a review under section 28 of the Federal Court Act for errors of law and jurisdiction will be sufficient.

There should be some procedure for the refugee claimant to present for reconsideration information... on a change of circumstances pertaining to conditions in the countries from which refugee claimants flee... In view of the gravity of this decision the Committee urges that procedural protections for claimants be devised and recommends that the Convention Refugee Determination Board be responsible for the reconsideration decision. At the same time the potential for abuse should be minimized.

*"Every person in Canada who wishes to claim that he or she is a Convention refugee should have an* unqualified *right of access to a formal process that will adjudicate the claim."*

*Report of the Standing Committee on Labour, Employment and Immigration*

## III. Rights of Convention Refugees in Canada

1. *Application for Permanent Residence*

The Committee agrees that the process of landing applicants individually, by Order in Council, is too lengthy, and may impede the settlement of the refugee... The Immigration Act might be amended directly, as Rabbi Plaut recommends, or it may be that sufficient authority already exists under section 9(1) of the Act to achieve the same thing through a regulation exempting Convention refugees from the requirements to obtain a visa before entering Canada. This change should also apply to individuals accepted for humanitarian and compassionate reasons.

The Committee agrees that the current practice of issuing Convention Travel Documents to refugees to facilitate their travel abroad should continue.

2. *Family Reunification*

The Committee strongly supports the speedy reunification of refugees with their families... (but) finds it unnecessary, however, that they be automatically recognized as refugees. The Committee agrees with Rabbi Plaut's recommendation that Minister's permits should be issued to the family as a matter of course and that the Immigration Manual should reflect this policy.

3. *Protection Against Removal*

Under Section 55 of the Immigration Act refugees may be returned to the country in which they fear persecution... in certain circumstances (i.e., if convicted of a serious offence, for espionage, threat of subversion, etc.)... Rabbi Plaut suggests that this section of the Act should be amended. The Committee is not persuaded that any changes to Section 55 are warranted where serious offences are concerned. It appears that Rabbi Plaut intended the test of "serious threat to the public safety" to be a higher test, therefore more beneficial to refugees, than the test of an offence for which the maximum sentence is 10 years imprisonment or more (according to Canadian equivalences). The Committee is not convinced that Rabbi Plaut's test is more beneficial to refugees and prefers the certainty of the more clearly-defined standard... Consideration of serious crimes should remain under the jurisdiction of the Minister.

The Committee agrees that refugees should have a right to respond to the serious allegations made against them under Section 55 of the Immigration Act before removal to a country where they fear persecution... They are not, however, given an opportunity to reply to the allegations, either orally or in written form. Because the certificate which is issued on the basis of those facts (after investigation by the Review Committee) is "conclusive proof of the matters stated therein" (s. 40(2)), the refugee has no opportunity to respond to its contents in order to contest his removal.

The Committee feels that this is a denial of natural justice and urges that refugee claimants be given a right of reply before deportation to a country in which they have a well-founded fear of persecution.

4. *Right of Review and Appeal*

Rabbi Plaut recommends that if a Convention refugee's application for permanent residence is refused, he or she should have the right of appeal to the Immigration Appeal Board (IAB) on legal and equitable grounds. If the refusal involves the issue of national security and evidence cannot be disclosed, then a security certificate would be filed and the IAB would

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be limited to reviewing only the legality of the refusal (p. 90).

In the Committee's model there is an appeal with leave of the Court. The Committee recommends the application for appeal should be made within 15 days of reciept of the decision of the CRDB . . . and agrees that if the Federal Court allows the appeal then it should have the power to reverse the decision of the CRDB or order a rehearing.

At present, a refugee claimant who has received a negative determination and is subject to a removal order is entitled to a judicial review of the decision. There is no right of appeal. The Committee does not recommend that this be changed but agrees that all actions before the Federal Court should be considered together.

## IV. Commission Counsel

The Committee strongly endorses the non-adversarial approach to refugee determination . . . It may be that in many cases it will not even be necessary for CEIC counsel to be present at the oral hearing before the Board. When CEIC counsel do present relevant evidence, this must be communicated to the claimant prior to the oral hearing.

## V. Inquiries

1. *Decision to Hold an Inquiry*

The Committee has earlier rejected any enforcement role for the Refugee Officer and consequently disagrees with Rabbi Plaut's recommendation that the RO should determine if the claimant should be the subject of an inquiry. The Committee further agrees with the numerous witnesses who noted that the basic data form contains more information than is necessary at that stage.

2. *Offences and Punishment*

Although present policy of the government is not to prosecute refugees for immigration offences pending determination of their claims (for false documents, illegal entry and so on), the Immigration Act is silent on the point. The Committee agrees (with Plaut) that such an important matter should not rest on a policy decision but should be part of the Act itself . . . (and that sections 58 and 59 of) the Criminal Code . . . dealing with passport and certificate of citizenship offences . . . (should) be amended as well.

3. *Adjudication Decision Review*

Rabbi Plaut suggests that there may be a need to review decisions by adjudicators regarding the detention of refugees . . . Decisions of adjudicators concerning refugee claimants should be discussed periodically by adjudicators, CEIC, ROs and members of the RB (p. 82).

The problems of the detention of refugees and the role of adjudicators must be seen as part of the larger problem with immigration detention generally which the Committee identified in its Fourth Report to Parliament . . . The Committee urges that further actions be taken on recommendations one and six in that Report.

## VI. Classified Information

1. *Documentation Division*

The Committee does not envisage the need for the Documentation Division to collect classified information on claimants. However, the Committee agrees with (Rabbi Plaut's) recommendation, as it pertains to country-specific classified information, that classified information be segregated and accessible to members of the RB, the director of the Documentation Division and the staff of the Division (including legal research counsel) (p. 141).

2. *In Hearings*

Since refugee determination hearings will not deal with the issue of exclusion, then the relevance of classified information dealing personally with claimants is diminished. However, in the event that classified country-specific information is used in a hearing, the Committee believes that the source of this information should not be revealed and claimants should be given the opportunity to respond to this information.

## VII. Support

1. *Employment Authorizations*

Since Rabbi Plaut recommends that all persons have a right to make a refugee claim in Canada (regardless of their immigration status), then they should also have the right to apply for employment authorizations. The sole criterion for receiving an employment authorization should be financial need. Rabbi Plaut supports the use of generic work permits and claimants should be permitted to use Canada Employment Centres (CECs). Claimants should be informed immediately that a medical examination is required before a generic work permit can be issued (p. 145-148). The Committee agrees with these recommendations.

2. *Social Assistance*

According to the Plaut Report, "The task of making sure that claimants are provided with the necessities of life is an obligation of the provinces as it is of the federal government and claimants should be assured proper treatment."

The Committee agrees that these services should be provided and this should be achieved through a federal-provincial agreement.

3. *Student Authorizations*

The Act should be amended without delay to permit student authorizations to be issued to refugee claimants and their families in Canada.

4. *Claimant Identification*

Rabbi Plaut recommends that refugee claimants should receive special documentation that would serve to identify claimants as people who qualify for certain privileges. He feels that the document contained in Appendix VI is suitable, providing the title is changed and the box referring to money is removed (p. 150-151). The Committee agrees with this recommendation.

5. *Right to Counsel*

Rabbi Plaut recommends that the Education Division, with the assistance of the UNHCR, should prepare and display, at major ports of entry, a pamphlet which outlines the rights of refugees, Canada's legal processes and practices in relation to refugee claims and a list of local agencies which may provide assistance to refugees (p. 126). He also suggests that it would be "helpful if in the major refugee centres NGOs would pool their resources to establish an information office where the claimant may receive additional advice and assistance and be provided with names of lawyers who practice in the refugee field." (p. 158) The Committee agrees with this recommendation.

At present the right to counsel is guaranteed to any person who is the subject of an inquiry (Immigration Act, section 30).

The Committee feels that it is not necessary or practical to provide individuals with a right to counsel prior to an inquiry. However, in the event that any information taken prior to an inquiry is used against a refugee claimant, then the claimant must be made aware of this information prior to the hearing and be given the opportunity to respond to it.

In order to ensure the availability of counsel at detention review, the Committee recommends that the Immigration Act should be changed to allow refugee claimants the option to postpone the initial review following the decision to detain for up to 120 hours from the present 48 hours.

According to Rabbi Plaut, "At a minimum, discussions should be held with provincial legal aid plan administrators to ensure claimants are not denied (legal aid) certificates." (p. 159)

6. *UNHCR Participation*

UNHCR participation in an advisory capacity has proven to be beneficial in the Canadian context and this should be continued (p. 163).

The Committee disagrees with (Plaut's) recommendation (that a transcript of a rejection be submitted to the UNHCR for review) since UNHCR participation of this type is not required in the model proposed by the Committee because a decision to reject a claimant must be unanimous. The Committee agrees with the three remaining recommendations (to postpone panels pending UNHCR advice, to allow the UNHCR to attend hearings as amici curiae, and to sit as an ex-officio member of the Documentation Division) with the reservation that any opinions of the UNHCR representatives must be expressed in the presence of the refugee claimant.

7. *Interpretation*

Although the Committee agrees that interpretation services in refugee hearings need to be improved, it does not feel that it is in a position to make the necessary administrative recommendations to accomplish this. The Committee urges the government to examine the feasibility of each of Rabbi Plaut's suggestions. The Committee also believes that care should be taken to ensure that interpreters are not biased against the best interests of the claimants.

# Dissenting Statement on the Fifth Report of the Standing Committee on Labour, Employment and Immigration

**Dan Heap, M.P., Spadina**
(edited version)

Although much of this report is good, I find two serious flaws in it. The pressure of Committee work on all members was such that we could not find time to resolve these points. Because of these two flaws I dissent from the report, as follows:

1. *The Appeal System*

The Committee disposes in one paragraph of the refugee claimant's right to appeal. It recommends an appeal, with leave, "on broad grounds," to the Federal Court of Appeal. *This will not work.*

All the witnesses before the Committee asked for a stronger appeal system. Remeber the Supreme Court's warning, in its April 4 decision on the Singh case, that a mistaken judgement may cost a person's liberty or life.

> *Therefore I recommend that we set up a special appeals branch of the Convention Refugee Determination Board. A claimant who asks to appeal would have the written record of his case read by one member of the branch who would decide whether the claim is "manifestly unfounded" and if so deny leave to appeal. If leave were not so denied, the case would be heard by an appeals panel with a mandate to hear and examine the claimant afresh, hear and examine other witnesses, and invite the opinions and advice of the UNHCR representative.*

2. *Right to Counsel*

Many witnesses told us how genuine refugees' cases have been prejudiced because they were denied the right to have a lawyer or other counsel at the first examination.

A refugee arrives, scared from previous persecution, often not knowing our languages and laws, and is quizzed alone by a uniformed Enforcement Officer trained to discover reasons to keep people out. This contradicts the whole thrust of our report, which is to *separate determination of refugee status from immigration procedures.*

Furthermore many witnesses told the Committee, and the Sub-Committee on Immigration Detention, how some refugees, without right of counsel, have been unjustly detained and sometimes unjustly treated in detention.

The Supreme Court, in deciding that refugee claimants must have an oral hearing, implied that everyone physically in Canada has certain rights under the Charter. I believe, with most witnesses before the Committee, that right of counsel is one of these, and that evidence taken without counsel ought to be excluded from decision-making. To wait years more for the Supreme Court to verify this is surely an unreasonable *waste of human suffering and taxpayers'money.*

> *Therefore I recommend, with Rabbi Plaut, "that the refugee claimant have the right to counsel as soon as a claim is made, that he/she be advised of this right and that it be enshrined in our legislation." (p. 158, Refugee Determination in Canada).*

I strongly regret that the many beneficial recommendations of the Committee's Report may be of no help to a refugee if we deny him/her the right to a strong appeal and the right to counsel from the beginning.

Therefore I oppose this report *as a whole,* and urge the public to persuade the Minister to correct these flaws.

# The Refuge Determination Procedure: A Growing Consensus

## The Fundamental Concern

The concern of the Canadian churches and other humanitarian organizations for refugees in Canada stems from the fact that they are among the most powerless members in our society. They arrive in Canada, not out of choice, but out of necessity. The refugee determination procedure is an extremely serious procedure for the claimant. A wrong judgment could result in return to persecution or even death in a country of origin. This procedure must have a negligible risk of such a wrong judgment. Canadians, proud of Canada's humanitarian tradition, can join the Standing Committee of Parliament when it affirmed "it is the Committee's strongly held conviction that Canadians do not want people sent back to countries where they may be persecuted".

## Developments in 1985

The year 1985 has been a year promising major changes in refugee determination procedures in Canada. On April 4th, the Supreme Court of Canada decision on the case of *Singh et al* made clear that the present procedure does not conform with the fundamental principles of justice as required by the Canadian Charter of Rights and Freedoms. By the end of June, Rabbi Gunther Plaut, a consultant retained by the government, published a full report, "Refugee Determination in Canada," which analysed the present situation, made suggestions and offered three models for a new procedure.

In late September, non-governmental organizations gathered under the auspices of the Standing Conference of Organizations concerned for Refugees to present common positions on outstanding issues to the Minister of Employment and Immigration, Flora MacDonald. The non-governmental agencies then submitted briefs to the Standing Committee on Labour, Employment and Immigration of the Canadian Parliament.

In early November, the Fifth Report of the Standing Committee of Parliament, "Refugee Determination in Canada: The Plaut Report," appeared. A second major non-governmental organization discussion took place at the November meeting of the Standing Conference in the presence of government officials and the Chairman of the Standing Committee of Parliament. It reviewed remaining issues. As the year ends, all signals indicate that the Cabinet of the Canadian government will have the outline of a new refugee determination procedure in its hands before Christmas.

Throughout this year of consultations, overall consensus among non-governmental organizations and the Standing Committee of Parliament has developed in many areas. However, there remain outstanding issues. The lack of an adequate appeal in the proposals of the Standing Committee is a major outstanding problem.

## The Agreement on Key Issues

There is almost total agreement on the following range of key issues:

## Open Access

There is recognition of the right of access of everyone physically present in Canada to the refugee determination procedure, regardless of the means or manner of arrival, of the immigration status, and of the time at which the application is made. The right to a procedure with an oral hearing conforming to the principles of fundamental justice for everyone physically present in Canada was supported in the decision of April 4, 1985 of the Supreme Court of Canada. This principle was supported in the report of Rabbi Plaut. It was supported in the submissions of all non-governmental groups to the Minister and it was supported in the report of the Standing Committee of Parliament.

## Independent Determination Body

All briefs from non-governmental organizations urged that the refugee determination body and its refugee offices be independent of the Department of Immigration. The report of the Standing Committee of Parliament agrees.

The reasons for requiring the separation stem from the shared concern that the decision be made carefully because the consequences of wrong decision are so serious. The skills and training of immigration officials for the enforcement aspects of immigration law or for the selection of persons for immigration are very different from the skills needed to make a judgment under international law designed to protect a refugee from return to persecution in a country of origin.

## Non-Adversarial First Hearing before More than One Decision Maker

A similar unanimity supports a principal, non-adversarial first hearing of a refugee claim before more than one decision maker of a competent and specialized refugee determination body.

The judgment on whether or not a person has a well-founded fear of persecution requires a very different procedure and physical arrangement from the courtroom of a trial. A just outcome requires not only a non-adversarial process, but also a relaxed and non-threatening atmosphere for the hearing. To minimize the risk of bias which is present even in the best informed and well-intentioned individual, non-governmental bodies and the Standing Committee favour a hearing before more than one decision maker.

## Application of the Convention and Protocol and Recommending Permanent Residence

There is agreement that the so-called cessation and exclusion clauses in the 1951 Convention and 1967 Protocol are largely inappropriate to the Canadian situation and should not be directly introduced into Canadian law.

Most non-governmental organizations feel that the new independent refugee determination body should be competent and specialized in current practices in international law. It should be the appropriate body to apply the Convention and Protocol to refugee claims.

Rabbi Plaut, the Standing Committee of Parliament and non-governmental organizations propose that permanent residence be offered to successful claimants, as is suggested under the 1951 Convention, Article 34. The non-governmental agencies are clear that the new Refugee Determination Body will be competent and specialized in the current interpretation of the 1951 Convention and 1967 Protocol and should have the right to recommend permanent residence to the Minister.

### Material Assistance and Right to Work for Claimants

There is full agreement on the importance of ensuring that basic material assistance and the right to work is made available to refugee claimants. (This is made in response to the 1951 Convention, Chapter III.)

### Family Reunification

The speedy reunification of a refugee with his or her family members is a principle agreed upon and repeatedly reinforced by the Executive Committee of the United Nations High Commissioner for Refugees.

### Competent Counsel and Accurate Translation

There should be competent, independent counsel as an essential part of the refugee determination procedure and on the principle that a just outcome is critically dependent on accurate translation of the discussion between the decison-making body and claimant during the hearing. The Canadian churches and several non-governmental organizations have noted that accreditation of translators will be essential to ensure appropriate security and to ensure linguistic competence.

## Some Remaining Issues

### An Independent Body for Humanitarian and Compassionate Cases

In many cases where the need for international protection is clear, for example where persons have fled civil strife or generalized persecution, the strict definition of a Convention refugee cannot be met. Nevertheless, these persons deserve protection on humanitarian and compassionate grounds in accordance with Canada's humanitarian tradition. The churches and other non-governmental organizations remain concerned that without an independent body to review and recommend landing on humanitarian and compassionate grounds, the refugee determination procedure will become clogged with cases of a different and humanitarian nature. The presentations before the refugee procedure will be a confused mixture of refugee and humanitarian issues. The churches have proposed an independent body to recommend permanent residency on humanitarian grounds under clearly established guidelines.

### Full-time Refugee Officers and Decision Makers

On a more detailed matter, non-governmental organizations have recommended that the training of decision makers and refugee officers proposed by Rabbi Gunther Plaut and the Standing Committee of Parliament will be inadequate unless these offices and decision makers are full-time to ensure the development of the necessary expertise in this highly technical field.

### The Remaining Need for Appeal to a Competent Specialized Body

The most significant difference of view at the time of writing is in the form of the appeal procedure. The Standing Committee of Parliament proposed that appeals be by direct application, with leave, to the Federal Court of Canada. Its reasons appear to be cost and speed. The non-governmental organizations and the churches hold this unacceptable.

At the November meeting of the Standing Conference, even the Representative of the United Nations High Commissioner for Refugees noted there should be at least one level of appeal on merits and that the Federal Court may not be an appropriate recipient for such a responsibility.

The Federal Court lacks the expertise in refugee law and lacks understanding of country situations. It is unrealistic to expect that the Federal Court Act, Section 18(1)(c) will be given a more open interpretation in the future. It is puzzling that the Parliamentary Committee would propose to use the costly Federal Court system to receive the brunt of appeals instead of the more usual, specialized appeal tribunal. Attempts to modify the use of the Federal Court, for example to allow appeal directly to it as of right, can only increase the cost.

There can be no doubt that even the proposed new first hearing of the Parliamentary Committee will only reduce, not eliminate, mistakes at the first instance. Appeal to a body competent and specialized in refugee concerns must be part of a procedure where fundamental human rights, the right to life, liberty and security of person, are acknowledged to be at stake.

### Functions of an Acceptable Appeal Body

The Canadian churches and many non-governmental organizations agree on the features of any acceptable appeal body. They urge:

— the appeal body should be similar to the refugee determination body and equally or more competent in the Convention and its interpretation in international law;

— a mechanism to allow an expeditious response to clear evidence of error;

— the mandate to receive new factual information and to examine the claimant on it;

— the mandate to reassess the credibility of the claimant;

— a mechanism to ensure a high degree of consistency in decision making;

— a mechanism to allow the representative of the UNHCR in Canada the right to offer opinions and advice.

### Options for a Strong Appeal Are Feasible

Although there remain some variations in preferred appeal, there is widespread understanding that the desirable features of the appeal could be satisfied in several ways.

The large majority at the November meeting of the Standing Conference would favour a regionally accessible *de-novo* determination in which consistency is accomplished by such devices as rotation of decision makers and publication of decisions made. A majority of the

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churches support a full appeal as of right. A minority, while supporting the full right of appeal for most appellants, favour the right of leave to appeal for a few carefully defined types of appellant.

Some, among them the Representative for the United Nations High Commissioner for Refugees, favour a centralized appeal, noting that in a regional process lack of a review of the reasons for denying claims would entail inconsistencies in the appeal country-wide when there is a need to create a jurisprudence.

Costs are a legitimate consideration. However, most would find a strong appeal essential irrespective of cost in such an important matter as refugee determination. The additional cost of such an appeal and the additional time could be quite modest. All things considered, it is difficult to imagine that the new procedure with appropriate appeal could be any more costly than the present procedures.

## Conclusion

There has been considerable progress towards a consensus. The consensus is shared not only among the non-governmental community but with the Standing Committee of Parliament. The appeal is the major outstanding issue to be resolved between non-governmental groups and the Standing Committee. In this outstanding area, there remains real concern that an adequate appeal will not be provided.

An examination of summary reviews of refugee determination in several countries ("Refugee Status Decision-Making: The Systems in Ten Countries", Avery, Stanford Journal of International Law, Summer 1983; or *The Refugee in International Law*, Goodwin-Gill, Oxford 1985) reveals that the proposed refugee determination, plus an appeal with the features proposed above, would be among the best in the world. Such a refugee determination procedure would mark Canada's coming of age in all aspects of refugee concerns. The procedure would be a statement to the international community of Canada's commitment to the international humanitarian instruments. It would be a signal of justice with compassion to refugees in need of protection in Canada.

**Tom Clark** *is the Co-ordinator of the Inter-Church Committee for Refugees.*

# Racism in Canadian Immigration Policy

## Part Two: The Present

We now have a sophisticated enough knowledge of racial discrimination to know that there can be racial discrimination in fact without racial discrimination in form. The Immigration Act may not be intentionally discriminatory. The question whether it generates systemic discrimination is an open one. In looking at the question, I want to examine four topics — visitor's visas, delays, the points system, and refugees.

The general rule in the Immigration Act is that everyone must have a visa issued at a Canadian immigration post abroad before coming to Canada. The Cabinet, the Governor in Council, has the power to make exceptions to this rule.

The regulations contain all sorts of exceptions. Citizens of 77 countries do not need visas to enter as visitors. For the U.S. the arrangement is particularly generous. U.S. citizens, as well as permanent residents, do not need visas. People from these countries can appear at the border and get a visitor's permit.

Theoretically it is easier to obtain a visitor's permit at the border than a visitor's visa abroad. Once a person has made a long trip to Canada, it is much more difficult for an immigration officer to deny entry than if the person were still in his home country. Denial of entry may mean deportation, with extra cost to the government. As well, delays are shorter. A person granted a visitor's permit at the border usually has to wait only a few minutes in a queue. A person granted a visitor's visa at a Canadian post abroad typically has to wait months. Imposing a visa requirement, or more accurately, removing the visa exception makes visiting more difficult.

For a select group of immigrants visiting is particularly difficult. Citizens of 14 countries are required to obtain visas even if they are in Canada in transit—even if they never leave the airport or the plane. People from these countries are prohibited from passing through Canada en route to another destination unless they obtain a Canadian visa abroad.

The reason why a visa is required, in general, is that citizens of these countries have been abusing the visitor's permit system. Immigration has found that a significant number of individuals with visitor's permits have overstayed their visits. Enforcement action has been necessary to remove them from Canada. A visa requirement is intended to cut down on this abuse.

In my opinion, it is inherently unfair to anyone that he be told he must get a visa before he enters Canada because Immigration believes, on the basis of his nationality, that he may overstay a visitor's permit.

The Canadian Charter of Rights and Freedoms guarantees the legal benefit of the law without discrimination based on national or ethnic origin. To say that nationals of one country require visas and nationals of another do not is discrimination based on national origin. The Charter guarantee applies to "every individual". It is not limited to Canadian citizens and permanent residents, as are other Charter guarantees. The Supreme Court of Canada has already said that another Charter guarantee, about fundamental justice, can apply to illegal aliens in Canada or at a port of entry who claim refugee status. This Charter guarantee, as well, would apply to persons at a port of entry.

Right now a person from a country with a visa requirement can be ordered deported if he appears at a Canadian port of entry without a visa. In my belief, a person ordered deported on this basis could challenge the deportation under the Charter.

There is yet another problem for visitors and that is a problem faced by those who come from countries for which visas are not required. Foreigners who come to Canada from countries for which no visa is required are subject to examination as to whether they are genuine visitors. Not every visitor is examined. Examination is selective. There is a common feeling that this selection is discriminatory.

The Parliamentary Committee on Visible Minorities that produced the report "Equality Now" noted that rightly or wrongly there is a widespread perception among visible minorities that treatment of minorities at the border discriminates on the basis of race or ethnic origin. In the words of one witness, "Turbans at-

tract attention." The Committee recommended that Employment and Immigration Canada should take appropriate steps to ensure that members of visible minorities are not unduly singled out for unusual immigration procedures and that all such procedures are adequately explained to arriving persons and their awating relatives and friends.

The response of the Government to that recommendation was that it was well aware of the perception that visible minorities are unduly singled out for a more intensive interview when attempting to come into Canada. The Government committed itself to developing a cross cultural training programme for its officers as well as greater liaison with ethnic communities.

The second contemporary question I want to look at is delays. The law's delay is nothing as compared to the bureaucrat's delay. What is particularly worrying is the maldistribution of the delay. For Canadian visa offices in some parts of the world, delays are relatively short. In other parts of the world, delays are excruciatingly long.

A table published in 1982 by the Recruitment and Selection Branch of the Canada Employment and Immigration Commission for family class applications gives some idea of the dimension of the problem. For instance, in the third quarter of 1982 the mean processing time from application received to final disposition in London was 84 days, in Birmingham 93 days, in Sydney 120 days, and in New York 176 days. At the other end of the scale, the mean processing time in Manila was 380 days, in New Delhi 324 days, in Port of Spain 303 days, and in Hong Kong 289 days. In other words, an application took four and one half times as long to process in the Philippines as it did in the U.K.

These figures are three years old. But I am a lawyer in immigration practice in Winnipeg, and it is my experience that these variations still exist today. I cannot tell you what mean processing times are. But I can say there are substantial variations in processing times among posts abroad.

Another related problem is office distribution. In 1983, when we received over 7,800 landed immigrants from India, we had only one visa office in New Delhi. Yet distances are large, and transportation is inefficient, time consuming and expensive. And interview requirements are common. In the Philippines, from which we received 4,600 immigrants — again from a large territory — there was only one immigration office, in Manila.

In the United Kingdom, from which we received 5,700 immigrants, we had three visa offices, in Glasgow, Birmingham and London. In France, from which we received 1,500 immigrants we had three visa offices, in Marseilles, Bordeaux and Paris. In the United States from which we received 7,000 immigrants, we had eleven visa offices.

In other words, the intake from India and the U.S. was about the same, with India being a little bit higher. Yet we had eleven times as many offices in the U.S. as in India. It is little wonder that processing delays in India are greater than in the U.S.

The Parliamentary Committee on Visible Minorities dealt with this issue as well. The Government of Canada attributed the lengthy delays in some countries primarily to factors such as the lack of reliable systems of record keeping in the country of origin. However, as the maldistribution of offices shows, that cannot be the whole explanation.

The Committee recommended that the Government conduct a general review of its policy with regard to location of offices and procedures for processing applications. The Government, in its response, said it was opening seven new points of service in existing Canadian missions in developing countries. The Government said it will closely monitor processing times of posts.

Thirdly, there is the points system. Independent immigrants are admitted to Canada depending on how many points they receive. Points vary with skill, education, experience and training. Right now, as well, it is essential to have a job for which no Canadian is available, or buy a business that employs at least one Canadian, or start or buy a business for which there is significant demand.

A system like that is almost designed to generate discrimination by effect. If an employer had a system like that in place, he would almost certainly need an affirmative action programme coupled with it in order to overcome its discriminatory effect. Needless to say, for immigration there is no such thing as an affirmative action programme.

Whether the point system imposes systematic discrimination can only be tested for certain when there is the appropriate collection of statistical data. If we exclude refugees and the family class, and look just at all those who came in as independent immigrants, is it harder for a black to meet the points requirements than a white? Is it harder for an Indian to meet the requirements than an American? In the absence of data, we cannot make any conclusions with certainty. However, I cannot help but suspect that the points system does work in favour of some racial groups and against other racial groups. If that is so, we need to do something about it.

The final point I want to make has to do with refugees. There is not reason to believe we have in immigration today the rabid bigotry that motivated it during the time of Fred Blair. Yet there are preferences. There is unfairness.

The two are closely linked. A preference, in itself, is unobjectionable if the system as a whole is fair. Once the system as a whole is unfair, giving preference becomes discriminatory. I do not intend to go into why I think the Canadian refugee determination system is unfair.

Suffice it to say for now that at least on one point, the need for oral hearings, the Supreme Court of Canada has spoken. The Court has held the whole refugee determination procedure unconstitutional, in violation of the Charter guarantee of fundamental justice and the Bill of Rights guarantee of the right to a fair hearing, because there is no right to an oral hearing in the system.

An unfair system means inaccurate results. Genuine refugees in Canada are being denied refugee status. And yet, there are all these preferences. There is the self-exiled class. Citizens of Eastern Europe do not have to show they are refugees. All they have to show is that they are outside Canada, outside their country of citizenship, are unwilling or unable to return and will be able to become successfully established in Canada.

There is the Indochinese designated class. Citizens of the countries of Indochina have basically the same advantageous rules as the citizens of countries of Eastern Europe.

There is the Political Prisoners and Oppressed Persons designated class. They, too, do not have to meet the refugee definition. They do not have to be outside their country of origin. They must show

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they have been subject to some form of penal control for political expression, and are able to become successfully established in Canada. Four Latin American countries and Poland are in this class.

In addition to the designated classes, there are special procedures for persons from countries experiencing adverse domestic events. There are currently nine countries for which special procedures are in effect. The procedures vary from country to country, but typically they do not permit deportation back to the country of origin. Relatives not in the family class may sponsor persons from these countries.

I do not suggest that these procedures cease. On the contrary, when the government tried to impose more stringent regulations on the self-exiled class, to make it more difficult to defect from Eastern Europe, I objected. What I do say is that these special procedures point out the importance of making our refugee determination procedure work fairly. With a fair refugee determination procedure, some of these special rules would not be necessary. The people who are taking advantage of them could simply claim refugee status.

## Conclusion

Canada has come from being a country, in the space of a few decades, where racism was prevalent to a country where respect for human rights is universally accepted, at least in principle. However, there is a big step from principle to practice. The goal of racial equality is stated in our Immigration Act and in our Charter. To reach that goal, there is still work to do.

**David Matas**, *a Winnipeg lawyer, is Legal Counsel to the League for Human Rights of B'nai Brith Canada. The first part of this paper was published in our last issue of Refuge (December 1985).*

# Refugee or Asylum: A Choice for Canada?

## An International Symposium, May 27-30, 1986

The Refugee Documentation Project of York University will host an international symposium, *Refuge or Asylum: A Choice for Canada?* at Glendon College, York University, Tuesday through Friday, May 27-30, 1986.

The Organizing Committee, Professors Michael Lanphier (Sociology, York University) and Howard Adelman (Philosophy, York University) and Dr. Lubomyr Luciuk (Geography, University of Toronto), have invited scholars, representatives of governments and non-governmental organizations from Europe and North America to present research papers and to guide seminar sessions on an integrated set of topics relating asylum and refuge as two types of resolutions for involuntary migrants.

This symposium highlights a number of issues arising in policy formulation by governments, especially the Canadian government, and non-governmental organizations with respect to contemporary refugee movements, pertinent ethnocultural history, policy of multi-culturalism and resettlement activities.

In that context, however, it brings forward the status of political asylum, which has to date not received appropriate systematic attention in conceptualization about the refugee experience. Although considered by policy makers in the Canadian government, asylum has not been acknowledged as a viable alternative to refugee status for involuntary migrants arriving in Canada.

This symposium draws attention to the policies and practices of refugee recognition, eligibility determination, and selection. This focus is highlighted by comparison of the Canadian experience with those in the United States and European receiving countries.

Specific case materials will be presented by specialists in the respective fields. The experience of resettlement and return of refugees from Latin America will receive special attention in light of Canada's important involvement with that area.

The symposium attempts to bring a more common level of discourse and exchange between government and NGOs. The complementary nature of their contributions will be further mediated by the role of academic intervention, which attempts order and focuses upon the process of creating this order, as prerequisite to the realization of operational goals.

The organizing committee notes that while a symposium may be a short-lived event, the products of it are otherwise. Personal acquaintances among members of varied professional backgrounds and interests can be made and renewed. A symposium is an excellent and productive occasion for exchange to proceed from its commencement there. The proceedings will be edited by the three collaborators (Lanphier, Adelman, Luciuk) and Alex Zisman, Conference Co-ordinator, for publication as a scholarly book, tentatively to be given the same title as the symposium.

* * *

For further information and registration, contact the Refugee Documentation Project, 241 H Administrative Studies Building, York University, 4700 Keele Street, North York, Ontario M3J 1P3.