

IBVM Justice Alert

Canadian Province, November 25, 2006

THE ISSUE: The failure of Canadian government to allow refugee appeals – in contradiction of its own law, the Refugee Protection Act of 2001.

BACKGROUND on the ISSUE: For more than a dozen years, many uprooted families have fled to Canada to safety because of danger to life or danger of torture and other abuse. One example among many is that of families fleeing the civil war in Kosovo where the dictator, Slobodan Milosovitch, had encouraged the abuse of young girls as a way of ethnic cleansing. Because of the complete chaos in their own and neighboring countries, such families were unable to reach a Canadian Embassy to apply for refugee status, or even to take the time to search for a sponsor in Canada. As a result, such families left for a distant European country where they remained in safety in “asylum” status until such time as they could find a sponsor in North America. Finding that sponsorship under such conditions was in itself almost impossible to obtain, many families saved or borrowed money to fly to Canada, arriving at Pearson International with no documents. Upon stating to customs officials their desire to claim refugee status, this was duly noted and their resettlement in the city became entirely their own responsibility while they awaited a court date to put their claim before Canada’s Immigration Court.

But since 2001, Canada reduced the number of judges hearing the claim from two persons to only one. And that one judge was highly unlikely to have any experience with the refugee work to say nothing of very limited knowledge of conditions in the country they had fled from. Yet the lawyers helping the families to prepare their story had done excellent work on ensuring that their story was in fact true in all aspects and that there would still be grave danger to life if the family was forced to return. Just as a large number of cases were being refused admission as permanent residents by the judges, the government yielded to pressure by the many NGOs in Canada working with refugees and passed the Refugee Protection Act. ! It included

the right of a family who received a refusal, to have their case heard by the newly created “Refugee Appeal Division”. All was not in the clear, however.

To this day, the government has not implemented the “appeal”, so that no one turned down at their first hearing has ever been granted the second chance the Appeal Division was meant to offer.

ACTION TO BE TAKEN:

I contacted KAIROS organization which has worked hard for over two years to see what can be done to influence the government to start implementing the part of the Act which outlines the procedure for appeals: “the Refugee Appeal Division.” We have been informed that a private member’s bill demanding the immediate implementation of the appeal procedure is coming before parliament in early December for its second hearing (Bill C-280).

Please send the attached letter (or compose your own) to the addresses below. KAIROS also urges that your own riding member of the Canadian parliament at the House of Commons address should also hear from you, if you can send three letters.

The Honourable Monty Solberg
Minister of Citizenship and Immigration
House of Commons, Parliament Buildings FAX 1. 613-992-6181
Ottawa, Ontario K1A 0A6

The Right Honourable Stephen Harper
Prime Minister of Canada FAX 1-613-941-6900
House of Commons, Parliament Bldgs.
Ottawa, Ontario
K1A 0A6

(plus member of parliament for your riding)

NO POSTAGE STAMPS NEEDED FOR ANY OF THE ABOVE

The Honourable Monty Solberg
Minister of Citizenship & Immigration
House of Commons,
Parliament Buildings
Ottawa, Ontario
K1A 0A6

Dear Minister,

I realize that Bill C-280, which calls for the implementation of the REFUGEE APPEAL DIVISION of the existing Refugee Protection Act, has already been tabled and will come before parliament for its second reading in early December.

I am deeply concerned that this is a piece of legislation that was passed in 2001 but has never been implemented by our government!

Are we not in grave danger of suspending the rights of those refugee individuals or families whose claims were rejected in their first hearing, but who might well succeed before a different judge if Bill C-280 passes? If such a case were to be placed before an appeal court, there could well be a chance for acceptance into Canada when the actual merits of the case are carefully re-examined.

I feel that a life or death decision needs a review mechanism to correct mistakes. Did the law-making body feel the same way when it originally passed the Refugee Protection Act in 2001? How are Canadians going to respect our law-makers if parliament continues to let a crucial section of this Act sit in limbo?

Mr. Minister, I know that the government has received many petitions and briefings from the public over the past two years about correcting this injustice. Please do all that is in your power to urge the government to vote in support of Bill C-280, thereby strengthen our human rights record at the same time.

Sincerely,

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cc. Right Honourable Stephen Harper, Prime Minister of Canada

(Please send copy of letter to your own federal Member of Parliament as well)