

CCCB 2012 Plenary Assembly

Grace and Peace to you on the Memorial of St. Augustine.

In recent days our organizations have become aware of your upcoming conversation with Minister Kenney during the September 24 – 28, 2012 CCCB Plenary Assembly in St. Adèle, Québec. As Catholic based organizations, we work with refugees and immigrants in the Greater Toronto Area. Approximately 250,000 immigrants and 30,000 refugees come to Canada every year with a significant proportion of them choosing Toronto as their new home. As we daily accompany refugees and immigrants who have been uprooted and displaced, and having done so collectively for over 85 years, their stories compel us to seek just, compassionate and comprehensive policies.

United with you in the Church's service on behalf of refugees and immigrants we are encouraged by your commitment in your own local diocese as well as by the leadership the CCCB has demonstrated in fostering the protection and sponsorship of refugees from the Middle East especially for Iraqi Christians. At the same time, we are also very much aware of the challenge we face in the upcoming assessment of Canada's human rights record which will take place through the United Nations Universal Periodic Review (UPR) in 2013. Thus it is within this context of the 2013 UPR that we wish to highlight several concerns for your discussion with Minister Kenney from the perspective of those whom we accompany.

DESIGNATED COUNTRIES OF ORIGIN

Recent changes in the new immigration legislation have given the Minister power to designate countries for different treatment, without requiring the insight of expert opinions on country conditions. Refugees coming from a Designated Country of Origin are funneled into a fast-tracked refugee determination process. The timelines are so short that most will not be able to secure a lawyer, gather sufficient documentation, or be able to fully explain what they've experienced when the trauma they have faced is so fresh. Furthermore, these families will not have access to the refugee appeal process. We need to be concerned for those, even if few, who do need protection (the shepherd cares about the 99 sheep that are safe and also about the one who is at risk).

Question: Why is Canada treating some refugees from some countries differently than others?

Susan's Story

Susan and her daughter fled their home in southern Africa and came to Canada, fearing for their lives at the hands of a previous boyfriend from whom they had suffered attacks, kidnapping, and death threats. Desperately looking for help, she went to the police multiple times; however, no action was taken in response.

The trauma Susan and her daughter carried with them was deep and very much present, despite being in Canada. They suffered depression, anxiety-disorders, nightmares and problems sleeping. It took months before Susan was able to start dealing with the violence that had been directed towards her and her daughter. Collecting documentation was incredibly challenging, as the abuser held a government position in their country of origin. She was finally able to convince her uncle to help gather evidence, but before he was able to send it, Susan received news that he had been murdered.

Recently, Susan was found to be a Convention refugee by the Immigration and Refugee Board (IRB) at her determination hearing.

Under the new refugee legislation, Susan's country of origin could be designated as it is a democratic country. However, it is clearly not safe for everyone. The extremely short timelines for claimants from designated countries of origin would have made it impossible for Susan to gather sufficient evidence for the IRB. Without this, she and her young daughter would have been returned to risk of death and danger.

DETENTION

Under current law, some refugee claimants are detained immediately upon arrival in Canada and may spend several weeks in detention. With the new law, they will have to complete their “Basis of Claim Form”, on which they will be judged, within 15 days. For claimants who have undergone trauma just to get here and who may not speak English or French, the task of getting the “Basis of Claim Form” done while in detention will be very daunting. Refugee claimants who come as a group (irregular arrivals) will be detained for up to a year. If there are children under 16 years of age in the group, they will be separated from their families and put in care.

Question: Is Canada being fair and just to refugee claimants who are not being given a reasonable time to prepare their case?

MEDICAL SERVICES

Access to medical coverage has long been difficult for many refugees and refugee claimants in Canada as a result of the longstanding limitations of the Interim Federal Health Program (IFHP). Since July 1, 2012, the situation has become much worse, following devastating cutbacks to the IFHP. Some people are eligible for only very limited coverage, others have ABSOLUTELY NO health care. The situation is also very confused, with many people, both those needing health care and those providing it, unclear about who is eligible for what services. Since everyone has a right to health care, many health care providers continue to serve refugees who require health care. To put vulnerable refugees at risk because of cuts to health services is of concern to all Canadians.

Question: Since everyone has a right to health care, why can the government not continue to give basic health care to refugees in Canada as it does to all Canadians?

TEMPORARY FOREIGN WORKERS

The Temporary Foreign Worker programs utilize foreign workers in order to appease work shortages in the economy without having to offer permanent residence. The TFW programs have become an employment stop gap as employers bring in cheap labour to fill jobs in construction, the oil sands, the service industry and agriculture. In 2008, the number of temporary foreign workers granted new permits was close to 200,000, almost equivalent to the number of immigrants granted permanent residency. Some provinces now receive more workers under the TFW program than they receive immigrants and refugees. And as some TFWs attempt to stay in Canada, but are not always able to do so after working here, the number of undocumented workers in Canada is estimated to have risen to between 200,000 and 500,000 persons.

Question: Why does the government not ensure that there are pathways for permanent status for all foreign workers in Canada?

FAMILY REUNIFICATION

Under the new legislation, the current government has also imposed a five-year ban on family re-unification for refugees designated as so-called “irregular arrivals” (those who arrive in a group with the aid of human smugglers), even if they are eventually found to be refugees. There are many reasons a person might be forced to flee to Canada without his/her family, or perhaps with only some family members.

Question: Having fled for their lives to seek and be granted safety in Canada, why should refugees and their families (mainly wives and children) be punished based on their mode of arrival in Canada?

CONCLUSION

The Canadian Catholic Church has historically been an immigrant church, and today many of the Catholic faithful are immigrants and refugees who form a vital part of and make a significant contribution to the Church in Canada. One of the important statements that guides many of our ministries with refugees and immigrants is from the 2006 CCCB Pastoral Letter “WE ARE ALIENS AND TRANSIENTS BEFORE THE LORD, OUR GOD.” Section 21 states:

“The social and political attitudes of Christians ought to reflect a deep concern for the plight of immigrants and transients. It is extremely important that the Christian community be a model of acceptance and appreciation for migrants in our society. This openness should be shown to persons of all cultures and origins, no matter their immigration status. Christians are to be among those who refuse to let injustice toward migrants continue, let alone increase.”

It is in this spirit that we offer our prayers for a fruitful exchange and we hope your schedule will permit sufficient time for the consideration of these immigration concerns and questions which ultimately impact the Church in Canada and its prophetic mission.

May God continue to bless you and your ministry of shepherding the People of God.

United with you, in solidarity with all refugees and immigrants,

Becoming Neighbours

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FOR MORE INFORMATION, VISIT:

Canadian Conference of Catholic Bishops:

www.cccb.ca/site/eng/commissions-committees-and-aboriginal-council/national-commissions/justice-and-peace/documents/2979-letter-to-the-honourable-jason-kenney-minister-of-citizenship-immigration-and-multiculturalism-from-archbishop-brendan-m-obrien-chairman-of-the-justice-and-peace-commission-regarding-bill-c-49

Canadian Council for Refugees:

www.ccrweb.ca

United Nations Human Rights Universal Periodic Review:

www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx

Regulations Amending the Immigration and Refugee Protection Regulations:

<http://www.cic.gc.ca/english/refugees/reform.asp>

<http://www.cic.gc.ca/francais/refugies/reforme.asp>