

Asylum policy in Canada

Traditionally, Canada has been a leading nation in accepting refugees through the UN. It has a comprehensive programme for resettling refugees, which assigns an important role to private sponsors. However, a number of legislative changes in recent years, aiming at deterring 'irregular arrivals' of asylum-seekers, have raised concerns about human rights violations.

Background

Canada has a notable track record in admitting refugees. It is the only country ever to have been [awarded](#), in 1986, the UN Nansen Medal, the highest honour bestowed for protection of refugees. In 1993, it [became](#) the first country to recognise gender-based persecution as a reason for granting refugee status – under the Geneva Refugee [Convention](#), gender does not constitute grounds for persecution. Over the years, Canada has consistently ranked among the top destinations for refugees [resettled](#) through the UN Refugee Agency (UNHCR); in 2014, it was [second](#) after the USA. On average, Canada admits [one](#) out of every 10 refugees resettled through the UNHCR globally. In recent years, refugees have accounted for almost [10%](#) of all immigrants to Canada. On the other hand, over the past five years, the country has also attempted to stop the flow of irregular migrants by adopting laws and measures, [criticised](#) as too draconian.

Canada is protected by its geography from large direct inflows of irregular migrants. However, between 1975 and 1980, it witnessed [several waves](#) of 'boat people' from Vietnam arriving on its shores, to whom it granted asylum. However, the arrival in [October 2009](#) and [August 2010](#) of two boats carrying almost 600 Sri Lankan asylum-seekers [spurred](#) important changes to Canada's immigration law, amid fears – not completely groundless – that members of a Sri Lankan guerrilla movement considered a terrorist organisation by the Canadian Government, were among those asylum-seekers. As of July 2015, 26 of the Sri Lankan asylum-seekers had been [deported](#), having been found inadmissible because they had a criminal record, belonged to a terrorist group or had committed war crimes. The refugee issue played a role in the October 2015 election campaign, especially after it was [revealed](#) that the family of a Syrian boy found dead on a beach in Turkey – an event that caused widespread public outcry – had failed to get asylum in Canada. After winning a sweeping victory, the Liberal Party [pledged](#) to resettle 25 000 Syrian refugees by the end of 2015, a date since pushed back to [February 2016](#).

A new legislative framework

With the adoption of the [Balanced Refugee Reform Act](#) in June 2010 and the [Protecting Canada's Immigration System Act](#) in June 2012, a new asylum [system](#) was created. It introduced mandatory detention for 'irregular arrivals', designated as such by the Federal Minister for Justice, for cases in which the identity and admissibility checks cannot be performed timeously or when there are grounds to suspect that the arrival is associated with smuggling or other criminal or terrorist activity (Article 20.1 of the 2012 Act). Asylum-seekers are held in detention until the Immigration Division makes a final decision to allow their claims, or orders their release. This [means](#) that people could be held in detention for an extended period of time as their refugee claims wind their way through the system. Those accepted as refugees are not eligible to apply for permanent residence until five years later. As a result of these changes, each year, [thousands](#) of migrants are detained in Canada, many in facilities intended for detaining criminals. There has been much criticism by non-governmental organisations, including [Human Rights Watch](#), [Amnesty International Canada](#) and [many others](#), about the legislative changes. The main concerns refer especially to the [detention of minors](#) and [persons with mental problems](#), the five-year delay in obtaining permanent residence, which is considered to be discriminatory, the notion of designated countries of origin, the increased risk of arbitrary detention, of loss of permanent residence status and of [refoulement](#), and the denial of health care.



Types of refugees admitted to Canada

Canada's resettlement programme

Canada's resettlement [programme](#) is administered by the Department of Citizenship and Immigration Canada (CIC). An annual resettlement target is established in advance by the Minister of Citizenship and Immigration following consultations with domestic stakeholders. Refugees are either referred by the UNHCR, by another referral organisation or by a private sponsor (organisations and private individuals) for resettlement in Canada. Persons eligible for admission to Canada fall into two categories. Those in the first must meet the following [criteria](#): they must meet the Geneva Convention definition, be outside Canada, and have no reasonable prospect of a solution in a country other than Canada. [Persons](#) in the second category are not refugees in the strict sense of the Geneva Convention, but must be outside their country of origin without a reasonable prospect to return there, and have been and continue to be 'seriously and personally affected by civil war, armed conflict or massive violations of human rights'. They must be sponsored privately or have means to support themselves financially.

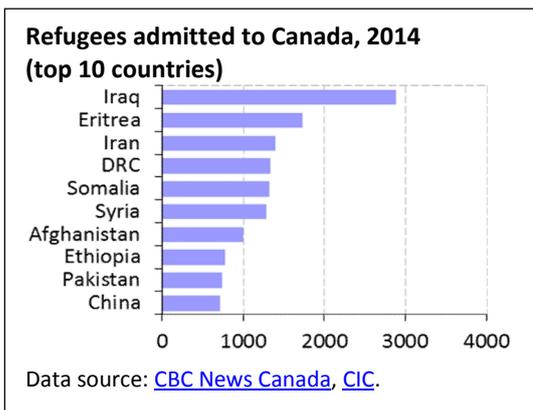
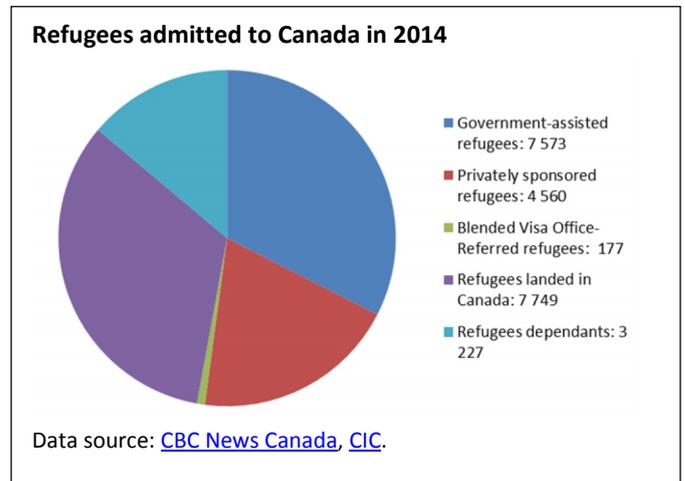
The resettlement programme combines public and private support in innovative means through its two components: the Government-Assisted Refugee Program and the Canadian Refugee Sponsorship Program. Under the first strand, the government bears complete responsibility for refugees (who are referred to it by the UNHCR). This includes providing [financial support](#) for a refugee for up to one year or until they become self-sufficient, and other kinds of assistance. Under the second strand, the sponsor – in the shape of an [organisation](#) or a group of five or more persons sharing responsibility for support – proposes a refugee for resettlement and provides them with financial assistance for a limited period (usually a year), as well as social help for integrating in Canada. A third, small group (called 'blended visa office-referred refugees') includes refugees referred to CIC by the UNHCR and funded jointly by the government and private sponsors.

Asylum claims made in Canada

Asylum claims can be made at a point of entry or at an Immigration and Refugee Board (IRB) office in Canada.

Thereafter, the claims are assessed by IRB officials. In order to prevent abuse of the refugee system (in [2012](#), 23% of all claims were from EU countries, and 95% of them were found to be 'bogus and unfounded'), the Canadian government has established a [list](#) of 'designated' (safe) countries of origin. These are countries that respect human rights and offer state protection and thus do not normally produce refugees. Nevertheless, refugees from these countries can still claim asylum; their claims are processed faster and they have [no right](#) of appeal. Most EU Member States figure on this list.

While awaiting decision on their asylum claim, it is usually only those refugees who would not be able to live without public assistance who are [eligible](#) for employment authorisation. In 2012, access to medical care was stopped for refugees landed in Canada, but the Constitutional Court [ruled](#) this unconstitutional and discriminatory. Canada has established a [programme](#) of incentives to encourage failed refugee claimants to leave voluntarily, including the provision of a financial aid package of up to C\$2 000.



Refugees from the Middle East

From 2009 to 2014, Canada ranked [second](#) among the countries accepting Iraqi and Syrian refugees, with over 22 000 people resettled through the UNHCR. Since November 2015, over [13 000](#) resettled Syrian refugees have arrived in Canada and their total number could rise to [50 000](#) by the end of 2016. The administrative procedures for Syrian and Iraqi refugees have been simplified, and claimants are now considered refugees [without further proof](#) from the UNHCR or a third state that they have refugee status.