



Arghavan Gerami

B.A. (Hons.), M.A., J.D., LL.M.
Barrister, Solicitor and Notary Public

*Canada's Recent Refugee Influx: The
Response, the Challenges, and
Recommendations Moving Forward*

Threats and Opportunities for Refugees and Displaced Persons Symposium at Saint-Paul
University

November 1st, 2018

Reception of Refugees: Overview

- ▶ Origins of the Refugee Influx to Canada
- ▶ How Canada and Ottawa have Responded
- ▶ How Well Refugees Have Been Integrated
- ▶ What Challenges We Have Encountered
- ▶ Recommendations to Address Emerging Issues

Revocation of the Temporary Status of Haitians in the USA

- ▶ The Trump administration ended a humanitarian program that allowed Haitians to live and work in the United States after the earthquake which devastated Haiti in 2010
- ▶ This program applied to about 59,000 Haitians living in the U.S.A.
- ▶ They have until July 2019 to leave the country
- ▶ Many Haitians have sought protection in Canada, at both regular and irregular border crossings

End of Protections under *DACA* in the USA

- ▶ The *Deferred Action for Childhood Arrivals (DACA)* applied to minors brought into the USA illegally, and shielded them from deportation
- ▶ In September 2017, Trump announced *DACA*, which governed about 800,000 successful applicants, would be ending

Travel Ban Against Muslim-Majority Countries in the USA

- ▶ Took effect in December 2017 after lower courts blocked the first two attempts to ban travel
- ▶ This decision to implement the travel ban was upheld by U.S. Supreme Court in June 2018
- ▶ Indefinitely suspended the issuance of immigrant and non-immigrant visas to applicants from Libya, Iran, Somalia, Syria, Yemen - as well as North Korea, and Venezuela

The *Safe Third Country Agreement (STCA)* with the United States

- ▶ Has been in place since 2004
- ▶ Under the *STCA*, a person must make their refugee claim in the first so-called “safe country” they reach. This was based on the premise that Canada and the U.S. share similar values, and are both safe countries for those seeking refugee status
- ▶ Those who arrive in the U.S. first, and then seek entry to Canada to make a refugee claim will likely be turned back unless they meet one of the exceptions
- ▶ The *STCA* applies at official border crossings, but not to those who come across at an unofficial entry point or irregular border crossings

Illustrating the Impact of the *Safe Third Country Agreement (STCA)*

- ▶ Mr. Wesner, a Haitian who went with his family from Miami to the official Lacolle border crossing
- ▶ After being turned away, they went through an unofficial crossing at Saint-Bernard-de-Lacolle
- ▶ But since they had first been rejected at an official border crossing, the *Safe Third Country Agreement* applied, and they were not able to make refugee claims in Canada

The Impact of the *Safe Third Country Agreement (STCA)*

- ▶ In 2017, more than 20,000 asylum seekers crossed into Canada through irregular border crossings
- ▶ As of this past July, nearly 11,000 refugee claimants had crossed the border at unofficial crossings in 2018
- ▶ This has created a challenge with respect to housing, and has led to a growing tension between the three levels of government

What has been the Result?

- ▶ A significant increase in the number of people seeking refugee protection in Canada
- ▶ Positive Sides: Canada has been fulfilling its obligations under the *Refugee Convention*; providing a safe place for refugees
- ▶ Challenges: backlog and delays with refugee processing due to a lack of coordination and resources

What has been the Result?

- ▶ As of April 30, more than 55,000 pending refugee cases in Canada
- ▶ Projected wait time for a hearing: Approximately 20 months
- ▶ Previously, once a claim was determined to be eligible, it was required to be heard by the IRB within 60 days
- ▶ Some claimants are relocating in an effort to shorten their wait times
- ▶ Two years ago, there were more than 13,000 cases pending, including irregular crossings and the standard refugee claims. Last year, that number doubled to more than 26,000. As of June 2018, it had quadrupled to more than 56,000 cases waiting to be decided.

Issues Between Levels of Government

- ▶ Municipalities have seen a dramatic increase in refugees using their housing resources
 - ▶ In Toronto, on average 459 refugees made use of the city's shelter system every night. As of June 2018, that figure grew to about 3,200.
 - ▶ Once there were no shelter beds, an additional 2,380 people were housed in hotels and dormitories paid by the municipal government
 - ▶ The City of Toronto anticipates expenses totalling \$64.5 million for 2018
 - ▶ In Ottawa, similar challenges have placed a strain on housing and shelter resources due to both community need and the need to house asylum seekers who came through the United States.

Issues Between Levels of Government

- ▶ Mayor of Ottawa, Jim Watson to Ontario Premier Doug Ford in asking for provincial financial support:
 - ▶ “The ability to respond to the current increased demand for shelter placement is hampered by the lack of capacity... This is affecting not only asylum seekers, but also families who have destabilized locally, households moving to Ottawa from other cities and provinces and other newcomers entering Canada through regular immigration channels”

How Have We Succeeded in Accommodating the Increase in Asylum Seekers?

- ▶ **Community Groups Coming Together to Provide Housing and other Services**
 - ▶ The integration of community-level support with political leadership created the capacity to settle over 2,000 Syrian refugees in Ottawa in 2017
 - ▶ In Ottawa, many community organizations formed partnerships with each other and all levels of government to provide Syrian refugees with resources to successfully settle in Canada.
 - ▶ Community Approach: “all hands on deck”
 - ▶ Provincial working group, a federal working group, the Mayor’s Task Force, and Refugee 613.

Challenges in the Syrian Refugee Influx Context

- ▶ Support ending after 12 months ignores the longer-term needs of refugees who require further language and skills training to assist in their integration into Canadian life
- ▶ There was a shortage of mental health care and counselling for refugees experiencing loss and grieving

Challenges in the Syrian Refugee Influx Context

- ▶ There were few supports specific to young mothers and mothers experiencing isolation
- ▶ Due to the high illiteracy rate among female Syrian refugees, the dissemination of information was often gendered
 - ▶ This led to fewer opportunities for women to be actively involved in the resettlement process relative to men
 - ▶ Some organizations may not have been aware of women-centered programs offered by other organizations, and some clients may not have been referred to them

Working in Canada

- ▶ There is a lack of programming and funding to assist Syrian refugees in adjusting to the Canadian labour market and workplace culture.
- ▶ Programs administered by federal, provincial, and municipal governments were not always well coordinated to fit with each other
- ▶ Collaboration between community groups and the political leadership of all three levels of government was required to meet the needs of Syrian Refugees in Ottawa

How We Can Strengthen our Capacity for Collaboration

- ▶ Strengthening the connectivity between the settlement and service systems by investing in opportunities for mutual understanding of respective mandates, practice philosophies and processes, service referral protocols, terminologies and data sharing mechanisms
- ▶ Improving the quality and dissemination of accurate and detailed information about the refugees who are expected to arrive.
- ▶ Strengthening the capacity of settlement sector organizations to communicate with private sponsors of refugees and share information of settlement support services available

Channeling Public Support in Ottawa

- ▶ The outpouring of support by our community exceeded the capacity of systems which could handle it
- ▶ Nearly 5,000 volunteers approached organizations in Ottawa offering to assist in the resettlement effort
- ▶ Limited capacity to train these volunteers so ensure their human capital was able to be effective
- ▶ Many of those seeking to assist were not properly informed on the needs and strengths of refugees
- ▶ Sharing basic knowledge with the community may assist in future resettlement efforts

Recommendations for Policy Makers

Canada's Recent Refugee Influx
GeramiLaw.com

November 1, 2018

19



A More “Proactive” Than “Reactive” Approach

- ▶ More funding for Refugee Protection Division Hearings
 - ▶ Additional funding from the 2018 Federal Budget to increase the Immigration and Refugee Board staff capacity is anticipated to decrease wait times to 12 months
 - ▶ The IRB recommenced hearings in Ottawa in September 2018. This office only has 4 members hearing cases, which is far below the capacity necessary for the region

A More “Proactive” Than “Reactive” Approach

- ▶ The IRB has an “Expedited Process” wherein refugee claimants from certain countries (such as Syria) can be eligible to have their claims accepted without needing to wait for a hearing
- ▶ This process can help decrease wait times and strain on our limited resources by increasing the number of countries whose claimants would be eligible to have claims accepted where a hearing is clearly not required

Harnessing Public Support and Positive Sentiment

- ▶ In Ottawa, our community strongly supports refugees resettlement. In fact, the outpouring of support can outpace our capacity to harness and utilize it
- ▶ More resources and protocols are required towards volunteer intake and training so we can more easily increase our human resource pool when required, and in turn remove strain on organizational structures and staff
- ▶ Our best use of scarce human resources is use which solves the scarcity issue

Investing in Permanent Housing is More Cost-Effective than Temporary Housing

- ▶ Cities can choose to invest in permanent housing for refugees, which is less expensive than sinking expenses into temporary rental accommodations, such as hotel rooms
- ▶ The City of Toronto has already experienced the benefits of doing this, housing 2,500 refugees permanently since 2016

What We Can Learn from Other Countries

- ▶ Sweden - Has a procedure similar to our Expedited Process, wherein presumptions of success are made about claims from certain countries. If an agent presumes it to be successful and the case is not complex, then a decision is asked to be reached within 15 days of application.
- ▶ Sweden & Germany - Have introduced job-specific language training for refugees to better integrate into the labour market, and be able to contribute to the industry they worked in prior to relocating.

What We Can Learn from Other Countries

- ▶ Austria and Germany - have invested heavily in improving their credential recognition systems in order to smooth the transition for refugees entering the labour force.
 - ▶ This would also have the added effect of saving resources by avoiding unnecessarily retraining refugees to become certified in skills they already possess.

Private Sponsorship

- ▶ Private Sponsorship, as well as the Blended Visa Office-Referred Program can assist in bringing refugees to Canada and assisting their settlement and integration
- ▶ Privately sponsored refugees tend to fare much better in terms of employment and integration relative to those sponsored solely by the Government
- ▶ Immigration, Refugees and Citizenship Canada has reported that privately sponsored Syrian refugees had employment rates over 40% higher relative to those who were government sponsored

Reconsider the *Safe Third Country Agreement*

- ▶ The *Safe Third Country Agreement* was premised on the United States of America being a safe place for asylum seekers
- ▶ Due to the actions of the Trump administration, this is clearly no longer the case, as the federal government has been arbitrarily removing immigration status from Haitians and El Salvadorians based solely on their country of origin



Arghavan Gerami

B.A. (Hons.), M.A., J.D., LL.M.
Barrister, Solicitor and Notary Public

Thank You!

Any Questions?