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**Refugee Claimant Service Providers: Negotiating Shifting Policies,  
Practices and Perceptions in Atlantic Canada**

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## **Abstract**

This study is based on interviews and focus groups with fourteen research participants, all of whom work for organizations providing services for immigrants, refugees and refugee claimants in Atlantic Canada. The purpose of this study is to explore the research participants' perceptions of the policies and practices that impact refugee claimants in the Atlantic Canadian region and to identify possible contradictions and gaps in policies, practices and services. Policy recommendations are also included toward improving the experiences of refugee claimants, a largely invisible and yet ever present and diverse group that disrupts the image of Canadian humanitarianism. This research is part of a multi-phased study exploring the experiences of refugee claimants in Canada, with a special emphasis on Atlantic Canada. Our findings show service providers perceive that shifting public policy has negatively impacted refugee claimants in Atlantic Canada, resulting in decreased services, increased complexity in navigating governmental systems, and increased deterrence for people seeking asylum. We conclude by recommending changes in policy and practice in the area of refugee protection.

**Key Words:** Migration; Refugee; Refugee Claimant; Policies; Settlement Services; Immigration; Atlantic Canada; Gender

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## Introduction

This report is based on research with people working for migrant settlement organizations who work with immigrants, refugees, and refugee claimants in Atlantic Canada. The participants were fourteen service providers representing each of the four Atlantic Provinces; New Brunswick, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island. The participants shared their experiences and perspectives on policies and practices impacting the refugee claimant population in the Atlantic region. This study is part of a multi-phased study exploring the policies pertaining to and experiences of refugee claimants (also known as asylum seekers) in Canada, with a special emphasis on Atlantic Canada. Our research also explored national and global trends in migration and refugee issues. Recognizing that migration journeys are gendered we adopted a gender-based analysis of migration and forced migration.

It is perhaps an understatement to say that migration is a complex process. It has always been part and parcel of the human experience. People move within and beyond borders for multiple reasons including environmental changes that negatively affect the sustainability of their communities, war or lack of security, the pursuit of economic opportunities, or for family reunification. While migration may be a choice for some, forced migration is a reality for many others. The numbers of refugees, internally displaced, and stateless persons as well as those caught in trafficking are on the increase, in fact the number of refugees has been on the rise since 2002 (UNCHR, 2012). By the end of 2011, over forty-three million people were forcibly displaced (UNHCR, 2012). Among this population, over fifteen million were refugees and almost one million were asylum-seekers (UNHCR, 2012).

Despite public perception, Canada is not a top refugee hosting nation. Countries in the global South<sup>i</sup> host fourth-fifths of all refugees (UNHCR, 2012). In 2011, compared to Pakistan,



which hosted almost two million refugees, Canada hosted only 164,883 refugees and 41,852 asylum seekers (UNHCR, 2012).

Eighteen percent of all Canadians are immigrants, but in the Atlantic region only 3.5% of the population are immigrants (Akbari, Lynch, McDonald, & Rankaduwa, 2007). Within the immigrant population, there is a higher percent of refugees in Atlantic Canada than the rest of the country (Akbari & Rankaduwa, 2010). Yet, refugees also encompass the highest rate of out migration from the region (Akbari, Lynch, McDonald, & Rankaduwa, 2007). In particular, the annual number of refugee claimants in Atlantic Canada over the last ten years has ranged from 91 to 168 (Citizenship and Immigration Canada, 2012). In 2010, there were 105 refugee claimants in Atlantic Canada (51 in Nova Scotia; 33 in New Brunswick; 13 in Newfoundland and Labrador; and 8 in Prince Edward Island) (Citizenship and Immigration Canada, 2012).

Within the limited Canadian literature on refugees, there is rarely a distinction made between the different types of classifications such as refugee and refugee claimant. This lack of distinction contributes to the homogenization of refugees in general and the invisibility of refugee claimants in particular (Cohen, 2008; Gagnon et al., 2007). The term 'refugee claimant' refers to a person who is seeking protection but whose claim has not yet been determined by the host state (UNCHR, 2012). Refugee claimants share common experiences with refugees and other immigrants, but at the same time, their lack of status and, sometimes resulting, lack of access to publically funded services create distinct vulnerabilities (Dyck & Dossa, 2007). Refugee claimants experiences vary based on their culture, ethnicity, education, religion, marital status, race, class and gender (Chung & Bemark, 2002; Gagnon, Tuck, & Barkum, 2004; Mulvihill, Mailloux, & Atkin, 2001). In our theoretical framework and literature review we

discuss the different categories of refugees and refugee claimants in Canada, as per international conventions and Canadian law.

The Government policies impacting refugee claimants in Canada have changed in the past 10 years. Understanding the impact of these changes on migration and settlement is important considering the current global migration context and Canadian population realities. In the following sections, we describe the participants and research methodology. We also describe our theoretical framework, review the literature, discuss some of the key findings of our study and share research implications and recommendations for policy and service changes.

## Literature Review

### Refugees & Refugee Protection

In 1939, over 900 Jewish refugees fleeing World War II were denied access to Canada. Despite pleas and petitions from Canadians to help the people aboard the ship the S.S. St. Louis, the government of McKenzie King refused their entry to Canada. We now know that after being returned to Europe, many of the refugees on board the S.S. St. Louis perished in concentration camps (Knowles, 2007). How are we as a nation protecting refugees today?

The protection of refugees is largely enshrined in the *Geneva Convention* of 1951 and *Additional Protocol* of 1967. “The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement” (UNHCR, 2010b, p.3). The 1951 Convention, created in response to the large number of European refugees following World War II, was designed as a tool to protect the human rights of refugees and to ensure a sharing of the responsibility to care for internationally displaced populations (Hathaway, 2005). The *Additional Protocol* of 1967

removed geographic and time related restrictions to universalize the scope of the 1951 convention (UNCHR, 2010a). Canada acceded to both in 1969. Furio de Angelis, UNHCR Canada Representative, declares the rights set out in Convention are as relevant today as they were over 60 years ago (communication with Catherine Baillie Abidi, March 9, 2013).

According to Article 1 of the Convention, a refugee is defined as someone:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UN General Assembly, 1951, p.14).

The Convention details the rights and responsibilities of States party to the Convention, including refraining from punishing refugees for illegal entry (Article 31) (UN General Assembly, 1951). The Convention aims to protect refugees, yet it has been critiqued for being Eurocentric, for failing to incorporate a gender analysis, for not defining persecution, and for neglecting to create conceptual space to consider globally emerging sources of violence and conflict (Markard, 2006).

Refugees in Canada are typically considered in two categories by government and civil society: 1) overseas refugees or refugees previously determined by the UNHCR to be Convention refugees; and 2) in-land refugees. With regard to the former category, these refugees are processed outside of Canada. They may be government assisted or privately sponsored by

groups or individuals in Canada who have been able to raise \$11,800 and are able to support the refugee for one year. They may be ‘named’ (for example, the sponsor may ask to sponsor a specific person such as a relative of a refugee who arrived in Canada earlier, or they may be ‘visa office referred’ (Evelyn Jones, ISIS coordinator of refugees, personal communication, March 10, 2013). In-land refugees, also referred to as asylum seekers and refugee claimants, have arrived in Canada and are seeking protection but their claims have not yet been determined by the Canadian government (UNCHR, 2012). The 1951 *Geneva Convention* and the 1967 Protocol are not the sole international conventions that steer Canada’s policies on the protection of refugees. Other international laws which impact refugees in Canada include the *Convention Against Torture* (1987) and the *Convention on the Rights of the Child* (1990).

### **Canadian Immigration Policy Shifts and Refugee Commitments**

The Canadian government’s position on migration has shifted in various historical eras and with various political parties. In a political economic analysis, the shifts in immigration policy result from the confluence of ideology as well as political economic realities converging to shape Canada’s preferred image of itself as a nation at any historical moment. Immigration also crosses both domestic and foreign policy where contradictions and contestation frequently occur and where rhetoric and policy statements are often contradicted by actual practice. The following briefly traces the key turning points in policy to contextualize current practices. This provides a context within which we can understand changing refugee policies and practices.

#### ***Early Immigration***

Large-scale immigration to Canada began in the late 1800s, as part of a nation-building endeavour. Previously, Canada had been considered ‘wilderness’, resistant to farming in some regions, where the shadows of disease and hunger always hovered, and hostilities between settler

groups and Aboriginal groups simmered. While Canada had perceived itself as a British colony, with Confederation in 1867, the image began to shift toward an emerging Eurocentric settler nation. This image was facilitated through systematic and deliberate overlooking of the perspectives, experiences, and histories of First Nations. In the effort to contain US territorial ambitions and to encourage economic growth, immigration agents “sold” the Prairies of Canada as an agricultural haven to northern Europeans and Americans. Requiring larger numbers of successful farmers and farm labourers, the search for migrants expanded toward eastern and southern Europe, despite domestic opposition to this ethnic expansion, which yielded stricter entry regulations for these populations. The historical peak of immigration was in 1896 with 400,000 immigrants entering Canada, largely as agriculturalists. This view of Canada as a European nation in North America continued until 1962, with policies that prohibited Indian and Chinese immigration particularly, and Asian immigration generally (Green & Green, 2004). After WWI, the 1919 Immigration Act also excluded ‘enemy aliens’ or those with ‘peculiar habits’, such as the Mennonites and Hutterites (Simmons, 2010). Overall, immigration policies from the original Immigration Act in 1869 to 1962, enshrined discriminatory regulations severely restricting non-white immigrants, except as low-wage individual workers.

During this time, immigration was predicated on several principles and needs: response to short-term economic needs, expansion of industrial and agricultural production and trade, the absorptive capacity of the existing population, and augmenting population goals but not changing the European character of the nation (Green & Green, 2004). The key stakeholders whose feedback continuously shaped immigration policy were landowners, owners of capital, government members as well as the labour movement (Green & Green, 2004). Thus, during the two world wars and the Depression when unemployment and hunger soared and agricultural production fell, immigration was largely halted in 1931 until 1947, and in response to public

pressure, more than 28,000 unemployed immigrants were deported (Simmons, 2010). It was during this time, that the government of Mackenzie King turned away Jewish refugees, although eventually 5000 Jews were admitted. Within this context of wartime security, anti-Semitism, and ethnic prejudice, Japanese, German and Italian Canadians were labelled enemy aliens and interned, including those Jewish refugees fleeing Nazism in Germany and elsewhere in Europe (refugee internees) (Avery, 1995). This process of halting immigration during periods of high unemployment remained consistent until the 1990s.

Canada developed an anti-Semitic, anti-refugee record in the 1930s and 1940s when it came to providing sanctuary for Jewish refugees from Europe (Abella & Troper, 1982). The Canadian response to the plight of German and Austrian Jews was particularly evident during the Evian Conference of 1938, which attempted to find solutions to the so called refugee problem: Canadian representatives expressed sympathy but offered no places. About 400,000 refugees fled Germany between 1933 and 1939. Eloquent calls for Canadian assistance in Canada were silenced by the government's arguments of serious unemployment, opposition of provincial governments, and the necessity of restricting Jewish refugees "lest it might ferment an anti-Semitic problem" (quote in Avery 1995, p.117). Between January and November 1938 the amount of capital required for a Jewish family to enter Canada increased from \$5,000 to \$15,000. Moreover, gifted intellectuals, scientists, and businessmen who claimed that they had knowledge and inventions that would enhance Canadian industrial performance were usually rejected (Avery, 1995, p.117). While a number of US-based and British organizations tried to place German refugee scientists, there were no equivalent Canadian efforts. Canada's response overall was localized, fragmented, less charitable and less enlightened (Avery, 1995, pp.118-21).

Canadian anti-refugee policies permitted the imprisonment in refugee camps of the 2,284 German citizens, Jewish and non-Jewish, who arrived in Canada via three British boats in 1940.

These refugees arrived in Canada, after Ottawa had been pressed to accept them as prisoners of war. After it subsequently turned out that they were “innocent refugees,” with many of them persecuted for their anti-Nazi activities in Germany, they were given the choice to be returned to Britain as free men or stay interned in camps in Canada. Those who preferred the latter option were sent to internment camps in New Brunswick, Ontario and Quebec. “The experiences of these ‘camp boys’ not only shed light on the personal tragedies and resilience of Jewish survivors but also revealed the hypocrisies and ironies that characterize the history of Canadian internments” (Draper, 2000, p. 173). Canada had no real refugee policy during the Great Depression and World War II. Under the circumstances about 8,000 so-called refugees managed to slip under and around the immigration gates. A National Refugee program was developed after the mid-1940s and about 165,000 refugees and displaced persons came to Canada after 1946 in order to work in the newly expanding economy (Avery, 1995).

### *Immigration from the 1950s to 1980s*

In the 1950s, Canadians began to see their country as an emerging industrial and manufacturing nation, an emerging international contender, requiring large numbers of skilled workers. Canada’s involvement with the *United Nations Relief and Rehabilitation Administration* (UNRRA) from its inception in 1942 to the dissolution of the latter in 1947 helped move Canada away from restrictive immigration policies toward a more humanitarian framework that would ultimately help re-settle Europe’s displaced persons (DPs). UNRRA was replaced by the *Intergovernmental Committee on Refugees*, which, in turn, became the *International Refugee Organization (IRO)* in 1946. There was a happy convergence between IRO’s emphasis on the economic utility of the DP worker and Canadian policies at the time. It led to waves of large numbers of European DP and other workers, through various “Bulk Labour Programs”, becoming increasingly accepted into Canada from 1946 onwards. While the debate

raged among various interest groups in Canada (e.g., Canadian National Committee on Refugees, Canadian Congress of Labour, provincial governments) as to the character and purpose of the refugee program, the Canadian government was trying to keep delicate balances by appeasing various nativist and patriotic groups through policies that were in effect anti-Semitic. Nevertheless, national security and anti-communism were the primary concerns in admitting DPs, refugees and immigrants in the Cold War era (Avery, 1995).

With European reconstruction, the flow of European immigrants had begun to decline but in 1962, large-scale immigration flows resumed from Northwestern, Central, and Southern Europe. Countries such as Germany, Austria, Finland, Poland, Greece and Italy were accepted as preferred sources countries. In the 1960s, Canada was experiencing a post-war economic boom with high demand for skilled labour. Similarly, the geopolitical context was changing significantly during this period, as the British colonial system disintegrated, humanitarian concerns for poverty and development increased, anti-racist sentiments emerged and the newly established United Nations promoted international peace and cooperation in addressing world economic, social and humanitarian issues. With the UN's development of various human rights documents for ratification, the Canadian government under the leadership of the Conservative Prime Minister Diefenbaker introduced the *Canadian Bill of Rights* in 1960, followed by the *Human Rights Act* in 1977 under the Trudeau government. Within this context, the discriminatory whites-only immigration policy in Canada was officially abandoned in 1962.

Under the leadership of Liberal Prime Ministers Pearson (1963-8) and Trudeau (1968-79, 1980-84) the Canadian governments had aspirations that Canada would be a leader in diplomacy, international development, and peacekeeping. The Canadian International Development Agency (CIDA) was developed in 1968 and various peacekeeping missions were undertaken, challenging the history of overt racism in Canada. A points system was developed in 1967 that guided



immigration selection less on country of origin and more on a wide range of criteria, from education to occupational training, from official language ability to age, from sponsorship to prearranged employment, all evaluated in terms of the likelihood of successful settlement. Three predominant categories or classes were established at this time: economic class, family class and protected persons.

Although the Cold War diminished in the 1960s and 1970s, elements of the national security state did not. Reviews of the *Immigration Act* during that time did not change the immigration security process. In the 1970s, with the end of the Cold War, the visa system that helped control immigration and visitors to Canada was largely dismantled, despite the protest of the security establishment. Yet left-wing refugees were less welcomed than refugees from communist countries. In the establishment of the 1976 Immigration Act, a public debate was held for the first time on the issue of immigration security. There was considerable discretionary power in Section 19 because of the vague wording and because "reasonable grounds" for turning people down could be based on a belief that an individual might do something subversive or violent. The appeal process was inadequate and national security overrode civil liberties (Whitaker 1987).

In the 1970s, Canadian immigration policy was guided by three objectives: to reunite families, fulfill Canada's international legal obligations particularly with regard to accepting refugees and family members on compassionate and humanitarian grounds, and to foster a strong and viable economy (Canadian Social Trends, 1999). During this time, a significant shift took place: the adjustments traditionally made in response to short term economic needs and oscillating occupational needs gave way to longer term immigration policies, in part responding to an emerging image of Canada as a stable, prosperous nation with a diversity of labour needs as

well as a hospitable, multicultural nation. Multiculturalism was confirmed as policy by Trudeau in 1971 (Green & Green, 2004).

Initially, refugees were not differentiated within the immigration system, indicating that humanitarian goals were not initially at the forefront of concerns (Green & Green, 2004). However, this changed with the points system and particularly when refugees were included in the 1976 Immigration Act. During this time, civil wars, national wars, ethnic conflict and repressive governments spawned a large number of international refugees, estimated at 20 million (Simmons, 2010). Given the waves of refugees from Tibet, Uganda, the US (e.g. conscientious objectors to the Vietnam War), Chileans, Vietnamese boat people, and later, Central Americans, the number of claimants to Canada grew quickly (Knowles, 2007).

Initially, Canada was committed to bringing in a substantial number of overseas refugees, outside of emergency situations, and giving them high processing priority. During the 1970s, 80s, and 90s, overseas refugees would make up 15-21% of the annual inflow of immigrants (Canadian Social Trends, 1999; Simmons 2010) and Canada would become one of the world's leading nations in refugee settlement. In 1986, the people of Canada were awarded the UN's prestigious Nansen medal in "recognition of their major and sustained contribution to the cause of refugees". This was the first time that the medal was awarded to a country since its creation in 1954. The award was in recognition of the fact that Canada during the past decade (1976-1986) "had granted a permanent safe haven to more than 150,000 individuals from refugee camps abroad – more per capita than any other country" (Knowles, 2007, p. 223).

In August 1986, 135 Tamils were picked up off the southeast coast of Newfoundland, having arrived there by boat, while less than a year later 174 Sikhs arrived in a similar manner in a Nova Scotia fishing village. While the response of the people was warm and welcoming, the Mulroney Government called Parliament in emergency session to amend the Immigration Act. Bill C-84,

the Refugee Deterrents and Detention Bill was the result. It contained draconian provisions, including the ability to turn away ships suspected of carrying “bogus refugees” in Canadian waters. In the wake of protests from various groups, the public focus centred on refugee policy, while other immigration issues suffered (Knowles, 2007). A significant legal precedent was set by the “Singh decision” when seven Sikhs who were facing deportation in 1985 were eventually accorded by the Supreme Court of Canada the same social and legal protections accorded Canadian citizens under the Charter of Rights and Freedoms . The resulting demand of refugees eventually outpaced the ability of immigration to process their claims, prompting an amnesty in the late 1980s, for those who had entered Canada before 1986 (Knowles, p. 226).

With the recession of the early 1980s, the new Conservative government under the leadership of Mulroney made it more difficult for refugee claimants to enter Canada with the introduction of the controversial *Refugee Reform Bill* (Bill C-55). The Bill was designed to produce a refugee determination system that reduced waiting and eliminated backlog came into effect. One of the most controversial points was the ability of Canadian Immigration Officers to turn down applications from individuals who had arrived to Canada via a safe third country where they could have filed for refugee status. The government never implemented that Bill. Opposition by church, human rights, and refugee activist groups led to the creation of the Immigration and Refugee Board in 1988-1989 (Simmons, 2010). The mandate was to provide oral hearings and process refugee claims more quickly. The long delay of implementing this legislation (2 years) resulted in an addition backlog of 125,000 people (Knowles, 2007, p. 228).

In an analysis of overseas refugee claims, Basok and Simmons (1993, cited in Simmons, 2010) concluded that the state was still using economic class criteria when admitting refugees from refugee camps, thus focussing on young, relatively well educated males illustrating the falling priority of humanitarian concerns during the 1980s. Since then, the pressure from the

refugee activist community has remained consistent in demanding response to refugee needs rather than domestic economic needs, but with limited impact (Simmons, 2010).

In the 1980s, another review of immigration policy would take place identifying the aging demographics of Canada. In response, the need for pre-arranged employment was lifted and the commitment to balance economic goals with humanitarian goals was reaffirmed in a long term immigration policy tool. During this time, immigration numbers increased, leading to the current levels of about 250,000 persons annually, or about 1% of Canada's population. In 1986, in keeping with conservative free trade ideology, the investor class was added to encourage self-employed workers and entrepreneurs with significant capital to enter Canada and establish trade links with their countries of origin. Conversely, immigrant groups lobbied for an expansion of the family class, to include never-married, adult, non-dependent children, which was accepted but then reversed in the next decade. During the 1980s, economic class immigrants steadily increased, eventually overtaking the family class as the largest category of inflow (Canadian Social Trends, 1999).

Bill C-86, came into effect in 1993 and involved amendments to the 1976 *Immigration Act* (Dirks 1995); it did not include overtly discriminatory stipulations on the basis of race, national or ethnic origin, colour, religion or sex. It contained, however, an inherent class bias that favours middle and upper-middle class immigrants (through, for example, the business immigration program or immigrants selected on the basis of "excellence") (Jakubowski 1997). In addition, this legislation added restrictions on how applications of potential immigrants and refugees were processed, and gave immigration officers greater powers. Bill C-86 was opposed by legal, church, labour and refugee activists for eroding the protections and appeal rights of refugees (Abu-Laban 1998, p.193). The Immigration Policy Review (IPR) process that followed in 1994 included extensive consultations with the public and resulted in a report with directions for

immigration policy for the new millennium (Thobani, 2000). Thobani (2000) has demonstrated how the framing of the discussion limited the outcome and the major faults of some of the recommendations. In addition, the depiction of women and families who were constructed as less desirable immigrants, in contrast to the more desirable independent immigrants, especially entrepreneurs and investors, has been criticized (Thobani, 2000; Abu-Laban, 1998).

After a short period with an amended immigration law, Bill C-31, the new *Immigration and Refugee Protection Act*, a “framework legislation,” received royal assent in November 2001 and came into force in June 2002. This new law introduced important provisions for “conjugal partners,” expanded protection for families of permanent residents and refugees, and improved safeguards for people in need of protection (Bill C-11; “Issue Papers”; “What is New in the Proposed Immigration and Refugee Protection Act”; “Canada’s New Immigration and Refugee Protection Regulations Finalized”).

Refugees’ experiences throughout their immigration process impact their individual and collective ethnic identities. Although refugee laws and policies, especially in recent years, appear “deracialized” and neutral, particular provisions—like that of a “safe country” in Bill C-86—have, in their application, resulted in controlling the immigration of people of colour (Jakubowski 1997, pp.80-89). While fair protection has been provided to those refugees who gain access to the system, many barriers still prevent in-land refugees from gaining entry to make a claim, including Bill C-84, the *Refugee Deterrents and Detention Bill* (Creese 1992; Adelman, 1994, pp. 63-91).

In analyzing Bill C-86, Jakubowski (1997) has shown how racist ideas can be communicated through language that is publicly defensible and how successful settlement is based on criteria such as educational qualifications, job skills, official language knowledge and so forth. As such the humanitarian intent of the bill has clearly been tempered by socio-economic considerations.

With respect to women refugees in particular, they need to meet the same requirements as men in order to enter Canada for resettlement (i.e. Convention refugee status plus the general criteria of admissibility). But since women in general receive fewer educational opportunities than men due to gender stratification in many countries, they are less likely to be accepted in Canada. The Canadian Women at Risk (AWR) program, modelled after the UNHCR initiative, involves very small numbers of women overall and a very small percent of the Convention refugees accepted into Canada (Macklin, 1995, p. 220).

In 1993, Canada's Immigration and Refugee Board issued liberal guidelines entitled "Women Refugee Claimants Fearing Gender-Related Persecution" which broaden (in practice) the UN definition of who is a legitimate refugee by including specifically gender-related persecution as one kind of persecution that qualifies someone as a refugee. Despite these guidelines, gaps and inconsistencies are still found in refugee law, and problems in its interpretation leave the more vulnerable refugees less protected (Macklin 1995). Overall, then, we may say that refugee policies have been based not only on racial, but also on class and gender biases.

### *Immigration from the 1990s to 2000s*

Given continued economic pressures and the rise of neoliberal economic policy globally and nationally, several significant shifts in immigration policy have occurred. Canada began to refashion itself as a "sophisticated, knowledge worker-based global trader" (Simmons, 2010, p. 83) and thus began emphasizing immigrants who cohered with this new idea. Significant pressure within the Conservative government led to further stress on the importance of the economic class, additional spending on language training to facilitate integration, and a designated occupations list by province. After wide consultation, a new Immigration Act in 1992 was designed to reassert control over immigrant flow, attuning it to neoliberal economic policy

and productivity, but also planning in five-year increments and focussing on highly skilled knowledge workers (Simmons, 2010). The Act noted that in a post-industrial age, immigration inflow must remain consistent, irrespective of the unemployment statistics. This represented the abandonment of the absorptive capacity principle in favour of steady annual immigration (Simmons, 2010).

The points system was adapted with educational qualifications, flexible work skills, personal suitability and economic capital figuring more prominently and the downsizing of the family class of immigrants. According to Gates-Gasse (2010) in 2009, the economic class accounted for 61% of immigrant inflows and the family class accounted for 25%. By 2006, in Toronto alone, 53% of immigrants arrived since 2001 had post-secondary diplomas or degrees compared to only 33% of Canadian-born citizens. This shift in emphasis overall was devastating for the refugee class, as many refugees have had limited access to formal education, training or economic capital. The flows of refugees and protected persons shrank to 9% of immigrant inflow (Gates-Gasse, 2010).

In 1992, also consistent with conservative ideology, the government introduced new fees for immigration services, as part of government cost recovery. This was highly controversial and widely opposed, particularly for refugees, but represented the shift toward immigrants with more economic capacity. The government conceded by providing loans to refugees, that could be paid back, or requiring sponsors to post bonds which would fund any needed welfare services in the first 10 years. Simmons (2010) calls this the shaping of “designer immigrants” who can meet the neoliberal criteria of high productivity, cost recovery, and self-settlement with less reliance on domestic social services and settlement services. The key objective is to minimize the impact of immigration on public funds and to enhance Canadian global competitiveness, through

immigrants who are “entrepreneurial, literate and able to adjust to a rapidly-changing labour market (*Into the 21<sup>st</sup> Century Immigration Policy*, 1994, cited in Green & Green, 2004).

After 2001, in the post-9/11 era, another significant shift occurred alongside neoliberal economic policies. While migration policies have always included elements of deterrence (Guo, 2010), the events of September 11, 2001 in New York, escalated the securitization of migration resulting in harsh impacts on refugee claimants (Dauvergne, 2007). Contemporary global "practices to prevent or deter asylum seekers have ranged from external measures such as visa regimes, carrier sanctions and airport liaison officers to internal measures like detention, dispersal regimes and restrictions on access to welfare and housing" (Gibney, 2004, p.2). In Canada new laws have been enacted within the past two years which have greatly altered the refugee determination program.

This is not unique to North America. “Around the world, intensified migration patterns have contributed to shifting public attitudes toward im/migrants..., and states turning inward to protect their national security interests” (Crocker, Dobrowolsky, Keeble, Moncayo and Tastsoglou, 2007, p.9). The securitization of migration has intensified since the events of 9/11 as evident by the increasingly restrictive measures imposed largely by Western countries (Dauvergne, 2007; Gibney, 2004). Similarly, Canada engaged in a bilateral harmonization of border policies to establish a North American security perimeter (Helton & Jacobs, 2002), encapsulated in the Joint Statement on Cooperation on Border Security and Regional Migration Issues and a US-Canada Smart Border Declaration, both signed in 2001. While resisted for many years on the grounds of protecting refugee rights, these documents now authorize a safe-third-country provision whereby refugee claimants can be returned to the country of first arrival, which could then ultimately return them to their country of origin where they could be subjected to detention, persecution or death. This clearly reconstructs Canada as a closed society disrespectful of civil liberties,



violating the Geneva Convention, and compromising its national policy freedom (Campbell, 2005).

An international focus on the control of borders is escalating alongside a growing rhetorical link between migration and terrorism (Banderage, 1997; Boswell, 2011; Crocker et al., 2007). This context is fuelling a global trend toward increased control over and management of migration, signifying deterrence versus protection of certain migrants (Crocker, Dobrowolsky, Keeble, Moncayo & Tastsoglou, 2007). "The restrictive treatment of asylum-seekers and illegal immigrants has also been more or less legitimized by widespread perceptions that the majority of claims are not genuine or that asylum-seekers are abusing asylum and welfare systems" (Boswell, 2011, p.65). An "unauthorized migrant" refers to a person who resides in Canada but who is not a Canadian citizen, has not been admitted to Canada for permanent residence, and does not have a visa or permit allowing long-term residence and/or work (Simmons, 2010). Often, terms used for migrants are used loosely with the implication that 'illegal or undocumented migrants' are criminal.

While refugee claimants may not have followed the immigration protocols for entry or staying in Canada, they are not committing a criminal offence by entering the country. The estimates of unauthorized migrants is considered to be anywhere from 100,000-200,000 in total, which is relatively low compared to the USA which estimates unauthorized migrants upwards of 12 million (Simmons, 2010). The connotation of claimants as abusers of Canadian generosity can be found throughout current public discourse and is particularly argued by former Canadian diplomat James Bissett<sup>ii</sup> (2010). The securitization of refugees results in the introduction of emerging forms of racialization (Crocker et al, 2007), and an increase in racial profiling and discrimination (Bryan & Denov, 2011), particularly for brown, Muslim men (Dauvergne, 2007).

Further, there is now emerging a range of gradations of uncertain or “less than full” immigration statuses (Goldring, Berinstein & Bernhard, 2007). For instance, the economic class now has four streams: skilled workers, business immigrants, the Canadian Experience Class, and provincial nominees. These last two streams were established in 2008 and 2009, respectively, under the current Conservative government, led by Harper (Gates-Gasse, 2010). This signals a shift to at least a two-tiered immigration system whereby highly skilled temporary foreign workers and international students who have at least one to two years of work experience in Canada can apply for permanent residency from within the country. The rationale is that better labour market outcomes will result and that it will short-circuit the issues of credentializing and the lack of Canadian workplace experience, as the two key barriers to labour market integration commensurate with education and skill levels (Gates-Gasse, 2010). The Conference Board of Canada assesses the economic waste of human potential among underemployed immigrants at between \$4 and nearly \$6 billion dollars a year. Yet, this rationale also illustrates that temporary migrants must earn their way into permanent residency by demonstrating workplace success and that settlement services and the responsibility of integration are being offloaded onto the immigrant. This two-step admission process dramatically changes the structure of the immigration system.

Goldring, Berinstein and Bernhardt (2007) suggest that these changes represent the institutionalized production of precarious immigration status in Canada, including the construction of irregular or illegal statuses. During recent debates in the Canadian House of Commons, Members of Parliament have frequently used the terms “bogus”, “criminal”, and “queue jumpers” to refer to refugee claimants in an anti-refugee discourse intended to devalue claimants and their quest for protection from persecution (House of Commons Debates, 2012). Current government discourse on migration has shifted further from the protection of refugees in

the 1970s and 80s to overt deterrence, while relying on stereotypes, myths, and the dehumanization of refugees in order to garner public support for its public policy (Bryan & Denov, 2011).

Immigrants, and in particular refugees, are regularly pathologized in political discourse and are negatively portrayed in domestic and international media (Leudar, Hayes, Nekvil, & Turner Baker, 2008). The dehumanization of immigrants and the images linking migration with economic hardship, criminality, and public health risks have devastating impacts on immigrants and migration policies (Boswell, 2011; Leudar, Hayes, Nekvil, & Turner Baker, 2008). Oppressive political discourse is utilized by Canadian federal government representatives including former diplomat James Bissett (2010), who argues that the refugee asylum system is an economic burden to Canadians and is the primary reason for enhanced border security between Canada and the USA. Bissett (2010) further suggests that Canada's refugee determination process "does not serve the needs of genuine refugees" and "undermines every effort to maintain the security and safety of Canadians" (p.5). In 2011, Citizenship and Immigration Minister Jason Kenney asserted that the Canadian immigration policy maintains the "integrity of Canada's immigration" and aims to eliminate "fraud" (Government of Canada, 2011), a term frequently utilized by the Minister in relation to those making claims for protection.

Canadian refugee and migration policies are framed within international law. Canada signed the 1951 Geneva Convention and the 1967 Additional Protocol on June 4<sup>th</sup>, 1969 (UNHCR, 2012), 18 years after the development of the Convention. In addition to international treaties, the Canadian Charter of Rights and Freedoms which is in the Constitution Act of 1982, applies to everyone in Canada, including refugee claimants (Bourgon, 2003). While there are multiple international treaties and domestic legislation that impact refugee claimants in Canada, the Immigration and Refugee Protection Act (IRPA), enacted in June 2002 (Citizenship and

Immigration, 2002), is the primary Canadian legislation focusing on the protection of refugees. In recognition that the 1951 Convention may exclude certain people (Dickers & Mansfield, 2012; Gibney, 2006), an additional definition for ‘complementary protection’ was included in the IRPA to define a refugee as “a person in need of protection in Canada” (Citizenship and Immigration, 2002). Even though many elements of the IRPA were received positively by refugees and refugee advocates, there are elements that were publically and legally challenged. The IRPA was critiqued for the lack of opportunity for appeals (Knowles, 2007; Lacroix, 2006) and in 2007, in *Charkaoui vs. Canada (Citizenship and Immigration)* (2007, paragraph 3), the court ruled that:

IRPA unjustifiably violates s.7 of the Charter by allowing the issuance of a certificate of inadmissibility based on secret material without providing for an independent agent at the stage of judicial review to better protect the named person’s interests. I also conclude that some of the time limits in the provisions for continuing detention of a foreign national violate ss.9 and 10(c) because they are arbitrary.

Since 2002, additional legislation has been developed concerning refugees in Canada. In June 2010, Bill C-11, the *Balanced Refugee Reform Act* (BRRA), received royal assent and became law (Bechard & Elgersma, 2011; Bill C-11, 2010). The *Balanced Refugee Reform Act* changed the refugee determination process in Canada, including the introduction of an appeals option for decisions from the Refugee Protection Division (Bill C-11, 2010). Although a proposal to create a refugee appeals division was included in the IRPA, it was never implemented in the BRRA (Harold & Elgersma, 2010).

In February 2012, the *Protecting Canada’s Immigration System Act* was introduced as Bill C-31. The Bill brought forth many changes including increased authority for the Minister of

Immigration to name countries which are deemed to be safe (Bill C-31, 2012). Additional amendments to the IRPA and the BRAA were included in Bill C-31 including a re-framing of the appeals process for claimants coming from “deemed safe” third countries and the introduction of biometrics information (Bill C-31, 2012). Bill C-31 was met with public opposition and was argued to be in contravention to Canada’s international obligations under the 1951 Geneva Convention Relating to the Status of Refugees (Frelick & Herlt, 2012). *Protecting Canada’s Immigration System Act*, was also criticized for prioritizing national security over the global humanitarian responsibility to protect refugees (Frelick & Herlt, 2012). Nevertheless, Bill C-31 was passed in the House of Commons on June 28, 2012, receiving Royal Assent and is now law (Bill C-31, 2012).

This law enforces the detention of “irregular migrants”<sup>iii</sup> arriving in Canada who are over the age of 16 (Bill C-31, 2012). Although there are many controversial elements of the law, the use of detention to deter refugees, as suggested by Frelick and Herlt (2012), is in violation of the 1951 Geneva Convention, the *UN Convention on the Rights of the Child*, and the *International Covenant on Civil and Political Rights*. In a brief submitted to the House of Commons Standing Committee on Citizenship and Immigration concerning Bill C-31, Cleveland, Rousseau, and Kronick (2012) recommended that the Bill be withdrawn for the “potentially disastrous effects” (p.17) and the “recognition that asylum-seeker detention must be governed by the principles of proportionality and individual risk assessment, grounded on the premise that no human being should be incarcerated unless they have committed a criminal offense or represent a threat to public safety” (Kronick, 2012, p.16).

In sum, migration is a political conundrum for state leaders. While public perceptions and government practices focus on migration restrictions, the health and future of many countries

rests on population growth through migration (Boswell, 2011). Efforts to decrease migration overlook the roots of migration and fail to recognize that the “global security crisis must be seen in relation to the deepening contradiction of capitalism and militarism” (Bandarage, 1997, p.270). State migration policies that ignore the causes for movement and forced migration fail to generate sustainable systems. Dauvergne (2008) argues that in relation to refugee protection, countries around the world seem to be in a ‘race to the bottom’.

Thus, migration policy has altered from restrictive geographical measures and preferential systems based on race, ethnicity, and national origin, to point systems favoring education and language abilities, to the current point-based policies which favour economic migrants (Knowles, 2007). For example, the Immigration Act of 1919 favored entry to immigrants coming from Commonwealth countries and the United States, while the Chinese Act of 1923 prevented entry of Chinese migrants, with the exception of those who could pay a substantial fee (Knowles, 2007). From the exclusion of ‘enemy aliens’ from certain European countries in the 1920s, to the refusal to allow the S.S. St. Louis to port in Canada with nearly one thousand Jewish refugees on board in 1939, Canadian governments have a history of restricting access for refugees unless there are perceived benefits to Canada (Knowles, 2007).

## **Canadian Refugee Determination Process**

Although states which are party to the Geneva Convention of 1951 have a legal and ethical responsibility to protect refugee claimants, they often create policy which privileges their own citizens (Gibney, 2004). Refugee determination processes can create conflict between immigrants, refugees, and host country citizens. Migration discourse often portrays refugees as being either deserving or undeserving in their pursuit to become Canadian citizens. "Asylum brings into relief a conflict between the claims of refugees and those escaping desperate

economic situations to a secure place of residence and the claims of citizens to act together to limit access to the territory and resources of their community" (Gibney, 2004, p.2).

The refugee determination process varies from country to country (UNHCR, 2012).

Canada's determination process for in-land claims is initiated by someone seeking protection (Bechard & Elgersma, 2011; Citizenship and Immigration Canada, 2012b). According to Citizenship and Immigration Canada (2012a), "Canada offers refugee protection to people in Canada who fear persecution and who are unwilling or unable to return to their home country" (paragraph 1), unless:

- "You have been recognized as a Convention refugee by another country to which you can return;
- You have already been granted protected person status in Canada;
- You arrived via the Canada-United States border<sup>iv</sup>;
- You are not admissible to Canada on security grounds, or because of criminal activity or human rights violations;
- You made a previous refugee claim that was found to be ineligible for referral to the IRB (Immigration and Refugee Board);
- You made a previous refugee claim that was rejected by the IRB; or
- You abandoned or withdrew a previous refugee claim. In addition, people who are subject to a removal order cannot make a refugee claim (Citizenship and Immigration Canada, 2012a, paragraph 4)."

Canadian Immigration or Canadian Border Services Officers are responsible for determining the eligibility for the process of a claim within three working days, and thus control whether a claim

moves forward for consideration by the Immigration and Refugee Board (IRB)<sup>v</sup> (Citizenship and Immigration Canada, 2012b). If the claimant is deemed eligible, they will participate in an IRB hearing within 30 to 45 days of making their claim, depending on if the claim was made in-land or at a port of entry (Citizenship and Immigration Canada, 2012b). This is a significant change to past policies where time frames varied from 60 days to two years (Citizenship and Immigration Canada, 2012b). One representative from the Refugee Protection Division of the IRB will adjudicate the claim. If a claim is rejected the appeal process is complicated and restricted to certain claimants. Failed claimants have 30 days to appeal on the merits of their claim, with notice given in 15 days (Sylvia Cox-Duquette, Senior General Council, Immigration and Refugee Board of Canada, personal communication, March 8, 2013). The recent changes in policy are to ensure claims are dealt with expediently. Furio De Angelis (UNHCR, personal communication, March 9, 2013) states that while UNHCR welcomes changes in policy that decrease wait times, they must not “compromise the system”. Brian Goodman (Chairperson, Immigration and Refugee Board of Canada, personal communication, March 9, 2013) recognizes that the numbers of refugees are down 65% in the first three months of the new refugee policy changes. Lee Cohen (Barrister and Solicitor, specializing in immigration and human rights, personal communication, March 9, 2013) expressed concerns that the policy changes over the past 20 years (since 1987) (including the reduction of board members at hearings from two persons to one person and from two hearings to one hearing, and no longer having a duty counsel available) “come down to a lack of access to justice.”

Recognition rates vary between countries (UNHCR, 2012). Between 2005 and 2008, the IRB rejected 31,895 of 57,687 (55%) claims (Auditor General of Canada, 2009). While there are non-valid claims, it is important to recognize that a rejected claim does not mean that the



claimant did not experience persecution in their country of origin. A rejected claim merely means that the IRB member assigned to the file was not convinced that persecution occurred in the given claim.

A study of over 600 claims before the IRB concluded that results were based on administrative ideology (Gould, Sheppard, & Wheeldon, 2010). This study also highlighted the Immigration and Refugee Board's (IRB) emphasis on productivity as opposed to quality of service (*ibid.*, 2010); subscribing to the corporatization of public services. Reports from the Auditor General of Canada (2009) have also flagged concerns about the IRB highlighting lack of qualifications of IRB members, chronic personnel turn over, and the negative impact of IRB vacancies. An additional report from the Auditor General of Canada (2008) "found that the Agency [Canada Border Services], at a national level, does not consistently manage the detention of individuals in compliance with its policies and standards" (7.49).

According to Gibney, "if the provision of protection for refugees is its central goal, then the system of asylum offered by Western states is currently in deep crisis" (2004, p.229).

## **Conceptual and Theoretical Framework**

The purpose of this study is to explore the research participants' perceptions of the policies and practices that impact refugee claimants in the Atlantic Canadian region. To formulate the research question and analyze our data we relied on critical feminist and critical race theoretical frameworks. Critical theory frames research by challenging dominant ideologies in the hope of making positive changes (Brookfield, 2005).

Migration experiences are impacted and influenced by a multitude of factors such as class, gender, age, race, ethnicity, education and sexuality (Dyck & McLaren, 2004; Riano &

Baghdadi, 2007). Immigrant experiences are socially constructed and involve the multiple identities of each individual (Dyck & McLaren, 2004). Gender-based analyses are important because of the physical and socially constructed differences between and among men and women (Clow, Pederson, Haworth-Brockman, & Bernier, 2009).

Migration and citizenship are not gender-neutral phenomena (Luke & Gore, 1992; Tastsoglou and Dobrowolsky, 2006), yet little focus has been placed on the gendered aspects of refugee claimants' experiences (Freedman, 2010). Similarly, women are not a homogenous group (Bandarage, 1997; Mohanty, 2003). Women who migrate have diverse experiences and realities, as well as diverse social and cultural capital (Chung & Bemark, 2002; Gagnon, Tuck, & Barkum, 2004; Mulvihill, Mailloux, & Atkin, 2001; Riano & Baghdadi, 2007). "By categorizing migrant women in binary opposition to men and/or other women, such as women from Western Europe, Canada, the United States or Australia, we ignore the intricacies and effects of interlocking systems of oppression in which we are all embedded" (Brigham & Baillie Abidi, 2009, p.167).

### **Gender Analysis of Forced Displacement**

A gender-based analysis considers how socially constructed gendered norms, are reflected in policies and practices. Recognizing that policy-making is not gender neutral, a gendered-based analysis examines the assumptions of perceived socially acceptable roles for men, women, and trans-gendered people that are inherent in policies, practices and institutions (Nova Scotia Advisory Council on the Status of Women and the Gender/Immigrant Women Research Domain, Atlantic Metropolis Centre, 2004, p.4). "Issues play out differently in different places, at different times and for different groups of people. Interventions of policies that ignore the contexts of people's lives are liable to be costly or ineffective, at best" (Clow,

Pederson, Haworth-Brockman, & Bernier, 2009, p.23). Migration and the refugee determination process are gendered (Freedman, 2010). "The inclusion of women's voices in narrating settlement experiences helps to reveal the gendering of immigration processes and...is critical in denaturalizing the common-sense categories that underpin policy making" (Dyck & McLaren, 2004, p.529).

Rape is one example of relations of power where a gendered analysis is essential. Rape, as a form of persecution, is often framed as 'private' violence versus a recognition of the sex- and gendered-based realities of sexual violence (Macklin, 1998; Markard, 2006). In the US there are many court cases where rape was not accepted as persecution unless it was coupled with a form of persecution listed in the 1951 Geneva Convention (Macklin, 1998). Macklin (1998), a former Canadian IRB member, described a particular case in the US where sexual harassment and threats of rape were not considered forms of persecution but rather elements of sexual attraction. Macklin (1998) argues that this outcome "demonstrates an ignorance of the power dynamics of sexual harassment, and the ways in which sex is deliberately used as a weapon of domination, abuse and humiliation" (p.39), illustrating the importance of a gender analysis of refugee policies.

Canada was the first country to implement a gender policy for refugee claimants through the 'Women Refugee Claimants Fearing Gender-Related Persecution' guidelines in 1993 (Freedman, 2010; LaViollette, 2007). The guidelines state that:

[a]lthough gender is not specifically enumerated as one of the grounds for establishing Convention refugee status, the definition of Convention refugee may properly be interpreted as providing protection for women who demonstrate a well-founded fear of

gender-related persecution by reason of any one, or a combination of, the enumerated grounds. (Immigration and Refugee Board, 1998, paragraph 8)

The guidelines name examples of forms of persecution that most likely are perpetrated toward women, including: “sexual abuse, forcible abortion, female genital mutilation, and forced marriage...and compulsory sterilization” (Macklin, 1998, p.39). The guidelines are progressive and necessary, but according to LaViolette (2007), they still fail to adequately define gender from a social constructivist lens, a lens necessary to consider ‘gender-specific factors’ in the context of persecution.

It is important to remember that even when policy exists, the implementation may not be effective (Freedman, 2010).

In seeking to understand why there has been in many cases a failure to take into account gender specific persecutions, it is also necessary to examine critically the global norms that have been created, and the frames that are used to represent women refugees and asylum seekers. It might be argued that one of the reasons for the uneven impact of global norms in this area is that they are based on frames which represent women refugees principally as vulnerable victims, thus essentialising a particular set of gendered roles, and failing to take into account the underlying gendered relations of power. (Freedman, 2010, p.194)

There are no implementation standards for the guidelines. For example, women-only hearings were considered but they were never implemented (Macklin, 1998). Additionally, the onus is on the claimant to prove a well-founded fear of persecution. Considering that “physical and sexual

violence against women tends to be under-reported at all levels” (Macklin, 1998, p.47), access to corroborating country of origin information can be challenging. Thus, the existence of gender-based policy does not guarantee the actualization of the principles.

Canadian immigration and refugee policies devalue women, create situations of dependency, and promote gendered-power imbalances (Dyck & McLaren, 2004). Female refugees and claimants are typically stereotyped as a vulnerable population at risk of prostitution and trafficking (Bryan & Denov, 2011). Immigrant and refugee women often experience a loss of voice due to loss of financial or social status (Guruge & Khanlou, 2004). Despite these challenges, there is less focus on women’s experiences in migration (Crocker et al., 2007).

### **Racialization Analysis of Forced Migration**

Race intersects with gender and is often connected with biological differences, such as skin colour and phenotypical features. Racialization has resulted in hierarchies of power based on skin color and other markers of difference (Brigham, in press). To gain a holistic picture of the experiences of refugee claimants in Canada an intersectional analysis, acknowledging racialization, must be incorporated. Canadian policies have historically identified people as being more or less desirable depending on their race, ethnicity, and country of origin (Guo, 2006; Li & Bolaria, 1983; Knowles, 2007). The shift from a discriminatory system prior to 1967, to a points system based on skills, education, and language competency has changed the face of migration in Canada favoring of economic migrants and other immigration classes (Bryan & Denov, 2011; Guo, 2006). Current policies continue to focus on the country of origin through the ‘safe countries designation’ and the emphasis on education and skills (Beiser, 2005; Bryan & Denov, 2011; Guo, 2006). It is important to note that both in-land and overseas refugees do not use the points system. The racialization of migration is increasing (Crocker et al., 2007) as is racism and

violence toward migrants (Bandarage, 1997; Dobrowolsky and Tastsoglou, 2011). Racialization of certain populations has increased since September 11, 2001, such as Arabic speakers, and those with Muslim names or who are visibly Muslim. Immigrants to Canada have expressed being targeted by Canadian authorities because of the colour of their skin or as a result of their “Muslim or Arab sounding names” (Crocker, et al, 2007, p.6). Racism is also intertwined in assumptions about intelligence particularly in connection to language abilities of newcomers (Bryan & Denov, 2011). There is a lack of understanding of the prevalence and impact of racism and discrimination experienced by immigrants and refugees, thus more research is required to further explore these impacts (Guruge & Khanlou, 2004).

### **Refugee Settlement Experiences & Health**

According to Beiser (2005), Canada has a positive reputation for refugee policy but is not doing enough to support settlement. Early language training, particularly for refugee women, and settlement support are key features of the settlement experience (Beiser, 2006). The consequences of restricting critical supports and limiting social conditions for refugee claimants include increased social isolation, resentment from the host community; and an increase in irregular migration status (Boswell, 2011).

It is important to emphasize that research does not typically separate immigrant groups so uncovering the health related experiences of refugee claimants in Canada is challenging (Cohen, 2008; Gagnon et al., 2007). Immigrants tend to have better health than the Canadian-born population until they reach their tenth year in Canada, at which time their health begins to deteriorate (Beiser, 2005). This higher health status is often attributed to restrictive immigration policies for those suffering from ill-health, in combination with a highly educated and mobile immigrant population seeking to come to Canada (Beiser, 2005; Hyman & Jackson, 2010).

Although there is much diversity among refugees (Guruge & Khanlou, 2004), more often than not, they share common risk factors such as a history of trauma, lack of social or familial support, and cultural variances from the host country (Cohen, 2008; Collins, Zimmerman, & Howard, 2011).

Mental health is an area of particular concern in relation to refugees and refugee claimants for a variety of reasons which include a consideration of past traumatic experiences (Cohen, 2008). In an analysis of the settlement experiences of 1,300 Asian refugees, Beiser (2006) argues that Canada fails to support refugees, especially in the area of mental health. While many claimants have a history of mental health issues (Cohen, 2008), a Canadian study on pregnancy and vulnerability revealed that postnatal depression affects over 40% of refugee claimants versus 10-15% of Canadian-born women (Collins, Zimmerman, & Howard, 2011). Further to this, detention or a negative determination increases refugee claimants' risk for suicide (Cohen, 2008). Finally, the lack of secure legal status has a prolonged impact on the health and wellness of refugee claimants (Cohen, 2008).

Accessing mental health support for refugees and refugee claimants is complex and culturally-laden. Access to mental health support for refugee children is especially difficult (DeAnstiss, Ziaian, Procter, Warland & Baghurst, 2009). An Australian study exploring the mental health of refugee children uncovered little documentation on the subject but also revealed increased risk factors which include: higher exposure to violence and trauma; loss of parental or family support; unaccompaniment; and detention (DeAnstiss et al., 2009). The study also focused on the pathologization of refugees and the lack of exploration of the resiliency of refugee children and youth (DeAnstiss et al., 2009).

## Methodology

Our research methodology was grounded in a qualitative, critical feminist framework to challenge the idea that all refugees and refugee claimants have similar migration experiences. Feminist methodology informs research methods by identifying the complexity and depth of patriarchy and racism that exists in society (Bloom & Swain, 2009; Mohanty, 2003; Zimmerman et al., 2009). Our study was approved by the ethics review boards of Mount Saint Vincent, St. Francis Xavier, and Saint Mary's (See Appendix 1 for Letter of Invitation for Key Informants).

Our methods included:

- a) a review of the literature on refugees, including official policies and practices,
- b) individual in-person and telephone interviews, and
- c) focus groups with immigrant service providers in all four Atlantic Provinces.

The literature review involved internet research using key words, such as refugee claimants and migration policy, consulting government websites and advanced library searches. Individual interviews and focus groups allowed for qualitative and narrative insight into perceptions, experiences and meanings (Lincoln & Guba, 1985). One in-person interview, three telephone interviews, two in-person focus groups, and two telephone focus groups were conducted using a semi-structured interview format of twelve questions. The questions ranged from inquiring about the service providers' experience in migration services which included their understanding of the vulnerabilities, challenges, and needs of the refugee claimants, as well as the specific services and policies that impact refugee claimants. Additionally, we asked the research participants to consider and comment on changes to policies and services that they have observed and how these changes have affected refugee claimants. It is important to note that the interviews and focus groups occurred in April 2012 prior to, or in some cases on the day of, the announcement



of upcoming refugee reform. At the time of the interviews and focus groups, the proposed legislation was not clear. Each interview and focus group was audio recorded and transcribed. We analysed the transcripts using the software NUDIST, which helped to identify themes, including commonalities and variations.

## **Participant Profile**

The individuals who participated in this research project have been working in the area of migration and settlement services for 3.5 to 30 years, with the average service in this field being 11 years. The participants' experiences range from settlement and legal support to senior leadership within non-government organizations (NGO). Three participants were male and eleven were female. Two participants were working in Prince Edward Island, four in Newfoundland and Labrador; two in New Brunswick; and six in Nova Scotia. (See Appendix 2). Regarding the recruitment of participants, a letter of invitation and information to participate was sent to all immigration and settlement organizations in each of the four provinces. These letters were followed up, in some cases, with a telephone call.

## **Findings**

Our findings will reveal service providers' front line experience and frustrations of trying to help refugee claimants within the larger national and international context. The key themes emerging from the data include: 1) Needs, Vulnerabilities, & Practices (see Appendix 3 and 4); 2) Challenges Navigating Systems & Services; and 3) Increased Deterrence. In addition to the key themes, we conduct a comparative analysis of the Atlantic Provinces.

## Needs, Vulnerabilities & Practices

*“Building welcoming communities...I feel that it’s a little bit ironic that this is the whole campaign of the Nova Scotia Office of Immigration, when we have a section of newcomers who aren’t welcomed by the province, and who don’t receive any funding, and who can’t access the services that help them settle and integrate, and what would help enable them to become successful community members.”*

-Participant

### *Perceptions of Needs*

Regardless of the province, all participants identified basic settlement services for refugee claimants as the greatest need. The common priority needs identified among all four Atlantic Provinces included: housing, access to language courses, and navigation of services. Other needs identified included access to income, legal representation, and community orientation. The participants emphasized that the needs vary from individual to individual. One participant stated that needs and support access *“depends on the person and personality... sometimes people are more willing to help women....there seems to be more compassion.”* Several participants also stated that due to the low numbers of claimants, identifying greatest needs or using a gender-based or race-based analysis of claimants experiences can be challenging. Participants from Prince Edward Island, New Brunswick, and Newfoundland and Labrador were particularly reluctant to generalize due to the low numbers of claimants in these provinces.

From a gendered perspective, most participants felt that needs and supports were identified based on *“humanity not sex”* and needs were more closely connected to family composition rather than gender. Women with children and families were identified as having different needs than single individuals largely due to limited shelter and child care options. As

well, women fleeing violence, pregnant women, and women requiring female medical practitioners were identified as having distinctive needs. One participant added, “*Sometimes I notice increased barriers for our male clients, perhaps because they’re the most stigmatized, these queue jumping bogus criminals.*”

### Perceptions of Vulnerabilities

When asked who is the most vulnerable within the claimant population, one participant stated that they are “*all vulnerable for different reasons*”. Other participants described women as being more vulnerable for a variety of reasons. Women were described as vulnerable if they are pregnant or have children because “*women always put their children first*”. Cultural barriers and past experiences were also discussed as contributing factors to vulnerability, resulting in some women not having access to services, being more susceptible to trafficking in persons, and experiencing domestic violence. Women’s enhanced vulnerability was described by one participant as being connected to women “*not used to being outspoken*”. The geographical context of a women’s forced migration experience was discussed as refugees could be coming from:

*a culture where dealing with the government is even more dangerous than dealing with the illegal armies or guerrillas...so having to deal with a government official through the phone for women is going to be even more scarier. It’s going to pose a threat in her heart, and it’s going to make her really uneasy. And oftentimes, the interpreter is a male, which constrains even more their ability to express.*

Unaccompanied minors and the elderly were identified as vulnerable; and lack of formal education or language skills, absence of community or family support, and the presence of mental health issues were seen as contributing factors to vulnerability. With respect to mental

health, one participant expressed that lack of services in the area of mental health can increase claimants vulnerability and shared that *“we’re not specialized and competent to deal with these things. So sometimes we really don’t know what to do.”*

Refugee claimants who are detained have increased vulnerabilities due to factors such as isolation, fear of law enforcement officials, lack of access to funds and the increased timeline to access the mandatory medical examination required for a work permit.. One participant described detainment as *“you’ve got this first experience of your welcome to Canada in the general population of a criminal facility. It’s a very unwelcoming welcome.”*

### **Increasingly Limited Services**

All participants discussed refugee claimants’ limited eligibility for services. One participant shared that *“there are a lot of good services in Halifax, but the refugee claimant is not eligible to access them.”* Participants reflected how past funding policies allowed their organizations to offer services to claimants, but now with increased federal restrictions and funding cuts, and in some cases decreased numbers of claimants due to policy changes such as the ‘Safe Third Country’ (as seen in Newfoundland and Labrador), has resulted in claimants being eligible for fewer services. One participant stated that their organization used to provide *“a comprehensive range of services for claimants many years ago, but now we have very few.”* Another participant shared they are offering *“officially nothing because they [claimants] are not eligible”* for funded services but claimants can participate in volunteer-driven initiatives for language support. Another participant shared that *“we’re not in a good position to provide them [claimants] with any services...just the essential critical needs”* such as food, clothing, and shelter referrals. In one case, a participant added that the services available depend on the

number of clients at the time. Sometimes with the help of interns and volunteers, extra services are offered such as teaching a client to drive.

In addition to non-governmental organizations, provincial governments also offer services to claimants. Legal support is provided to claimants in Newfoundland and Labrador through Legal Aid and provincial health care is provided to claimants in Prince Edward Island once they secure a work permit which usually takes three months. Aside from these services, claimants have access to support from the Department of Community Services in each of the four provinces to support basic living needs. One participant discussed how small numbers of claimants can be a strength as services can be tailored, but it can also be a weakness because *“we don’t have a critical mass to make changes....there is a big difference in the services provided in Ontario for refugees and immigrants in general.”* Another participant shared *“it strikes me, we either need a whole lot more or less. I don’t think the balance at the moment, it doesn’t work well for them [claimants]. If there were more [claimants], we would be able to do more.”*

In most regions of Atlantic Canada, including Newfoundland and Labrador where legal support is free, only basic legal support is provided and often from legal counsel with limited knowledge or experience in refugee law. Furthermore, claimants typically receive insufficient legal support to properly prepare for hearings, regardless if the support is provided by government staff or volunteers. As one participant stated, *“lack of legal support is a huge gap...because this lawyer is going to receive that immigration [sic] case on top of all the work that they have, so that’s going to put an additional constraint on the interaction between the lawyer and the refugee claimant.”* Another participant added that *“there should be some recognition that this is a critical time in somebody’s claim, and they should have a certain number of dedicated legal hours made available.”* Yet another participant shared that *“not even*

*a well-instructed Canadian with some legal knowledge would be able to put together a defense [sic] case in such a short notice.*” Aside from the legal support offered by the Halifax Refugee Clinic, a non-profit organization, the participants expressed concern about the available legal support and expertise offered in their communities for claimants.

### *Cultural Competence*

According to the participants, the lack of culturally competent practitioners and services available in the Atlantic Provinces has a negative impact on refugee claimants and increases vulnerability. Medical services and ineffective interpretation services were identified as significant gaps. The impact of ineffective interpretation was specifically discussed and, in two examples, nearly resulted in negative refugee status determinations. One participant shared that *“when it comes to cultural differences and cultural customs, there’s a huge difference from one region to another [within the one country of origin]”*. Just because someone can speak the same language, cultural nuances may be lost in translation resulting in serious consequences for the claimant. Another participant shared that

*having a good interpreter can make a big difference. There was an interpreter with the board member in Montreal, and when they asked a question and the interpreter [a paid government interpreter] gave a response, Sara\* [volunteer representing the client who happened to be fluent in the client’s language] said ‘that’s not what my client just said.’*

Cultural competency was also referenced in relation to health services. Many participants revealed examples of clients attempting to access health services where health professionals demonstrated poor cultural competency, and a lack of respect for the cultural or religious practices of the client. One participant stated that *“I don’t know if I have been able to*

*find culturally aware care”* and proceeded to describe the challenges of accessing health services, particularly specialized services.

### *Few Gender-Sensitive Services*

From a gender-based analysis, all participants discussed a triage system which was implemented regardless of gender. Participants stated that they did not implement gender-based services but rather a general intake process which was employed resulting in individually tailored services. At the same time, specific needs and services for men and women were described from securing female medical practitioners for female claimants to seeking alternative shelter for men where no housing existed for male claimants. One participant stated that *“specifically for women there are a number of cultural sensitivities that are not addressed”* in policy development, implementation and settlement services such as cultural gender relations. Participants continued to describe the challenge of considering a gender-based analysis with small and often decreasing numbers of claimants.

### **Navigating Systems & Services**

*“I think it’s more about who does what, and the lack of understanding that exists about whose responsibility it is. You know, we’re trying to get some kind of support and we’ve got both levels of government not knowing what their responsibilities are, and saying, well we don’t do that. When in fact they do, and they just don’t know. So it’s about knowledge and understanding, and respecting existing policies and protocols.”*

- Participant

Navigating the systems and services available for refugee claimants in Atlantic Canada was described by all participants as an excruciating experience. Participants discussed the challenges of navigating federal and provincial systems, sharing frustrations about inefficiencies, lack of

inter-governmental communication or clarity of policies, and silo operations. Participants from all four provinces shared that they are regularly educating provincial and federal personnel on policy-related issues and described the following in relation to navigating government systems:

- *“it’s just one of those things that seems quite simple, but doesn’t seem to happen...there doesn’t seem to be institutional knowledge”;*
- *“this could be so simple”;*
- *“it’s a lot of back and forth”*
- *“the rules are not clear...I don’t know who is making the decisions”;*
- *“there’s a challenge in that you have to fight the system because they [claimants] don’t have a SIN [Social Insurance Number]”*
- *“the onus always comes back on us to make sure that other agencies make sure that clients’ needs are being met. And it shouldn’t be that way.”*

Navigating policies and services within government department and between federal and provincial governments is challenging for immigrant servicing organizations and this complexity is also evident in the community. Health and language services for refugees in Canada have federal funding within provincial systems however the majority of this funding support is not accessible to claimants. The policies between the federal and provincial systems are often contradictory and, from the perspective of the participants, create disparities for refugee claimants in the Atlantic region. For example, medical personnel often refuse to provide service to refugee claimants due to a lack of familiarity with the federal health program, the Interim Federal Health program (IFHP); a program which was recently modified to exclude most forms of coverage for claimants. Participants shared that the medical providers struggled to be reimbursed for services covered under the IFHP adding to their reluctance to accept claimants as



patients. Participants expressed frustration with regard to the implementation of the IFHP, but now in preparation for severely reduced medical services for claimants, participants stated that

- *“it means that people have no coverage for dental, eye, mobility aids, medications or anything beyond what an MSI [Nova Scotia basic provincial medical coverage] card gives you. And if refugee claimants are not eligible for an MSI card, which they never are, they will have nothing except for emergency health care, if they’re sort of dying, I think they can go to the hospital.”*
- *“the interim federal health new regulations is going to impact them [claimants] greatly because they won’t receive any services from the medical...it’s not covered anymore under medical...I don’t think we know enough about that whole situation, and to be honest we at the moment are dealing with cuts provincially to some of our programs for government-assisted refugees, who have come here through all the proper rules.”*

Although the participants did not feel that the changes to the IFHP coverage would have a significant gendered impact, they did express concern about the lack of prenatal health care for pregnant women.

The interactions and gaps between the federal health and the provincial health coverage have also been observed in the lack of health coverage for babies born in three of the Atlantic Provinces to refugee claimant women. One participant described this gap as *“a bureaucratic nightmare. It’s really frustrating.”* The federal government claims that the provinces are responsible for health care because the baby is born in Canada while many of the Provinces, including Prince Edward Island, New Brunswick and Newfoundland and Labrador, suggest that the Federal government is responsible for health coverage because the parent does not have

resident status.<sup>vi</sup> This intergovernmental gap leaves some of the newest Canadians without health coverage in many regions in Canada.

The participants reflected that if they struggled with navigating systems in a country where they live, work, and speak the language, the challenges must be multi-fold for newcomers who may not know their rights and responsibilities. When asked what they would change in their province to improve the quality of life of refugee claimants, all participants described a ‘*one-stop shop*’. The participants elaborated by describing a clearing house to provide access to information and services. Participants shared that the centre would be “*be an inclusive and welcoming multicultural centre...one-stop shop that is fully funded*”; “*all under one roof*”; “*open-access*”; and “*include a health clinic, shelter, language classes, more staff....*”. One participant concluded that by “*not giving them all that support, it will last forever and it will create more difficulties, and in the end it’s not so beneficial for the community as if we really support these people who have a strong will to be here, and become proud of the community in most cases.*”

## Increased Deterrence

*“It seems around the world the dream in policy is to make it harder on the refugees, to have policies with more conditions...the latest one, which is incarcerating an innocent person for a whole year without access to communication, without access to so many other services, for the mere crime of being a refugee claimant.”*

-Participant

Participants described a “*hardening*” of policies pertaining to migration, particularly for refugee claimants and a shifting public ideology that is increasingly dehumanizing claimants. One participant reflected that

*even before the legislation [Bill C-31] comes into effect, the negative rhetoric in the media that [sic] influences people’s perceptions and influences other service providers’ perceptions. And who knows what effect, I mean I can imagine there will be some negative effects when it comes to settlement service provisions from providers who are coming into contact with refugee claimants maybe for the first time, and what they know of claimants is what they’re hearing in the news. And so in that regard, we’re going to have to do a lot more work related to advocacy. And that is something we really don’t have the resources or the funding to do.*

The participants perceive that federal funding cuts and policy changes focus on deterrence and lack a humanitarian emphasis, resulting in significant negative impacts on refugee claimants in Canada. The participants described the changes as regressing from policies designed to protect refugees. One participant stated that “*we’ve totally lost the threat about protection and about what refugee protection is, and now it’s all putting up barriers, timelines, deterrents, punitive measures and not at all the core of the matter.*” Others added that “*we’re going back to pre-2002*”, “*sounds like an American way of doing things*”, “*and when it comes to the federal government, we all know that the previous four governments, it doesn’t matter which political party they belong, the refugee process is being reduced and it’s being converted into a very hard process for people to come along.*” The participants discussed the changes to the refugee protection program as violating human rights, preventing family reunification, detaining people

seeking protection (including children); and of which come from a place of national interest versus refugee protection .

All but one participant, who described lack of community integration as a barrier, felt that *“federal policies are the barriers”* and many shared great concern about the new policies being implemented. New laws such as Bill-C31 are seen by the participants as having a *“major impact”*; the *“new legislation is going to put an extra burden on the refugee claimant”*. One participant added that *“I was trying to think, who would this affect? And then I was trying to think, well who the hell wouldn’t it affect? Like I can’t think of one person that couldn’t at least potentially be affected by this. Negatively affected.”* Mandatory detention, significantly reduced timeframes to prepare claims, and lack of health coverage including mental health support were cited as the areas of greatest concern in relation to changes to the refugee claimant process in Canada.

The detention of those deemed as illegal arrivals is an emerging global trend in refugee legislation. The participants portrayed a grim picture of the potential impact of increased detention, both in time and number of people who will be detained, for claimants focusing on the snowball effect on the refugee determination process. One participant shared that detention will greatly increase separation of families and stated that:

*it will be 5 years before they are allowed to get their permanent residence. That will really, really affect families because if you can’t get your permanent residence for up to five years, then they can’t start the process of applying for their family members until they get their permanent residence. And that could take another three years, so you could be looking at families separated for like eight years.*

When asked to consider changes to policies and practices overtime, such as increased detainment, the participants cited concern about the latest legislation as well as the statements provided from the federal government for the changes. The government statement was illustrated by one participant:

*when asked about separation of parents and children during this time he [Minister of Immigration Jason Kenny] stated, and I quote, 'we hope prospective customers or smugglers take that in mind'. He's expecting people who are fleeing horrible and persecutory situations to be like, 'oh, wait a second, before I pay you eight thousand dollars that I've sold my whole life to come up with, I may think about the potential consequences of not being able to be reunited with my family if I go to Canada, if I am deemed an irregular' ...it's ridiculous to even think that that's going to affect enough people for it to be an actual deterrent, and not just a punitive measure.*

Another participant expressed concern about the rationale for the cuts to the federal health program explaining that the reasons given by the Federal government included: *"we don't want refugees to have benefits that other Canadians don't have"* and that *"we think this will further reduce people's interest in coming to Canada in the first place who may be making kind of, don't think they use the word bogus, but you know what they're thinking, bogus refugee claims."*

Some participants discussed how the new legislation was *"harsh on women's rights"* and would likely have a greater impact on women. The reasons provided focused beyond potential detainment to include a consideration of the impacts of the reduced timeframes for preparing claims. While participants suggested that changes to the timeframes were necessary, the significantly reduced timeframe was seen as an increased barrier for claimants who had experienced trauma, with a particular challenge for women who had experienced trauma.

Reduced timeframes impact emotional readiness to describe traumatic experiences such as sexual violence to an often all-male adjudicative board, and the time required to access corroborating documentation for cases from all regions of the world. Participants revealed the following concerns on impacts for women claimants:

- *“if they sit down within three to six weeks with a government official, and try to tell their story, I think that the trauma they’re still holding is going to make that very difficult. And a lot of claimants may end up losing their claims because they haven’t given full disclosure. And the reason they haven’t given full disclosure is they’re probably going to be too terrified within that short period of time.”*
- *“if they’ve been through a situation of sexual abuse or rape or something like that, that’s very difficult to talk about, it would be much more difficult for them to have to take about that in such a short period of time. Although not to say that there aren’t men that are coming that have experienced violence or other traumatic situations too.”*
- *“they [Newfoundlanders & Labradorians] are absolutely helpful and would do everything for the claimant...the problem is the constraints that the legal system presents...they have a better chance somewhere else”* (in reference to refugee board hearings held over the phone and increased cultural barriers for some women communicating often with male judges about their experiences of sexual violence and persecution)

While the majority of the interviews and focus group discussions centred on changing policies, one participant suggested that *“it’s funding that has the biggest influence...it’s got nothing to do with policy. Policy is ignored for the most part”*; ignored and/or perhaps not

understood. Six of the fourteen participants suggested that they had limited understanding of the new legislation and a couple were unfamiliar with the IRPA. One participant stated that *“I think they’ve cancelled that IRPA thing, it feels like it”*, while another suggested that *“we’re not up to speed on – we’ve seen a little bit of – I have, seen little bits and pieces of the legislation. But to be honest with you, I have not looked at it in detail. We’re too damn busy delivering services every day.”* Despite their level of understanding of refugee law, all participants referenced decreased funding for services for refugee claimants and enhanced financial monitoring systems to ensure that they are not providing services for claimants.

## **Research Implications & Recommendations**

*“I have always said, refugee claimants are particularly resilient people who have made a gigantic decision, and I think they’re very resilient...it acts as a reminder that there are many people...who are obviously willing to risk everything and give up everything to come, because their lives are so threatened for whatever reason, and it’s a bit of a wakeup call. It serves as a reminder of how fortunate we are to live here, and I think I’m always encouraged by how very industrious most refugee claimants are. And they are. They tend to work very hard and any opportunities to learn language and so on; they’re very committed to making a new life, in most cases”.*

- Participant

Our findings show awareness and understanding of emerging migration policies among service providers in Atlantic Canada largely correlated to experiences working with refugee claimants. Service providers working in regions with small numbers of claimants were often unfamiliar with the specific influences of federal law and policies. Despite varying levels of

awareness of specific federal policies, our findings show service providers perceive that shifting public policy has negatively impacted claimants in Atlantic Canada, resulting in decreased services, increased complexity in navigating government systems, and increased deterrence for people seeking asylum.

### **Increased Communication & Collaboration**

Navigating government systems was identified as one of the most challenging elements of working with refugee claimants in Atlantic Canada due to unclear rules and uninformed government staff. The formation of an intergovernmental, interprovincial working group focusing on policies and services for refugee claimants could remove some of the confusion related to the processes and enhance communication for sharing best practices. A working group that engages refugee claimants and refugee advocates with government representatives could improve communication and enhance understanding of needs and vulnerabilities to improve settlement supports. Furthermore, a handbook explaining policies and practices for government staff was suggested to ensure continuity of “*institutional knowledge*” and to relieve the burden on service providers to inform government staff about provincial and federal policies.

Collaboration within the non-governmental community is also needed to provide technical and emotional support to refugee claimants. The various understandings of federal policies within the immigrant and refugee claimant service organizations in Atlantic Canada highlights an opportunity for enhanced support to ensure a collective response to policy change and a shared vision of refugee protection. Additionally, the development of a professional network of refugee advocates and peer support for front line staff and volunteers is greatly needed to ensure the overall health of those working in this area of protection. Participants described the emotional impact of their work and the challenges of establishing a healthy work-life balance. Examples of



the emotional toll of this work were illustrated as feelings of empathy and heartache for “*desperation*”, “*separation of families*”, “*instability*”, and for “*women who fled without their children*”. Others shared frustrations over the lack of options they have to support refugee claimants in their communities and the challenges of witnessing the aftermath of a negative refugee board decision. “*Not being able to help*” was strong source of the emotional toll of the work. One participant shared that “*our hearts break when we talk to somebody and we have to kind of ask them to go away because there is nothing to help them here*”. An Atlantic Canadian forum or conference for stakeholders could provide an avenue for sharing and learning about self and organizational care.

### **Public Relations & Advocacy**

Despite the challenges of the work, all participants spoke of the joy they experienced working with refugee claimants. The opportunity to meet new people, to learn about new cultures, and to watch people work hard and achieve goals such as getting a job, a house or most importantly, a positive determination was described as invaluable. The “*emotional satisfaction*”, “*seeing them with smiles*”, being “*touched by their stories...courage...hard work*”, and celebrating “*all the successes from the very small that might seem inconsequential, but they aren't, to the large...all the victories*” encouraged the participants to maintain their commitment to this work.

The participants wished more Canadians would value immigration, refugees and understand the benefits of a diverse population. One participant shared that they “*would like to create an entire ideological shift with the government and with the sort of general population that would see refugees and immigrants of all categories as assets rather than liabilities.*”

Another participant discussed that:

*it's a source of frustration in my head because it feels like we'll just be scrambling and doing this if there's no PR [public relations], if there's no advocacy, then we're never going to get any funding. There's never going to be any awareness, these barriers are going to continue, so it seems like that's the long-term solution to our problems. But where do we actually fit that in and get it done? But then it's so frustrating to always just be scrambling and meeting these short-term deadlines, and not having that long-term plan. So as an organization, I think that's what we struggle with mostly, and that's really you know, I mean convincing one person at the Department of Community Services is a great victory, but if the whole policies don't change then we're just always going to be doing that.*

The challenges discussed in relation to oppressive political discourse and the dehumanizing of refugees in mainstream media was highlighted as a barrier to social policy change. Incorporating advocacy strategies into plans within immigrant and refugee service organizations is difficult due to funding restrictions which often limit advocacy work. At the same time, the participants made it clear that increased efforts in advocacy are needed for long term and sustainable strategies that value the needs and resiliency of refugees in Canada. The development of an advocacy network on refugee rights, which engaged diverse participants from business, academia, community and the refugee community would be beneficial. Opportunities for refugee claimants to share their experiences and dialogue with Canadians and immigrants could also challenge the current political discourse.

## Conclusion

The global securitization and marketization of migration is manifesting an anti-refugee ideology. A focus on deterrence is translating into public policy that further marginalizes and criminalizes vulnerable populations. The language of Canadian migration and refugee policy is rooted in racist and sexist hegemonic systems fuelling the vilification of refugee claimants. Canada's changing refugee determination system is less focused on international legal humanitarian responsibilities and more on the protection of borders and citizens. The lack of gender and racialization analysis in the refugee determination system has significant impacts on the health and well-being of claimants. Enhanced understanding of the learning styles and perceptions of service providers could enable those working with refugee claimants to improve advocacy and navigation of systems and processes, enhancing the settlement experiences of refugee claimants in Canada. Further research is needed to explore the experiences of refugee claimants in Canada to improve our understanding of the impact of the law and settlement practices on refugee claimants and Canada as a whole.

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## Appendix 1

### Letter of Invitation for Key Informants (Interview)



Date....

Dear .....,

Susan Brigham (Mount Saint Vincent University), Evie Tastsaglou (Saint Mary's University), and Beth Lange (St. Francis Xavier University), with support from PhD student, Catherine Baillie Abidi, are embarking on a research project entitled: *Refugee Claimants: A Comparative Case Study Analysis of Policies & Practices in Atlantic Canada*. The intent of the project is to hear from immigrant service providers, on how best to support refugee claimants. We feel that by hearing about your experiences we can learn a lot from you. We hope that this research may be used to inform policy makers, immigrant service providers, and the general public about the experiences of refugees. We would like to invite you to participate in a brief interview to discuss this further.

The interview will last approximately one hour. With your permission we will audio tape the interviews. All original research data will be stored on a password protected computer and in a locked filing cabinet in Susan Brigham's office in Seton Academic Centre, Mount Saint Vincent University and identifying information will be removed. One year after this study is completed the tapes/sound files will be destroyed/erased and raw data will be shredded. Data resulting from the study may appear in publications. To ensure confidentiality, names or other identifying information will be changed. Participation is voluntary and you may withdraw from the interview at any time.

If you think you might be interested in participating in this study, you can reach Susan, Evie, Beth or Catherine via telephone or e-mail (902-457-6733 or [susan.brigham@msvu.ca](mailto:susan.brigham@msvu.ca); 902-420-5884 [evie.tastsoglou@smu.ca](mailto:evie.tastsoglou@smu.ca); 902-867-4697 [elange@stfx.ca](mailto:elange@stfx.ca); [x2011cts@stfx.ca](mailto:x2011cts@stfx.ca)). If you are interested in receiving a copy of the report of our research findings when we complete the research, we will email it to you as a PDF attachment.

If you have questions about how this study is being conducted and wish to speak with someone who is not directly involved in the study, you may contact the Chair of the University Research Ethics Board (UREB) c/o MSVU Research and International Office, at 457-6350 or via e-mail at [research@msvu.ca](mailto:research@msvu.ca).

Thank you very much for your time.

Sincerely, Susan Brigham

## Appendix 2

### Participant Profile

<b>Participant</b>	<b>Province</b>
#1	Prince Edward Island
#2	Prince Edward Island
#3	Newfoundland & Labrador
#4	Newfoundland & Labrador
#5	Newfoundland & Labrador
#6	Newfoundland & Labrador
#7	New Brunswick
#8	New Brunswick
#9	Nova Scotia
#10	Nova Scotia
#11	Nova Scotia
#12	Nova Scotia
#13	Nova Scotia
#14	Nova Scotia

## Appendix 3

### Provincial Comparative Analysis

Provinces	Needs	Vulnerabilities
Prince Edward Island	Housing Income Food Work Permit Medical Systems navigation Language Interpretation	Vulnerabilities vary Too small numbers to generalize
Newfoundland & Labrador	Depends on individual Support with federal & provincial forms Language Housing Systems navigation Community Orientation	Those with limited language abilities Little education or training Older adults Women Unaccompanied minors
New Brunswick	Basic settlement support Financial support Legal support Community engagement	Those with limited voice (excluded) Young women & single mothers fleeing violence
Nova Scotia	Not all need support - varies Legal representation Support services (housing, food...) Systems navigation (medical) Housing (especially for families) Language Sense of permanency	Women (with children) Claimants in rural areas Health & mental health Little formal education Limited language Detention Seniors

## Appendix 4

### Provincial Practices

Service provisions and practices	Provinces			
	Prince Edward Island	Newfoundland & Labrador	New Brunswick	Nova Scotia
Documentation Support	Support with federal & provincial forms	Support with federal & provincial forms	Support with federal & provincial forms	Support with federal & provincial forms
Assessment	Needs assessment	Nothing 'official' – lack of financial services	Nothing 'official'	Social assistance & Housing
Navigation	Systems navigation	Basic settlement support	Basic settlement support	Systems navigation
Health	Provincial Health coverage (after work permit is secured ~ 3 months)	No provincial health coverage	No provincial health coverage	No provincial health coverage. Health navigation from NGO's.
Employment	Employment support	No employment support	No employment support	Employment counselling support
Legal	No legal support	Legal aid provided provincially	No legal support	Legal support provided including mock hearing practices – NGO funded
Language	Volunteer support	Volunteer support	Conversation circles (language support)	Volunteer ESL programs offered weekly

\* All practices outlined above are provided by the NGO community unless stipulated otherwise.

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<sup>i</sup> Global South refers to the Low-Income Countries in Latin America, Asia, and Africa (UNDP, 2004, p. 2).

<sup>ii</sup> James Bissett was one of the founders of the Canadian Immigration Points System and served as the former Executive Director of the Canadian Immigration Service from 1985-1990.

<sup>iii</sup> “20.1 (1) The Minister may, by order, having regard to the public interest, designate as an irregular arrival the arrival in Canada of a group of persons if he or she (a) is of the opinion that examinations of the persons in the group, particularly for the purpose of establishing identity or determining inadmissibility – and any investigations concerning persons in the group – cannot be conducted in a timely manner; or (b) has reasonable grounds to suspect that, in relation to the arrival in Canada of the group, there has been, or will be, a contravention of subsection 117(1) for profit, or for the benefit of, at the direction of or in association with a criminal organization or terrorist group.” (Bill C-31, 2012).

<sup>iv</sup> “Canada has an agreement with the United States where people who want to make a refugee claim must do so in the first safe country they arrive in. This means that if you enter Canada at a land border from the United States, you cannot make a refugee claim in Canada. In some cases this rule does not apply (for example, if you have family in Canada)” (Canadian Citizenship and Immigration, 2012a, paragraph 6).

<sup>v</sup> “The Canadian IRB is an administrative tribunal which is disconnected from the federal Department of Citizenship and Immigration. The members of the IRB are appointed by Cabinet, and their formal independence from government is a key feature of the Canadian system. Members hear and determine claims from all refugee claimants who make port of entry or inland claims in Canada, regardless of when or how they arrived” (Macklin, 1998, p. 30).

<sup>vi</sup> The Government of Nova Scotia has recently implemented policy to provide provincial health coverage for babies born to refugee claimants on a case by case basis.





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## AMC Working Papers Series - Guidelines

### • What are the AMC Working Papers?

The AMC's Working Papers Series is related to the broad mandate of the Metropolis Project. The Working Papers produced by the Atlantic Metropolis Centre are designed to: (1) speed up the dissemination of research results relevant to the interests and concerns of Metropolis researchers, policy-makers, NGOs; (2) allow for an avenue where Metropolis researchers in the Atlantic region can disseminate research and information specific to immigration, migration, integration and diversity in Atlantic Canada.

### • Will these be considered "official" publications?

The inclusion of a manuscript in the Working Papers Series does not preclude, nor is it a substitute for its subsequent publication in a peer reviewed journal. In fact, we would encourage authors to submit such manuscripts for publication in professional journals (or edited books) as well.

### • What subject content is acceptable?

The Working Paper Series welcomes research reports and theoretical discussions relevant to the mandate of the Metropolis Project, providing insight into the policy concerns not only of immigration and integration, but also ethnocultural diversity.

Examples of areas of research include: economic, political, cultural, and educational integration of immigrants, migrants and refugees; language; transnationalism; gender and/or immigrant women; ethnic, cultural, and religious diversity; multiculturalism; social and family networks; social discourses, attitudes and values; youth; identity; citizenship; temporary migration; justice and security; settlement programs and policy; health and well-being; and human rights.

### • Who may submit papers?

Metropolis researchers, policy-makers and service providers may submit paper submissions derived from AMC research grant (pilot or strategic grant) projects, unpublished articles, and conference papers. Submissions from non-affiliates will be examined on a case-by-case basis.

### • Copyright

Copyright for papers accepted as AMC Working Papers remain with the author(s) who are free to publish their papers at any time. It is the responsibility of the authors to inform the AMC's Working Paper series Editors of any change in publication status.

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- **Official Languages**

AMC researchers reserve the right to publish working papers in the language of their choice.

## **Centre Métropolis Atlantique - Série de documents de recherche**

### **Protocoles de sélection et de présentation**

- **En quoi consiste la *Série de documents de recherche* du Centre Métropolis Atlantique?**

La publication de la *Série de documents de recherche* répond en fait aux objectifs généraux du Centre Métropolis Atlantique, en ce qu'elle favorise (1) la dissémination rapide de la recherche pertinente aux intérêts et aux besoins des intervenants académiques, gouvernementaux et communautaires affiliés au Centre, (2) et la création d'un espace de diffusion où les chercheurs rattachés au projet en Atlantique peuvent faire connaître leurs travaux et tout autre information pertinente à l'immigration et à la diversité culturelle en Atlantique.

- **Ces textes peuvent-ils considérés comme une publication finale et officielle?**

L'inclusion d'un manuscrit dans la *Série de documents de recherche* ne remplace, ni n'exclue la publication d'une version finale de ce même manuscrit dans une revue à comité de lecture. D'ailleurs, la direction du Centre encourage tous les auteurs à soumettre les résultats de leurs recherches à des revues scientifiques, ou bien à les publier sous forme de monographie.

- **Quels sont les problématiques et les types de recherche correspondant au profil de cette série?**

La soumission de manuscrits pour la *Série de documents de recherche* s'adresse à tous les chercheurs dont les rapports de recherche et les réflexions théoriques portent sur les questions d'immigration, d'intégration et de diversité culturelle, conformément aux objectifs généraux du Projet Métropolis.

Parmi les domaines de recherche, soulignons entre autres: l'intégration économique, politique, culturelle et formative (éducation) des immigrants; les diverses problématiques migrantes; la question des réfugiés; celle de la langue et du transnationalisme; les problématiques touchant les genres et plus particulièrement les questions concernant la condition des femmes immigrantes; la diversité ethnique, culturelle, religieuse, le multiculturalisme; les réseaux sociaux et familiaux; les discours, les valeurs et les attitudes à l'égard des immigrants; les rapports entre la jeunesse, l'identité, la citoyenneté, la justice et l'immigration; les politiques et les programmes affectant l'intégration des immigrants, leur santé, leur bien-être, ainsi que leurs droits fondamentaux.

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**• Qui peut soumettre un manuscrit?**

Les collaborateurs académiques, communautaires ou gouvernementaux rattachés au Projet Métropolis sont invités à soumettre un texte issu d'un projet subventionné par Métropolis, (qu'il s'agisse d'une subvention de départ ou d'une subvention stratégique); un article n'ayant pas encore fait l'objet d'une publication ou bien un texte de communication. Les textes soumis par des chercheurs ou des intervenants non-affiliés seront examinés sur une base individuelle, au cas par cas.

**• Droits d'auteur**

En ce qui a trait aux droits portant sur les textes soumis et acceptés, ils demeurent la propriété des auteurs qui sont donc libres de publier sous toute autre forme et selon leur discrétion les manuscrits qui auront fait l'objet d'une première publication dans cette série. Il revient cependant aux auteurs d'avertir le Centre Métropolis Atlantique de tout changement ayant trait au statut de publication de ces textes.

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