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Romero House: Where Canadians and Refugees Live Together

Romero House is a housing and settlement organization for refugees located in the west end of Toronto. Unlike most refugee shelters, with hired social workers and counsellors, Romero House is a community based on the idea of “accompaniment” – living together as good neighbours. Canadians volunteer to live in a shared house with refugee claimants, providing emotional support as claimants deal with past trauma and begin a new chapter in their lives. We also provide a range of settlement services, such as assisting claimants prepare for their IRB hearings, liaising with social services, and translation.

We accompany refugees through every step of the process. Families generally come to Romero House soon after they arrive in Canada and stay until their claim is decided by the IRB. Many of our former residents remain part of the community for years after they move out. We have 20 years of intimate first-hand knowledge of their experiences with Canada’s refugee determination system and we would like to draw on this experience to provide comments to the Committee. We are troubled by the lack of broad, public consultations around reforms and hope that the Committee will extend its deliberations so that all interested parties with knowledge and experience can weigh in.

We are painfully aware of the backlog that exists in the refugee determination system: some of our residents have been waiting over two years for a hearing. We too want a process which is faster – but also fair.

Primary Areas of Concern with Bill C-11

1. Interview and Hearing Too Soon

Having the interview within 8 days of being deemed eligible will deny claimants effective legal representation. This is not enough time to get legal aid, find a lawyer, and have the lawyer available to represent them during the interview. As we have seen many times at Romero House, claimants without appropriate legal counsel become desperate and are often taken advantage of by opportunists, or rely on bad advice from well-intentioned but misinformed friends or members of their ethnic community.

Most claimants will not be prepared to share their story with a stranger according to the 8-day timeline. Claimants are confused when they arrive and do not understand how the refugee

determination system works. They may be distrustful of government and authority figures, depending on their previous experiences. Even for us at Romero House, who share a home and meals with refugees, it often takes months before they feel comfortable enough to share the complete account of their reasons for leaving home.

The suggested 60 days before a hearing is also not enough time to compile the necessary evidence. Refugees are generally unaware before they come to Canada of the kind of proof they will need for their hearing, or are unable to bring it. They often leave their homes too quickly or escape on false passports and are not allowed to bring identifying documents. Once out of the country it is a difficult and lengthy process compiling evidence. Inefficient bureaucracies, poor communication infrastructures, and ongoing conflict in their countries of origin mean it can take months and sometimes years to get the necessary documents to support their claim.

Our Experiences:

Trust Takes Time

In the early 1990s, Romero House welcomed Alexei¹, a Jew from the troubled state of Uzbekistan. The secret police network there was so extensive that Alexei did not even trust his own family. He would not have been prepared to talk with an IRB official about the details of his claim in such a short time frame.

Flexibility for Complex Cases

In 1995, Mary Jo Leddy became the designated representative for two Rwandan orphans, aged 12 and 15. They were illiterate and had many difficulties communicating their story. We could not even determine the name or location on a map of the town they were from. This, combined with the trauma of having witnessed the massacre of their village, meant that it took about 8 months to get a full picture of their story.

Rape and Trauma

Naaka and Daniel, a Tamil couple, came to Canada from Sri Lanka with their two children. The police had invaded their home after Naaka was accused of stealing from the house where she worked as a servant. Their claim included an account of Daniel's torture in police custody, but it was not until much later that the couple revealed Naaka had also been raped by the police.

Recommendations:

- Increased funding for legal aid. This is the best way to ensure claimants receive fair representation.
- A general timeline of 4 months from the time a claimant meets with their lawyer to the hearing. However, groups such as those listed above require special consideration and this timeline must be flexible.

2. Designated "Safe" Countries List

The proposal of a list of "designated countries" whose nationals would be ineligible for appeal to the Refugee Appeal Division, denies claimants equality before the law and should be eliminated. Any individual's claim, regardless of country of origin, should be assessed in the

¹ Names have been changed to protect privacy.

same manner. Any such list would be subject to intense political pressure. It is not difficult to imagine the lobbying efforts on the part of foreign governments to have their country designated as “safe”, given the impact it would have on trade and tourism.

Our Experiences:

Mexico as a “Safe” Country

Mexico is a prime example of a country that would, based on comments made by the current Minister, likely be classified as a “safe” country. Romero House, however, has had many residents whose experiences contradict this conclusion. Miguel, for example, was a wealthy civil engineer in Mexico who denounced his boss for political corruption. He received death threats and soon fled to Canada. Because of his poor English skills, he could not find work in his field and has been working as a janitor for the past 3 years as his claim is being processed. His motivation in coming to Canada is clearly not economic, but a fear of targeted persecution.

Miguel’s claim has been rejected. Under the proposed legislation, Miguel would not be offered the same chance to appeal that other claimants would.

Rapidly Changing Country Conditions

In 1993, Eritrea was considered to a safe country by the IRB. The country had gained its independence from Ethiopia and all seemed to be well – from a distance. However, Romero House was receiving many claims from Eritrea who told a different story, the story of intense civil conflict within the newly independent country. A year later, this information was well-documented by Amnesty International and others.

Refugees sometimes arrive ahead of information about the context they are leaving. A list of “safe countries” would not be able to keep up with rapidly changing realities.

Recommendation:

- Eliminate references to a list of “designated” countries. Evaluate all claims in a quick, fair, and consistent manner.

3. Restrictions on Humanitarian and Compassionate Applications

Many people who flee to Canada do not fit the legal definition of a refugee but still have compelling reasons to be offered protection. It would be a mistake to deny individuals the ability to file a humanitarian and compassionate application for 1 year.

Our experiences:

Humanitarian considerations

Romero House once welcomed a physicist and his wife from Belarus who had serious health problems from the nuclear power plant accident at Chernobyl. They originally applied for refugee status but did not fit the definition and were eventually granted residency on humanitarian and compassionate grounds.

Under the new system, they would have had to wait 1 year before submitting the H&C application, at which point they might already have been removed from the country.

Recommendations:

- Remove the 1 year ban on Humanitarian and Compassionate applications for refugee claimants.

4. Immigration and Refugee Board Members

Romero House lauds the government's proposal to move away from the political patronage appointment system that has poisoned the IRB for years. Replacing this system with one that draws exclusively on civil servants, however, is not the answer. Civil servants would have less independence and are a limited pool.

Recommendation:

- Board members should be selected for a fixed term by the Chairperson of the IRB from recommendations made by an independent selection committee that includes civil servants and non-civil servants.