

Quick test of new refugee rules expected

By Paul Watson Toronto Star

The test of just how fair and effective Canada's new refugee rules really are starts tomorrow.

From now on, anyone who asks for asylum here will pass through a radically different system that is supposed to sort out false refugee claims faster.

The first case for claims made after Jan. 1, 1989, may be heard as early as Tuesday, said Graham Howell, director of the documentation centre for the new Immigration and Refugee Board.

If the new refugee claimant is turned down and the system works as planned, the person should be out of the country within a few months.

Under the old rules, anyone who entered Canada without a proper visa or valid passport had to explain him or herself at a formal hearing in front of an immigration adjudicator.

Once the adjudicator decided the

person was in the country illegally, he could issue a deportation order.

But that was blocked as soon as the person claimed he was a refugee.

The refugee claimant was then given a new date for a refugee hearing several months later where the refugee would give sworn evidence in front of a senior immigration officer.

Some six months later, a typed transcript of the statement ended up in front of the Refugee Status Advisory Committee, which advised the immigration minister whether a claim was legitimate.

Board members couldn't question the refugee claimants and most of their negative decisions were appealed to the Immigration Appeal Board. Appeals all the way to the Supreme Court of Canada could tie up a case for five years or more.

The new system is expected to

deport bogus refugees in about 12 weeks, at the earliest. The claimant has to find a place to stay in the meantime.

At the first hearing, an immigration adjudicator decides whether a person is eligible to ask for asylum here because the person hasn't made a refugee claim elsewhere or committed a serious crime, for example.

Then, the adjudicator and a member of the new Immigration and Refugee Board hear the refugee claim, which can be made with the help of a lawyer.

The federal government may decide to pay for and appoint a lawyer for any claimant who doesn't have proper counsel at the inquiry.

If either person on the two-member panel believes the story, the claimant moves on to the next stage. If both think the story is false, then the claimant must leave the country.

The case can be appealed on legal questions. But the refugee claimant must stay out of the country in the meantime.

If the Federal Court of Canada agrees to hear the appeal, the federal government will pay to fly the claimant back.

People who pass the first hearing must give more complete details in an oral hearing before two refugee board members in one of five offices across Canada. Again, only one vote in their favor allows them to stay.

But anyone who made a claim before tomorrow will only have to pass the first hearing under a special process to clear a backlog of 85,000 claimants.



UNCERTAIN FUTURE: Refugee children await the impact of new immigration rules.

Top ten countries where refugees settle (1975 - 1987)

Country	Refugees
1. U.S.	1,166,191
2. Canada	233,637
3. France	169,452
4. Australia	150,859
5. West Germany	71,348
6. Sweden	66,753
7. Spain	30,114
8. Denmark	26,537
9. Switzerland	19,986
10. Austria	16,716

How many are accepted

	1986			1987		
	Accepted	Refused	Acceptance rate	Accepted	Refused	Acceptance rate
Turkey	1	9	40.00%	2	1,211	.16%
Ghana	19	198	8.76	28	947	2.87
Portugal	0	510	0.00	0	783	0.00
Chile	97	64	60.25	309	201	60.59
Somalia	24	28	46.15	261	142	64.76
Haiti	0	154	0.00	2	368	.54
India	0	215	0.00	1	280	.36
Ethiopia	50	11	81.97	147	71	67.43
Pakistan	10	15	40.00	46	152	23.23
Jamaica	0	94	0.00	0	156	0.00
Guyana	38	567	6.28	1	110	.90
Iran	263	185	58.71	56	36	60.87
Sri Lanka	527	195	72.99	64	21	75.29
El Salvador	31	79	28.18	18	51	26.09

Assess conditions

There are 93 board members for refugee matters so far, and the law says 10 per cent must be lawyers. Board members include people who have worked with refugees in community groups, studied international law or shown an interest in refugee matters, Howell said.

The federal government has also created a Refugee Documentation Centre where 15 staff researchers use newspapers, academic journals, and reports from human rights monitoring groups to assess conditions around the world.

Board members will use the material to help them judge whether a refugee claim is genuine. None of the information is confidential, Howell said.



Refugees pour in from danger zones

By Paul Watson Toronto Star

History gives Osman Isse and his family from Somalia at least even odds at winning their refugee claim.

Canadian officials accepted about 55 per cent of 455 Somali citizens whose refugee cases were decided in 1986 and 1987.

That means members of the defunct Refugee Status Advisory Board believed the successful Somali claimants had a well-founded fear of persecution because of their political beliefs, nationality, race or religion.

But refugee claimants from some countries weren't so fortunate, according to Immigration Canada statistics.

In a list of 14 major countries where Canada's refugee claimants come from, the success rate ranges from zero for Portuguese and Jamaicans to about 74 per cent for Ethiopians.

And for the most part, Immigration Canada's list of the countries where the majority of our refugees come from reads like a guide to the world's hot spots.

Only 218 Ethiopians, whose impoverished country is ruled by a Soviet-backed regime, asked for asylum in Canada last year.

But several thousand Somalis have asked for refugee status here since 1986 when the pro-Western dictatorship there stepped up a bloody campaign to crush a northern guerrilla movement.

More than 1,500 Somalis have made refugee claims in Canada this year.

Refugee claimants from India, which the Sikhs and others have fled for Canada, had one of the lowest success rates. Just one out of 496 Indian citizens got refugee status here in the 1986 and 1987.

About 60 per cent, or 406 of 671 Chileans, convinced federal officials in 1986 and 1987 not to send them back to their South American country ruled by right-wing dictator Augusto Pinochet.

But Nicaragua topped the list of the 10 countries that send the most refugee claimants to our borders.

More 3,564 Nicaraguans have told immigration officials they can't risk returning to their homeland, where guerrillas are supported by the United States, have fought for the success rate of Nicaraguan claimants.

Iran is second on the list with 3,275 refugee claimants. Sri Lanka is third on the list with 3,229 claims.

Trinidad, a Caribbean country with comparatively few political problems, placed fourth on the top 10 list with 2,894 claims.

Hundreds hurry to beat deadline

Hundreds of people jammed a downtown immigration office to apply for refugee status yesterday, the last day before a tough new federal policy takes effect.

Hundreds of people from countries such as Trinidad, the number received on an average day, said manager Tom Wallace. Other Toronto offices also had an increase in applications, he said. But there was no major increase in refugee claims reported at Immigration offices in other major Canadian cities, officials said.

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