

Opinion: Turn down the heat on refugee issues

By Rick Goldman, Special to the Gazette July 28, 2011

MONTREAL - Salma (not her real name) has trouble talking about her past without breaking down. While still a student in her civil-war-torn homeland, she was recruited into the student arm of the opposition movement. She helped run meetings, sometimes serving coffee and taking minutes, and was involved in organizing peaceful demonstrations. Years later, after peace accords were signed and the movement became a legal political party, she again volunteered during an election campaign. Salma says she inadvertently came across evidence of illegal activities and was then targeted by party officials, who first threatened and then brutally assaulted her. She fled to Canada to seek asylum.

But Canada's Immigration and Refugee Board found that her involvement in the movement, which had a guerrilla arm that had targeted some civilians during the civil war, excluded her from being considered for refugee protection in Canada. Even though a Canadian government official confirmed that Salma was never involved in any act of violence and posed no danger to Canada, she was deemed to be "complicit in crimes against humanity." Canadian medical professionals believe that Salma was indeed the victim of sexual assault, and that a return to her country would be extremely destructive to her mental health. Nevertheless, she is under a deportation order.

Last week, with much fanfare, the Canadian government made public a list of 30 men also deemed inadmissible to Canada under the same provisions as Salma. Unlike Salma, however, they have gone underground and are now wanted for arrest.

How many on the list have stories similar to Salma's? Which, if any, were accused of acts of violence, and which, if any, had low-level non-violent roles in multi-faceted movements? The government won't say, citing privacy considerations – although one might think that posting a name and mug shot with the label "war criminal" leaves little privacy to preserve.

There is reason to be concerned that some of these men might have been caught in what has become an overly broad net of "exclusion" of refugee claimants. A recent study by Asha Kaushal and Catherine Dauvergne of the University of British Columbia concludes there is a "growing culture of exclusion" in Canada. The study notes that the number of claimants excluded from refugee protection increased from two in 1998 to 79 in 2008. The authors find that the government has pushed aggressively for exclusions and used increasingly "creative" arguments. The result has been a steady broadening of the notion of "complicity" in crimes against humanity. The authors say:

"The cases reveal a troubling state of affairs: it is who you are or who you are associated with, rather than what you have done, that often provides the basis for exclusion ... many of the excluded claimants have never participated in violence or specific crimes, and would not have been excluded a decade ago."

The current government did not start this trend. But it has not reversed it, either, and it moved with inordinate zeal to publicize its “most-wanted list” – some police say they would have appreciated being notified before the list went public – while refusing to say who on the list stands accused of what.

The government also recently announced that the citizenship of 1,800 people will soon be revoked for alleged use of false documents, and the reintroduction of the so-called anti-human-smuggling bill that, in reality, targets some refugee claimants with draconian measures such as mandatory detention for a year and no family reunification for five years.

Groups working with refugees and immigrants are anxious to engage in dialogue with Citizenship and Immigration Minister Jason Kenney about such issues, as well as topics such as striking the appropriate balance between economic and humanitarian immigration and removing barriers to family unification.

Many were set to meet with the minister at the Montreal leg of his national consultation last Friday, but it was cancelled just hours before it was to begin, and has apparently been postponed to the fall.

In the meantime, it could only help if the government “turned down the heat” in its actions and pronouncements regarding refugees and immigrants. There’s already plenty of heat to go around this summer.

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