

## Two Exercises

Before you begin this book, you may wish to undertake two brief exercises.

### **Exercise # 1: the claimant**

Imagine you are a man or woman from a small town in a country located in South-east Asia. Your country is hot, your house is made of wood, bamboo and tile. You have a grade eight education which is two years more than most people. You are a respected member of the community, you make a decent living. You have a family with four children. You speak a little English. You studied it for five years at school. You own a bicycle. Only wealthy people own cars. Only the main street of the town and the highway leading to the capital city are paved. Add whatever details you wish. Think about who you are.

The government is controlled by one political party whose leader is the President. You believe in democracy and have participated in secret meetings of an opposition party. Over the years members of the party have been imprisoned and even killed. You are careful and only share your political ideas with trusted friends.

Soldiers come to your house in the middle of the night, breaking down the door. They accuse you of being a member of the illegal opposition which you deny. There is a lot of yelling, soldiers are searching the house, the children are crying, they hit you with their rifle butts, then your spouse. Pamphlets are found and you are thrown into the back of a jeep, shoved down on the floor and taken to a military prison outside of town. For two weeks you are detained in a cell without light. It is filthy. You sleep on the floor with one torn blanket. There are lice on the blanket, things crawl over you at night, you defecate in a bucket in the corner. After a while you ignore the stench. You have always been a very clean person. Once a day the guard brings watery rice and beans. Three times you are taken to a room where a military officer accuses you of planning to overthrow the government. You are beaten every time you deny your involvement. Your nose is broken but you are not tortured in the way some others are. You hear the moaning from nearby

cells.

After two weeks, a guard opens your cell door at night and leads you through a fence to the back of the camp where men are waiting for you. They take you to a house in the capital city. Your father-in-law and members of your party have bribed prison officials for your release. You will be arrested if you go back to your home. Your spouse and children are in hiding with a maternal aunt in another town. One week later you are given false documents and airline tickets to leave the country. Your father-in-law, with the help of other family members, has arranged for everything through professional smugglers. A man who only gives his first name walks you through the airport security controls. It is your photograph in the passport. He accompanies you to Singapore where he transfers you to a plane going to a place called Caracas. A man, who is not from your country but speaks your language badly, meets you at the airport. You stay two days in a house where no one speaks your language. You stay in your room and think about your family. The man returns to take you to the airport where he gives you a different passport. He says you are going to Canada, a country that is kind to refugees and has human rights but you must tear up the passport in the toilet of the aeroplane or the Canada Immigration will refuse you at the airport and send you back to your country. He gives you pieces of coloured paper which he says is Canadian money.

Please close your eyes for five minutes and think very carefully about your story and all that has happened to you before continuing.

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Now, please walk off the aeroplane into Pearson International Airport in Toronto. It is night time. You follow the stream of passengers off the plane until they separate to form lines leading to people in uniform. You stay behind the white man walking in front of you. There are many people from other aeroplanes. You have never seen so many white people. A door opens and

very cold air comes in. You did not know air could be that cold. There is talking on the loudspeaker but you cannot understand it. There are two policemen walking around with guns on their belts. Another policeman has a large dog on a chain who is sniffing at people. You are at the front of the line. Your leg is shaking, you feel frozen. The man behind the window motions you forward. He wears glasses and says something to you in English. You shake your head. He indicates he wants your document. You have practiced saying “No passport, please” and you say it. The man looks angry.

You say the second phrase that you have practiced. “Refugee, I am refugee.” You repeat this in your own language from the notes in your hand. The man looks around and waves at a woman who wears the same uniform as the official. The woman walks toward you and speaks to the official. She does not look like a police officer. They speak briefly and then she signals for you to follow her to a small room where there is a third official, a large man with no hair who gestures for you to sit down in a chair before his desk. Here you say your third phrase, “ I speak no English.”

The man says several words in English and points to a map. Finally you understand that he wants the name of your country. You say the name several times until the man seems to understand. He takes you to the hallway and indicates that you should sit in a chair. There are many officials leading passengers into different offices. One woman with two children looks very frightened.

Suddenly a man speaks to you in your language. He says that he is an interpreter and you are supposed to come back into the office to talk to the immigration official. He does not offer the traditional greeting. His accent is strange. He is from another region of your country but you understand him. You wonder what his political affiliations are. He is neither friendly nor unfriendly. You wonder if he can be trusted. He leads you back into the room where the immigration officer is sitting. Through the interpreter, the officer asks many questions. He says that you must always tell the truth. You do not understand all of the questions and the officer does not seem to understand all of your answers.

Finally he says that a Convention refugee is a person who is outside of his or her country of nationality or if there is no country of nationality, outside his country of former habitual residence and is unable or unwilling to avail himself of the protection of those countries by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion.

Now, here is your exercise. With the help of the interpreter, please explain why you are a refugee.

Good luck.

### **Exercise # 2: The decision-maker**

You enter a room, a small room with four people sitting at tables organized into a hollow rectangle. They stand when you enter and wait for you to be seated on a dais at one end of the rectangle. The person sitting opposite you on the far side of the square is a refugee claimant, seeking the protection of Canada. An interpreter is seated next to him. You have read his file which includes the details of his life and a badly written statement about his reasons for fearing persecution. The file also contains a thick document of information about the claimant's country: its history, politics, government structures, human rights record. Much of the information is general and irrelevant. You skimmed through it last night, reading the more obviously relevant portions. You know something of the political history of the country, its record of human rights abuses, its geography. You know the names of the President and the leader of the opposition but not the Minister of Defence nor the names of any poet, singer or sports star. You know the acronyms for the two largest political parties. You know it is a quasi-democratic state but do not know if there are one or two houses of parliament. You know the names of the three largest cities, the two principal ethnic groups and the Security Police . You do not know if remote towns and villages have electricity, telephones or paved roads. You have heard a few previous claims

from the same country. You have never visited the country. You do not share the same language, religion, skin colour or calendar. You have never had an intimate private conversation with any citizen of the country.

You have three hours, allowing for coffee and bathroom breaks, to listen to the testimony of the claimant, consider the evidence and decide if he or she is a Convention refugee. The interpreter's English is poor. The claimant seems to be very nervous. He does not look directly at you and does not seem to understand all of the questions posed by you or his lawyer. Some of his responses make sense, some do not. You have sixty days to write clear, cogent reasons for your decision. If your decision is negative, your reasons may be reviewed by a Federal Court judge and quashed if they are found to be inadequate in law.

If your decision is positive, the claimant will likely be granted permanent residence in Canada. If the claimant successfully lied to you, it is unlikely you will ever know it. If the claimant has himself committed human rights abuses, it is unlikely you will ever know it. If your decision is negative, there is a possibility that he will be deported. He may also remain in Canada for years under a quasi-legal status, separated from family abroad, with limited rights to work or study. You will not know which occurs. If the claimant is returned to his country and persecuted, tortured or killed, you will likely never know it. You do not enjoy the benefit of the scientific method. You do not get to test your results.

Now, think about hearing six refugee claims a week from several different countries, week in, week out. Good luck.