



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Canada

Planning Year: 2006

OVERVIEW

1. Protection and socio-economic operational environment

Canada is important to UNHCR for several reasons, including, in particular, as:

- a country of asylum. Canada is a party to the 1951 Convention and its 1967 Protocol and has enacted relevant national legislation. Canada uses "consolidated grounds" (i.e. 1951 Convention; 1984 Convention against torture and the Canadian Charter of Rights and Freedoms) to grant or refuse "protected status" to persons fleeing persecution. Figures provided by Citizenship and Immigration Canada (CIC) for asylum applications lodged in Canada during 2004 show a significant decrease over 2003. CIC recorded 25,521 applications in 2004, as opposed to 31,857 applications in 2003 (compared with 33,428 applications in 2002 and 44,728 in 2001).

- a country of resettlement. With one of the highest per capita resettlement rates (1 resettled refugee per 3,000 citizens in 2004, Canada is an important resettlement country. Canada resettled 10,526 persons in 2004. Of this total, 7,411 refugees were resettled through Canada's national "government-assisted" program while 3,115 were resettled through Canada's Private Sponsorship of Refugees program.

- a donor country. Canada's contribution to UNHCR in 2004 amounted to US\$23,725,430 (CDN\$31,126,255), compared to US\$24.6 million (CAD \$35.8) in 2003. Canada ranked 10th on UNHCR's donor list in 2004.

Also, Canada has been instrumental in assisting UNHCR with the Organisation's revamping of its results-based management system as well as the systematization of Standards and Indicators for our refugee operations.

- an advocate of multilateral action. As facilitating state of the Convention Plus Core Group on The Strategic Use of Resettlement which developed the Multilateral Framework of Understandings on Resettlement, Canada helped lead the international effort to leverage more solutions for refugees through the use of resettlement.

The law allows UNHCR to observe proceedings at all levels of the Immigration and Refugee Board (Immigration Division, Immigration Appeal Division, Refugee Protection Division) and grants UNHCR "intervenor" status at the (yet-to-be-implemented) Refugee Appeal Division).

On 28 June 2004, federal parliamentary elections were held in Canada. The Liberal Party of Mr. Paul Martin, (outgoing Prime Minister), obtained 135 seats from a Parliament of 308 Members. The other parties received the following votes: Conservative Party of Canada (led by Mr. Stephen Harper): 99 seats; Bloc Quebecois (led by Gilles Duceppe): 54 seats; New Democratic Party (led by Mr. John Layton): 19 seats. Short of 20 seats to get a required majority in the House of Commons, Mr. Paul Martin formed a minority government and announced his new Cabinet on 20 July. For ministries with direct relevance to UNHCR's work in Canada and abroad, Ms Judy Sgro retained her portfolio as Minister of Citizenship and Immigration Canada (CIC). Ms Sgro resigned in January 2005 and was replaced by Mr. Joe Volpe, former Minister of Human Resources and Skills Development and senior Minister for Toronto and Ontario. Ms. Anne McLellan also remained as both Deputy Prime Minister and as the head of the (relatively) new Ministry of Public Safety and Emergency Preparedness (PSEP). Mr. Pierre Pettigrew was appointed Minister of Foreign Affairs, whilst Mr. Bill Graham, outgoing Foreign Affairs Minister, became Minister of Defense. Ms. Aileen Carroll continued to head Canada's International Development Agency (CIDA).

The December 2003 restructuring of ministries that deal with persons of concern to UNHCR, which led to the creation of a Canada Border Services Agency (CBSA), which falls under the Ministry of PSEP, culminated, on 08 October, with the following division of responsibilities between CIC and CBSA:

The new border services agency is henceforth responsible for intelligence, interdiction and enforcement roles, ongoing delivery of immigration operations at ports of entry. Following an initial transfer to CBSA, responsibility for pre-removal risk assessment (PRRA) has been shifted back to CIC. With respect to immigration operations at ports of entry, CIC maintains functional guidance and policy development. Security Certificates now require the signatures of both the Minister of CIC and the Minister of Public Safety and Emergency Preparedness Canada. CIC continues to focus on citizenship, selection, settlement and integration issues.

The Safe Third Country Agreement signed on 02 December 2002 between Canada and the US took effect on 29 December 2004. Canada and the US published regulations that accompany the Agreement on 3 November and 29 November 2004, respectively. The Agreement is part of the 32-point action plan associated with the Smart Border Declaration signed by Canada and the US in December 2001.

The Agreement requires that asylum-seekers who transit through either the U.S. or Canada lodge their refugee claim in the "last country of presence" on the grounds that they were in a country with adequate refugee protection procedures and safeguards. The Agreement applies only at U.S.-Canada land borders. The Agreement provides exceptions for certain asylum-seekers. The Agreement allows the Parties the discretion, in the name of public interest, to examine claims that would otherwise fall under the Agreement.

UNHCR has been formally invited by the Parties to be the monitoring body for the Agreement and will participate in the review of the Agreement. The Parties have requested NGOs to provide input. Prior to the entry into force of the bilateral Agreement, a tripartite (Canada, US and UNHCR Washington and Ottawa) meeting was held on 6 August, in Washington DC to discuss the proposed UNHCR Monitoring Plan. The Plan was subsequently approved and presented for discussions to Canadian and US NGO representatives at a quadripartite meeting held on 16 December at Niagara Falls, Ontario. As agreed with the Parties, UNHCR's role entails monitoring whether the Parties implement the Agreement according to the terms of the accord as well as in conformity with international refugee law. In 2004, 35% of claims were made at the US-Canada border.

Canada and the US have reinforced their cooperation within the framework of the Smart Border Declaration and the 32-Point Action Plan in several areas. The aim of this cooperation between the two countries is to limit, to the extent possible, access to their respective territories to "criminals and security threats." Some of the points are of particular importance to UNHCR, namely: the coordination of visa policies; cooperation on the deployment of immigration officers abroad; information exchange on immigration and asylum matters.

There has been an animated debate on immigration and refugee issues throughout 2004. The public's (mis-)perception of refugee issues continued throughout 2004. This is due to many factors, including lack of information, media mis- and/or dis-information as well as the (regrettable) immigration/refugee nexus found in the system, as evidenced by the self-explanatory legislation that governs refugee matters, i.e. *Immigration and Refugee Protection Act*.

In March 2004, a CIC-commissioned survey on refugee issues indicated that overall perceptions of refugees have shifted since two years ago. There has been a 10 percent decrease in the number (44% in March 2000 down to 34% in March 2004) of Canadians who feel that too many refugees are coming to Canada. In addition, while Canadians still prefer that refugees be selected from abroad for resettlement to Canada, the survey findings indicated that there has been a decrease of 14 percent in the number (currently at 48%) who say that "too many" are claiming refugee status after arriving in Canada. This suggests that there is more openness towards refugee claimants once they have arrived in the country. In

spite of this, security issues remain a dominant public concern, with Canadians clearly in favour of stronger enforcement focus (screening, detention and deportation) in the development of refugee policies.

This finding was further underpinned by the fact that 3 out of every 4 polled think that refugees who are not properly documented should be detained unless they are women or children. Media reports have not been generally helpful, insinuating at times that CIC's refugee and immigration programmes should not admit HIV-positive individuals, including asylum-seekers and refugees.

Against this backdrop, UNHCR's advocacy for refugee protection and assistance can help to provide a global perspective on refugee issues in Canada. By promoting better understanding of the situation of refugees in Canada and world-wide, on the part of the general public, media, Parliamentarians and government officials, UNHCR can contribute to creating a public climate more conducive to refugee protection and assistance. The Canadian government is sensitive to public opinion, and thus this advocacy work can indirectly influence government positions and result in greater Canadian government support for UNHCR's activities abroad as well as for refugees in Canada. The project provides modest resources for the office's awareness activities.

UNHCR's presence in Canada serves four main purposes: to achieve the highest possible standard of refugee protection in Canada's asylum policy and practice; to promote utilisation of Canada's resettlement programme in a manner which responds to protection needs of refugees overseas, as identified by UNHCR; and to build governmental and public awareness of and support for refugees and for the work of UNHCR as well as to mobilise financial resources both in the public and private sectors.

2. Operational goals and potential for durable solutions

UNHCR's activities in Canada will continue to be oriented around four principal themes of refugee protection, refugee resettlement, public information and external relations as well as mobilisation of financial resources in the public and private sectors. These activities continue to reflect a number of the UNHCR global objectives as articulated in the 2005 Global Appeal, and "operationalise" several of the objectives contained in the Agenda for Protection. While all six goals of the Agenda for Protection are relevant to UNHCR's work in Canada, Goal 1 ("Strengthening implementation of the 1951 Convention"), Goal 2 ("protecting refugees within broader migration movements"), Goal 3 ("more equitable burden-sharing and capacity-building"), and Goal 5 ("Redoubling the search for durable solutions") are of particular importance.

In keeping with Objective 3 of the Bureau's Strategy, the Office will solicit the technical assistance and funding support of the Government of Canada with regard to the Mexico Plan of Action. It will increase the visibility and support to UNHCR operations in the Americas and the world, in line with the Regional Strategy.

The Office has decided to launch a special project to focus particularly on age and gender dimensions of UNHCR's work in Canada. The Office will be paying special attention to age and gender issues from the front-end throughout the continuum to the back-end of the refugee system.

UNHCR will continue to monitor and support the granting of permanent resident status for recognised refugees and the reunification of their dependent family members. 16,500 – 17,500 recognised refugees/protected persons are expected to receive this status in 2005. In addition, 4,000 – 4,800 dependants of recognised refugees are expected to reunite with their family members in Canada and to obtain permanent resident status. The provision of

permanent resident status for dependants of recognised refugees averages 25 months for 80% of cases.

Projections are that Canada will resettle 10,300 to 11,500 refugees and Humanitarian-protected persons abroad in 2005. Of these 7,300 – 7,500 are expected to be admitted under the government-assisted programme – Canada’s national resettlement programme.

An additional 3,000 – 4,000 are expected to be admitted under the Private Sponsorship of Refugees programme which relies on voluntary groups to provide financial and volunteer assistance as a precondition before a refugee or Humanitarian-protected person abroad can be considered for admission under the programme.

Canada’s government-assisted programme relies mostly upon UNHCR resettlement referrals in order to identify potential applicants. Nevertheless, Canada also includes in this programme “source country” (in-country) processing and could identify refugee referral organisations outside of UNHCR. UNHCR will work to maximise the availability of resettlement opportunities in Canada for refugees in need of resettlement in keeping with UNHCR’s resettlement priorities. It will also continue to work with Canada on initiatives such as group processing in order to respond to protracted refugee caseloads.

Resettlement submissions can be made to virtually any Canadian mission. This activity takes place throughout the year and is not restricted to particular nationalities. The average processing time for 80% of government-assisted refugees is 14 months.

UNHCR will continue to monitor and support the availability of citizenship for permanent residents after three years.