



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2008-2009

Canada

COP/ROP – 2008-2009
Branch Office Canada

Part One: Context and Strategy

Operational Context

Canada remains a major country of asylum and of resettlement, an important donor to UNHCR's programmes as well as an active member of UNHCR's Executive Committee. These complementary roles shape UNHCR's activities in Canada.

As in most industrialised countries, UNHCR does not implement an assistance programme in Canada. The federal and provincial governments share responsibility for meeting the material needs of asylum-seekers and refugees. UNHCR's activities and objectives are in three overlapping areas: refugee protection, refugee resettlement and mobilising public and governmental support for refugees as well as the work of UNHCR. For 2008-2009, these objectives will be pursued by working collaboratively with governmental and non-governmental counterparts and by engaging in public advocacy.

UNHCR exercises its supervisory responsibility by virtue of Article 35 of the 1951 Convention, which has been incorporated into national legislation through the Immigration and Refugee Protection Act Section 166, in a variety of ways. UNHCR consults with government interlocutors on legislative, regulatory and procedural developments, observes and comments on Canadian policy and practice, works with non-governmental groups to monitor developments and makes demarches with the government, when necessary.

Canada is an advocate of multilateral action. Canada is an important supporter of the Strategic Use of Resettlement and a promoter of Multilateral Frameworks of Understanding as an approach to addressing refugee populations comprehensively. It continues to be an instrumental support of the Mexico Plan of Action – Solidarity Resettlement and in so doing contributed Can\$1 million in 2006 to this initiative.

As one of the three largest resettlement countries with a non-discriminatory program that selects refugees from around the world, Canada is an important resettlement country. Canada resettled 10,649 persons in 2006. Of this total, 7,320 were resettled through Canada's national "government-assisted". Canada remained concerned about UNHCR's long term referral capacity and planning. Canada also maintains resettlement referral agreements with organization outside of UNHCR. It has MOUs with two NGOs for referral of a limited number of refugees as well as the International Criminal Court, though the numbers these organizations refer are relatively small.

Canada also has a parallel private sponsorship program through which volunteer sponsoring groups assist and finance the integration of the refugees they sponsor. 3,329 privately sponsored refugees were resettled to Canada in 2006 through this program.

Canada also selects persons for resettlement through its "source country" in country processing program. 1,811 persons were admitted under this class in 2006, most of whom were Colombians selected for the government-assisted program.

Projections are that Canada will resettle 10,300 to 12,000 refugees and humanitarian-protected persons abroad in 2007. 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 – 4,500 are

expected to be admitted under the private sponsorship of refugees' programme.

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 15 months. UNHCR will continue to 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 promote initiatives with Canada such as group processing in order to respond to priority and protracted refugee caseloads.

Following a general election in early 2006, a new Conservative minority government was formed in February. Particularly noteworthy in this regard is that none of the political parties made immigration or asylum policies an election issue.

UNHCR is joined by a range of effective refugee advocacy groups in its work of strengthening public understanding and building a more sympathetic environment for refugees and asylum seekers in Canada. This is particularly important where the parliamentary standing committee on Citizenship and Immigration devotes a significant portion of its work program to studying refugee issues. The Office has taken this opportunity to appear before the Committee and set out its position on the Safe Third Country Agreement, the Refugee Appeals Division, refugee resettlement and UNHCR's new role with respect to internally displaced persons. A report by the Standing Committee on refugee issues is planned to be completed by the end of March 2007.

UNHCR has formally handed its monitoring report of the first year of implementation of the Safe Third Country Agreement between Canada and The U.S. to both governments. The Safe Third Country Agreement has been widely criticized by refugee advocates. Canadian NGOs have launched a legal challenge that the Canada-US Safe Third Country Agreement is unconstitutional and in breach of international law. In monitoring the Agreement, UNHCR's findings were that it has been implemented according to the terms of the agreement and international refugee law.

Themes for 2008-2009

BOCAN operations are not organised around beneficiary populations, they are organised around themes.

BOCAN has identified four themes:

- Legal Assistance/Protection
- Resettlement
- Public Information/External Relations
- Public Sector Fundraising

Legal Assistance/Protection

Access to the territory and to RSD procedures

In 2002, Canada and the USA entered into a bilateral agreement whereby asylum seekers arriving from one country to the other could be returned for assessment of their claims and extension of protection to those found to be refugees. UNHCR was invited to monitor the agreement and report thereon. UNHCR accepted this invitation and submitted a written report on the first year's implementation to both governments, which was appended to their bilateral report in November 2006. UNHCR operations in relation to the STCA have been mainstreamed into regular protection monitoring activities during the course of 2006 and will continue through regular monitoring activities.

UNHCR's assessment of the first year implementation of the STCA indicated that both the US and Canada implemented the Agreement in a generally positive manner, namely that STCA was implemented in accordance with the terms of the Agreement and international refugee law. For example, the burden of proof required for refugee claimants, such as establishing family links, was generally reasonable. Moreover, UNHCR enjoyed very good cooperation with government authorities and port-of-entry officials on both sides of the border in terms of free and unhindered access to ports of entry as well as to asylum-seekers. UNHCR submitted a number of recommendations regarding the STCA implementation, including calling for the discontinuation of the "direct back" policy.

During the course of 2007 and in planning for 2008-2009 BOCAN staff will continue the mainstreamed STCA monitoring visits to major ports of entry, particularly to land border crossing points, to ensure compliance with international refugee law standards as part of regular activities.

Detention

A BOCAN priority is to ensure that persons of concern continue to enjoy freedom of movement in Canada. IRPA (section 55) allows for the arrest and detention, at any time and without warrant, of asylum seekers on three principal grounds: (a) to ascertain identity; (b) if there is reason to believe that the claimant will fail to appear for further proceedings; (c) if the person is likely to pose a danger to the public. Upon entry, Immigration Officers may also arrest and detain foreign nationals, including permanent residents, if it is necessary to complete an examination or there are reasonable grounds to suspect they are inadmissible on grounds of security or for violating human or international rights.

The number of detained asylum seekers in Canada continues to rise, and as a result UNHCR monitoring and intervention is ongoing. UNHCR conducts regular monitoring of detention facilities where persons of concern may be located. UNHCR also continues to support the negotiation and implementation of an agreement between Citizenship and Immigration Canada and the Canadian Red Cross for the latter to monitor the situation of persons held in CIC detention facilities (now administered by the Canadian Border Services Agency, CBSA). Currently, the Red Cross conducts monitoring visits in provincial correctional facilities in the provinces of British Columbia and Quebec.

A substantial number of persons detained under the Immigration Act are held in non-CBSA facilities, that is provincial jails. UNHCR has urged the authorities to follow the principle of non-commingling of immigration hold detainees with the criminal population and met with limited success, although there were additional CBSA-run facilities created in Ontario. UNHCR has urged the expansion of the CRC monitoring arrangement, and the Canadian Red Cross has agreed to cover provincial facilities as well. UNHCR has participated in the Red Cross monitor training since the outset.

BOCAN compiled a detailed report on detention issues and shared it with the relevant government officials in January 2006. During the course of 2006 and early 2007, UNHCR co-hosted with the Canadian Red Cross a series of five roundtables entitled *Detention and the Protection of Refugees*. The first, a national meeting in Ottawa, took place in June. Three regional meetings took place in Montreal (October), Toronto and Halifax (November) and one took place in February 2007 in Vancouver. These day-long meetings served as an excellent point of dissemination for the report on Alternatives to Detention, a catalyst for discussion of an issue that is of growing concern in Canada. Government partners felt it was an effective way to inform participants about policy and practice and trends in Canada (e.g. although the absolute number of detainees appears to be increasing, on average, the number of days of detention for each individual is declining). NGO participants found it was a good opportunity to network and share information among themselves and with partners in government. The regional roundtables served to highlight variances and issues to be addressed, as well as best practices with "export" value to other regions (e.g. the duty counsel program in BC for

detention reviews, the orientation sessions in Ontario). The Roundtable outcomes will continue to be used in 2008-2009 to promote good practices and encourage the use of alternatives to detention where possible.

Quality of eligibility interview, RSD and other decisions

BOCAN's objective is to ensure that the high standard of RSD is maintained and that the changes effected by the Immigration and Refugee Board (IRB) do not adversely affect asylum-seekers. BOCAN Legal staff observe IRB hearings and provided findings and recommendations to the IRB in formal bilateral meetings twice annually. BOCAN also advocates for the government to implement an on-the-merits appeal provided for under the Immigration and Refugee Protection Act (IRPA), and will continue to seek implementation of an appeal on the merits comparable with refugee status determination procedures implemented in other industrialized countries.

Resettlement

UNHCR cooperates closely with both governmental and non-governmental agencies, with a view to making Canada's resettlement programme as responsive as possible to refugee protection needs.

Facilitate Resettlement in Canada

Canada is one of the largest resettlement receiving countries. The limited availability of this solution and the vital role it plays to enable UNHCR to achieve its durable solutions mandate make it important that both Canada and UNHCR reflect the highest standards in the referral and resettlement of refugees. In pursuit of this objective, the Branch Office worked closely with CIC. It routinely provided input into emerging issues and responded to concerns and problems identified by CIC and will continue to do so in 2008-2009. Through these links, CIC consults with the Branch Office on important policy and operational issues.

This cooperation is demonstrated in Canada's reference to UNHCR's views on many key issues impacting resettlement. Furthermore, when addressing individual and caseload resettlement requests, Canada's continues to support UNHCR's leadership in determining appropriate protection and durable solution strategies and sought to ensure its views were complimentary to those of UNHCR.

In order to promote and enhance cooperation on resettlement, the Branch Office assists CIC with the delivery of its Foreign Service Officer Resettlement course. Similarly, to assist NGOs involved in the integration of resettled refugees UNHCR provides training and information related to the identification and selection portion of the resettlement continuum. The Branch Office also seeks to use training to enable NGOs to more constructively engage UNHCR concerning individual case and caseload. UNHCR assists the Refugee Sponsorship Training Program and CIC with a national (Private) Sponsorship Agreement Holder training forum as well as a regional course on resettlement eligibility.

Facilitate Resettlement with HQ and Field Offices

At the same time the Branch Office works with HQ and Field Offices in order to bridge UNHCR and Canada's resettlement programs. To further strengthen understanding and cooperation with Canada the Branch Office provides updates to HQ and Field Offices relating to developments surrounding Canada's resettlement program.

The Branch Office works to facilitate communication between field offices, Canadian authorities and NGOs on resettlement cases linked to Canada, prioritizing protection and vulnerable cases. It provides HQ and Field Offices with updates on Canadian resettlement targets and arrivals. The Branch Office

also assists Field Offices concerning the suitability of certain refugee populations for submission to Canada.

In 2006 10,649 persons were resettled to Canada. 7,320 were resettled through Canada's government-assisted target which falls within Canada's projected range of 7,300-7,500. 3,329 privately sponsored refugees arrived in 2006, which falls within Canada's projected range of 3,000 4,000 for the year. Canada was able to achieve its overall government-assisted program target as a result in part of the informed and managed resettlement referrals of UNHCR branch offices. In addition a number of vulnerable refugees and refugee family members were reunited through a variety of Canadian programs with the assistance of the Branch Office. In 2008-2009 the Branch Office will continue to promote responsive and engaged, extensive commitment to resettlement by Canada.

Public Information/External Affairs

The principal objectives of the Office's public information and external relations activities are to build awareness of and respect for refugees and asylum seekers in Canada and to increase political and financial support for UNHCR's operations.

In order to achieve this, the Office initiates positive media interest of refugees in Canada through public events, media interviews and briefings. Full advantage was taken by the first official visit of the High Commissioner in November 2006 to raise a number of critical issues with key audiences within the government as well as with NGOs and the media, and in the coming years visits by senior officials will be an opportunity to further promote refugee protection.

The Office closely monitors parliamentary committees and provides Members of Parliament with updates of UNHCR's key protection issues in Canada including appeal on the merits, monitoring of Safe Third Country Agreement, Canada's resettlement activities and UNHCR's new responsibilities with IDPs.

The Office continues to work with Canadian NGOs in advocating on issues likely to impact the rights and protection of refugees and asylum seekers, such as trafficking, separated children and detention conditions. In addition to intervening on UNHCR's protection and operational priorities at the conferences and meetings of the Canadian Council for Refugees, the Office regularly interacts with the Executive members of the CCR on areas of mutual interest relating to international protection, resettlement and domestic asylum issues.

UNHCR staff maintained a close relationship with the Lester Pearson Peacekeeping Center, facilitating training for peacekeepers and participating in International Humanitarian Law events sponsored by the Canadian Armed Forces, the Red Cross, and Academic institutions.

Regarding the media, BOCAN provides regular interviews and press releases on resettlement, WRD and domestic asylum issues. BOCAN maintains good national and international coverage of its World Refugee day events in Toronto, Montreal and Ottawa. UNHCR works closely with the Department of Citizenship and Immigration in announcing group resettlement processes and other high profile events. These activities served to strengthen public support for Canada's resettlement program.

UNHCR will continue to work closely with government communication staff to ensure that refugee and asylum policies and regulations are clearly explained and made publicly accessible for example through the Canadian Border Services Agency (CBSA), the Department of Citizenship and Immigration (CIC) and the Immigration and Refugee Board's respective public web sites. Moreover,

the Office will also ensure whenever possible to work strategically with NGO refugee advocates and relevant government departments in countering misleading media reports that portrays refugees and asylum seekers in a negative light.

Sustained efforts to encourage educators to teach their students and peers about refugees continue to attract student interest in refugee issues. Activities included distribution of educational resources and workshop presentations at teachers' conferences and to student teachers.

The Office supports headquarters' donor relations efforts by following up with various appeals. During 2006, Canada contributed US\$27.3 million to UNHCR. In 2008-2009 BOCAN will continue to seek substantial government financial support for the work of UNHCR.

Public Sector Fundraising

The Private Sector Fundraising (PSFR) initiative in Canada continues to attract new donors and generate greater awareness of UNHCR work overseas. As of the end of 2006, there have been more than 22,000 private donors who have made contributions to the UN Refugee Agency since the initiative began in 2002. Gross revenue from these private sector donors was approximately US\$1 million in 2006. During 2006, over 1.3 million pieces of mail were sent to Canadian households and businesses. UNHCR is becoming better known amongst private citizens. Significantly more than 12% of revenue in 2006 was received online, and 10% was received from donors who make a regular monthly gift. In 2008-2009 substantial increases in private sector donations will be pursued through ongoing fundraising efforts.