

UNHCR Canada: Country Operations Plan for 2003

PART I: EXECUTIVE COMMITTEE SUMMARY

a) Context and Beneficiary Population

1) Canada remains an important country of asylum and resettlement, and Canadian policy and practice are often seen as setting the example for other countries. Canada has been a member of UNHCR's Executive Committee since 1957, is a donor to UNHCR's programs, and a prominent advocate on the international stage for many human security issues of core concern to UNHCR. These complementary roles shape UNHCR's activities in Canada, where UNHCR is the only UN humanitarian agency present.

2) During 2001, 28,000 refugees found a durable solution in Canada. This included 13,336 persons recognized as Convention refugees by Canada's Immigration and Refugee Board, 10,874 selected overseas for resettlement, and 3,740 immediate relatives of refugees who arrived in Canada for family reunification. This is an increase of about 1,000 persons over 2000, and a significant achievement for a country with a population of 30 million.

3) Although immigration and refugee policy have long been intertwined in Canada, clear distinctions have become more necessary than ever before. Canada has traditionally adhered to a generous asylum policy, but many Canadians have increasingly expressed concern that the country's generosity is being taken advantage of by irregular migrants, who abuse the asylum procedure in order to enter and remain in the country. This concern has grown since the terrorist attacks of September 11, 2001, and with the emergence of a new focus on border security and on immigration and refugee policy.

4) The relationship between Canada and the United States in the area of immigration and refugee policy has taken on renewed importance. On December 12, 2001, the two countries adopted a Declaration on "Building a Smart Border for the 21st Century", accompanied by a 30- point Action Plan which contains several points of interest to UNHCR. These include a commitment by the Parties to review refugee and asylum practices, to co-ordinate visa policy, and to negotiate a "safe third country" agreement. In early July 2002, Canada and the U.S. released the text of this proposed agreement "for Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries." Consultations with UNHCR and NGOs were held during the summer, and UNHCR submitted written comments. The agreement is likely to enter into force toward the end of 2002, and will create new monitoring responsibilities for UNHCR on both sides of the border.

5) Canada's new Immigration and Refugee Protection Act entered into force at the end of June 2002. Intended to "close the back door" to Canada, while "opening the front door wider," the Act introduces several changes to Canada's refugee protection system. The Act responds to heightened security concerns by requiring front-end security screening of asylum-seekers, incorporating measures aimed at preventing abuse of the asylum procedure, as well as combating human smuggling and trafficking.

6) The new Act also establishes a ground-breaking consolidated procedure for assessing protection needs under the 1951 Refugee Convention, the Convention against Torture, and other protections from cruel and unusual treatment or punishment. The Act had been expected to establish for the first time an appeal on the merits within Canada's refugee

determination system, thereby addressing a long-expressed UNHCR concern. However, the Minister of Citizenship and Immigration announced on April 29, 2002 that implementation of the planned Refugee Appeal Division was being delayed. If implemented in future, this section of the law would allow UNHCR to intervene in precedent-setting decisions at the appellate level, enabling the Office to play an important role in the development of refugee law not only in Canada but internationally, given the trend-setting position of Canadian jurisprudence.

7) There is no doubt that the overall environment for refugee protection has been made more difficult by the events of September 11th, and by the increase in the number of persons applying for asylum in Canada. There were 44,718 applications in 2001, an increase of 19% over 2000 and of 45% over 1999. This has led to the widespread, but not necessarily accurate, perception that many are taking unfair advantage of the system. In the first half of 2002, the number of applications has declined by 25% when compared with the same period in 2001. Nonetheless, focus group research undertaken separately by the Canadian government and by UNHCR indicates that Canadians are concerned about how their government manages the refugee system, and about their country being viewed as a "soft touch". This will make UNHCR's public awareness and advocacy activities even more important in the months ahead.

8) The increase in applications for asylum has created problems for the Immigration and Refugee Board, the quasi-judicial tribunal responsible for refugee status determination in Canada, as it could not keep pace with the increase. Although the Board decided 28,317 claims during 2001, and 15,053 during the first half of 2002, roughly the same numbers as the previous year, it was not able to reach its stated goal of reducing average case processing time to six months. Instead, processing time has lengthened, and the number of cases awaiting decision reached 51,000 in mid-2002.

9) Although the events of September 11th had wide-ranging impact on immigration and refugee policy in North America, they have fortunately not had a direct effect on Canada's resettlement programme. Resettlement to Canada continued as planned and indeed, the target for government-sponsored resettlement admissions increased in 2002 by 200 places, to 7,500. However, there is heightened attention to resettlement selection and a need for closer cooperation between UNHCR and the Canadian authorities. This is particularly the case in view of changes in the new Immigration and Refugee Protection Act, which designates UNHCR as a "referral agent" for the Canadian resettlement program.

10) Canada implements the world's second-largest resettlement program, under which refugees may be resettled with support of the federal government, or admitted with private sponsorships. The private sponsorship arrangement is not subject to numerical limitation, but the planning range for privately sponsored admissions in 2002 is 2,900 - 4,200. UNHCR supports government and NGO efforts to encourage private sponsorships. The private sponsorship program has recently attracted attention abroad, as some European countries consider starting up their own resettlement programs.

11) During 2001, Canada was UNHCR's eleventh largest donor, with a total contribution of US\$17.1 million. This amounted to 2.2% of UNHCR's expenditure for the year. The government follows UNHCR's worldwide operations closely, participates actively in UNHCR's Executive Committee, and consults Canadian NGOs on UNHCR issues. The UNHCR Office in Canada will remain fully engaged in sustaining the government's interest and in seeking to increase its financial contribution to UNHCR.

12) As chair of the G8 in 2002, Canada launched a major effort to support the New Partnership for Africa's Development (NEPAD), through a G8 Action Plan for Africa. UNHCR lobbied for inclusion in this Plan of issues relating to refugees and displaced persons, and for attention to the need for sustainable solutions for Africa's refugees. To underline its commitment to Africa's development, the Canadian Government created a special Fund for Africa. Follow-up by UNHCR of potential new funding prospects and of themes pursued in the context of the 2002 G8 will be important.

13) The Canadian media and public demonstrate a high level of interest in humanitarian affairs. For this reason, and as part of the broader effort to diversify sources of funding urged by the Executive Committee, UNHCR decided to extend its private-sector fund-raising program (already underway in Australia, Japan, the U.S. and several European countries) to Canada. During 2001, an assessment of the potential for these activities in Canada was completed, and some initial activities were launched. This program must be integrated into the office's broader public information strategy, for while Canadians are generally sympathetic to humanitarian needs overseas, awareness in Canada of UNHCR's role is low.

14) In summary, UNHCR's presence in Canada serves three main purposes: to advocate for the highest possible standard of refugee protection in Canada's asylum policy and practice; to support Canada's resettlement program and to promote its utilization 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. This includes mobilizing financial support for UNHCR from governmental and non-governmental sources.

15) As is the case in other industrialized countries, UNHCR does not implement an assistance program in Canada. The Office's activities are concentrated in the areas of refugee protection, resettlement, and public outreach. UNHCR is not alone in this endeavor, as there is a vigorous non-governmental community in Canada, which looks to UNHCR for authoritative statements on refugee protection issues. At the same time, the difficulties the government faces in dealing with mixed migration and related security concerns cannot be ignored, and will continue to influence policy responses to refugee questions.

b) Summary of goals and objectives

UNHCR’s work in Canada in 2003 will be oriented around three principal themes of refugee protection, refugee resettlement and the mobilization of public awareness and resources, as set out below:

Theme 1: Refugee protection	
Main Goal: To promote the highest possible standard of refugee protection in Canada	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> ▪ Ensure the fullest possible compliance with the 1951 Convention and other relevant refugee law and human rights instruments. 	<ul style="list-style-type: none"> ▪ Monitoring of and comments to authorities on laws, regulations, operating procedures and practice, in particular in the context of the new Immigration and Refugee Protection Act and of the US/Canada 'safe third country' arrangement ▪ Regular monitoring of detention of asylum-seekers and refugees ▪ Well-reasoned interventions in precedent-setting cases, including at the judicial level ▪ Published position papers, statements and reports ▪ Organization of and participation in conferences and training events

Theme 2: Refugee resettlement	
Main Goal: To ensure that Canada’s refugee resettlement program responds to protection and durable solutions needs of refugees	
Principal Objective	Related Outputs
<ul style="list-style-type: none"> ▪ Maximize the availability of resettlement opportunities in Canada for refugees in need of resettlement, as determined by UNHCR worldwide. 	<ul style="list-style-type: none"> ▪ Promotion of UNHCR resettlement criteria and of flexibility in Canadian resettlement policy ▪ Field offices are support in their role as UNHCR “referral agent”, to ensure that an adequate number of resettlement submissions are made to Canada, in a timely manner ▪ Seminars and training sessions with NGOs and government counterparts are held to educate about and promote UNHCR’s resettlement priorities

Theme 3: Public awareness and resource mobilization	
Main Goal: To build awareness of and support for refugees, and for the work of UNHCR	
Principal Objective	Related Outputs
<ul style="list-style-type: none"> ▪ Build governmental and public understanding of refugee issues, in order to create a more sympathetic environment for refugees, and to generate financial support for UNHCR’s work. 	<ul style="list-style-type: none"> ▪ Media briefings and interviews, and public speaking ▪ Educational and public awareness tools, publication and resource material, are developed and disseminated ▪ Regular exchanges with government counterparts, parliamentarians and political actors on UNHCR issues of concern ▪ Canadian private sector fundraising program is expanded, through direct mail, internet appeals and corporate partnerships.