

Seven Decades of Refugee Protection in Canada: 1950-2020

Commemorating the 70th Anniversary of the United Nations General Assembly adoption of Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR)

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INTRODUCTION

This research paper spanning seven decades of Canada's engagement on refugee protection, from 1950 to 2020, is in commemoration of the 70th Anniversary of the adoption of the Statute of the Office of the United Nations High Commissioner of Refugees (UNHCR) by the General Assembly on December 14, 1950.

Using a temporal framework, this research examines refugee arrivals to Canada since 1950, the laws, policies and programs that developed as a result, and the level of refugee integration across the country as available. It also reflects on the significant and consistent contribution of refugees to the enrichment and vibrancy of Canadian society. A recent and comprehensive study of contemporary refugee flows, Canadian refugee law and policy and integration has not been attempted.¹

Canada's history of providing refuge predates 1950. Given its long record of welcoming newcomers and refugees, it has been heralded as a global leader in providing safe haven, and its refugee policy and practice has evolved to become one of the finest refugee protection regimes in the world.²

Despite factors of economic insecurity and xenophobic attitudes that have impacted on reception of refugees globally, the notion of providing protection, safety and asylum to the world's most vulnerable, continues to have an enduring presence in Canadian society.³ Seventy years earlier, Canada opened its doors to welcome refugees who were displaced in the aftermath of World War II. This was at a time when it did not have an official refugee policy and would mark a humanitarian trend that would be maintained and augmented over the next seven decades.

The review reflects the continual development of legislation, jurisprudence and policies that responded to the needs for the globally displaced as they arose. Notable legislation developments include the *Immigration Act of 1976*, the *Immigration and Refugee Protection Act* and the establishment of the point system in 1967. The creation of the Immigration and Refugee Board (IRB), an independent first and second instance tribunal is an exemplary refugee adjudication model recognized around the world. Its ground-breaking Chairperson's Guidelines on gender and vulnerable claimants, the Women at Risk Program and labour mobility pathways among others have contributed to Canada's reputation as a gold standard in refugee protection policies globally.

Canada's ability to mount large-scale responses to situations of mass displacement has paved the way for the balancing of pragmatic and humanitarian concerns and reflected in its response to protection needs of the Hungarian, Chilean, Ugandan-Asian, Indochinese and most recently, Syrian refugees. More recently in 2018, Canada resettled the largest number of refugees in the world at 28,000 and had the second highest rate of refugees who gained citizenship globally.⁴

This approach has also allowed Canada to leverage civil society support and has spurred the evolution of refugee policy into the formulation of principles fundamental to Canada's refugee protection system. The role of Canadian civil society has been instrumental in welcoming and accommodating refugees, as made evident by the awarding of the *Nansen Medal* to the People of Canada in 1986. The critical role and support by civil society in the integration of newly arrived refugees has allowed for the successful resettlement of hundreds of thousands of refugees from diverse parts of the world since the 1950s.

¹ For exceptions see: Gerald E. Dirks, *Canada's Refugee Policy: Indifference or Opportunism?* (Montreal: McGill-Queen's University Press, 1977) even as this work is now dated; Ninette Kelley and M. Trebilcock, *Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 2010) although the authors do not have a specific focus on refugee policy; Shauna Labman, *Crossing Law's Border: Canada's Refugee Resettlement Program* (Vancouver: UBC Press, 2019). As the title indicates, this book focuses on resettlement.

² IRCC's "Canada Celebrates 40 years of the Refugee Sponsorship Program." For more information, see: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2019/04/canada-celebrates-40-years-of-the-refugee-sponsorship-program.html>

³ Julie Gilmour, "Refugees, Public Opinion, and Policy in Canada since 1900," in *Canada among nations, 2008: 100 years of Canadian foreign policy* eds. Robert Bothwell and Jean Daudelin (Montreal: McGill-Queen's Press, 2009), 161.

⁴ UNHCR's "Global Trends - Forced Displacement in 2018." For more information, see: <https://www.unhcr.org/5d08d7ee7.pdf>

1950-1960

REFUGEE FLOWS AND CAUSES

Canada received Chinese, Ukrainians, Palestinians, Hungarians and Italians between the years 1950-1960.

After the Sino-Japanese war (1937-1945), Canada was willing to assist with Chinese displaced persons, as China was seen favorably in Canada and its people had gained sympathy.⁵ Those factors, along with greater concern in Canada for human rights contributed to the beginning of an easing of restrictions on Chinese immigration in 1947. After the formation of the People's Republic of China in 1949, Canada admitted a handful of refugees for humanitarian reasons.⁶ In the following years, Chinese refugees arrived who had fled the Communist violence of the Cultural Revolution in the 1960s. International organizations campaigned for displaced Chinese citizens in countries like Canada to accept them as immigrants and this became crucial as the civil war continued and the takeover by Communists appeared more likely.⁷

In the early 1950s, persons were displaced from Central and Eastern Europe whilst fleeing National Socialism (Nazism), Communism, and Soviet occupation. After World War II, millions of Ukrainian refugees fled from Communist rule, and the territories which were under the rule of the Soviet Union.⁸ Exact statistics on Ukrainian refugees are not available as they were not classified as refugees by Allied occupation and military authority at the time. In Canada, the Ukrainian Canadian Relief Fund (UCRF) was formed under the auspices of the Ukrainian Canadian Committee (UCC).⁹ A Ukrainian-Canadian called Panchuk advocated with fellow Ukrainian Canadians to send "missionaries" into the field to lead Ukrainians living under conditions of mistreatment post-war to safety. The active involvement of the Government, non-governmental organizations and ordinary Canadians played an important role in supporting the Ukrainian refugee resettlement in Canada.

In 1955, Canada supported 900,000 Palestinian Arabs, driven from their homeland by the Israeli-Arab war of 1948, playing its part in stabilizing the Middle East region by alleviating some of its refugee strain.¹⁰ While the 1952 Immigration Act and its regulations restricted non-European immigration, the admission of Palestinian refugees played a crucial role for the future selection and resettlement of non-European refugees to Canada.¹¹ The following decades would reflect this precedent, as Canada admitted refugees from Southeast Asia, Japan, Africa, and the Middle East.

Over 200,000 Hungarians fled to Austria in 1956, and in response to public pressure, the Canadian Government implemented a special program that offered Hungarian refugees free transport to Canada instead of requiring travel loans.¹² The Government also streamlined resettlement by adopting measures that accorded Hungarians priority immigration status and exceptionally allowed them to have medical tests and X-rays performed on arrival to Canada rather than prior to arrival.¹³ Approximately 37,000 Hungarians found refuge in Canada, and when a further approximate 20% of the post-secondary student population of Hungary moved west, Canada accepted this population by providing support to those students as they would for other categories of immigrants.¹⁴

In 1951, more than 24,000 Italians came into Canada, and Italian immigration remained ongoing throughout the decade as part of the Government's post-World War II reconstruction policy.¹⁵ Between the early 1950s to the mid-1960s,

⁵ Meredith Oyen, "The Right of Return: Chinese Displaced Persons and the International Refugee Organization, 1947-56," *Modern Asian Studies*, vol. 49, no. 2 (2015) 546-571.

⁶ Patricia E. Roy, "Images and Immigration: China and Canada," *The Journal of American-East Asian Relations*, vol. 20, no. 2-3 (2013) 117.

⁷ Meredith Oyen, "The Right of Return: Chinese Displaced Persons and the International Refugee Organization, 1947-56," 546-571.

⁸ Lubomyr Y. Luciuk, "Unintended Consequences in Refugee Resettlement: Post-war Ukrainian Refugee Immigration to Canada," *International Migration Review* vol. 20, no. 2, (1986) 467.

⁹ *Ibid*, 469.

¹⁰ Jan Raska, "Forgotten Experiment: Canada's Resettlement of Palestinian Refugees," 1955-1956, *Social History* (2015) 445.

¹¹ *Ibid*, 446.

¹² Peter I. Hidas, "Canada and the Hungarian Jewish Refugees, 1956-57," *East European Jewish Affairs* vol. 37, no. 1 (2007) 75.

¹³ Grant Purves, *Refugee flows and Canadian Immigration Policy* (Library of Parliament, 1984) 2.

¹⁴ Peter I. Hidas, "Canada and the Hungarian Jewish Refugees, 1956-57," 75.

¹⁵ John E. Zucchi, "The Italian Immigrant Presence in Canada, 1840-1990," *Special Issue: The Columbus People: Perspectives in Italian Immigration to the Americas and Australia*, vol. 11, no. 3 (1994) 369, 372.

approximately 20,000 to 30,000 Italians immigrated to Canada each year, many on Government sponsored one-year work contracts in Canadian industries with labour shortages which benefited both the Canadian economy and the Italian newcomers.¹⁶ This tradition of finding ways to grant immigration to vulnerable persons has been ongoing and reflected in current programs by the Canadian Government to find complementary pathways through labour mobility¹⁷.

The decade marked the first time Canada waived its health requirements for refugees when 325 tubercular refugees and their families were admitted under a special program. This was a response to the UN's request and in support of World Refugee Year in 1959 and would pave the way for broader reforms in the 1960s.¹⁸ The group consisted primarily of Hungarian, Soviet, and Yugoslavs - young couples in their 20s and 30s with children. Co-operation between Government and civil society that had already started "during the 1959 World Refugee Year, continued with federal officials, voluntary aid organizations, and church groups who worked closely to resettle the group of tubercular refugees in Canada."¹⁹

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

Nascent Canadian refugee policy in the 1950s was developed against the backdrop of WWII, and the subsequent proliferation of Communism and Soviet occupation. The Federal Department of Citizenship and Immigration was created in 1950 followed by the development of the Citizenship Branch to support governmental and non-governmental agencies with integration of newcomers, citizenship responsibilities, and with a focus on emphasizing education as the means for integration.²⁰ The Chair of the *1951 Refugee Convention* drafting committee was Leslie Chance, a Canadian delegate.

The Government passed a new immigration act in 1952 replacing the previous one of 1910. The key impact of the *1952 Immigration Act* was to reinforce the authority of the federal cabinet "governor-in-council" and give broad powers to the Minister of citizenship and immigration. As in the 1910 law, "the governor-in-council was authorized to make regulations prohibiting immigrants based on their nationality, ethnicity, occupation, peculiar customs, unsuitability to the Canadian climate and probable inability to assimilate".²¹ Despite the absence of a 'refugee' designation in the *1952 Immigration Act*, the Government facilitated refugee admittance through program-specific routes based on domestic interests and humanitarian concerns including the Sponsored Labour Movement for highly skilled workers, the Close Relatives Scheme, and the admission to Canada of orphaned children sponsored by civil society and faith-based groups.²²

Canada's response to the 1956 Hungarian crisis "paved the way for immigration authorities to respond more quickly and with more flexibility to later refugee and ordinary immigration movements."²³ As noted, Canada also waived the health requirements to help refugees with tuberculosis during the 1959 World Refugee Year and ensured those refugees were not faced with burdens such as financial responsibilities and living accommodations while adjusting to the country.

INTEGRATION

Based on the 1961 Census, 47 percent of Hungarian refugees that came to Canada in 1956 settled in Ontario, 23 percent settled in Quebec, 12 percent in British Columbia and 9 percent in Alberta, with the remainder settling in Manitoba,

¹⁶ The Canadian Museum of Immigration at Pier 21's "Italian Culture Trunk- History." For more information, see: <https://pier21.ca/culture-trunks/italy/history>

¹⁷ <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/economic-mobility-pathways-project-labour-mobility.html>

¹⁸ Jan Raska, "Welcoming the Sick and Afflicted: Canada's Tubercular Admission Program, 1959-1960," *Social History*, vol. 52, no. 105 (2019) 171.

¹⁹ W. A. McFaul, "Canada and the Refugee Problem," *Slavic and East-European Studies*, vol. 4, no. 1/2 (1959) 174.

²⁰ CCR's "Best Settlement Practices: Settlement Services for Refugees and Immigrants in Canada," (1998). For more information, see: <https://ccrweb.ca/sites/ccrweb.ca/files/static-files/bpfinal1.htm>

²¹ <https://pier21.ca/research/immigration-history/immigration-act-1952>

²² James C. Hathaway, "Selective Concern: An Overview of Refugee Law in Canada," *McGill Law Journal* vol. 33 (1987) 680.

²³ Julie Gilmour, "Refugees, Public Opinion, and Policy in Canada since 1990," 173.

Saskatchewan and the Atlantic provinces.²⁴ The distribution was skewed more towards the cities, as Toronto received the highest number of refugees (8,700), Montreal (over 7,000), Vancouver (2,200), Winnipeg (1,740) and other cities like Calgary, Hamilton, Edmonton and Ottawa were also common places of settlement for this refugee group.²⁵

Both Government and non-governmental agencies assisted with integration of Hungarian refugees by finding accommodations, employment and additional supports for their integration into Canada.²⁶ Canada's resettlement of tubercular refugees was also noteworthy for it "... marked only the second time during the postwar period that various departments of the federal Government collaborated closely and received external support from various voluntary aid groups."²⁷ The engagement of Canadian society in integrating the Hungarian refugees through resettlement programs marked a watershed moment in the Canadian refugee policy, marking the first resettlement program in Canada.²⁸

Among the many Hungarian refugees who successfully settled in Canada post-WWII was author and journalist George Jonas, who came in 1956.²⁹ Jonas worked for various Canadian publications, like CBC and the National Post, published 16 books and was a Member of the Order of Canada. More notably, his 1984 novel *Vengeance* was an international best seller and was adapted into an Academy Award nominated film *Munich* (2005), directed by Steven Spielberg.

The Palestinian refugees who settled in Canada in 1955 chose to settle in areas with pre-existing co-ethnic communities, like Montreal, which had the largest Arab population in Canada at the time and Toronto.³⁰ The Canadian Government made a remarkable announcement of its contribution of \$1.5 million for Palestinian refugees in addition to Ottawa's annual commitment of \$500,000 during the UN International Year of the Refugee in 1960.

Particular ethnic communities developed non-governmental organizations, such as the Italian Immigrant Aid Society in Toronto. The Society formed in 1952 and was largely supported by female volunteers and offered direct services to refugees, particularly supporting Italian refugees.³¹ This organization assisted with obtaining employment for newcomers and for newcomers to understand the values and norms of Canadian society. The Italian Immigrant Aid Society would later amalgamate with fellow immigrant serving organization COSTI (formally Central Organizzativo Scuole Tecniche Italiane) in 1981 to formally shape COSTI Immigrant Services.³²

Italian Canadians have successfully integrated into Canada and have made contribution across all areas of Canadian society. While 75 per cent of Italians that came to Canada after WWII originally held low-income occupations on arrival, second and following generations had high levels of success in economic integration.³³ By the mid-1980's, Italian-Canadians were completing post-secondary education at the same rate as the national average. Subsequent generations of Italian-Canadians also have the highest rate of home-ownership across the country, with 86 per cent owning homes, compared to a 70 per cent average.³⁴ The current Minister of Immigration, Marco Mendicino is of Italian origin.

SUMMARY ANALYSIS

A new *Immigration Act of 1952* was passed by the Government which also created the Federal Department of Citizenship and Immigration in 1950 and the Citizenship Branch. Policies were established to accept refugees and help them integrate into their new communities as in the case of the Hungarian and tubercular refugees.

²⁴ N. F. Dreisziger "Rose-Gardens on Ice-Floss: A Century of The Hungarian Diaspora in Canada," *Hungarian Journal of English and American Studies (HJEAS)*, vol. 6, no. 2 (2000) 239-258.

²⁵ *Ibid*, 234

²⁶ Purves, *Refugee Flows*, 4

²⁷ W. A. McFaul, "Canada and the Refugee Problem," 174.

²⁸ Purves, *Refugee Flows*, 4

²⁹ Peter Stevens, "George Jonas," *The Canadian Encyclopaedia* (2007). For more information, see: <https://thecanadianencyclopedia.ca/en/article/george-jonas>

³⁰ Jan Raska, "Forgotten Experiment: Canada's Resettlement of Palestinian Refugees," 447.

³¹ CCR's "Best Settlement Practices: Settlement Services for Refugees and Immigrants in Canada."

³² COSTI's "A History in Progress." For more information, see: <http://www.costi.org/whoweare/history.php>

³³ Franc Sturino, "Italian Canadians," *the Canadian Encyclopaedia* (2019). For more information, see:

<https://www.thecanadianencyclopedia.ca/en/article/italian-canadians>

³⁴ *Ibid*.

During this decade, Canada accepted a large number of refugees from the Asia, Middle East and Europe. It is important to note that Canada's support of refugees during this decade was based on compassionate grounds, as it had not yet acceded to the *1951 Refugee Convention* and despite the *1952 Immigration Act* and regulation restrictions on non-European immigration. The collaboration of the Canadian Government and civil society in integrating Hungarian refugees through resettlement programs marked a watershed moment in the Canadian refugee policy.

1960-1970 REFUGEE FLOWS AND CAUSES

Throughout 1960-1970 various groups arrived in Canada. Czech and Chinese refugees made up the biggest group.

In 1968, the Soviet-led Warsaw Pact forces invaded Czechoslovakia to suppress attempts of reforming and liberalizing Communist rule in the country during the Prague Spring movement, which led to over 150,000 individuals fleeing the state seeking political refuge in the West.³⁵ Many of those who left were young, well-educated, and trained professionals.

After the experience of resettling more than 37,000 Hungarian refugees in 1956-1957, the Canadian Government implemented another special program that brought approximately 12,000 Czech refugees (Prague Spring) to Canada between 1968 and 1969. This was done by relaxing admissions criteria for the newcomers, including medical and security screenings and both federal and provincial officials provided language courses and helped find employment for the newcomers. Earlier arrivals and the Czechoslovak National Alliance branches across the country also provided assistance similar to that given to the 1948 refugees.³⁶

Additionally, throughout the 1960s, Chinese refugees fled Communist violence as a result of the regime change and later in the decade, the Cultural Revolution.³⁷ Many Chinese entered Canada illegally due to the immigration barriers based on immigration applicants' country of origin at the time. In 1962, the Diefenbaker Government developed the "Chinese Adjustment Statement Program" which offered amnesty to those who had immigrated to Canada illegally but were not involved in further illegal immigration activity and were viewed by the State as being in respectable moral standing.³⁸ From 1962 to the program's completion in 1973, the Chinese Adjustment Statement Program gave pardon and changed the status of over 12,000 Chinese persons in Canada. This group of refugees primarily settled in Vancouver and Toronto.³⁹ Later in the decade when new regulations of the point system were developed, the Chinese were put on more equal footing with other prospective immigrants based on their probable economic contribution to Canada.

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

In 1960, Prime Minister John Diefenbaker introduced Canada's first Bill of Rights. Canada's formal adoption of the *1951 Refugee Convention and its 1967 Protocol* in 1969 solidified its international commitment towards refugees.⁴⁰

In 1962, Canada's new immigration regulations (*Order in Council 1962-86, 1962*) officially ended the use of racial categories to determine immigration status of individuals (with some restrictions remaining in effect until 1967, such as

³⁵ Jan Raska, "Freedom's Voices: Czech and Slovak Immigration to Canada during the Cold War," *University of Waterloo* (2013) 3.

³⁶ Jan Raska, "Czech Canadians," *The Canadian Encyclopaedia* (2010). For more information, see: <https://www.thecanadianencyclopedia.ca/en/article/czechs>

³⁷ Government of Canada's "Canada: A History of Refuge." For more information, see: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/timeline.html>

³⁸ Jin Tan and Patricia E. Roy, "The Chinese in Canada" *Canada's Ethnic Groups* (1985). For more information, see: https://chashc.ca/_uploads/5c37480746ab8.pdf

³⁹ Anthony B. Chan, "Chinese Canadians," *The Canadian Encyclopaedia* (2019). For more information: <https://www.thecanadianencyclopedia.ca/en/article/chinese-canadians>

⁴⁰ C. Michael Lanphier, "Canada's Response to Refugees" (1981) 116.

the ones on Asian immigrants).⁴¹ As a result, skill became the main criteria for determining admissibility rather than race or national origin.

Prime Minister Pearson noted the reality of a double standard in admissions procedures and sponsorship rights and pledged to maintain Canada's promise to remove racial discrimination "in fact as well as in theory."⁴² The responsibility for immigration was transferred to a new Department of Manpower and Immigration, and an Immigration Appeal Board and Canada Manpower and Immigration Council were established in 1966.⁴³ The point system was introduced as a means of mitigating selection criteria and removing race and ethnicity from the calculations altogether and replacing them with educational and occupational criteria.⁴⁴ Using the point system, immigrants were selected according to different criteria, including educational credentials, language competency in English and/or French, labor market potential.⁴⁵

INTEGRATION

The Canadian Government largely recruited skilled Czech immigrants that included doctors, dentists, and electronic and chemical technicians.⁴⁶ The cohort that resettled throughout Canada in the 1960s was younger and higher educated than previous individuals from Central and Eastern Europe. Due to the cause of displacement, many Czechs also had some financial means. These various factors have allowed Czech refugees to integrate quickly into Canadian society and their vast economic contribution has greatly offset the Government's initial investment for their resettlement. Two notable and successful Czech refugees that settled in Canada are Josef Škvorecký, writer, publisher and recipient of the Neustadt International Prize for Literature and Alex Baumann, who won two gold medals for Canada and set two world records at the 1984 Summer Olympics.⁴⁷

The Chinese newcomers have settled primarily in urban areas, particularly in Vancouver and Toronto. They have successfully integrated over the years making contributions that are manifold and which touch every aspect of Canadian society, from culture, food, literature, film, music and philanthropy.

COSTI (Centro Organizzativo Scuole Tecniche Italiane) was founded in 1962 to mitigate the issues faced by newcomers such as those who were skilled tradespeople unable to use their skills in their new society.⁴⁸ COSTI's motto, "integration through education," expresses the founders' vision and allowed for programs to train and retrain members of the Italian community, and later on expanded to other communities as well.⁴⁹ This work of the organization has expanded and continues to be very relevant for refugees in Canada, and in particular Ontario.

SUMMARY ANALYSIS

Canada formally adopted *the 1951 Convention* and its *1967 Protocol* in 1969.

Canada's first Bill of Rights was introduced in 1960. Canada's new immigration regulations of 1962 officially ended the use of racial categories to determine immigration status of individuals with some exception until 1967 when the points system was introduced. From then, the immigration policies used to select newcomers to Canada removed the racial and ethnic criteria and replaced it with educational and occupational criteria as per the points system of 1967.

⁴¹ Julie Gilmour "Refugees, Public Opinion, and Policy in Canada since 1990," 174.

⁴² Phil Triadafilopoulos, "Dismantling White Canada: Race, Rights, and the Origins of the Points System," *Canadian Political Science Association* (2007) 18-19.

⁴³ Parai, Louis. "Canada's Immigration Policy, 1962-74," *The International Migration Review*, vol. 9, no. 4 (1975) 449.

⁴⁴ Julie Gilmour "Refugees, Public Opinion, and Policy in Canada since 1990," 174.

⁴⁵ Phil Triadafilopoulos, "Dismantling White Canada: Race, Rights, and the Origins of the Points System," 1.

⁴⁶ Eva Marha "The Czech/ Slovak Community" *Safe Haven:*

http://www.mhso.ca/ggp/Exhibits/Safe_Haven/straznickyczechslovak.html

⁴⁷ Ibid.

⁴⁸ CCR's "Best Settlement Practices: Settlement Services for Refugees and Immigrants in Canada."

⁴⁹ Ibid.

The main group of refugee in this decade came from Czechoslovakia and China. However due to the tremendous changes in immigration policy that took place in this period by the introduction of the Bill of Rights and the points system created the possibility for one of the most culturally diverse countries in the world.⁵⁰

1970-1980 REFUGEE FLOWS AND CAUSES

From 1970 to 1980, Canada accepted refugees from various ethnic backgrounds who were resettled through specific refugee programs. This may be attributed in large part to Canada officially becoming a multicultural society in 1971,⁵¹ which allowed for the acceptance of a more diverse group of refugees. Most notably, the new arrivals included Tibetan, Ugandan-Asian, Chilean, and Indochinese refugees who had been forcibly displaced en masse due to ongoing conflicts.

Following the displacement of Tibetan refugees, the Dalai Lama and the UNHCR requested the international community's aid in the resettlement of Tibetan refugees.⁵² The response of Canadian authorities was generous and they agreed to take in a number of the refugees. The majority of those who arrived in Canada were between the ages of 16 to 34 years old (more male than female), 45 percent of them were children/dependents and more than 55 percent had some form of secondary education.⁵³

At the same time, another refugee crisis was unfolding in a different part of the world. In August of 1972, Ugandan President Idi Amin ordered the expulsion of individuals of Asian descent who held British passports.⁵⁴ This order was carried out over a three-month period during which thousands of Ugandan-Asians became displaced. While many of the expelled Ugandan-Asians relocated to the UK, the sheer number of refugees posed a challenge. Upon the humanitarian plea of Britain, the Canadian Government agreed to admit over 6,000 Ugandan-Asian refugees and ended up resettling 7,069 through the program.⁵⁵

The Federal Government's adoption of the "Oppressed Minority" policy in 1970 following its accession to *the 1951 Refugee Convention* allowed for the resettlement of the Ugandan-Asian refugees based on their circumstances, despite not meeting the requirement for a refugee to be outside of their country of origin.⁵⁶ Many of the Ugandan-Asian refugees were highly educated, over half possessed a secondary school education and many had advanced English language skills.⁵⁷

In September 1973 there was a military coup d'état in Chile led by General Augusto Pinochet against socialist President Allende. The ensuing political unrest and violent clashes resulted in the forcible displacement of thousands of Chilean citizens.⁵⁸ The Canadian Government response was to admit 7,016 Chilean refugees during 1973-1974 under the Chilean refugee program entitled "Special Movement Chile."⁵⁹ This response was similar to the Ugandan-Asian refugee crisis as Chilean refugees were also admitted to Canada under the "Oppressed Minority" policy.⁶⁰

Not long after the Chilean refugee resettlement efforts, another pressing crisis emerged out of the Vietnam War where an intense conflict between communist and non-communist forces occurred led to great numbers of persons being displaced.

⁵⁰ Phil Triadafilopoulos, "Dismantling White Canada: Race, Rights, and the Origins of the Points System," 2.

⁵¹ <https://www.thecanadianencyclopedia.ca/en/article/multiculturalism#:~:text=In%20a%20speech%20in%20the,both%20of%20the%20official%20language>

⁵² Jan Raska, "Humanitarian Gesture: Canada and the Tibetan Resettlement Program, 1971-5," *Canadian Historical Review*. 553.

⁵³ *Ibid*, 562.

⁵⁴ Gerald Dirks, "Canada's Refugee Policy: Indifference or Opportunism?" (Montreal and London: McGill-Queen's University Press, 1977), 238-239.

⁵⁵ Howard Adelman, "Refugee Policy: Canada and the United States" (Toronto: York Lanes Press Ltd., 1991), 194.

⁵⁶ <https://pier21.ca/blog/jan-raska-phd/canada-s-oppressed-minority-policy-and-the-resettlement-of-ugandan-asians-1972>

⁵⁷ Gerald Dirks, "Canada's Refugee Policy: Indifference or Opportunism?" 243.

⁵⁸ Howard Adelman, "Refugee Policy: Canada and the United States," 195; George Hanff, "Decision-Making Under Pressure: A Study of the Admittance of Chilean Refugees by Canada," *North-South Canadian Journal of Latin American Studies*, vol. 4, no. 8 (1979) 125.

⁵⁹ Howard Adelman, "Refugee Policy: Canada and the United States," 183; George Hanff, "Decision-Making Under Pressure: A Study of the Admittance of Chilean Refugees by Canada," 125.

⁶⁰ Howard Adelman, "Refugee Policy: Canada and the United States," 195.

In line with its humanitarian role, Canada welcomed thousands of refugees from the Indochinese Peninsula, which took place in phases from 1975-1980.⁶¹ Under the “Indochinese Refugee Program,” Canada admitted approximately 7000 refugees from 1975 to 1976.⁶² From July 1979 to 1980, the Government greenlit arrangements to ensure the acceptance of approximately 50,000 Indochinese refugees, also referred to as the “boat people”.⁶³ As described later, the resettlement of Indochinese refugees in 1979 was achieved in large part due to private sponsorship by Canadians.⁶⁴

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

During this decade, the Canadian Government established several programs and policies in response to the growing number of refugees it was accepting. The Tibetan refugees, for example, were admitted to Canada under a Government-sponsored plan dubbed the “Tibetan Resettlement Program” which came into existence through the co-operation of the federal and provincial governments.⁶⁵ In order to fund this program, the Canadian Government devoted \$794,000, at an estimated cost of \$3308.33 per refugee that arrived.⁶⁶ As many Tibetan refugees were not proficient in English and/or French, the Government enlisted the help of a translator named Chris Parsons to establish clear lines of communication between the refugees and the Government.⁶⁷ Finally, the provinces played a crucial role in the refugee resettlement efforts by ensuring programs were in place to secure adequate “employment, housing, clothing, and food” for the refugees.⁶⁸

Similarly, the Canadian Government allocated funds and resources for the resettlement of Ugandan-Asian refugees. For the purposes of screening the refugees, the Government opened an immigration office in Kampala, Uganda from September to November 1972, and also dispatched a team of immigration staff to the city.⁶⁹ The Government arranged charter flights to bring the refugees to Longue Pointe, Montreal (those who did not travel on the chartered flights made their own private travel arrangements). It was reported that the resettlement of the Ugandan-Asian refugees in Toronto alone “cost the federal Government approximately four million dollars.”⁷⁰ The success of the program was achieved by the collaborative efforts of several Canadian Government departments, including Department of Manpower and Immigration, National Defence and Health and Welfare, and Department of External Affairs.⁷¹

Like the other special immigration programs, the Government created the “Special Movement Chile” program in November 1973 in order to resettle Chilean refugees who had been affected by the coup to Canada.⁷² Canadian immigration personnel were sent to Santiago, Chile and the Canadian Armed Forces flew dozens of the Chilean refugees to Canada. The original goal of the special program was to resettle between 1,000 - 5,000 refugees; however, this number was changed to 5,000 to 6,000 in July 1976, and subsequently increased to include an additional 1,000 refugees in 1977.⁷³ At the end of the program in 1979, Canada had resettled 7,016 Chilean refugees.⁷⁴

In addition to the aforementioned special programs during this decade, the Canadian Government created the Immigrant Settlement and Adaptation Program (ISAP) in 1974 which supported private agencies to assist refugees with various services.⁷⁵ The program had two streams called ISAP A and ISAP B, with each undertaking different responsibilities.

⁶¹ Michael J. Molloy, Peter Duschinsky, Kurt F. Jensen and Robert Shalka, “Running on Empty: Canada and the Indochinese Refugees, 1975-1980” (*McGill-Queen’s Press*, 2017), 24.

⁶² Molloy et al., “Running on Empty: Canada and the Indochinese Refugees, 1975-1980,” 43.

⁶³ *Ibid.*, 119.

⁶⁴ *Ibid.*, 170.

⁶⁵ Jan Raska, “Humanitarian Gesture: Canada and the Tibetan Resettlement Program, 1971–5,” *Canadian Historical Review*. 549.

⁶⁶ *Ibid.*, 561.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.* 563.

⁶⁹ Freda Hawkins, “Ugandan -Asians in Canada,” *Journal of Ethnic and Migration Studies*, vol. 2, No. 3 (1973) 268.

⁷⁰ Gerald Dirks, “Canada’s Refugee Policy: Indifference or Opportunism?” 244.

⁷¹ *Ibid.*

⁷² George Hanff, “Decision-Making Under Pressure: A Study of the Admittance of Chilean Refugees by Canada,” 125.

⁷³ Howard Adelman, “Refugee Policy: Canada and the United States,” 195.

⁷⁴ *Ibid.*, 183.

⁷⁵ CIC’s “Evaluation of the Immigrant Settlement and Adaptation Program (ISAP)” (2011). For more information, see: <https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/research-stats/evaluation-isap2011.pdf>

Under ISAP A, the program provided funding to Settlement Provider Organizations (SPOs) to deliver a variety of services directly to newcomers, including need assessments, orientations, social services and employment counselling. Under ISAP B, the program provided support for various projects that focused on capacity-building and development. Although the ISAP program does not exist today, as it has been merged with other immigration programs, and its creation was a testament to Canada's early commitment to establishing programs that would aid refugees in all facets of their integration into Canadian society.

There were also important legislative changes that occurred throughout this decade. While previously, Canada's immigration system implemented ad hoc programs in response to the geopolitical events of the world and immigration policies were "reactive in nature," this began to change in the mid-1970s through legislative changes.⁷⁶

An important milestone was the creation of the 1976 Immigration Act. By tabling the Green Paper in 1974, the Canadian Government sought to revamp its immigration system and policies in line with the increasingly complex nature of immigration.⁷⁷ The Green Paper paved the way for the Immigration Act which was passed in 1976 and came into statutory effect in 1978.⁷⁸ The Immigration Act ratified Canada's obligations under the 1951 Refugee Convention by enshrining the definition of refugee and the principle of non-refoulement in the act.⁷⁹ The Act also recognized different classes of immigrants, such as family, refugee, assisted relatives, independent, and designated classes of people. Additionally, under section 3(c) of the Act, emphasis was drawn on "facilitat[ing] the reunion in Canada of Canadian citizens and permanent residents with their close relatives from abroad."⁸⁰ Section 3(g) of the Act noted "Canada's international legal obligations with respect to refugees, its humanitarian tradition with respect to the displaced and the persecuted." It also elaborated on private sponsorship allowing citizens to sponsor refugees, a revamped points system and included provisions for admissibility, detention and removal procedures.

In the period before and after the creation of the 1976 *Immigration Act*, Canadian authorities faced a rapidly evolving crisis in the Indochinese region concerning Vietnam, Cambodia, and Laos. As described above, the Canadian authorities established the Indochinese Refugee Program, with a Canadian Mission located in Hong Kong which processed a portion of the Indochinese refugee claims.⁸¹ While thousands of Indochinese refugees were Government sponsored, a different type of program was introduced in 1979.

In July 1979, the Government announced the Private Sponsorship of Refugees (PSR) Program, as allowed by the *Immigration Act*, whereby a "one-to-one matching formula" was utilized.⁸² Under the PSR Program, for every *one* privately sponsored refugee by a Canadian, the Government matched this by sponsoring a refugee themselves. In this regard, Canadian civil society played a crucial humanitarian role by privately sponsoring thousands of Indochinese refugees who were otherwise facing increasingly perilous living conditions.

By the end of January 1980, 5,457 groups across Canada had applied to sponsor refugees.⁸³ The new *Immigration Act* allowed groups of five Canadian citizens or permanent residents and local organizations to sponsor refugees. Moreover, the provisions in the act allowed national humanitarian organizations, such as churches to enter comprehensive sponsorship agreements with the federal Government. Other remarkable programs to aid the Indochinese refugee crisis included "Operation Lifeline" and "Project 4000."⁸⁴ The Government further provided \$200,000 in funding to aid in the provision of services for the Indochinese refugees that were welcomed to Canada. During this period, "Canada had increased its commitment sevenfold" through its intake of the refugees.

⁷⁶ Ninette Kelley and Michael Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press Inc., 2010), 365.

⁷⁷ Gerald Dirks, "Canada's Refugee Policy: Indifference or Opportunism?" 251.

⁷⁸ Howard Adelman, "Refugee Policy: Canada and the United States," 200.

⁷⁹ Shauna Labman, "Crossing Law's Border: Canada's Refugee Resettlement Program," (UBC Press, 2019) 39-40.

⁸⁰ National Legislative Bodies / National Authorities' "*Immigration Act, 1976-77, c. 52, s. 1.*" For more information, see: <https://www.refworld.org/docid/3ae6b5c60.html>

⁸¹ Molloy et al., "Running on Empty: Canada and the Indochinese Refugees, 1975-1980," 45.

⁸² Gertrud Neuwirth and Lynn Clark, "Indochinese Refugees in Canada: Sponsorship and Arrangement," *The International Migration Review* vol. 15, no. 1-2 (1981) 131.

⁸³ *Ibid*, 131.

⁸⁴ Molloy et al., "Running on Empty: Canada and the Indochinese Refugees, 1975-1980," 121.

INTEGRATION

On arrival to Canada, Tibetan refugees were resettled in both larger cities as well as towns across Canada, including Quebec (Farnham, Grandby, Montreal), Ontario (Belleville, Cobourg, Lindsay), Alberta (Taber), Saskatchewan (Saskatoon), and Manitoba (Winnipeg).⁸⁵ Integration services for refugees differed by province but frequently included language classes and employment assistance. While there were many setbacks, such as language barriers and level of education, the Government and public/private agencies responded to the individual needs of the Tibetan refugees based on the community of settlement. Many of the Tibetan refugees had lived in refugee camps for over a decade before being resettled in Canada; and this protracted displacement and its inherent impact influenced their integration ability in Canada.

The integration of Ugandan-Asian refugees in Canada was more successful when compared with other groups of refugees, as the majority were highly educated and had pre-arrival knowledge of English.⁸⁶ Additionally, a large majority of the Ugandan-Asians possessed useful commercial and work skills, allowing them to quickly become self-sufficient on resettlement to Canada and become active members of the Canadian economy.⁸⁷

To aid Chilean refugees with their integration into Canadian society, the Government provided financial assistance for transportation and housing, as well as language training, employment opportunities and winter clothing.⁸⁸ In addition, private agencies helped in the resettlement of the Chilean refugees through the further language classes, information sessions, employment and skills-training.⁸⁹ Chilean refugees tended to be a younger group, well-educated and highly adaptable, and therefore were able to learn English and integrate into Canadian society with fewer barriers than most.⁹⁰

The military coup in Chile had particularly adverse effects on academics that were barred from universities by the military regime.⁹¹ As there were many academically involved refugees that came to Canada, they made valuable contributions to Canadian academia, specifically in the fields of political science, economics, media, and history. In addition to this, the rich Chilean culture had been imported to Canada along with the refugees when they resettled here, adding to Canadian multiculturalism, a concept which, by this point in time, was quickly gaining traction.⁹² One well known individual who came to Canada at this time is the author, poet and political social activist Carmen Rodríguez. Though she originally sought refuge in the United States, Rodríguez came to Canada with her family.⁹³ Since coming to Canada, she has gone on to publish numerous novels, books, short stories, essays and articles as both literary and educational publications.

Efforts at helping Indochinese refugees integrate into Canadian society differed as the refugees were assisted by both the Government and their private sponsors after 1979. Organizations supported Government-Refugees (GAR) through a range of services, such as language skills, employment search, shelter, schooling and financial assistance.⁹⁴ Of the first wave of Vietnamese refugees who arrived from 1975 to 1976, most settled in large cities, namely, Montreal, Calgary, Edmonton, and Toronto.⁹⁵ Many of the first wave refugees were white collar workers in their homelands, and thus, faced fewer barriers at finding employment.

From 1979 onwards, Indochinese refugees were privately sponsored by groups of citizens, received support for their housing and sponsors maintained daily interaction with the refugees to ensure integration into Canadian society.⁹⁶

⁸⁵ Jan Raska, "Humanitarian Gesture: Canada and the Tibetan Resettlement Program, 1971-5," *Canadian Historical Review*. 564-565

⁸⁶ Gerald Dirks, "Canada's Refugee Policy: Indifference or Opportunism?" 244.

⁸⁷ Alan B. Simmons, "Latin American Migration to Canada: New Linkages in the Hemispheric Migration and Refugee Flow System," *International Journal (Migrants & Refugees)*, vol. 48, no. 2 (1993) 282-309.

⁸⁸ George Hanff, "Decision-Making Under Pressure: A Study of the Admittance of Chilean Refugees by Canada," 125.

⁸⁹ Joan Simalchik, "Chilean Refugees in Canada: Home Reinvented," *Canadian Issues* (2004) 53.

⁹⁰ Suha Diab, "Fear and (In) Security: The Canadian Government's Response to the Chilean Refugees," *Refuge*, vol. 31, no. 2 (2015) 51-62.

⁹¹ Joan Simalchik, "Chilean Refugees in Canada: Home Reinvented," 53.

⁹² *Ibid.*

⁹³ Carmen Rodríguez's "Extended Bio & Career." For more information, see: http://www.carmenrodriguez.ca/extended_bio.html

⁹⁴ Gertrud Neuwirth and Lynn Clark, "Indochinese Refugees in Canada: Sponsorship and Arrangement," 131-132.

⁹⁵ Felicity Somerset, "Indochinese refugees in Canada: Government policy and public response," *Journal of Ethnic and Migration Studies*, vol. 10, no. 1 (1982) 109.

⁹⁶ Gertrud Neuwirth and Lynn Clark, "Indochinese Refugees in Canada: Sponsorship and Arrangement," 132.

Privately Sponsored Indochinese refugees were provided with monthly subsidies ranging from approximately \$33 to \$117.00 per person.⁹⁷

Due to the scale and visibility of the crisis, the PSR program developed with the active engagement of the civil society for Indochinese resettlement. This proved highly beneficial for long-term integration as cross-cultural community is inherent to the PSR program, which supports language acquisition, employment opportunities and other integration indicators.⁹⁸

The example of Kim Thúy embodies successful integration and the immense contributions that have been made by Indochinese refugees in Canadian society. Having graduated “in translation and law” from Quebec, Thúy went on to publish several highly praised novels, one of which won the Governor General’s Award.⁹⁹ She was later named *Chevalière of the Ordre national du Québec and Compagne des arts et des lettres du Québec.*”

SUMMARY ANALYSIS

The decade beginning in 1970 was a crucial period in the history of the Canadian immigration system and policies. The decade helped to shape the image of a humanitarian Canada that responded generously to the plight of refugees from around the world, free of constraints like race, gender, or religion. The humanitarian spirit of Canadian immigration policies and programs can be observed with the resettlement of large numbers of refugees including the Tibetans, Ugandan-Asians, Chileans, and Indochinese.

The Federal Government’s adoption of the “Oppressed Minority” policy in 1970 following its accession to *the 1951 Refugee Convention* which allowed for the resettlement of Ugandan-Asian and Chilean refugees based on their circumstances, despite not meeting the refugee definition of being outside their country of origin. The Government further established programs including the Tibetan Resettlement Program, the Special Movement Chile program, and the Indochinese Refugee program to streamline the resettlement process. Resources and funding were dedicated to these special programs through the ISAP program.

Civil society played a chief role in aiding the resettlement of the Indochinese refugees through the newly created PSR program. Government-assisted Indochinese refugees were provided with financial assistance as well as language and employment services through Government agencies. Tibetan refugees were able to access language classes and obtain employment after their arrival in Canada. The education levels and business experience of Ugandan-Asians allowed for their successful integration in Canadian society. Likewise, Chilean refugees faced fewer barriers to their integration due to their prior knowledge of the language as well as their higher levels of education.

The Immigrant Settlement and Adaptation Program (ISAP) created in 1974 supported private agencies to provide services to assist refugees. In 1979, the Government announced the PSR Program with a “one-to-one matching formula” where the Government matched sponsorship for every privately sponsored refugee.

The passing of *the Multicultural Policy of 1971* and the new 1976 *Immigration Act* crystalized Canadian immigration and refugee system and its commitment to the UN. The 1976 Immigration Act ratified Canada’s obligations under the *1951 Refugee Convention* through inclusion of the refugee definition and principle of non-refoulement.

⁹⁷ Ibid, 134.

⁹⁸ Jennifer Bond and Ania Kwadrans, “Resettling Refugees through Community Sponsorship: A Revolutionary Operational Approach Built on Traditional Legal Infrastructure,” *Refuge*, vol. 35, no. 35 (2019); Jennifer Hyndman, “Research Synthesis 2009-2013,” *CERIS* (2014).

⁹⁹ IRCC’s “#ImmigrationMatters: Growing Canada’s future- Arts and Culture” For more information, see: <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/immigration-matters/growing-canada-future.html>

1980-1990 REFUGEE FLOWS AND CAUSES

Beginning in the 1980s, Canada admitted large numbers of refugees from El Salvador, Sri Lanka, Lebanon, and continued the resettlement of Indochinese refugees which had started in the previous decade. By this time, Canada had earned a reputation for being a welcoming country to newcomers on account of its responsiveness to humanitarian crises around the globe.

Due to an ongoing civil war in El Salvador, which was taking place between the guerilla forces Frente Farabundo Martí para la Liberación Nacional (FMLN) and the army, thousands of Salvadorians were displaced into neighboring countries. By 1983, 2,567 Salvadorians had entered Canada and they continued to arrive until 1989.¹⁰⁰ Due to inclusive immigration policies and selection by Canadian officials, both overseas and inland, over 14,000 Salvadorians were able to apply for asylum.¹⁰¹

Just as Salvadorians were facing persecution in their Central American homeland, Sri Lankan Tamils were fleeing their country. In response the Canadian Government permitted 1,873 Sri Lankans to apply for permanent residence from within Canada in 1983.¹⁰² Sri Lankans who applied for permanency upon arrival to Canada were evaluated under the Refugee Status Advisory Committee (RSAC).¹⁰³ From 1986 until 1987, a further 4,500 Sri Lankan refugees were granted asylum in Canada and from 1989 to 1993, 10,401 Sri Lankans were recognized as Convention Refugees by the newly established Immigration and Refugee Board (IRB).¹⁰⁴

Canada also implemented a special measures program for Lebanese refugees which initially began in 1979 but continued well into the 1980's.¹⁰⁵ By the year 1979, Canada had granted 11,010 immigrant visas to Lebanese refugees who were fleeing violence resulting from the civil war. In addition to reducing the criteria under which Lebanese refugees could apply for asylum, the Government also developed a pathway by which Lebanese visitors could apply for permanent status without leaving Canadian soil.¹⁰⁶ By 1989, Canada had successfully resettled 6,100 Lebanese refugees.

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

The 1976 *Immigration Act* played a crucial role in managing the flows of Salvadorian refugees as the definition of refugee under the 1951 *Refugee Convention* was ratified in legislation. In addition, Canada developed a “special program for political prisoners” resettling 296 El Salvadorians (along with their families) who had been taken as political prisoners.¹⁰⁷

In this decade, the Canadian Government also focused on the special needs and protections of refugee women. There were growing concerns that many refugee women were unable to meet the criteria under the designated categories of the *Immigration Act* due to constraining factors such as lack of professional experience, limited language skills, or dependent children.¹⁰⁸ As a result, the Government launched a pilot version of the *Women at Risk Program* (AWR) in 1987 which

¹⁰⁰ Alan Simmons, “Latin American migration to Canada: new linkages in the hemispheric migration and refugee flow system.” *International Journal: Canada's Journal of Global Policy Analysis*, vol. 48, no. 2 (1993) 13.

¹⁰¹ *Ibid*, 20-21.

¹⁰² Howard Adelman, “Refugee Policy: Canada and the United States,” 183.

¹⁰³ Arul S. Aruliah, “Accepted on Compassionate Grounds: An Admission Profile of Tamil Immigrants in Canada,” *Refugee Policy: Canada and the United States*, vol. 14, no. 4 (1994) 11.

¹⁰⁴ *Ibid*, 12.

¹⁰⁵ Ninette Kelley and Michael Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy*, 399.

¹⁰⁶ *Ibid*.

¹⁰⁷ Howard Adelman, “Refugee Policy: Canada and the United States,” 216.

¹⁰⁸ Noreen Spencer-Nimmons, “Canada's Response to the Issue of Refugee Women: The Women at Risk Program” *Refugee*, vol. 14, no. 7 (1994) 15.

became official in 1989.¹⁰⁹ The AWR program allowed for the resettlement of refugee women who were particularly at risk of violence who may not have qualified for resettlement under the regular refugee criteria in Canada.¹¹⁰

The concerted Canadian effort to resettle vast numbers of refugees who had been facing humanitarian crises, like the Salvadorians, Sri Lankan Tamils, Lebanese, and Indochinese did not go unnoticed. This was made evident by the awarding of *the Nansen Medal* to the people of Canada in 1986 by the UNHCR, which was the first time this award was granted to the people of a country.¹¹¹ By this time, the Canadian Government and Canadian civil society had resettled more refugees than any other country in the world and the ongoing acceptance of Indochinese refugees from the 1970s well into the 1980s meant that Canada had resettled more than 150,000 refugees during the Indochinese crisis alone.¹¹²

Prominent case law also marked this decade. One important example was the Supreme Court of Canada (SCC) case of *Singh v. Minister of Employment and Immigration (1985)*, where seven failed refugee claimants invoked a breach of their section 7 rights under *the Charter*. Following the incorporation of *the Charter of Rights and Freedoms* in the Canadian Constitution in 1982, Canadians were guaranteed a number of inalienable rights and freedoms. *The Charter*, however, did not explicitly stipulate whether those rights would extend to non-citizens or non-permanent residents as well. This uncertainty became the focus of the *Singh case* after the applicants had their refugee claim denied without being given the opportunity to have their case orally heard before the Immigration Appeal Board (IAB). The outcome shaped subsequent Canadian refugee law and proceedings as the Court ruled in its ground-breaking decision that "... rights in section 7 could be asserted by 'everyone,' including refugees who were present in Canada and amenable to Canadian law."¹¹³

Following the SCC's hallmark *Singh* decision, the Government quickly responded by revamping the IAB to make it more inclusive. In 1985, Bill C-55 amended the IAB to ensure that all refugees had the opportunity to have oral hearings during appeal and increased the number of IAB members from eighteen up to fifty.¹¹⁴ Further amendments to Bill C-55 came in May 1987 resulting in the creation of the IRB, an independent, quasi-judicial body that had two divisions (Immigration Appeal Division (IAD) and the Convention Refugee Determination Division (CRDD)) which allowed for an oral hearing for refugee claimants.¹¹⁵ As there was no appeal on the merits, applications could be made for judicial review at Federal Court for negative CRDD decisions.

Tamil refugees in particular benefitted from these new provisions, as a number of programs aided in their settlement in Canada. These included a 1983 Special Measures Program that allowed Tamils to apply for landed status while already in Canada, the Administrative Deferral of Review program (ADR) of 1986, IRB oral hearings and the refugee backlog clearance designated class program of 1988 which granted landed status to many persons.¹¹⁶ The ADR program allowed for the processing of over 4,000 Sri Lankan claimants, but the "economic adaptability" of the refugees remained an important criterion for acceptance of refugees.¹¹⁷

INTEGRATION

Salvadoran refugees faced challenges that almost all new refugees face in terms of learning a new language and adapting to a new culture. In a study conducted on 120 Salvadorian refugees residing in London, Ontario, it was discovered that social and personal resources had been of utmost importance for the integration of new Salvadorian refugees to Canada.¹¹⁸

¹⁰⁹ UN Women's "Women at Risk Program." For more information, see: <https://evaw-global-database.unwomen.org/fr/countries/americas/canada/na/women-at-risk-program>

¹¹⁰ Noreen Spencer-Nimmons, "Canada's Response to the Issue of Refugee Women: The Women at Risk Program" *Refuge*, vol. 14, no. 7 (1994) 17.

¹¹¹ Shauna Labman, "Crossing Law's Border: Canada's Refugee Resettlement Program," 40.

¹¹² *Ibid.*

¹¹³ Ninette Kelley and Michael Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy*, 403.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*, 404.

¹¹⁶ Arul S. Aruliah, "Accepted on Compassionate Grounds: An Admission Profile of Tamil Immigrants in Canada," 10-11.

¹¹⁷ *Ibid.*, 11.

¹¹⁸ Marta Young, "Moderators of Stress in Salvadoran Refugees: The Role of Social and Personal Resources," *The International Migration Review*, vol. 35, no. 3 (2003) 857.

At the time of the study, those who had resettled more recently had high levels of stress, correlating with the quality of life. However, the study also indicated that Salvadorian refugees who had resettled in Canada for a minimum of six years showed the dissipation of levels of stress due to migration after time, thereby showing that with the passing of time, Salvadorian refugees came to adapt well to their new home and integrate. Furthermore, other studies have shown that because a large number of Salvadorians that resettled in Canada were young adults at the time of arrival, their younger age proved to be advantageous to their cultural adaption in the long-term, including language acquisition and social network development.¹¹⁹ Salvadorian men have been found to have experienced more difficulty to adapting on resettlement in Canada than women due to the changing roles they played within their kinship networks on arrival.

The Tamil and Lebanese refugees integrated well over time in all aspects of Canadian life. A 2015 study showed that 56.8 percent of Tamil participants owned their own homes, 55.2 percent held gainful employment and only 14.2 percent received social support.¹²⁰ These results showed that Tamil refugees had integrated into Canadian society a few decades after their resettlement and had become predominantly self-supporting. A large number of the Lebanese refugees that arrived in Canada at this time were investors and entrepreneurs.¹²¹

SUMMARY ANALYSIS

In 1986, the generosity of the Canadian people was recognized by UNHCR with the awarding of *the Nansen Medal*. By this decade, the Canada had resettled more refugees than any other country and the ongoing acceptance of Indochinese refugees from the 1970s into the 1980s meant that Canada had resettled more than 150,000 refugees during the Indochinese crisis alone.

This decade saw salient changes in policies, jurisprudence along with the entry into Canada of thousands of refugees from El Salvador, Sri Lanka, and Lebanon. Special programs introduced reduced criteria which allowed Lebanese and Tamil refugees to receive immigrant visas and apply for permanent status without leaving Canadian soil. A special program for political prisoners allowed for resettlement of El Salvadorian refugees who were former political prisoners. The Administrative Deferral of Review program (ADR) was created in 1986. To address the special needs and protections of refugee women, the Government launched a pilot version of the *Women at Risk Program* in 1987 which became official in 1989.

The key SCC *Singh* decision led to IAB revisions and the eventual creation of the IRB in 1989, an independent, quasi-judicial body with the two divisions of the IAD and CRDD. The IRB played the crucial role of deciding cases of thousands of Sri Lankan Tamil refugees who had fled persecution to seek protection in Canada. The eventual successful integration of all three major groups of refugees who resettled in Canada during this decade is reflected by studies conducted in later decades. The studies show lower levels of stress in Salvadorian refugees following a significant time living in Canada, with increased developed language skills, and the forging of lasting social relations and the rate of home ownership and level of employment of former Tamil refugees is reported to be high.

1990-2000 REFUGEE FLOWS AND CAUSES

Canada continued to welcome and resettle large populations of refugees, including internally displaced persons from Bosnia-Herzegovina, Sudan, Somalia, Kosovo and Sri Lanka in this decade.

¹¹⁹ André G. Jacob “Social Integration of Salvadoran Refugees,” *Social Work*, vol. 39, no. 3 (1994) 307-312.

¹²⁰ Morton Beiser et al., “Predictors of the integration of Sri Lankan Tamil refugees in Canada: pre-migration adversity, mental health, personal attributes, and post-migration experience,” *International Journal of Migration, Health, and Social Care*, vol. 11, no. 1 (2015) 33.

¹²¹ Baha Abu-Iaban, “Arab Canadians,” *the Canadian Encyclopedia* (2008). For more information, see: <https://www.thecanadianencyclopedia.ca/en/article/arabs>

The civil war in Bosnia-Herzegovina resulted in the displacement of thousands of Bosnian Muslims, who fled seeking refuge in neighboring countries.¹²² In order to resettle a number of the internally displaced Bosnians, Canada made arrangements to welcome 5,000 as refugees.

In 1989, after a violent civil war in Sudan, a military junta was established by President Omer Albashir.¹²³ The resulting conditions led to the internal displacement of millions of Sudanese citizens. Exact statistics are unavailable but it has been reported that thousands of South Sudanese refugees resettled in Canada in the 1990s in order to escape “state repression, economic collapse and the escalation of conflict.”¹²⁴ While the majority of the refugees resettled in Canada as GARs, some came through the PSR and Family Class immigration.

Following the overthrow of Somali President Mohamed Siad Barre’s Government in 1991, a civil war broke out in the country which forcibly displaced thousands of Somalis.¹²⁵ Estimates of number of Somali refugees arriving in Canada have ranged from 55,000 to 70,000 refugees during the period 1988 to 1996.¹²⁶ The majority of Somali refugees came through Family Class immigration, many came as inland claimants with a limited numbers who arrived as GARs.

In the later years of the decade, conflict persisted in different regions of the former Yugoslavia. Mounting tensions in the province of Kosovo resulting from calls for independence led to violence by Serb forces beginning in 1998.¹²⁷ As part of the North Atlantic Treaty Organization (NATO), Canada participated in the humanitarian mission that was undertaken by deploying troops to help in Kosovo. As NATO members were actively carrying out their work in the region, UNHCR reported that “350,000 more civilians had fled Kosovo” in fear of their lives.¹²⁸ Although Canada was already providing help in the form of the deployment of troops, the Canadian Government facilitated the airlifting of 5,000 Kosovar refugees to safety in 1999 and later allowed for the resettlement of an additional 2,000 refugees.¹²⁹

The arrival of Sri Lankan Tamil refugees which had begun in the 1980s continued into the 1990s. During this period a total of 26,213 Sri Lankan Tamils had their refugee claims accepted, with acceptance rates being at 85% during 1989 – 1998 for this group.¹³⁰

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

The first 5,000 Kosovar refugees were brought to Canada under the “Humanitarian Evacuation Program” under section 37(3) of the *Immigration Act* which allowed for Minister’s permits to be issued to refugees and authorizing them to come to Canada.¹³¹ The Minister’s permits were given in two ways: either through the special needs humanitarian plan or under a family reunification model which the additional 2,000 Kosovar refugees that came under with Canadian family member who sponsored them). Recognizing the urgency of the situation in the Kosovo region, Canada relaxed the eligibility criteria on language and financial requirements. The resettlement of Kosovar refugees to Canada was accomplished through the Joint Assistance Sponsorship (JAS) program, whereby the Canadian government would provide

¹²² April Carrière, “History and Legacy of Refugee Resettlement in Ottawa: A Primer” *Ottawa Local Immigration Partnership (OLIP)* (2016) 21. For more information, see: <http://cciottawa.ca/wp-content/uploads/Myths-History-and-Stats.pdf>.

¹²³ Mahgoub Salih Khair et al., “Profile of a Community: A ‘Smart Map’ of the Sudanese Diaspora in Canada” (2009), 13.

¹²⁴ *Ibid.*

¹²⁵ OCASI’s “Somali Refugee Resettlement in Canada.” For more information, see:

https://ocasi.org/sites/default/files/OCASI_Presentation_Somali_Resettlement_Metropolis_2016.pdf

¹²⁶ *Ibid.*

¹²⁷ Michael Manulak, “Canada and the Kosovo Crisis: A “Golden Moment” in Canadian Foreign Policy?” *International Journal: Canada’s Journal of Global Policy Analysis*, vol. 64, no. 2 (2009) 566.

¹²⁸ *Ibid.*, 573.

¹²⁹ Jackie King, “Australia and Canada compared: the reaction to the Kosovar crisis,” *Australian Journal of Human Rights*, vol. 9, no. 2 (2003) 27.

¹³⁰ Sarah Wayland, “Immigration and Transnational Political Ties: Croatians and Sri Lankan Tamils in Canada,” *Canadian Ethnic Studies*, vol. 35, no. 2 (2003) 8.

¹³¹ Jackie King, “Australia and Canada compared: the reaction to the Kosovar crisis,” 37-42.

financial assistance to the newcomers for two years and groups of communities across the country would be responsible for the social support during this time.¹³²

In the 1990s, the government committed to increasing refugee admittance under the Five-Year Immigration Plan.¹³³ This increase in the number of refugees that would be welcomed to Canada signalled the open and changing side of the Canadian immigration system.

In 1992, Bill C-86 was introduced which made significant changes to the *Immigration Act*, including to the refugee determination process, admissibility provisions related to health, criminality, security and removal procedures.¹³⁴ Key changes in the Bill also included the creation of the Adjudication Division of the IRB and provided authority to the IRB Chairperson to issue Guidelines on important refugee subject matters. These Guidelines proliferated in the coming years, and allowed for further refinement of refugee adjudication and protection in Canada.¹³⁵ Bill C-86 came into statutory force in 1993, bringing with it robust changes to the immigration determination system.¹³⁶

Greater awareness around women's rights and the barriers which were faced on account of gender led to some key significant developments in Canada. By establishing the AWR program in 1987 and the ground-breaking IRB Guidelines on Women Refugee Claimants fearing Gender-related Persecution in 1993, Canada became the first country to establish formal procedures for refugees claims made by women which provided guidance to decision-makers on gender-related claims.¹³⁷

Other Chairperson's Guidelines followed in 1996: Guidelines on Civilian Non-Combatants Fearing Persecution in Civil War Situations and Child Refugee Claimants: Procedural and Evidentiary Issues (Canada again leading the way in issuing guidance on child refugee claimants).¹³⁸ The Guidelines on Child Refugee Claimants provided that refugee claims could be made by children who were under the age of 18 years, and laid out the required criteria and duties of a "designated representative" for the child claimant.¹³⁹ While the Guidelines are not legally binding, decision makers are guided by them and need to "give a reasonable explanation for [their] departure" from them.¹⁴⁰

Important case law also contributed to the Canadian asylum system during this period. In *Canada (Attorney General) v. Ward*, the Supreme Court of Canada elaborated on what constitutes social groups: "(1) groups defined by an innate, unchangeable characteristic; (2) groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association; and (3) groups associated by a former voluntary status, unalterable due to its historical permanence." The Court also clarified what constituted as "political opinion," and declared to be "any opinion on any matter in which the machinery of state, government, and policy may be engaged."¹⁴¹

INTEGRATION

The integration of Bosnian refugees in Canadian society followed the successful path of many of the previous groups of refugees. A study conducted in 1999 showed half of participants held part-time employment in Canada at the time of the

¹³² Jan Raska, "Canada's Resettlement and Repatriation of Kosovar Refugees," *Canadian Museum of Immigration at Pier 21*. For more information, see: <https://pier21.ca/research/immigration-history/canadas-resettlement-and-repatriation-of-kosovar-refugees>

¹³³ CCR's "A hundred years of immigration to Canada 1900 - 1999 (Part 2).":<https://ccrweb.ca/en/hundred-years-immigration-canada-part-2>; Ninette Kelley and Michael Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy*, 415.

¹³⁴ Ninette Kelley and Michael Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy*, 409, 411.

¹³⁵ Judith Ramirez, "The Canadian Guidelines On Women Refugee Claimants Fearing Gender-Related Persecution." *Refuge*, vol. 14, no. 7 (1994) 3.

¹³⁶ CCR's "A hundred years of immigration to Canada 1900 - 1999 (Part 2)."

¹³⁷ Judith Ramirez, "The Canadian Guidelines On Women Refugee Claimants Fearing Gender-Related Persecution," 3.

¹³⁸ IRB's "Chairperson's Guidelines." For more information, see: <https://irb-cisr.gc.ca/en/legal-policy/policies/Pages/chairperson-guideline.aspx>

¹³⁹ IRB's "Chairperson Guideline 3: Child Refugee Claimants: Procedural and Evidentiary Issues." For more information, see: <https://irb-cisr.gc.ca/en/legal-policy/policies/Pages/GuideDir03.aspx>

¹⁴⁰ Geraldine Sadoway, "Canada's treatment of separated refugee children," *European Journal of Migration and Law*, vol. 3, no. 3 (2001) 347.

¹⁴¹ <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1955/index.do>

interviews.¹⁴² Although the Canadian Government provided financial aid, the refugees stated they were motivated to find full-time work as soon as possible and most of the individuals attended English as a Second Language (ESL) and/or also attended job re-training classes.

Pre-displacement, Bosnian refugees in Canada largely had post-secondary education, had positive socio-economic environments, and held professional, well-paying jobs. However, based on resettlement patterns to Canada, women often came first with their children, with their husbands following later. Due to this pattern, married women and single men were found to integrate more successfully than married men, who often had a hard time adapting to the language and the new family roles once joining their family in Canada. An example of a well-known Bosnian refugee is Admir Cejvanovic, famous Canadian rugby player.¹⁴³ Having fled the Bosnian War as a four-year-old, Cejvanovic and his mother settled in Canada. Cejvanovic has represented the Canadian rugby team on an international platform. To date, he has been a part of the 2015 Pan American Games, 2019 Pan Am Games, the 2018 Commonwealth Games in Australia, and the 2018 Rugby World Cup Sevens in San Francisco.

Kosovar refugees, who arrived a few years after the Bosnian refugees were initially brought to military barracks in Trenton Camp which was located close to ethnic Albanian communities to make the them feel more at ease.¹⁴⁴ Once the refugees were moved out of the military barracks, efforts were made to ensure the refugees were not separated so that they could rely on one another for support. In a unique strategy, Kosovars were settled outside of large urban centres in the Greater Vancouver Area in British Columbia, again aimed at providing co-ethnic support.¹⁴⁵ However, there were great disparities found over the jobs they previously held prior to displacement, and those they were able to find in Canada, which largely consisted of temporary, seasonal and part-time employment.

The Joint Assistance Sponsorship program helped tremendously in the integration of the Kosovars as the “program provided up to 12 months [of] government financial assistance” for the refugees.¹⁴⁶ Additionally, newcomers were “encouraged to find permanent employment” in Canada and did not have to pay a fee to receive authorization to work.¹⁴⁷ Healthcare benefits that were provided to the Kosovar refugees were identical to the ones that Canadians received. Once the situation in Kosovo improved sufficiently for refugees to return, the Canadian Government provided them with the option of either returning to their homeland or making Canada their permanent home through a path that would eventually lead to citizenship. Many Kosovar refugees chose to make Canada their home, as can be deduced by data which shows “3,258 Kosovars [as having] obtained permanent residence” in Canada in 2000.¹⁴⁸

A 2004 study conducted on the integration of Sudanese refugees described high levels (76 per cent) of enrolment in English and/or French language classes.¹⁴⁹ In addition to this, almost 40 per cent of the respondents stated that they were employed at the time of the study, including more than half of this percentage who stated that their employment was full-time.¹⁵⁰ The study showed that the levels of employment fluctuated between the genders, with more males being employed in comparison to females. Employment rates were also dependent on the type of immigration program that the refugees had come to Canada through. The study showed that of the different groups of Sudanese refugees who resettled in Canada, GARs were the ones who required the most help in order settle into their new homes.¹⁵¹ Additionally, rates of employment also varied depending on the cities where the Sudanese refugees settled. Employment rates were highest in Kitchener (73 per cent) and lowest in St. Catharines (20 per cent).¹⁵² A number of the respondents stated that adapting to the cold Canadian climate had at first been difficult for many of the refugees.

¹⁴² Janice Kopinak, “The Health of Bosnian Refugees in Canada,” *Ethnicity & Health*, vol. 4, no. 1-2 (1999) 72.

¹⁴³ Olympic Team Canada’s “Admir Cejvanovic.” For more information, see: <https://olympic.ca/team-canada/admir-cejvanovic/>

¹⁴⁴ Jackie King, “Australia and Canada compared: the reaction to the Kosovar crisis,” 39.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid, 40.

¹⁴⁷ Ibid.

¹⁴⁸ Shauna Labman, “Crossing Law’s Border: Canada’s Refugee Resettlement Program,” 103.

¹⁴⁹ Laura Simich et al., “The Study of Sudanese Settlement in Ontario- Final Report,” Citizenship and Immigration Canada, 15. For more information, see: http://atwork.settlement.org/downloads/atwork/Study_of_Sudanese_Settlement_in_Ontario.pdf

¹⁵⁰ Ibid, 16.

¹⁵¹ Ibid, 44.

¹⁵² Ibid, 17.

Somali refugees have faced some hardships integrating in their new homes due to the higher prevalence of language barriers, psychological anguish of having lived through a violent conflict in their homeland, and difficulties finding adequate housing for larger families.¹⁵³ Despite many of these earlier setbacks, a study by OCASI recognized the strong resilience shown by Somali refugees.¹⁵⁴ Over time, service agencies have supported this group to navigate social services which has helped in the integration of Somalis. An inspiring story of integration is that of the current Honourable Member of Parliament Ahmed Hussen who resettled in Canada as a young refugee from Somalia. He held the position of the Minister of Immigration until 2019, and is currently serving as the Minister of Families, Children, and Social Development.

SUMMARY ANALYSIS

In the 1990s, there were a multitude of changes to immigration policies. In addition to welcoming refugee flows from Bosnia, Sudan, Somalia, Kosovo, and Sri Lanka, the Government worked to further refine asylum processes and the Supreme Court provided guidance on what constitutes “social groups” in the *Ward* decision.

Important changes were made to admissibility criteria in the *Immigration Act* and amendments to the Act created the Adjudication Division of the IRB. There were landmark IRB Chairperson’s Guidelines developed on gender, children and Civilian Non-Combatants Fearing Persecution in Civil War Situations. Canada became the first country to establish formal procedures for refugees claims made by women which provided guidance to decision-makers on gender-related claims. The IRB also established the criteria and duties of a “designated representative” for the child refugee claimants.

Kosovar refugees were brought to Canada under the “Humanitarian Evacuation Program” under section 37(3) of the *Immigration Act* which allowed for Minister’s permits to be issued to refugees and authorizing them entry to Canada. The Minister’s permits were given in two ways: either the special needs humanitarian plan or under family reunification. The Joint Assistance Sponsorship (JAS) program was established in 1999.

The Government and civil society played a crucial role in helping Kosovar and Bosnian refugees resettle successfully in Canada. A study conducted with Bosnian refugees showed that successful integration sometimes fluctuated based on gender. Likewise, employment levels of Sudanese refugees have tended to depend on gender, location of settlement as well as the type of immigration program through which they resettled in Canada. Somali refugees faced certain difficulties in the early years of arrival due language and employment barriers, but community services have become available over time which have aided in their integration.

2000-2010 REFUGEE FLOWS AND CAUSES

By 2010, Canada had resettled or granted asylum to refugees from more than 140 countries.¹⁵⁵ At the beginning of the decade Sri Lankan Tamil and Hungarian Roma refugees constituted the two main groups. From 2005 onwards, record-high numbers of refugees arrived from South Asia, Middle East, and Africa (including Bhutanese Nepalese refugees, Iraqi refugees (including some Yazidis) and Sri Lankan refugees) who continued to seek protection in Canada throughout the decade.

¹⁵³ OCASI’s “Somali Refugee Resettlement in Canada,” 4.

¹⁵⁴ OCASI’s “Somali Refugee Resettlement in Canada,” 5.

¹⁵⁵ <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/timeline.html>

A surge of Hungarian asylum claimants between 2008 and 2011 captured public attention.¹⁵⁶ Of 11,333 claims, 4,423 were referred to the IRB.¹⁵⁷ To date, Canada has welcomed a large number of Roma (primarily Hungarian) refugees, estimated at 80,000.¹⁵⁸

In the early 1990s, the Bhutanese Kingdom engaged in the mass expulsion of more than 100,000 Lhotshampa, or ethnic-Nepali citizens. Many fled to eastern Nepal where they faced life in protracted situations in camps run by the UNHCR.¹⁵⁹ In response to UNHCR's appeal in 2007, Canada committed to resettling 5,000 Bhutanese refugees and to date Canada has welcomed 6,800 Government-assisted Bhutanese refugees.¹⁶⁰ This was undertaken in partnership with eight resettlement countries, Nepal, UNHCR and IOM. The Bhutanese resettlement is one of Canada's most successful group resettlement endeavours, involving innovative measures such as simplified form-intake, and joint funding for a health centre in Nepal.¹⁶¹

From 2006-2007, Canada implemented innovative group resettlement measures for Myanmar Karen refugees in Thailand, which resulted in the resettlement of 3,900 refugees.¹⁶² The Karen, a minority ethno-linguistic group in Myanmar was forcibly displaced in 1995 after an offensive military campaign by the Myanmar Government.¹⁶³ Approximately 140,000 Burmese refugees fled to Thailand where they were housed in refugee camps for up to 20 years. Working with UNHCR to identify Myanmar refugees for resettlement, the Canadian Government welcomed 806 Karen refugees in 2007 and a subsequent second resettlement initiative was announced with the aim of welcoming an additional 2,000 refugees.¹⁶⁴

The protracted and internecine civil unrest in Sierra Leone began in 1991, with conflicts between Government and rebel forces, known as the Revolutionary United Front (RUF) from neighbouring Liberia. Widespread violence against civilians ensued. By the end of 2000, 400,000 Sierra Leoneans were refugees and between 500,000 and one million Sierra Leoneans were internally displaced.¹⁶⁵ Responding to calls from the public, the Canadian Government instituted a blended '4/8' program whereby the Government provided assistance for the first four months, followed by eight months of support through private sponsorship by five Sierra Leonean community groups. The project resulted in the sponsorship of 250 Sierra-Leonean refugees by 2001.¹⁶⁶

Two separate boat arrivals received widespread attention, spurring policy responses which are discussed below at 2010-2020. The arrival of more than 500 Tamil passengers in freighters – the Sun Sea in 2009 and the Ocean Lady in 2010 on

¹⁵⁶ An apt example is Sarah Boesveld, "Efforts to Keep Bogus Roma Refugees out Have Failed: Jason Kenney," *National Post*, April 22, 2012, <https://nationalpost.com/news/canada/efforts-to-keep-bogus-roma-refugees-out-have-failed-jason-kenney>; for a detailed discussion on public discourse see Petra Molnar, "The 'Bogus' Refugee: Roma Asylum Claimants and Discourses of Fraud in Canada's Bill C-31," *Refuge*, vol. 30 no. 1 (2014), 67-80.

¹⁵⁷ Sean Rehaag, Julianna Beaudoin, and Jennifer Danch, "No Refuge: Hungarian Romani Refugee Claimants in Canada," *Osgoode Hall Law Journal*, vol. 52, no. 3 (2016) 715.

¹⁵⁸ Cynthia Levine-Rasky et al., "The Exclusion of Roma Claimants in Canadian Refugee Policy," *Patterns of Prejudice*, vol. 48, no.1 (2014), 68; Sean Rehaag, Julianna Beaudoin, and Jennifer Danch, "No Refuge: Hungarian Romani Refugee Claimants in Canada," 734.

¹⁵⁹ Maximillian Mørch, "Bhutan's Dark Secret: The Lhotshampa Expulsion," *The Diplomat*, September 2016, <https://thediplomat.com/2016/09/bhutans-dark-secret-the-lhotshampa-expulsion/>

¹⁶⁰ Government of Canada's "Canada-Bhutan Relations." For more information, see: <https://www.international.gc.ca/country-pays/bhutan-bhoutan/relations.aspx?lang=eng>.

¹⁶¹ Shauna Labman, "Crossing Law's Border: Canada's Refugee Resettlement Program," 143.

¹⁶² *Ibid*, 141.

¹⁶³ Government of Canada's "Canada to Welcome 2,000 More Karen Refugees." For more information, see: <https://www.canada.ca/en/news/archive/2007/02/canada-welcome-2-000-more-karen-refugees.html>.

¹⁶⁴ Shauna Labman, "Crossing Law's Border: Canada's Refugee Resettlement Program," 141.

¹⁶⁵ U.S. Committee for Refugees and Immigrants' "USCR Country Report Sierra Leone: Statistics on refugees and other uprooted people, Jun 2001." For more information, see: <https://reliefweb.int/report/guinea/uscr-country-report-sierra-leone-statistics-refugees-and-other-uprooted-people-jun>.

¹⁶⁶ Shauna Labman, "Crossing Law's Border: Canada's Refugee Resettlement Program," 106.

the Canadian West Coast stoked security concerns about human trafficking and exclusion issues and they were categorized as “irregular arrivals,” and detained on arrival.¹⁶⁷

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

In the aftermath of 9/11, there has been an increased focus on national security and strengthening border enforcement with a number of policies aimed at managing refugee flows.¹⁶⁸ In June 2002, *the Immigration and Refugee Protection Act (IRPA)* came into force, replacing *the 1976 Immigration Act*. The comprehensive nearly 300-page legislation introduced major changes to the Canadian immigration and refugee protection regime, including a significant re-structuring of the IRB, expansion of the Refugee Protection Division of the IRB, and a re-classification of what constitutes family.¹⁶⁹ *IRPA* introduced changes to designated categories by reclassifying Country of Asylum Class and Source Country Class as Humanitarian-Protected Persons Abroad classes. It also established provisions for family reunification, allowing a one-year window enabling family members to be resettled under the same program and imposed stricter measures against people smuggling/trafficking and criminal inadmissibility.¹⁷⁰

In December 2004, the *Safe Third Country Agreement (STCA)*¹⁷¹ between Canada and the US came into force, part of the comprehensive post-9/11 immigration and border securitization provisions between the two states called the “Smart Border Action Plan.”¹⁷² Under the agreement, the country into which the refugee applicant first arrives has responsibility to process the claim unless one of the STCA exceptions is satisfied.¹⁷³

Importantly, *IRPA* expanded the classification of a refugee beyond the Convention definition by including a provision classifying those “in need of protection” due to torture or cruel treatment. Significantly, *IRPA* also altered the points system in order to eliminate bias, prejudice or discrimination based on nationality or race and aims to reward education and advanced skills to import foreign workers. The point system categories of 2002 consisted of education, employment opportunities in Canada, age, personal characteristics and degree of fluency in English or French.¹⁷⁴

INTEGRATION

There was a substantial existing Sierra Leonian community in Winnipeg, Manitoba that advocated and encouraged the Government to develop the blended sponsorship to allow refugees to be resettled.¹⁷⁵ As there was a ‘4/8’ sponsorship split, resettled Sierra Leonean and Liberian refugees went to their community sponsorship groups in Winnipeg., where the existing co-ethnic communities allowed for better integration.¹⁷⁶ The cold climate in Winnipeg made adjustment difficult

¹⁶⁷ Stewart Bell, “Documents: The Sun Sea Investigation,” *National Post*, February 13, 2011,

<https://news.nationalpost.com/news/canada/documents-sun-sea-investigation>; Peter J. Carver, “A Failed Discourse of Distrust Amid Significant Procedural Change: The Harper Government’s Legacy in Immigration and Refugee Law,” *Review of Constitutional Studies*, vol. 21, no. 2 (2016) 214.

¹⁶⁸ <https://www.thecanadianencyclopedia.ca/en/article/refugees>

¹⁶⁹ Catherine Dauvergne, “Evaluating Canada’s New Immigration and Refugee Protection Act in Its Global Context Globalization and the Law,” *Alberta Law Review*, vol. 41, no. 3 (2003) 726.

¹⁷⁰ *Ibid.*

¹⁷¹ <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>

¹⁷² Audrey Macklin, “Disappearing Refugees: Reflections on the Canada-U.S. Safe Third Country Agreement,” *Columbia Human Rights Law Review*, vol. 36, no. 2 (2005), 370.

¹⁷³ Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona, *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford University Press, 2014), 681.

¹⁷⁴ George Jordan Ashkar, “Oh Canada - We Stand on Guard for Tee: Bill C-50 and the Negative Impact it May Have on Immigrant Hopes, Immigration Objectivity, and the Immigration and Refugee Protection Act of 2002,” *Southwestern Journal of International Law* vol. 17, no. 1 (2011) 143-174.

¹⁷⁵ CBC News’ “Sierra Leone refugees eye city.” For more information, see: <https://www.cbc.ca/news/canada/sierra-leone-refugees-eye-city-1.213194>

¹⁷⁶ UNHCR’s “Liberian refugee starts a new life in Canada.” For more information, see:

<https://www.unhcr.org/afr/news/latest/2003/2/3e54ef844/liberian-refugee-starts-new-life-canada.html>

for the resettled refugees,¹⁷⁷ but many of the refugees were directly assisted by their family members who had resettled decades before in Winnipeg, which impacted positively on their adaptability. Doctor Francis Amara left Sierra Leone in the 1970's for his education prior to the conflicts beginning but resettled in Winnipeg when he could no longer return to his home country due to hostilities.¹⁷⁸ He is currently a professor of biochemistry and medical genetics at the University of Manitoba. He is also involved in supporting resettled refugees, having co-founded the Sierra Leone Refugee Resettlement Inc., which supports refugees and delivers after school and summer programs for children and youth of refugee and newcomer backgrounds. He also created the Inner-City Science Laboratory with local Aboriginal communities, which allows youth in the community to explore and learn about medicine, and the Head Star Aboriginal Biomedical Youth Program and Biomedical Youth Summer Camp which supports the local Indigenous communities.

Karen refugees from Myanmar had a distinctively different settlement experience compared to that of the Sierra Leonean refugees. The majority of the group was settled in Surrey, British Columbia, while a smaller group was settled in Langley, both locations being outside the traditional destination cities for GARs.¹⁷⁹ As many Karen refugees had spent extensive periods of time living in secluded refugee camps in Thailand (some up to 20 years), there were many challenges to their successful resettlement and integration. While the group desired to become self-sufficient and work upon arrival in Canada, the majority had limited English or employability skills/work experiences necessary to participate in the Canadian labour market. Such difficulties led to significant cost of living challenges, housing issues and income insecurity. However, throughout the challenges, the Karen refugees remained positive about their future and have continued to slowly overcome such barriers.¹⁸⁰ The communities in British Columbia also showed great strength of adaptability and eagerness to help the newcomers, identifying their own shortcomings on the resettlement of the Karen refugees. The City of Langley recognized that their pre-arrival preparedness was not sufficient to the successful integration of the newcomers and has since developed better systems of accessible English language classes and training for volunteers in the community, both for the Karen refugees' benefit and other incoming refugee communities.

SUMMARY ANALYSIS

This decade was monumental in Canada for its legislative and policy developments. Early on in the decade the *Immigration and Refugee Protection Act* was created and came into force in 2002. Among many changes, IRPA broadened the protection grounds for refugee claimants by creating *protected person* status. In December 2004, the *Safe Third Country Agreement* was implemented at official land border points between Canada and the United States.

During 2000-2010, many refugee groups were resettled into Canada due to the humanitarian objectives of the Canadian Government and calls from citizens on specific global humanitarian crises. Refugees fleeing violence from Sierra Leone and Liberia resettled into existing co-ethnic communities in Winnipeg, Manitoba and were able to integrate with ease. Later in the decade Karen refugees from Myanmar were settled into smaller cities in British Columbia but had more of a challenge integrating into their new communities. Such encounters were due to their protracted displacement prior to arriving in Canada and the self-identified unpreparedness of the communities in which they were settled into. However, such difficulties have lessened with time, and cities of resettlement have responded positively to supporting the newcomers and providing them with the tools to encourage further and easier integration.

2010-2020 REFUGEE FLOWS AND CAUSES

Refugees from diverse parts of the globe came to Canada during 2010-2020, both through resettlement programs and by making inland refugee claims.

¹⁷⁷ Manitoba Education's "Mustapha* (Sierra Leone)" within *Building Hope: Refugee Learner Narratives*. For more information, see: https://www.edu.gov.mb.ca/k12/docs/support/building_hope/mustapha.pdf

¹⁷⁸ Ibid.

¹⁷⁹ Jennifer Marchbank et al. "Karen Refugees After Five Years in Canada - Readyng Communities for Refugee Resettlement" *Immigrant Services Society of BC (ISSofBC)* (2014).

¹⁸⁰ Ibid.

As part of the historic increases delineated in the multi-year immigration levels plan discussed below, the Government committed to increasing the resettlement of refugees from the Middle East and Africa. Since 2014, more than three million Iraqis have been displaced due to armed conflict and prolonged sectarian and extremist political violence.¹⁸¹ Canada resettled more than 37,000 Iraqi refugees (both GAR and PSR) - including those who were in Syria, Jordan, Lebanon and Turkey between 2003 and 2018.¹⁸² The Government also announced commitments to resettle around 1,200 survivors of Islamic State (IS) violence, including vulnerable Yazidi women and girls. As of 2018, more than 1,400 survivors have arrived.

Since the civil war began in 2011, Syria has experienced extensive protracted violence. The uprisings of multiple rebel factions against President Bashar al-Assad, and the presence of the Islamic State resulted in widespread devastation and violations of human rights.¹⁸³ Currently, there are 6.6 million internally displaced persons, and 5.6 million refugees, making it one of the largest refugee situations in recent memory.¹⁸⁴ The tragic image of 3-year-old Syrian refugee Alan Kurdi's body washed ashore on a Turkish beach garnered international attention; in Canada, and galvanized public concern and outrage, with the response to the Syrian crisis becoming a central issue in the 2015 elections.¹⁸⁵

Having partially based their platform on the Syrian refugee cause, the newly elected Government committed to resettling 25,000 Syrian refugees by March 2016. By November of that year, over 33,723 Syrian refugees had been warmly received in Canada.¹⁸⁶ Between 2015 and 2017, more than 40,000 Syrians, nearly a third of them privately sponsored refugees were resettled in Canada, in over 350 communities to national and global acclaim.¹⁸⁷

In the wake of the 2014 ousting of Libyan President Gaddafi, the collapse of public services led to the proliferation of illicit human smuggling and ill-treatment of migrants.¹⁸⁸ Libya has become a major transition point for asylum-seekers intending to cross the Mediterranean. In 2017, reports surfaced of some 3,000 – 5,000 refugees being held in detention camps in inhumane conditions. Canada was one of the few countries to respond to UNHCR's urgent appeal: 150 refugees from Libya were resettled in 2017, with an additional commitment to 600 people over the next two years.¹⁸⁹ Then Immigration Minister, Ahmed Hussen announced resettlement plans for 100 refugees from Niger rescued from Libyan detention centres.¹⁹⁰

KEY LEGISLATIVE AND POLICY DEVELOPMENTS

The arrival of the Tamil “boat” claimants in 2009–2010 raised concerns about national security and people smuggling and resulted in the introduction of Bill C-49, the Preventing Human Smugglers from Abusing Canada's Immigration System Act in 2010.¹⁹¹ While the legislation did not pass, it introduced the category of “irregular arrivals,” designating an

¹⁸¹ UNHCR's “Iraq Emergency.” For more information, see: <https://www.unhcr.org/iraq-emergency.html>.

¹⁸² Government of Canada's “Canada and Iraq Relations.” For more information, see: <https://www.international.gc.ca/world-monde/iraq-irak/relations.aspx?lang=eng>

¹⁸³ Sheffy Bhayee, “Perceptions of Settlement Workers on the Needs and Challenges of Female Syrian Refugees,” *Western University Electronic Thesis and Dissertation Repository* (2019), 1.

¹⁸⁴ Michaela Hynie, “Canada's Syrian Refugee Program: Intergroup Relationships and Identities,” *Canadian Ethnic Studies*, vol. 50, no. 2 (2018) 2.

¹⁸⁵ Peter J. Carver, “A Failed Discourse of Distrust Amid Significant Procedural Change: The Harper Government's Legacy in Immigration and Refugee Law,” 231.

¹⁸⁶ Michaela Hynie, “Canada's Syrian Refugee Program: Intergroup Relationships and Identities,” 2.

¹⁸⁷ *Ibid.*

¹⁸⁸ Médecins Sans Frontières (MSF) International, “Libya's Cycle of Detention, Exploitation and Abuse against Migrants and Refugees.” For more information, see: <https://www.msf.org/libya%E2%80%99s-cycle-detention-exploitation-and-abuse-against-migrants-and-refugees>

¹⁸⁹ Mike Blanchfield, and Stephen Cook, “Hundreds of Ex-Slaves in Libya Coming to Canada, Immigration Minister Says,” *CTV News*, February 6, 2019, <https://www.ctvnews.ca/politics/hundreds-of-ex-slaves-in-libya-coming-to-canada-immigration-minister-says-1.4285263>

¹⁹⁰ *Ibid.*

¹⁹¹ Bill C-49, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act, 3rd sess., 40th Parliament, 2010, <https://openparliament.ca/bills/40-3/C-49/>.

unsanctioned arrival of more than ten individuals; and imposed sanctions against people smugglers.¹⁹² That same year the Government introduced Bill C-11, *the Balanced Refugee Reform Act (BRR)*, which received Royal Assent.¹⁹³ The BRR aimed at streamlining the refugee status determination process in Canada, and introduced the concept of a quasi-judicial administrative appeal mechanism, the Refugee Appeal Division (RAD) within the IRB.¹⁹⁴

Legislation enacted over the next two years further refined the implementation of these frameworks. With the passage of BRR, the Government announced increased refugee resettlement targets in 2011 by 20%, or about 2,500 each year, expanding (GAR) by 500 refugees, and PSRs by 2,000 resettlement places.¹⁹⁵ Following a 2009 internal review that found the Source Country class “inefficient, [and] unresponsive to evolving protection needs,” Citizenship and Immigration Canada (CIC) repealed it in 2011, to renew focus on global protection needs in collaboration with UNHCR, private sponsors and other resettlement countries.¹⁹⁶

Bill C-31 allowed the Government to differentiate between asylum seekers in two ways. First, the Minister of Citizenship and Immigration Canada to maintain a list of “Designated Countries of Origin” (DCO) as ‘safe’ countries unlikely to produce credible asylum claims.¹⁹⁷ DCOs were selected based on quantitative measures that involved a set percentage of failed applications, and a qualitative checklist, on the state of human rights and protection, against the source country. Claimants from DCOs were subjected to expedited timelines, a move aimed at streamlining the refugee status determination process and relieving backlog.¹⁹⁸ Some 38 countries, including Mexico and Hungary, were classified as DCOs. Secondly, a group of two or more asylum seekers arriving together could be classified as an “irregular arrival,” if there was reason to suspect that the individuals were associated with illicit activities such as human trafficking, or where examination of the group could not be conducted in a timely manner. These individuals could then be classified as “designated foreign nationals” (DFN) and face mandatory detention.¹⁹⁹

Advocates and UNHCR had long sought a robust appeal mechanism to bolster Canadian refugee status determination.²⁰⁰ Following the *Singh* decision in the 1985, refugee claimants gained a key right to an oral hearing. However, there was no appeal on the merits mechanism, and any appeal recourse was restricted to a judicial review to the Federal Court.²⁰¹ Partly responding to these concerns, in December 2012, the Government enacted *Bill C-31, Protecting Canada’s Immigration System Act (PCISA)*.²⁰² *Bill C-31* introduced comprehensive changes to the *IRPA* including the creation of the RAD (the fourth division at the IRB). The RAD established an appeal on the merits, but was limited in scope as it was not available to all failed claimants.

Scholars have argued that in Canada judicial decisions have aided in placing immigration law on a “more principled foundation” by relying on statutory interpretation, Charter principles, and international law obligations.²⁰³ In the 2015 case *YZ v Canada (Minister of Citizenship and Immigration)*, the Federal Court declared the exclusion of applicants from the

¹⁹² Peter J. Carver, “A Failed Discourse of Distrust Amid Significant Procedural Change: The Harper Government’s Legacy in Immigration and Refugee Law,” 214.

¹⁹³ Bill C-11, *the Balanced Refugee Reform Act*, 3rd Sess. 40th Parliament, <https://www.parl.ca/legisinfo/BillDetails.aspx?billId=4383517&Language=E>

¹⁹⁴ Shauna Labman, “Crossing Law’s Border: Canada’s Refugee Resettlement Program,” 48.

¹⁹⁵ IRCC’s “(Archived) Background — Canada’s resettlement programs.” For more information, see:

<https://www.canada.ca/en/immigration-refugees-citizenship/news/archives/backgrounders-2011/canada-resettlement-programs.html>

¹⁹⁶ IRCC’s “Operational Bulletin 347 - October 7, 2011.” For more information, see: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/bulletins-2011/347-october-7-2011.html>

¹⁹⁷ Shauna Labman, “Crossing Law’s Border: Canada’s Refugee Resettlement Program,” 49.

¹⁹⁸ Petra Molnar, “The ‘Bogus’ Refugee: Roma Asylum Claimants and Discourses of Fraud in Canada’s Bill C-31,” 72.

¹⁹⁹ Angus Grant and Sean Rehaag, “Unappealing: An Assessment of the Limits on Appeal Rights in Canada’s New Refugee Determination System,” 257.

²⁰⁰ Angus Grant and Sean Rehaag, “Unappealing: An Assessment of the Limits on Appeal Rights in Canada’s New Refugee Determination System,” 208

²⁰¹ Peter J. Carver, “A Failed Discourse of Distrust Amid Significant Procedural Change: The Harper Government’s Legacy in Immigration and Refugee Law,” 214.

²⁰² Bill C-31, *Protecting Canada’s Immigration System Act*, 1st Sess., 41st Parliament, 2012, <https://www.parl.ca/LEGISInfo/BillDetails.aspx?Language=E&billId=5383493>

²⁰³ Colin Grey, Constance MacIntosh, and Sarah Marsden. “Canadian Immigration Law in the Face of a Volatile Politics.” *Dalhousie Law Journal*, vol. 42, no. 1 (2019) i-xiii.

right of appeal before RAD unconstitutional as per the equality rights in section 15 (1) of the *Charter*.²⁰⁴ The *Court* found that the categorisation of asylum applicants as DCOs and DFNs was discriminatory.

There was also a judicial challenge against the 2014 changes to the Interim Federal Health Plan, which excluded DCO and failed refugee claimants from accessing regular health care benefits, who only had access to emergency services.²⁰⁵ In *Canadian Doctors for Refugee Care et al. v Canada (Attorney general)*, the Federal Court ruled that the healthcare limitations constituted cruel treatment in violation of section 12 of the *Charter*.²⁰⁶ Since 2015, there have been several positive policy changes and a renewed focus on humanitarian policies. Following the Court's ruling, the Government reinstated universal access to interim federal healthcare and did not appeal on the ruling in the case of *YZ v Canada*.²⁰⁷

In 2017, the Government unveiled a generous "multi-year immigration levels plan" setting incremental targets of 43,000, 45,650, and 48,700 refugees for the period 2018-2020.²⁰⁸ Canada was praised by UNHCR for its significant resettlement efforts.²⁰⁹ Canada also resettled 25,000 Syrian refugees by 2016 under the slogan "Welcome Refugees," a large-scale and sophisticated plan reminiscent of the Canadian resettlement of Indochinese refugees discussed above.²¹⁰ As evidence of the Government's successful engagement of civil society, more than 40,000 Syrians were resettled in Canada between 2015 and 2017 in over 350 communities of which 47.7 per cent were privately sponsored.²¹¹

There have been a number of positive policy developments with respect to minors and immigration detention. In 2017, Canada Border Services Agency (CBSA) formulated its National Directive for the Detention or Housing of Minors.²¹² CBSA launched its *National Immigration Detention Framework* in 2018, which included a *National Alternatives to Detention (ATD) program*, a first for Canada. ATDs, such as community supervision, electronic monitoring and voice reporting, were outlined to decrease reliance on immigration detention.²¹³ In 2019, amendments made to the *Immigration and Refugee Protection Regulations (IRPR)* and the *IRB Chairperson's Guidelines on Detention* gave additional force to the best interests of the child principle for detention-related situations. As a result of these efforts, child detention had ended/or reduced in most provinces in Canada by 2019.

In 2019, the Government tabled an omnibus "budget bill," Bill C-97²¹⁴ that introduced new grounds of ineligibility to make a refugee claim which would apply to persons with a prior claim in countries with immigration data-sharing agreements with Canada (US, UK, Australia and New Zealand).²¹⁵ While such persons could apply for a Pre-Removal Risk Assessment, they would not be eligible to have a full refugee hearing before the IRB.

²⁰⁴ Federal Court of Canada's "YZ v Canada (Minister of Citizenship and Immigration)." For more information, see:

<https://www.canlii.org/en/ca/fct/doc/2015/2015fc892/2015fc892.pdf>

²⁰⁵ Peter J. Carver, "A Failed Discourse of Distrust Amid Significant Procedural Change: The Harper Government's Legacy in Immigration and Refugee Law," 218.

²⁰⁶ Federal Court of Canada's "Canadian Doctors for Refugee Care v. Canada (Attorney general), 2014 FC 651 (CanLII)." For more information, see: <https://canliiconnects.org/en/cases/2014fc651>.

²⁰⁷ Petra Molnar, "The Boy on the Beach: The Fragility of Canada's Discourses on the Syrian Refugee 'Crisis,'" *Contention*, vol. 4 no.1-2 (2016) 70-71.

²⁰⁸ IRCC's "Notice – Supplementary Information 2018-2020 Immigration Levels Plan." For more information, see:

<https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2018.html>

²⁰⁹ UNHCR's "Canada's 2016 Record High Level of Resettlement Praised by UNHCR." For more information, see:

<https://www.unhcr.org/news/press/2017/4/58fe15464/canadas-2016-record-high-level-resettlement-praised-unhcr.html>

²¹⁰ Michaela Hynie, "Canada's Syrian Refugee Program: Intergroup Relationships and Identities," 1.

²¹¹ Jennifer Hyndman, William Payne, and Shauna Jimenez, "The State of Private Refugee Sponsorship in Canada: Trends, Issues, and Impacts," *RRN/CRS Policy Brief Submitted to the Government of Canada* (2016), 4.

²¹² CBSA's "National Directive for the Detention or Housing of Minors." For more information, see: <https://www.cbsa-asfc.gc.ca/security-securite/detent/nddhm-dndhm-eng.html>; Public Safety Canada's "Ministerial Direction to the Canada Border Services Agency: Minors in Canada's Immigration Detention System." For more information, see:

<https://www.publicsafety.gc.ca/cnt/trnsprnc/ns-trnsprnc/mnstrl-drectn-cbsa-en.aspx>

²¹³ CBSA's "Alternatives to Detention Program – Executive Summary." For more information, see: <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/pia-efvp/atip-airpr/atd-srd-eng.html>

²¹⁴ Bill C-97, *Budget Implementation Act, 2019, No. 1*, 1 Sess., 42nd Parliament, 2019,

<https://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10404016>

²¹⁵ BBC News, "Trudeau's "Sharp Turn" Away from Refugees," April 16, 2019, <https://www.bbc.com/news/world-us-canada-47940989>.

In alignment with the Global Compact on Refugees (GCR) and the Comprehensive Refugee Response Framework, Canada committed to expand options for refugee admission through complementary pathways, in particular economic immigration programs, to provide alternative and additional pathways for skilled refugees to come to Canada in addition to traditional humanitarian resettlement streams. Complementary pathways can take many forms including labour mobility, family reunification and education. The Economic Mobility Pathways Project (EMPP)²¹⁶ initiated in April 2018 aimed to identify 10 to 15 skilled refugees in the Middle East and East Africa who could meet requirements under Canada's economic immigration programs who were then referred under existing Provincial Nominee Programs (PNP) or federal economic program such as the Atlantic Immigration Pilot (AIP). In 2020, the Minister of Immigration announced the second phase of the EMPP.

INTEGRATION

A UNHCR study utilised census data to demonstrate that between the years 2011-2016, 48% of newcomers chose to live in diverse smaller cities and towns, compared to 44% of all new immigrants within other immigration categories.²¹⁷ The geographic resettlement of Bhutanese refugees demonstrates this, as approximately 20% (1,300 of nearly 7,000) of Bhutanese refugees who came to Canada live in the small city of Lethbridge, Alberta.²¹⁸ Many Bhutanese-Canadians reported relocating from Canadian metropolitan centres to Lethbridge after hearing about the positive experiences of family and friends that had been settled in the city. They cited the smaller size of the city, community support from organisations, like Lethbridge Family Services, and ample employment opportunities as factors making Lethbridge an exemplary city for newcomer integration. Indeed, community presence of friends and family is one of the most important considerations in refugee geographic settlement choices.²¹⁹

Similarly, the nearly 1,200 Yazidi refugee who arrived in 2017 settled in mainly four cities: Winnipeg (Manitoba), Calgary (Alberta), Toronto and London (Ontario).²²⁰ Winnipeg accounted for the highest number of arrivals with 29% (355) of all the arrivals, while London was second, with 275 arrivals. The large settlement there was due to the large existing Yazidi communities in both cities.²²¹

Syrian integration success was dependent based on the program under which they arrived in Canada. PSRs were found to have higher rates of employment and levels of English and/or French proficiency – 50% of PSRs reported speaking either language, while 92% of GARs spoke neither language.²²² Newly-arrived Syrian GARs and PSRs in Canada found that housing insufficiency and instability, and income shortages significantly impacted their resettlement trajectories.²²³ The tight timeline and budget constraints in which local settlement workers were required to find housing for the arrivals resulted in lack of suitable and safe housing for families. The increasing costs of rent in Canada meant that participants were forced to spend the majority of their income assistance on rent, with the newcomers having little agency over such choices.

²¹⁶ <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/economic-mobility-pathways-project-labour-mobility.html>

²¹⁷ UNHCR's "Are Refugees Good for Canada? A Look at Canadian Refugee Integration." For more information, see: <https://www.unhcr.ca/wp-content/uploads/2020/03/Are-Refugees-Good-for-Canada-A-Look-at-Canadian-Refugee-Integration-English.pdf>.

²¹⁸ Annalise Klingbeil, "How Lethbridge Became Canada's Bhutanese Capital," *Calgary Herald*, August 22, 2016, <https://calgaryherald.com/news/local-news/how-lethbridge-became-canadas-bhutanese-capital>

²¹⁹ Jennifer Hyndman, Nadine Schuurman, and Rob Fiedler, "Size Matters: Attracting New Immigrants to Canadian Cities," *Journal of International Migration and Integration* 7, no. 1 (2006), 19.

²²⁰ Lori Wilkinson, Pallabi Bhattacharyya, Annette Riziki and Abdul-Bari Abdul-Karim, "Yazidi Resettlement in Canada - Final Report 2018," *Immigration Research West* (2019), 13, http://umanitoba.ca/faculties/arts/research/media/YAZIDI_FINAL_FEB14_2019.pdf

²²¹ Ibid.

²²² IRCC's "Syrian Outcomes Report- Research and Evaluation," p. 3.

²²³ Abe Oudshoorn, Sarah Benbow, and Matthew Meyer. "Resettlement of Syrian Refugees in Canada." *Journal of International Migration and Integration* (2019) 12.

Despite the initial instability faced by Syrians in their initial years of arrival, studies have shown that in subsequent years, they have attained significant socio-economic integration.²²⁴ Comparing the economic integration of PSRs, GARs, and economic migrants revealed that employment rates for PSRs in the first year of landing (at 89% and 69%) are actually higher than those of economic migrants.²²⁵ Similar to Indochinese refugees in previous decades, the widespread civil engagement assisted in created visibility, and therefore, active engagement for Canadians assisting in the resettlement of Syrian groups.

A notable Syrian refugee who came to Canada during this decade is Abdulfatah Sabouni, a successful businessman and entrepreneur in Canada. The last name Sabouni literally translates to soap maker and he is a fourth-generation soap maker, whose family ran their business for over 125 years before his displacement.²²⁶ On arrival in Canada, he first focused on learning English and then began rebuilding his family's Aleppo soap business, called Aleppo Savon, which is now distributed across North America. Similarly, the Hadhad family ran a chocolate factory in Syria for over twenty years before it was destroyed in bombings.²²⁷ Through support from their sponsorship group and wider community in small town Antigonish, Nova Scotia, Tareq Hadhad and his family rebuilt their chocolate factory and now have a thriving business called Peace by Chocolate. Hadhad was officially sworn in as a Canadian citizen in January 2020 and has stated "to be a Canadian is the biggest honour of my life."

SUMMARY ANALYSIS

During this decade, Canadian refugee laws and policies fortified their balanced humanitarian in several ways, including the creation of an appeal on the merits at the IRB, a national alternative to detention foundation framework, labour mobility pathways, along with key amendments aimed at being tough on issues regarding security and the passing of new ineligibility section in IRPA. Until 2016, Canada was the only country in the world with a private sponsorship program. Through the Global Refugee Sponsorship Initiative, private sponsorship programs have been piloted between UNHCR and Argentina, Ireland, New Zealand, United Kingdom, Spain and Germany.²²⁸

Echoing the momentous Indochinese resettlement program, the large-scale resettlement program in this decade became once more, a defining moment for Canada, both domestically and internationally. Canada welcomed record-high numbers of refugees, especially from the Syrian refugee crisis in a short period of time. In turn, refugees have achieved significant socio-economic integration, and are well-prepared to contribute to Canadian society.

CONCLUSION

This review of the last 70 years of Canada's engagement on refugee protection provides a snapshot of the consistent humanitarian values and pragmatic actions that Canada has taken in line with the global refugee needs as they arose. Despite waves of public uncertainty and questions of economic strain, Canada has succeeded in keeping its doors open to vulnerable persons seeking its protection, and has repeatedly welcomed significant numbers of refugees throughout its modern history, including offering them naturalization opportunities. These acts of acceptance over the decades have made a huge impact on Canadian society and how Canadians view themselves, and it could be said that offering humanitarian protection to refugees has become ingrained in the Canadian psyche.²²⁹ Canada's sympathetic reaction to

²²⁴ IRCC's "Syrian Outcomes Report- Research and Evaluation." For more information, see: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/syrian-outcomes-report-2019.html>

²²⁵ Lisa Kaida, Feng Hou, and Max Stick, "The Long-Term Economic Integration of Resettled Refugees in Canada: A Comparison of Privately Sponsored Refugees and Government-Assisted Refugees," *Journal of Ethnic and Migration Studies* (2019) 10.

²²⁶ Aleppo Savon's "Our Story." For more information, see: <https://alepposavon.ca/pages/our-story>

²²⁷ Peace Chocolate's "A Statement from Our CEO on His First Canada Day as a Citizen." For more information, see: <https://peacebychocolate.ca/blogs/news/a-statement-from-our-ceo-on-his-first-canada-day-as-a-citizen>

²²⁸ Canada, IRCC, "Canada Celebrates 40 years of the Refugee Sponsorship Program," <https://www.canada.ca/en/immigration-refugees-citizenship/news/2019/04/canada-celebrates-40-years-of-the-refugee-sponsorship-program.html>

²²⁹ Julie Gilmour, "Refugees, Public Opinion, and Policy in Canada since 1900," 160.

refugee problems is owed in no small part to the fact that it is a country populated by immigrants, that many Canadians are immigrant themselves, or have parents and grandparents who were immigrants.²³⁰

In tracing the demographics, policies, and legislative changes in the previous 70 years of Canadian refugee protection, it is apparent that the asylum framework has evolved to become a nimble and sophisticated system now held as global exemplar. In the 1950s, the Canadian Government opened its doors to large numbers of displaced persons post-World War II, even though it did not have an official 'refugee policy' and this trend has continued to the present day. In the nascent years of modern refugee policy, the Government implemented special programs which facilitated the entry and resettlement of many different groups of refugees. In the 1960s, Canada removed racial and ethnic criteria in immigration and replaced it with educational and occupational criteria with the point system and formally adopted *the 1951 Refugee Convention and its 1967 Protocol*.

Throughout the 1970s, Canada developed unique programs for individual protection needs as they arose, such as the Tibetan Resettlement Program, ISAP, the Private Sponsorship of Refugees Program (PSRP) and the *Immigration Act of 1976*. In the next decade the people of Canada received *the Nansen Medal*, and the SCC pivotal decision on *Singh v. Minister of Employment and Immigration* gave refugees the right to an oral hearing and led to the creation of the IRB. The Adjudication Division and ground-breaking Chairperson's Guidelines on gender and children were created in the 1990s and *IRPA* (2002) and *STCA* (2004) came into effect in the first decade of this century. Record numbers of refugees were resettled in Canada from 2010-2020 with rates of private sponsorship not seen in the country since the late 1970s and 1980s when the PSRP was created.

Canada enhanced its refugee resettlement and integration practices over time. Constant throughout the past seven decades, pre-existing community presence has been a significant factor impacting refugee settlement. Initial refugee populations preferred to settle in the major metropolitan centres of the country predominantly due to the presence of co-ethnic communities, and ability to access integration services, as was the case for Hungarian and Palestinian refugees in the 1950's and 1960's. Additionally, demographic factors such as age, and existing language skills, and work experience affected refugee integration into Canadian society, as evidenced by the experiences of Czech refugees in the 1960s and Ugandan-Asian refugees in the 1980s. As testament to the significant integration efforts of the Canadian Government, non-governmental organisations and civil society, the majority of newcomers to Canada today settle in dispersed areas across the country. The greater accessibility of integration services and networks across Canadian towns and cities has allowed for this broader settlement across the provinces.

It is important to note that post-settlement visibility figures into refugee integration: private sponsored refugees fare even better than economic migrants in terms of employment rates, perhaps owing to their earlier relationships with the host community on arrival. While GARs face constraints such as housing instability, within five years they match the employment levels of PSR counterparts. Furthermore, refugees' pre-displacement experiences and identity largely still impacts on integration outcomes, such as pre-arrival knowledge of English, or if their education and past employment experience is recognized in Canada and length of displacement prior to resettlement. Post-settlement visibility is also central to settlement experiences. This is evident in both the private sponsorship of Indochinese and Syrian refugees, as there was wide mobilization and active reception to their arrival, which allowed for stronger social connections to develop and, therefore, quicker integration to occur.

There have also been numerous challenges faced by the various refugee groups that have settled in Canada over the last 70 years. Language acquisition, requalification needs, attaining meaningful employment, social isolation from either co-ethnic or host communities, accessing essential social services and navigating the often-unexpected complexities of society are just some of the concerns that have been found throughout refugee integration.

Despite these challenges, both refugees and the Canadian host communities have proven themselves as extremely resilient and flexible which has inured for Canada's success. Throughout the last 70 years, refugees have largely joined Canada's middle-class within five years of their arrival, and effectiveness of integration programs show that approximately ten to fifteen years after arrival and after just twenty years, refugees contribute more to Canada in income tax alone than they have received in public benefits and services.²³¹

²³⁰ W. A. McFaul, "Canada and the Refugee Problem," 101.

²³¹ UNHCR's "Are Refugees Good for Canada? A Look at Canadian Refugee Integration."

This review demonstrates that refugee protection in Canada has been fortified with each passing decade, with additional layers added to respond to the needs of the incoming refugee profiles. From developing special programs to meet the unique needs of those who were forcibly displaced, to passing legislation, policy and guidelines for vulnerable persons, to responding to calls for support from the international community when needed, Canada and its people have time and time again shown their strong humanitarian values and commitment to providing safe haven for those who need it.