

1-1-2007

Long walk to safety : experiences of refugee claimants with Canada's refugee policies and practices

Kamau Ngugi
Ryerson University

Follow this and additional works at: <http://digitalcommons.ryerson.ca/dissertations>



Part of the [Public Affairs, Public Policy and Public Administration Commons](#)

Recommended Citation

Ngugi, Kamau, "Long walk to safety : experiences of refugee claimants with Canada's refugee policies and practices" (2007). *Theses and dissertations*. Paper 254.

This Major Research Paper is brought to you for free and open access by Digital Commons @ Ryerson. It has been accepted for inclusion in Theses and dissertations by an authorized administrator of Digital Commons @ Ryerson. For more information, please contact bcameron@ryerson.ca.

617961129

JV
7282
N68
2007

**LONG WALK TO SAFETY: EXPERIENCES OF REFUGEE CLAIMANTS
WITH CANADA'S REFUGEE POLICIES AND PRACTICES**

by

Kamau Ngugi, B. Ed, Moi University, Kenya, 1995

A Major Research Paper

presented to Ryerson University

in partial fulfillment of the requirements for the degree of

Master of Arts

in the Program of

Immigration and Settlement Studies

Toronto, Ontario, Canada, 2007

© Kamau Ngugi 2007

PROPERTY OF
RYERSON UNIVERSITY LIBRARY

UMI Number: EC53662

INFORMATION TO USERS

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.



UMI Microform EC53662
Copyright 2009 by ProQuest LLC
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

Author's Declaration

I hereby declare that I am the sole author of this major research paper.

I authorize Ryerson University to lend this paper to other institutions or individuals for the purpose of scholarly research.

Signature

I further authorize Ryerson University to reproduce this paper by photocopying or by other means, in total or in part, at the request of other institutions or individuals for the purpose of scholarly research.

Signature

LONG WALK TO SAFETY: EXPERIENCES OF REFUGEE CLAIMANTS WITH CANADA'S REFUGEE POLICIES AND PRACTICES

© Kamau Ngugi, 2007

Master of Arts

Immigration and Settlement Studies

Ryerson University

Abstract

The arrival of refugee claimants in Canada generates interest, controversy and heated debates from the Canadian body politic. Oftentimes, the voices of the refugees are absent from the debates about them and the policies and practices developed to deal with them. Through qualitative interviews, this study examines the experiences of refugees who fled persecution in their countries and came to Canada where they made successful applications for refugee protection. By documenting refugees experiences and their perceptions of these experiences, the study seeks to contribute to the debate on refugees by presenting their perspectives on Canada's inland refugee claim process. The study shows that apart from enduring the pains of persecution from which they fled, refugees also face serious challenges on their journeys to seek refugee protection in Canada. One of the main challenge facing refugees when they arrive in Canada is the complex process of refugee determination and settlement that they have to go through. This paper takes the position that documenting the experiences of successful refugee claimants in Canada can be a good starting point from where to revisit our debates, policies and practices on refugees in a bid to establish a refugee protection system that adequately adheres to national and international refugee legislation while at the same time promoting a more responsive and humane approach to the needs of people fleeing persecution in their respective countries.

Key words:

Canada's refugee determination process; refugee experiences, convention refugees, Canada's immigration policy and practice; securing borders.

Acknowledgements

I would like to thank all people who encouraged me to tell stories of and about refugees for inspiring this study. I deeply appreciate the advice and encouragement by Professors Francis Hare and Grace-Edward Galabuzi and for the roles that they played in this study; Dr. Hare as MRP Supervisor and Dr. Galabuzi as Faculty Advisor and second reader for the MRP.

I will be forever grateful to all informants who voluntarily participated in the study, welcomed me to their homes and offices and shared with me their stories and invaluable insights about their experiences. I have incurred significant debts of gratitude for their generosity.

I am grateful to all the people who in one way or the other contributed to the success of the study. Thank you to staff at Sojourn House and Amnesty International Canada for all their assistance, to Waikwa, Gordon, Kagendo, Chama and Fatima for support, as well as Andrea Siemens and George Morara for looking through my drafts and offering useful editorial comments.

The Immigration and Settlement Program at Ryerson University provided spaces for very stimulating discussions about immigration issues. Thank you to the ISS Team for their dedication and to Professor Myer Siemiatycki for being accessible, supportive and friendly.

Last, but certainly not least, I am grateful to my extended family for their teachings, thoughts and understanding. I am especially indebted to my life partner Muthoni and our daughters Njoki and Kendi for bearing with me during long absences from home and for urging me on when I doubted that I could do it. I would not have accomplished this without their unwavering love, sacrifices and inspiration for which I am very grateful.

Table of Contents

Abstract	iii
Acknowledgements.....	iv
Introduction	1
Overview of Canada's refugee policy and practice.....	3
Refugee determination process in Canada	5
Review of literature	8
A Global Context	8
A National Context: Canada's immigration policies and practices.....	12
Rationale for the study.....	14
Methodology	16
Method of study	16
Situating myself in the study (outsider within)	17
Group of study.....	18
Recruitment method	18
Sample size.....	20
Interview location, questions & interviewing methods.....	20
Ethical considerations in recruitment	21
Interview guides and interviewing methods.....	21
Ethical considerations during the interview	22
Changes made during the study.....	22
Data Analysis	23
Research findings	24
Country conditions	24
Making decisions to leave	31
Experiences of the journey	33
Information about inland claim process	35
Experiences with immigration officials	36
Challenges of settlement and pursuing refugee claims	37
Refugee hearing.....	41
Information about the hearing	43
Experiences at the hearing.....	44
Informants perceptions of Canada's inland claim process	48
Informants' perspectives about public perceptions of refugee claimants.....	50
Discussion of findings.....	52

Conclusion and Recommendations..... 57

List of figures 62

Appendix62

Illustration: The Refugee Determination Process.....63

References64

Glossary.....67

Introduction

This paper explores the multiple experiences of people who flee persecution in their countries and arrive in Canada to seek refugee protection. This paper seeks to accomplish two main objectives. The first objective of this paper is to document the lived experiences of refugees in order to anchor their voices in the debates and policy formulation practices that have a direct impact on their lives. The second objective is to situate refugee claimants' experiences and perceptions within the national and international context in a manner that creates meaningful connections between the lived experiences of refugees and policy practices at various levels. The paper is divided into two sections. The first section consists of a literature review on refugee protection at global and national levels. This section focuses on government policy and academic literature on refugee policy both at the national and global levels to highlight what has been documented about the social, economic and political environment of those who seek refugee protection. The second section consists of a review of qualitative data on refugee experiences following in-depth interviews with nine informants randomly selected to participate in the study. Informants comprised of people living in Canada who made inland refugee protection claims that were successful. The study examines both pre-migration and post-migration experiences, focusing on why the refugee claimants had to leave their countries, their experiences during their journey and their experiences with the process of making a refugee claim and settlement when they arrived in Canada. The study further assesses refugees' perceptions about their experiences and perspectives on Canada's inland claim process.

By comparing documented literature on refugees with the lived experiences of informants, the study aims at identifying how refugee experiences are reflected in these studies and the extent to which these experiences are incorporated into the often painful and yet commonly ignored realities that refugees endure as they encounter various complex government policies on refugee matters. The study further hopes to present a human component of the impact of refugee policy that is largely ignored during policy articulation. Informants in this study describe their experiences with policies like interdictions and visa enforcement abroad—two of the policies that are presented as good measures for protecting “genuine” refugees seeking safety in Canada (CIC 2005 p. 39). The study further shows that the refugee process can be—and oftentimes is—a harrowing experience for those who are subjected to the misfortune of having to flee their countries in search of safety in foreign countries. For example, most refugees must endure the pains of persecution from which they fled, face serious challenges when they make the journey to seek protection, and when they arrive to safe countries like Canada, have to deal with complex processes of refugee determination and settlement in an environment of suspicion about their intentions. Most of these

experiences are rarely highlighted and when they do, they are most of the time overshadowed by the government concerns with securing borders and the public perceptions that refugee claimants are not *bona fide* refugees. By focusing on refugee experiences, the paper advances the view that refugees are entitled to be heard because of their unique experiences of dealing with the refugee policy practices and as Grouer (2000) argued, this method lets the refugees speak for themselves and gives the readers an opportunity to see something of what is behind the label “refugees”. The motivation for using this methodology, the author added, is to present a different perspective that confronts some of the stereotypes that exist around the controversial issue of refugee immigration (ibid). Informants in the study made several recommendations, which suggest that the government, refugee agencies and every person living in Canada has a role to play in making the inland claim process, and indeed the whole refugee process, more humane. It is against this backdrop that I argue that the experiences of refugee claimants can be a starting point for revisiting debates, policies and practices on refugees living in Canada.

Overview of Canada's refugee policy and practice

Changes in Canada's immigration policy, law and attitudes since the late 1970s have seen Canada gradually emerge from a country that resisted the notion that it should be a haven to the persecuted to one of the world's major refugee receiving nation (McLuhan, 1995). Canada's past immigration practices were racist and exclusionary (Kelley and Trebilcock 2000 p. 443). From the period preceding confederation, Canada's immigration policies established a clear order of preference that explicitly identified the British and white Americans as the chosen category of people who would be allowed to freely immigrate to the country. The admission of non-British and non-American groups was considered when economic imperatives dictated, with North Europeans being considered first, then Central Europeans and finally Southern and Eastern Europeans. At the bottom of the list were Jews, followed by Orientals and Blacks (Kelley and Trebilcock 2000 p. 443). Following changes in the 1970s and which changes were incorporated in the 1976 Immigration Act, the objectives of Canada's immigration policy were for the first time explicitly spelled out. These included the attainment of Canada's demographic goals, promoting family reunion, upholding Canada's humanitarian tradition by welcoming refugees and fostering of a strong economy (Kelley and Trebilcock 2000). These fundamental objectives of Canadian Immigration Laws were re-affirmed in the 2001 Immigration and Refugee Protection Act (Beaujot and Kerr 2004 p. 101). The 2001 Act identifies three —each expected to meet specific needs for Canada— broad classes of immigration to Canada. First, we have the family class, which is expected to reunite Canadian citizens or permanent residents with their close family members; then second, we have economic class members selected on the basis of their ability to become economically established in Canada and third and finally, refugees, consisting of convention refugees and persons in need of protection (Li 2003). The 2001 Act further affirmed Canada's commitment to refugee protection by incorporating the definition of a "Convention Refugee" as it is set out in the Refugee Convention and *Protocol* into domestic legislation (Kelley and Trebilcock 2000 p. 397). Thus, under both international law and Canadian domestic law, a Convention Refugee is a person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (IRPA Section 96 (a,b) accessible at <http://laws.justice.gc.ca/en/showdoc/cs/I-2.5/bo-ga:l 2/en#anchorbo-ga:l 2>).

Canada's refugee legislation (IRPA 2001) also outlines the objectives and application of Canada's refugee policy. Subsection 2(a) and (b) of IRPA states that two of those objectives are: a) To recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted and b) To fulfill Canada's international legal obligations with respect to refugees and affirm Canada's commitment to international efforts to provide assistance to those in need of resettlement. In line with these objectives, Canada has two ways of allowing people who meet the international definition of refugee to become permanent members of the community. The first category consists of refugees who are selected abroad and resettled in Canada. Under the Refugee and Humanitarian Resettlement Program, Citizenship and Immigration Canada (CIC) selects for resettlement in Canada a set number of refugees from abroad for whom there is no other durable solution available within a reasonable period of time. CIC offers financial and immediate essential services to help refugees resettle in Canada and integrate into Canadian society. In addition, through the Private Sponsorship of Refugees (PSR) program, private sponsorship organizations representing religious, ethnic and community groups, and from groups of five or more individuals take on the responsibility of providing refugees with accommodation, resettlement assistance and emotional support for up to one year. The government also cooperates with the volunteer sectors in the Joint Assistance Sponsorship Program, where private sponsoring groups and government share responsibility for refugee resettlement (see www.cic.gc.ca/refugees).

The other category of refugee protection is the In-Canada refugee process for individuals who seek protection upon or after their arrival in Canada who are determined to be refugees and are allowed to stay on that basis. The two procedures are distinct. According to Dauvergne, when refugees are selected abroad, no international obligations are triggered, although the international definition of a refugee may be used (Dauvergne 2005). The author further notes that by all existing legal standards a nation is free to take in refugees in this way or not. On the other hand, when a person has made it to Canada and then claims to be a refugee, the obligation under the Refugee Convention not to return a person to a place where they may be persecuted is triggered (Dauvergne 2005 p 91-92). This is stipulated in Article 33(1) of the Refugee Convention which states that no contracting state will return a refugee to his home state if, in doing so, that person could be persecuted (see 1951 Convention and 1967 Protocol at www.unhcr.org/protect. Section 115 of the Immigration and Refugee Protection Act (IRPA) incorporates this principle of *non-refoulement* into Canadian immigration and refugee law and states that a protected person shall not be removed from Canada to a country where they would be at risk of persecution or at risk of torture (http://laws.justice.gc.ca/en/showdoc/cs/I-2.5/bo-ga:l_2/en#anchorbo-ga:l_2).

Refugee determination process in Canada

When a person arrives in Canada to seek protection, he or she makes an application for refugee protection at the point of entry. A Canada Border Services Agency (CBSA) immigration officer at port of entry (airport, border and seaport) or at a Citizenship and Immigration Canada (CIC) centre receives the application. The CBSA or Immigration officer first conducts an initial interview to gather information about the claimant to determine whether the person is eligible to make a claim for refugee status in Canada. A claim is not eligible to be heard if the person: has already been recognized as a Convention refugee by another country; has already been rejected as a refugee by Canada, or has withdrawn or abandoned a previous claim in Canada; came to Canada from or through a designated "safe third country" where refugee protection could have been claimed; is deemed "inadmissible" because of serious criminality or security concerns, or the person is a violator of human rights (CIC 2007).

If the claim is found to be eligible to be heard, it must be referred within three days to the Immigration and Refugee Board (IRB), a quasi-judicial tribunal that is independent of Citizenship and Immigration Canada. Claimants who are found to be eligible to make a claim are given a Personal Information Form (PIF) to fill out, which is then submitted to the IRB within 28 days. The Refugee Protection Division (RPD), the division of the IRB responsible for assessing all refugee claims conducts an initial review of the PIF. In certain circumstances, the claim may be forwarded to the expedited process where an interview is held by a Refugee Protection Officer (RPO) instead of a full hearing of the claim. Where a full hearing is held, a member of the IRB makes a determination with regard to the credibility of a claim for refugee status following an oral hearing which is not supposed to be adversarial. If the RPD grants "Convention Refugee" status, the claimant receives the status of "protected person" (PP) and can apply for Permanent Residence (PR) for himself or herself, as well as dependants or close family members whether in Canada or abroad. A permanent resident can eventually acquire Citizenship after they meet necessary requirements. If the application for refugee protection is refused, the claimant is informed of the reasons in writing and is required to leave. Refused claimants may however apply for a Pre-Removal Risk Assessment (PRRA) before removal from Canada. The PRRA process ensures that the risk to the individual is assessed before that person is removed from Canada, particularly in cases where there has been a change in the situation in the country of nationality or new evidence indicates that the person needs protection (CIC 2005 p. 25).

Recent trends

Under the new law - the Immigration and Refugee Protection Act (IRPA) that came into force on June 28, 2002, (replacing the previous *Immigration Act* of 1976), refugee hearings are now conducted by a single-member panel instead of the two or three-member panel under the prior system. Rejected claimants do not have an unrestricted right to judicial review of their unsuccessful claims for refugee status. Instead, claimants must obtain leave before commencing an application for judicial review (Saufert 2007). There is no appeal of a negative IRB decision. Although the 2001 Act does contain a Refugee Appeal Division (RAD), its creation has been delayed indefinitely by the Minister of Citizenship and Immigration Canada (Amnesty International Canada, 2007). There has been a significant decline in the acceptance rate of all claims determined since late 1980s when 76 per cent of refugee applications in 1989 were allowed (Kelley and Trebilcock 2000 p. 427). About half or more of all refugee claims that were determined by the board after 2000 were refused (see the following table).

Year 1980s	Acceptance rate (Percent %)	Year 2000s	Acceptance rate (Percent %)
1989	76	2003	40
1990	70	2005	44
1992	60	2006	40 (projected)
1993	50		

Sources: 1980-1993 statistics from Kelley and Trebilcock (2000 p. 427); 2002-2006 statistics from Annual Reports to Parliament on Immigration for 2001-2006 accessed on line at http://www.cic.gc.ca/english/pub/annual-report2005/section3.html#3_1b

In 2004, the IRB accepted 40 percent of the cases for which it had rendered final decisions while in 2005, the IRB accepted 44 percent of all the decisions it had rendered (Annual Reports to Parliament on immigration (2005). During the same period, there was marked decrease in the number of refugee claims that were made. The following table show declining numbers of claims referred to IRB since 2001.

Year	Claims referred to IRB
2001-2002	45,126
2002-2003	38,858
2003-2004	29,230
2004-2005	24,500
2005-2006	21,000

Source: Report on Plans and Priorities for Immigration and Refugee Board (2005-6; 2006-2007)

The government attributed this decline to successful collaboration between CIC and CBSA to “look for ways to reduce the exploitation of Canada’s refugee system by individuals who do not have a genuine need for protection” (CIC 2005: Annual Report to Parliament on Immigration). Such measures, the government noted, included the introduction of Safe Third Country Agreement with the U.S., judicious use of visitor visa requirements and the continued use of interdiction measures abroad (2005 p. 39).

Review of literature

A Global Context

When UNHCR was created and international rules for the treatment of refugees established at the end of the Second World War, there were fewer than two million refugees in the world (Amnesty International 1997 p. 6). Since then, the number of refugees has increased considerably. The United Nations High Commissioner for Refugees (UNHCR) estimated that there were 20.8 million people of concern to UNHCR at the end of 2005 and refugees constituted 40 percent of this population (UNHCR 2006). Refugees flee their country after social, economic and political disruptions. Many abandon their families, homes and livelihoods to travel through unimaginable conditions and survive many odds in their pursuit for safe havens. The majority of refugees are located in the developing countries while a few manage to arrive at the borders of countries in the West to seek asylum (UNHCR 2006). Distance and restrictive admission policies in countries of asylum are some of the factors that force refugees to seek protection in other areas of their country or regions.

The rise in the number of refugees in the world has had a profound impact on international responses of governments to the plight of refugees and the ability of UNHCR to meet their needs. A former British Home Secretary of State, Jack Straw, commented in 1999 that the 1951 Covenant “is no longer working as framers intended”. He had in mind, as he put, ‘mass flows’ in the contemporary world from almost every continent and the sheer impossibility of dealing adequately with those internally displaced, with those traumatised in the transit and with the illegal immigrants crossing the British channel ((UNHCR 2001). As a result, governments have developed measures to regulate entry into their territories of immigrants, including persons seeking protection. But as Amnesty International (1997) observed, it is not numbers alone which have altered the context in which refugees problems are considered.

Changes in racial composition of refugees

The Western countries that were the driving force behind the adoption of the 1951 Convention relating to the Status of Refugees were primarily concerned with protecting refugees fleeing the soviet bloc who were relatively few, mainly white and Christian and mostly skilled and educated (Amnesty International 1997). Following the collapse of communism in the Soviet bloc, the organization noted, the political incentive in the West to accept refugees evaporated. At the same time, asylum seekers from other continents (who had until then only been able to flee to the neighbouring countries) began to trickle into

Western Europe, North America, Japan and Australia due to increased availability of air travel. These “new refugees” were viewed as a problem (Amnesty International 1997 p.6; Castle and Miller 2003).

Castle and Miller (2003) argue that since the mid-1980s, asylum-seeking has become a major political issue in Western countries. Sensationalist journalists and right-wing politicians not only map out dire consequences—such as rocketing crime rates, fundamentalist terrorism, collapsing welfare systems and mass unemployment—they also call for strict border control, detention of asylum seekers and deportation of illegal immigrants (Castle and Miller 2003 p. 102). This has resulted in increased xenophobia and intolerance towards foreigners and in particular towards refugees and asylum seekers (Turk & Nicholson 2003). Whittaker (2006) further observes that in the last two decades, the cocktail mix of apprehension, misunderstanding, rooted prejudice and xenophobia has sharpened attitudes of exclusion among governments and the public at large and encouraged a closed door response to immigration in many quarters, with the rights of migrants, and crucially of refugees, being eroded in the process (Whittaker 2006 p. 25). Because of their nature of arrival and the rights and obligations that they trigger when they arrive based on the international refugee law, Castle and Miller contend, refugee claimants who unlike other migrants, arrive into the states without prior authorization to seek refugee protection, are particularly the target for the various measures that are developed to either restrict entry or restrict their right and entitlements when they arrive (Castle and Miller 2003.p 15). The measures that are adopted by various governments to address refugee issues, James Hathaway stated, include those that make it harder for refugees to reach their territories and those that make it less likely that those who arrive get a fair hearing (Hathaway 2005). The author highlights such measures as “pushback” orders which involve turning back refugees by closing borders, “blunt” barriers like erecting electrified racer-wire fences, or building “double” fences; denying asylum to refugees on security and related grounds without the need to fully and fairly investigate entitlements to refugee status; and the denial of basic entitlements (2005 p 280-302). Hathaway illustrates one such measure and the impact it could have on asylum seekers with the example of 907 German Jews who fled persecution in their homeland aboard the ocean liner *St. Louis* and unsuccessfully sought entry into many countries in the Americas thus:

After the Cuban government refused to recognize their entrance visa, these refugees were denied permission to land to every country in Latin America. The United States dispatched a gunboat to ensure that the *St. Louis* remained at a distance which prevented its passengers from swimming ashore. Canada argued that the passengers of *St. Louis* were not a Canadian problem. The author notes that in the end “the Jews of the *St. Louis* returned to Europe, where many would die in the gas chambers and crematoria of the Third Reich” (Hathaway 2005 p 280).

In his address to a May 2003 meeting of the Canadian Council for Refugee in Ottawa, Alex Neve argued that since the tragic events of September 2001, a new campaign of counter-terrorism was unleashed worldwide which further eroded people's basic rights and offered a convenient repressive screen for governments around the world (CCR 2003). Neve further highlighted a number of measures that governments have adopted and that impacted negatively on refugee protection. These measures which are also identified by Singh (2007) include:

- Borders are closed, boats turned away, and refugees who do arrive are met with suspicion, harassment and even violence.
- Complex visa and safe-third-country policies lead to impenetrable walls making it increasingly impossible to reach safety outside of a refugee's region of origin.
- Be it in camps, county jails or islands in the Pacific and Caribbean, refugee claimants, already victims of human rights violations, find their basic rights further abused when they are detained arbitrarily and in harsh conditions.
- Decisions about refugee status – be that whether gender-based violence constitutes persecution, whether fear of abuses committed by armed opposition groups should lead to refugee status, or whether it has become safe enough to require refugees to return to their home countries – all seem increasingly directed to reducing numbers and less concerned with keeping people safe.
- And the economic, social and cultural rights of refugees – to work, to learn, to an adequate standard of living – are cut back, even curtailed as governments pursue policies of misery as a means of forcing refugees to leave. (CCR 2003: Is there Access? Are there rights? <http://www.ccrweb.ca/alexneve.htm>).

Singh (2007) further noted that measures like interdiction of refugee claimants in international waters, followed by the repatriation or their transfer to a location other than a country they hoped to make a claim for refugee status and summary rejection of refugee claimants at border posts and ports of entry, and the introduction of “fast-track” asylum procedures to enable the speedy deportation of people with ‘fraudulent’ or ‘frivolous’ claims have also been used to deter people who are not welcome in the countries of the west (Singh 2007).

Politics of migration since events of 11 September 2001

In addition to adopting various measures that deny refugee protection, the UNHCR (2001) notes, some nations have publicly questioned the validity of the over fifty year old 1951 Convention (UNHCR 2001). Such reasoning, the refugee agency argues, is derived from countries advancing their political interests at the expense of the Convention and therefore, of the refugees it protects. The UNHCR opines that the reasons behind these attacks on the Convention are linked primarily to the rising number of

asylum-seekers, the increase in people-smuggling networks, the perception that the majority of asylum-seekers are "bogus," and the high costs involved in maintaining asylum systems. Recent events in the 21st century—such as 9/11—have thrust national security and public safety concerns to the forefront of political agendas of various nations (Singh 2007). The author argues that states have thus justified further tightening of borders and restricting access to their territories as necessary measures to exclude individuals likely to threaten their national security (Singh 2007 p. 2). This argument was also advanced by Kruger and others who argued that in the Post-11 September political climate, government discourses increasingly related foreign nationals to terrorists and/or threats to national security with the result that, as is the case with Canada, the very many immigrants who were once preferred as contributors to Canadian multiculturalism are now seen as possible threats to security (Kruger et al 2004). Because of discourses associating foreign nationals and terrorism, the authors contend, a security driven regulatory mentality was nurtured that seeks to prevent and deter outsiders from entering Canada and to increase surveillance on those already in Canada (Kruger et al 2004 p. 78-79). Ann Pratt concurs with this observations but argue that the government's preoccupation with criminality, security, and fraud and the heavy emphasis on enforcement measures which pervade the Immigration and Refugee Protection Act (IRPA) pre-dates September 11, 2001 (Pratt 2005). Following the events of September 11th, the author argues, the threat of terrorism invigorated the focus on organized crime in Canada and gave new life to longstanding domestic and American concerns about Canada's immigration and refugee determination systems. The author contends that in the face of hyperbolic criticism that Canada is a "haven for terrorists" because of its alleged porous borders and its lax immigration and refugee determination systems, the Canadian government responded in December 2001 with sweeping new legislation targeting the terrorist threat within (ibid). Some of the measures that were legislated in the Canadian refugee law prior to and after September 11, 2001 ensured the denial of entry of and enhanced removals from Canada of non-citizens who are unwanted and enhanced the notion that refugees create security problems (Adelman 2002).

A National Context: Canada's immigration policies and practices

As described above, discourses in Canada, as in other parts of the developed world are increasingly focusing on association of foreign nationals with terrorism, and how this informs the security driven regulatory mentality that seeks to prevent and deter outsiders from entering Canada and to increase surveillance on those already in Canada. This is evident in various literatures on the refugee policy in Canada. Discussions by Hathaway (2005), Matas (1989), Dench (2001) and Pratt (2005) have analyzed government practices of restricting entry into Canada while Wayland (2006) discussed the impacts of legal and policy barriers on immigrants and refugees, including restricted access to the determination process and social services for those who arrive. Other literature has articulated how government and media discourses link refugees with security threats and government responses, including the reliance by the government on immigration legislation to arrest, detain, and expel foreigners on national security grounds (Adelman 2002, Kruger 2004, Pratt 2005, Singh 2007). The authors argue that government policies have negatively impacted on refugees, and have raised concerns about Canada's commitment to refugee protection. Other authors have disputed these contentions and argue that Canada's policies on refugees encourage "irregular" migration. Gallagher (2001 and 2003) points to practices in other countries of the developed world whose top priorities, the author contends have been to address the challenges of illegal migration, while Canada's policy does not. The author highlights some of the practices by Canada that encourage immigration flows into the country that include failure to adopt measures that restrict employment opportunities available to refugee claimants; allowing essentially unrestricted access to regular or full refugee determination process for "unlawful" arrivals; putting in place and retaining a first-instance refugee determination process staffed by "independent" decision-makers; allowing negative first instance determinations to be appealed directly to the judiciary; and finally, lacking a removal program that has the capacity to deport failed asylum applicants (Gallagher 2001). Rudner who also argues that Canada's immigration laws are not good for Canada draws a link between asylum seekers with terrorism, arguing that because of our immigration policy, there are in Canada large identifiable homeland communities from societies in conflict that create distinctively attractive arenas for international terrorism networks (Rudner 2002). Other discourses focus on economic value of immigrants and refugees to Canada. Li argues that despite the clarity in the statutory specifications of the immigration and refugee program, immigration discourse often overlooks the fact that different objectives are served in admitting immigrants under various classes (Li 2003 p.80). As a result, those admitted on the grounds of family relations or humanitarian considerations (unlike human capital and labour market needs) are considered as "self-selected" as emphasis is placed on economic gains for Canada (Li 2003 p.78-99).

- It is worth noting that in the discussions about refugees and the policies and practices for refugees, the perspectives of the refugees are absent. Only a handful of studies have focused on experiences of refugees resettled by the government, and mostly dealt with certain aspects of the refugee process, primarily, the conditions of refugee homelands that forces them to flee. In *Bullets in the Water: Refugee Stories*, for example, Ivaylo Grouer highlights first person accounts of refugees who fled various forms of persecution in their homelands and how they are carving out a new future in Canada (Grouer 2000). McLuhan (1995) on the other hand explored the conditions that force people to leave their homes in the book, *Safe Haven*. The author focused on experiences of five families living in Canada and examined the troubles that drove them from their countries, the trauma of journey, and the challenges of resettlement. Other studies on refugee claimants mostly describe their experiences with the settlement process in Canada and description of legal and policy barriers to settlement. Dated studies on the Somali community who first arrived in Canada in late 1980s to make refugee claims following massive repression in their country and subsequent state collapse in 1991 is illustrative of challenges refugee claimants face. Studies by Danso (2001), Siad (1991) and Opoku (1995) reported that Somali refugee claimants had difficulties in accessing settlement services, housing, and work. The authors attributed these to lack of information, language barriers as well as discrimination that Somalis endured when they arrived in Canada. Additionally, as inland refugee claimants, Somalis were faced with restrictive access to official settlement counselling and orientation programs. As a consequence, Somali refugee claimants resorted to ethnic networks for information on employment, education and on language training programs (Opoku-Dapaah 1995, Siad 1991, Danso 2001). Another study by Murdie (2000) on the settlement patterns of the Somali found that when they first arrived in the late 1980s, Somalis tended to concentrate in the Dixon Road and Islington Avenue areas of Toronto in order to create a sense of security, which led to overcrowding in apartments which in turn contributed to cultural clashes and harassment by building managers and property owners (Murdie 2000). The experiences of Somali refugee claimants are consistent with observations by Amnesty International (1997:6) and Castle & Miller (2003) that these “new refugees” were viewed as a problem and also illustrates racial tensions in Canada in view of the changing composition of immigration since the late 1960s following decline of immigrants from Europe and the United States to Canada and the correspondent rise of non-white immigrants from what comes to be known as 'non-traditional' source countries (Li 2003). The author argued that public discourse on immigration is often coloured by the race question as is illustrated by opinion surveys that indicate that some segments of the Canadian public are unhappy about growing number of non-white immigrants and their reluctance to support more liberal policy to enlarge the intake of immigrants (Li 2003 p 171).

Rationale for the study

This study contributes to the debate on refugees by highlighting the multiple experiences of refugees who leave their countries and come to Canada to seek refugee protection. The study is informed by the need to include absent voices of refugees about their experiences in the discussions about refugee policies and practices in Canada. In *Rethinking Refugeeeness*, Peter Nyers explores why refugee voices are missing out in the debates about them and discusses the challenges faced by those attempting to incorporate refugee voices in their discourses. The author finds that conventional analyses of the refugee subject remain committed to hierarchical mode of interpretation that works to efface this multiplicity (Nyers 2006 p.xiv). This, the author notes, perhaps explains the striking absence of political “voice” or agency on the part of refugees in these studies. The prevailing attitude in conventional analyses of refugee movement, the author further argues, is one that provides no place for refugees to articulate their experiences and struggles or to assert their (often collectively conceived) political agency. The author concludes that refugees are silenced by the very discourse that attempts to provide solutions to their plight (Nyers 2006 p.xiv). This paper argues that refugees’ experiences and their perspectives must inform refugee discourses and refugee policy development.

My experience as a former refugee also informs my interest in this study. When I came to Canada as a refugee claimant I found the experience of making the journey and the process of seeking asylum very complex and challenging. It was also very difficult to find my way around the massive City of Toronto, to find a job, or find people to relate with. When my refugee claim was completed, I endured long and painful separation with my family. The helplessness of dealing with a very complex and slow process of being accepted as a member of the society was devastating, while the suspicion and misinformation surrounding my status as a refugee claimant was demeaning. This study has therefore also developed from the desire to revisit my refugee journey and experiences through other people and to compare it with the experiences of other refugee claimants. In this regard, the research is intended to establish if refugees’ have similar experiences with the refugee process and to seek their perceptions about how refugee claimants are presented in various discourses.

A number of studies have indicated that dominant myths and themes obscures lived experiences of minority groups or that their experiences are recreated to suit the interests of dominant groups of countries in the West (Razack 1998, Hertz 1997). Nyers (2006) argues that the prevailing representation of refugees is of people lacking qualities like visibility, agency and rational speech of the citizen. Instead, qualities of invisibility, voicelessness, and victimage are allocated with the effect of effacing the

subjectivity of the refugee. These dominant discourses then inform how refugees are treated (Nyers 2006: Introduction). Another purpose of this study is therefore to make prominent the refugee voice by documenting personal experiences and seeking their perspectives about policies that affect them as a basis for social change. The important role that storytelling can play in social change was discussed by Razack (1998). The author argued that:

Stories of members of marginalized groups must reveal things about the world that we *ought* to know. These stories are 'a means of obtaining the knowledge we need to create a just legal structure...{....}. Those who have experienced discrimination speak with a special voice with which we should listen (Razack 1998 p 38).

Organizations that advocates for rights of refugees like the Canadian Council for Refugees and Amnesty International have indeed successfully incorporated refugee experiences in their advocacy work. They use refugee stories to illustrate the impacts that policies have on the affected groups in their key campaigns. For example in its report *Down and Out in London - The road to destitution for rejected asylum seekers*, Amnesty International documented experiences of refugees with the immigration policies in the UK. Amnesty International argued that by citing cases, it attempts to show through illustrative case studies the desperate plight of the rejected asylum seekers who remain in the UK (Amnesty International, UK 2006).

In this study, storytelling is also used as a powerful tool for revealing things about refugee claimants in Canada that are never told to the world and bolsters advocacy work of refugee agencies.

Methodology

Method of study

Participants in this study are former refugees who made their claims in Canada and were determined by Immigration and Refugee Board (IRB) to be Convention Refugees or Persons in need of Protection in Canada. A Convention refugee is defined as a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and unable to or, owing to such fear, is unwilling to avail himself of the protection of that country..." (See the text of the refugee convention at http://www.unhchr.ch/html/menu3/b/o_c_ref.htm). Aware of the nature of the group of study, the method used in this inquiry needed to be flexible and sensitive and one that would allow me to use a loosely structured interview format. In addition, the method of inquiry chosen would give each informant an opportunity to relate his/her story in free flowing conversations and with openness and spontaneity (Gordon 1999 quoting Kirby & McKenna 1989 p.125).

A qualitative approach was most suited to this study because it emphasizes the human factor and the intimate firsthand knowledge of the research setting. This method also allows me as a researcher to be engaged—not distant—from the people being studied (Newman 2003, p. 141). As mentioned earlier, this study focuses on the refugee claimants before departure from their countries, experience of the journey and when they arrived in Canada, their experiences with the refugee determination process and settlement. The researcher relied on the informants to share very intimate information about their experiences. This was achieved by establishing a trusting relationship that allowed the informants to feel comfortable to tell their stories. In this study, the researcher explained the purpose of the study and why the informants were sources of very useful information that would inform the study. They were also assured of strict ethical principles guiding the study, including confidentiality.

Qualitative research approach was also useful for this study because it allowed for the use of loosely (semi) structured interviews that enabled the researcher to inquire about the informants perceptions about their experiences and their perspectives regarding Canada's In-land claim process. As Rubin and Rubin (2005) observe, the qualitative method allow the researcher to elicit depth and detail about the research topic by following up on answers given by interviewees during the discussion (Rubin & Rubin 2005, p. 4).

Situating myself in the study (outsider within)

In the discussion of reflexivity, Rosanna Hertz (1997) argues that reflexive ethnographer does not simply report “facts” or “truths” but actively constructs interpretation of his or her experiences in the field and then questions how those interpretations came about. Since researchers are acknowledged as active participants in the research process, the author argues, it is essential to understand the researcher’s location of the self and be fully aware of how their own positions and interests are imposed at all stages of the process. In the article *studying One’s Own in the Middle East*, the author argued that intellectuals can enrich and strengthen their disciplines by learning to “trust their own personal and cultural biographies as significant sources of knowledge” (Hertz 1997 p. 95). She also argued that “outsider within” status with a “creative marginality” not only provide a special standpoint on self, family and society, but also broadens the sociological paradigms of how work and family are conceptualized (Hertz 1997 p. 97). Drawing from her experience on how she negotiated her boundaries as self and other as an indigenous researcher in Turkey, Hale H. Bolak contended that indigenous status of the researcher can be both empowering and restricting, and that the insider/outsider position can be employed vantage point for “rethinking the familiar” (Hertz 1997 p. 99 quoting Reinhartz 1994).

In this study my role of “outsider within” was indeed both empowering and to some extent restricting. As an “insider within” it was easy for me to recruit participants for the study and informants spoke openly about their experiences to a person who had gone through the refugee process. This was so because both the informants and my contacts found it easy to trust me – the former with stories about their lives and the latter, with people they felt duty bound to protect because of privileged relationships that they had with them and that they would not want disrupted or abused. The flip side was that during the interviewing process sometimes informants did not find it necessary to explain or justify certain claims based on the assumption that I was familiar with their line of thought or experience. This was evident when informants used the collective “we” to refer to the category of people who have shared experiences with the In-Canada process, including the researcher, and “they” to refer to the public, mostly citizens who belong to the two charter groups and those associated with them. In such cases, the researcher used probes to make the informant complete a line of thought or clarify statements. Another limiting aspect was when the informants were asked to give their perspectives, but preferred that “you people” (meaning as a researcher (student) and other professionals in the field of Immigration and Settlement), are more informed about the policies and what need to be changed. In such instances, informants were encouraged to provide their perspectives based on their experiences.

Group of study

Participants for the study were selected from among people living in the Toronto area who arrived in Canada in the last ten years to seek asylum. The rationale for limiting the study within the past decade was based on the assumption that participants would recall in greater detail their experiences. Another requirement for the study was that only adults able to speak English and whose applications for refugee protection in Canada had been successful could be recruited to participate in the study. Persons below 18 years were not recruited because of concerns over vulnerability of minors and the challenge of getting informed consent for participating in the study. The researcher's limitation of time and lack of budget to meet expenses associated with interpretation and translations were the reasons why only those who could communicate in English were selected for participation. Since English was not the native language for all the participants, and others had indeed learned the language after they came to Canada, the researcher was very conscious of the need to use very simple language during the interviews, to be patient and to seek clarification as necessary.

My focus on successful refugee claimants, as opposed to refused claimants is based on the impact that the legal status of the respondents might have on the reliability of research data. Accepted claimants are given legal status that not only allows them to live legally in Canada but also to apply for permanent residence and later citizenship when they meet necessary requirements. The rights and privileges held by newcomers to Canada vary according to their status, with citizens and permanent residents enjoying the most rights (Wayland 2006). Those who lack official status and the protection of the law lead precarious lives and are often denied the right to education, health and housing services and are condemned to live and work in appalling and degrading conditions (Amnesty International, 2006). I was concerned that the immigration status of refused claimants would interfere with their desire to participate in the study, especially if they feared that such information had the potential to inform immigration authorities about their presence in Canada.

Recruitment method

Participants in this study were recruited through contacts within refugees' communities and agencies dealing with refugees using the Snowball Sampling method. As Newman (2003) observes, snowball sampling is a method for identifying and sampling (or selecting) the cases in a network. The crucial feature, the author states, is that each person or unit is connected with another through a direct or indirect linkage and "this does not mean that each person directly knows, interacts with, or is influenced

by every other person in the network (Newman 2003 p. 214). Informants were recruited with the support from individuals and groups offering various services to refugee claimants in Toronto who helped to disseminate information about the study. Newman (2003) has discussed the crucial role that such contacts can play to facilitate or hinder the ability of the researcher to access informants. The author argues that field researchers should expect to negotiate with gatekeepers, that is, someone with formal or informal authority to control access to a site, and bargain for access (Newman 2003 p.372). In this study, the researcher contacted individuals and groups in these organizations to request them to use their networks to reach out to former refugee claimants to participate in the study. In addition, the researcher visited these groups to explain the purpose of the study and to assure them that the study was guided by ethical considerations, including respect for the participants and their confidentiality. A recruitment email was sent out to these contacts for distribution. It contained information about the research study, the selection criteria as well as the researcher's email and phone numbers so that those interested in participating would directly contact the researcher.

Eleven people willing to participate in the study contacted the researcher. Of the initial eleven people recruited to participate in the study, two people were not interviewed. A meeting arranged for the interview with one of the potential informants was cancelled when because of an unplanned commitment; the researcher was unable to conduct the interview on the agreed date. Subsequent attempts to arrange for another meeting were unsuccessful since the potential informant was working two jobs and rarely got time off. In the second case, the researcher drove 35 minutes north of Toronto for an interview and unfortunately, the potential informant did not meet the selection criteria. This was a good learning lesson for the researcher to use very simplified language for effective communication. The potential informant was unfamiliar with the meaning of the various immigration categories. He had applied for and qualified as an immigrant (skilled worker category) after completing his studies as an international student within Canada- not a refugee claimant in Canada. Immigrants in Canada arrive under different classes representing different program objectives. The three broad classes are: Family Class immigrants who enter on the basis of family relationships; Independent Class immigrants selected on the basis of a point system that reflects occupational skills, experience and likely adaptability to Canadian society; and Convention Refugee Class immigrants who are admitted on the basis of Canadian laws governing refugee admissions. The refugee class category consists of in-Canada process for refugee claimants and refugees resettled from overseas through the humanitarian program for Government Assisted Refugees (GARs) or those sponsored by private organizations and by groups of five or more individual Canadians through the Private Sponsorship of refugee program (PSR).

Sample size

Persons recruited for this study are those who arrived in Canada, and were determined to be Convention Refugees by the Immigration and Refugee Board, the quasi-judicial agency that makes the determination for all inland claims. Nine people living in Toronto were recruited to participate in this study. Of the nine, five were women and four were men who arrived in Canada to make refugee claims within the past decade. The balancing of women and men in this study is deliberate. It is intended to highlight any unique experiences or perspectives about the refugee process that might be related to gender divide. Critics of the Convention definition's criteria for persecution point to the gendered implication of international refugee law arguing that the Conventions "preoccupation with persecution occurring within the typically male-dominated "public" sphere has the effect of de-emphasizing the significance, and even disregarding the legitimacy, of persecution arising from activities that are classified as private" (Nyers 2006 p. 48).

Participants in this study come from three regions of the world – Africa, Asia and Latin America, though a majority is from the African continent. There were two participants each from Kenya, Zimbabwe and Uganda, and one each from Nepal, Venezuela and Somalia. The initial intention was to recruit at least two people from the three regions in order to highlight any experiences specific to particular regions. This was not the case with Nepal, Venezuela and Somalia because only one person in each case responded within the very limited time available for the study. Other important aspects of the participants are that there was a balanced representation of both male and female and that respondents represented varied grounds for persecution (as defined by the refugee Convention) that compel individuals to leave their countries. A brief summary of country condition information relating to conditions of departure is provided in order to demonstrate the different contexts that compel refugees to flee their countries.

Interview location, questions & interviewing methods

All the interviews were conducted in the month of July 2007. Informants recruited for the study were asked to choose interview locations that were most convenient to them although the researcher offered that possible locations could be a coffee shop or a public library. As Newman (2003 p.372) notes, the field researcher's level of involvement depends on negotiations with members, specifics of the field setting, the researcher's personal comfort and the particular role adopted in the field. Different locations were suggested and agreed on with each informant. Four interviews were held at informant's homes, three

chose their offices while one each was held at a coffee shop and University of Toronto cafeteria.

Ethical considerations in recruitment

This study was guided by strict ethical principles. Only adults with legal status were interviewed for the study. During the recruitment process, refugee agencies made the initial contacts with potential participants in the study. However, the researcher selected and followed up by email and telephone with only those who qualified and were willing to voluntarily participate in the study. The agencies and their contacts were not involved in the selection of participants and had no way of knowing if the informants actually participated in the study. The purpose for using this approach was to minimize perceived level of coercion to the refugee claimants since some had prior or existing relationships with these agencies. Informants were also informed that their relationships with the agencies that provided them with information about the study would not be affected by their choice to participate or not in the study.

Interview guides and interviewing methods

An interview guide with prompts was used for all the interviews. However, each informant was encouraged to elaborate or expand on certain issues as the interview progressed. On average about 45 minutes was spent on each interview where the informant consented to use of a voice recorder. The interview was shorter for one informant, who declined use of the voice recording, as it was difficult to probe while at the same time write notes. The interviews covered four main areas: the conditions of the country around the time they left and the pre-migration experience; experiences of the journey including acquiring necessary travel documents; the experience in Canada with various institutions relating to immigration and settlement; and finally, the experience of status determination. All the participants in this study were willing to share their stories openly. Voice recording was used in all with the exception of one, for the purpose of transcription. As an interviewing strategy, questions touching on the general situation about their countries around the time they fled were first asked and then the inquiry was guided towards their personal experiences of flight and refugee determination. As an interviewing strategy, this inquiry was an opportunity to “break the ice”. As Rubin & Rubin advises, it is a good idea to begin the questioning by asking matters that provide the interviewee with a comfort level (Rubin 2005 p.116).

This study used face-to-face interviews as the tool for gathering data. This method proved effective because of the ability to generate detailed information from the informants about their experiences as well as in seeking refugees’ perspectives about their experience, which was a crucial part of the inquiry. The interviews were conducted in English and without the services of an interpreter.

Although three informants stated that they learned to speak English after they arrived in Canada, they expressed themselves very clearly. However, in some cases, informants did not have the right words to communicate their ideas. In such cases, the researcher made notes and sought clarifications at a later time during the interview. This was one advantage of face to face interview, the other was that this method allowed me the opportunity to see the informants express themselves, and to witness various emotions expressed with facial expressions and gestures that helped me deepen my understanding of the problems and issues relevant to this study. This method further allowed me to probe or delve more deeply into a particular event during the course of the interviews.

Ethical considerations during the interview

This study inquired on personal lives and sensitive issues about the process of seeking refugee protection. Aware of the need to make an academic inquiry and respect feelings of the informants about past experiences, the researcher prepared well in advance especially on how best to present the sensitive questions in a gentle and respectful way (Tutty et al. 1995 p. 75). In addition, each informant was informed of the ethical obligations associated with the study. These include the obligation to report the interviews accurately and fairly, the responsibility to keep any promises made in order to get the interview, and the commitment not to harm the interviewees. Each informant consented to be interviewed and audio taped before the interview commenced. At the start of every interview, the researcher was clear and straightforward in introducing himself and his role as the researcher, as well as the research focus. The informants were reminded that the process was voluntary and that they could decline to participate in the process, decline to answer some of the questions or withdraw from the research at any time before the data was analyzed and the final report compiled. Participants were also encouraged to seek any clarification by contacting the researcher by telephone or email. In addition the researcher paid attention to participants' feelings and to problems and issues that could upset or otherwise adversely impact on the study, including while asking questions touching on personal experiences about making their decisions to leave their homelands, during flight and the experiences after they arrived in Canada. Participants were also given contact information for, and strongly encouraged to contact Ryerson University's Ethics Board in case they had concerns relating to the research process.

Changes made during the study

The interview guide was the main tool guiding the inquiry. Following a review of the first two interviews, the researcher identified that the first two informants, Ms. Kenya and Ms. Harare were very

brief. While they were willing to describe their experiences, they did not offer their perspectives about their experiences or to offer suggestions on how the refugee policy in Canada could be improved. As a result, the researcher added the following probe in order to elicit more information from subsequent interviewees: *Based on your refugee experience, what would you like a person planning to make a refugee claim in Canada to be aware of.* This was used in subsequent interviews and was useful in generating a lot of responses.

Data Analysis

The purpose of this part of the study was to consolidate all the information collected during the study, and to identify pattern and relationships that emerged in all the data collected. Data analysis, Rubin & Rubin (2005) argue, entails classifying, comparing, weighing, and combining material from the interviews to extract the meaning and implications, to reveal patterns, or to stitch together descriptions of events into a coherent narrative (Rubin & Rubin 2005 p. 201). The authors further state that researchers construct from this analysis informed, vivid, and nuanced reports that reflect what the interviewees have said and that answer the research question (ibid). In this study, information from the interviews was in the form of voice recordings in all except one interview. In addition, the researcher made some notes during the interviews, which consisted of observations of certain emphasis, emotions and non-verbal expressions, that the researcher highlighted, and in some cases, sought further clarifications during the interview process.

The other activities in this phase included transcription of tape recording from all the interviews. This involved listening carefully to each interview and writing down in verbatim form, all the information contained in them. Notes taken during the interview were useful in verifying some of the information and spelling of some words and names. Informants' responses were grouped according to the main question. The information was then analyzed by noting patterns, and counting occurrences of key words and phrases. The researcher made notes regarding emerging patterns of shared themes and contrasts. The final phase of data analysis consisted of organizing the information, consolidating all data collected and arranging and rearranging the data to make sense of the themes and emerging patterns.

Research findings

This section describes responses by informants in the study about their refugee experiences following in-depth interviews. Participants in the study were people living in Canada who made inland refugee protection claims that were successful. The study examined both pre-migration and post-migration experiences, focusing on why the refugee claimants had to leave their countries, their experiences during their journey and their experiences with the process of making a refugee claim and settlement when they arrived in Canada. The interviews further sought refugees' perceptions about their experiences and perspectives on Canada's Inland claim process.

Pre- migration experience

The study focused on refugee experiences prior to migration at two levels of analysis. The first level of analysis sought to examine the general socio-economic and political conditions in their country around the time they left while the second level looked at the process involved in making the decision to leave their country. This part was incorporated into the study in order to shed more light on the conditions that refugees escaped from or the environment under which they operated before departure so as to provide a contextual framework for recounting refugee experiences. Additionally, by reviewing the background information before the journey, the study makes it possible to contest certain kinds of information about refugee claimants disseminated by governments and some scholars. Castles and Miller for example note that "some observers" claims that asylum seekers who move across international borders in search of protection "are not real victims of persecution, but simply economic migrants in disguise" (Castles and Miller 2003p. 102). This section provides useful information for assessing the validity of such claims.

Country conditions

The following section describes conditions in each of the six countries where the nine informants come from. Informants' descriptions of conditions in their countries are highlighted in italics. In addition, a country profile is provided based on a review of information from independent reports. The fact that conditions described by the informant about their countries are consistent with information from independent reports further serves to validate their claims.

Mr. Uganda left his country in July 2002. He describes the situation in his country around that period as follows:

"I left Uganda in July 2002. We had just had an election in 2001 and the opposition was saying they were cheated. Those in {the} government of {president} Museveni were trying to intimidate the opposition. The opposition leader left the country and went to South Africa. Other members of the opposition were being intimidated and some were being accused of treason and things like that. Others were "disappeared".

These reflections relate to conditions in Uganda after presidential elections that were held in March 2001. According to the US State Department Report for 2002, President Yoweri Museveni was re-elected in elections that were marred by serious irregularities, particularly in the period leading up to the elections. The irregularities included restrictions on political party activities, incidents of violence, voter intimidation, and fraud (US State Department Report 2002). After the elections, the opposition leader fled the country as state police continued to disrupt meetings and arrest supporters of the opposition UPC party (Amnesty International 2002).

Mr. Kampala was a political and community activist in the same country, Uganda. He left Uganda in 2005 and came to Canada to seek asylum. The following were the circumstances that forced him to leave his homeland.

I worked in Uganda as a political and social justice activist. I travelled to many countries including the UK where I almost made a {asylum} claim there but the situation there, {was such that} being accepted as a refugee, was not easy. So I completed the small course I was doing and decided to go back. People were telling me that when I go back I will be shot because I was trying to address issues that the government doesn't like. At one time, I talked about gay issues and how gay people should be recognized in HIV/AIDS prevention. In Uganda, if you're a gay man you don't have access to HIV prevention. So I was trying to tell them that gay people are human beings, we need to appreciate them and they should be involved in HIV/AIDS work. So the government was kind of reluctant and it even threatened to kick the UNAIDS out of the country. Because I was one of the people advocating for UNAIDS and as someone told me, just because you travel to the west a few times now you think all cultures should be brought here, gay men, homosexuals. I said that is their right. What we need to do is to support them, not do anything that is against that...I started receiving threats from my community. People said you're still young; you'll face something very difficult. When I'd appear on national TV, they would say. 'you spoke very well, but you haven't gone through the military and we are being ruled by a military government so when you are talking, make sure you rather not identify your name, because my name would appear. So it wasn't well received.

Research on treatment of social activists as well as gay and lesbians and those supporting gay rights in Uganda show that at the time of his departure in 2005 there was a lot of intimidation of political and social activists. Amnesty International reported of “continuing discrimination” against lesbian, gay, bisexual and transgender (LGBT) and continued harassment of members of the LGBT community throughout 2002 by security agents and several arrests because of their sexual orientation (AI 2003). The organization further reported that in 2005 a climate of hostility and prejudice against members of the LGBT community persisted in Uganda (AI 2005).

Mr. Kenya left his country, Kenya, in 1999. He was a political activist and a student leader. He arrived in Canada in 1999. When he left his country, there was political unrest related to the constitutional review process. He described the condition prevailing in Kenya before he left as follows:

The government that had been in power since 1963 had not been acceding to the demands of the Kenyan public and I found myself on the receiving end of a regime that did not want to bring about political reforms. Since the introduction of section 2A into the Kenyan constitution in 1982, there was a lot of political repression in Kenya and extra-judicial practices such as detention without trial were common. President Moi’s KANU government used its extensive state-security apparatus to ruthlessly silence those who were deemed to be anti-government. As one of those who were deemed to be anti-government, I was a victim of constant police surveillance and harassment. On numerous occasions, I was physically assaulted by state-sponsored goons and warned that I would face dire consequences if I did not desist from engaging in anti-government activities. Some of my friends lost their lives to police brutality and state-sponsored violence. The period between 1991 and 1999 was particularly volatile. Kenyans responded to increased state repression by boldly turning up in large numbers to demonstrate against the Moi-KANU dictatorship. Starting from July 7th 1991 with the first Kamukunji meeting—also called Sabasaba—Kenyans agitated for political reforms led by key personalities like the doyen of Kenyan opposition politics Jaramogi Odinga, Raila Odinga, James Orengo, Martin Shikuku, and Paul Muite. However, instead of acceding to demands for political reforms, Moi’s government violently quashed all peaceful demonstrations.

This information is consistent with independent reports on Kenya. Commenting on the state of human rights situation in Kenya during the 1999 reporting period, the US Department of State Report noted that the Government's human rights record was generally poor and that serious problems remained in many areas. The Department specifically described how political activists were treated during President Arap Moi's rule:

“Security forces have monitored closely the activities of dissidents, following or otherwise harassing them. They employ various means of surveillance, including a network of

informants to monitor the activities of opposition politicians and human rights advocates. Some opposition leaders, students, journalists and others continued to report that the Government subjected them to surveillance, telephone wiretaps, or interference with written correspondence" (US Department of State Report 1999 <http://www.state.gov/g/drl/rls/hrrpt/>).

Ms. Nairobi was living in the Western part of Kenya when members of her community (Kikuyu) were accused of opposing the government in power. Armed groups evicted whole communities from their farms, during which time, many people were killed or injured and women were raped. She stated:

We had tribal clashes. The Kikuyus were being chased away from their land by the Maasai at that time in Naivasha. So what happened is that they came and burnt our houses and raped women while most of the men got killed. People ran away. My mother took my children. I was not able to run away and I was raped.

Such political events are documented by Amnesty International and US Department of State Report on State of Human Rights in Kenya. The latter group noted that inter-ethnic violence was a cause of numerous deaths in Kenya during the reporting period (US State Department Report 2001). Similarly, a prior joint-research mission to Kenya in April 1998 by Amnesty International, ARTICLE 19 and Human Rights Watch found a resurgence of *politically motivated* "ethnic clashes" in the Rift Valley in which more than 100 people had been killed and thousands displaced since the violence began in January 1998. In the last week of April, the groups further noted that violence had begun again in Nakuru district of the Rift Valley and several people were killed, including a 2-year-old girl who was hacked to death (Amnesty International Report, 1998).

Ms. Somalia hails from the Northern part of Somalia. She informed this researcher that relations between former President Siad Barre and people from the North were not good. According to the informant, war started in 1988 and her family had to run away from the country. They moved to Ethiopia from 1988 to 1990 when her family moved to Djibouti, and later her father managed to get visas for the family to go to the USA. While her family moved to the USA and later to Canada, Ms. Somali refused to move with the family. She returned to Somalia hoping that conditions would improve, but this was short-lived. She fled the country in 1992 when Somalia disintegrated into civil war.

These events in Somalia and accompanying loss of lives and displacements are well documented by Amnesty International (see Amnesty International reports on Somalia at www.amnesty.org and UNHCR Reports on Somalia at www.unhcr.org). Amnesty International specifically noted that state

collapse in Somalia led to massive human rights abuses by clan-based warlord factions, infrastructure collapse, refugee flows and humanitarian disasters which had exceptionally severe effects on this impoverished country.

Mr. Nepal worked for an environmental based project that was located in an area where the Communist Party of Nepal (Maoist) (CPN Maoist) group, an underground political movement at the time were very active. According to the informant,

They (the Maoists) were not polite and had no consideration. They came haphazardly to the people and asked for money and forced them to be involved in their party. It's while working for this organization in Nepal that I began facing a lot of problems. They demanded money to support the movement and they also asked for my direct involvement by insisting that I become an activist for the Mao party

A review of the human rights situation in Nepal during the period when the informant lived there shows that the ruling Monarchy and CPN – Maoists were engaged in an armed conflict. According to Amnesty International report (2006) more than 12,000 people had died since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" on 13 February 1996. Hundreds more had 'disappeared', been tortured, abducted, raped or recruited as child soldiers (AI Reports, 2006). Hundreds of thousands of people had been forced to leave their homes behind to live in miserable conditions in temporary housing (Amnesty International Reports 2003, 2004, 2005). In 2005, Maoists expanded a campaign of abducting civilians, primarily students and teachers, allegedly for indoctrination programs and forced paramilitary training (Nepal: State of Human Rights Report 2005).

According to **Ms. Venezuela**, the political situation in Venezuela was becoming 'very bad' when she left the country. This was after President Chavez was elected in 2001. Ms. Venezuela recalls that in a sense, it was very bad to start talking about the political situation in public at the time. This, she said, was because "we are supposed to be in a democratic situation but we are not...we are something like Cuba right now, more socialist than democratic". Ms Venezuela further noted that she was in an abusive relationship and the police would not intervene in "domestic matters". She moved from one part of the country to the next, but that did not solve the matter. In the end, she decided to get a study visa outside the country "to cool things down".

Ms. Venezuela's account of gender based abused is consistent with information from the US Department of state (2005) which reported that although the law prohibited domestic violence and violators faced penalties of 6 to 18 months in prison, violence against women continued to be a problem

in Venezuela, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence. The report further noted that the Center for Women's Studies reported that in 2004 there were 3,900 cases of domestic violence reported and that one woman in Caracas died every 10 days from domestic violence. The law requires police to report domestic violence and obligates hospital personnel to notify the authorities when they admit patients who are victims of domestic abuse. However, police are generally reluctant to intervene to prevent domestic violence and the courts rarely prosecute those accused of such abuse. In addition, women generally are unaware of legal remedies and have little access to them (USDOS 2005).

Ms. Zimbabwe and Ms. Harare noted that economic and political conditions in Zimbabwe were deteriorating when they left their country. In 2001 when Ms. Zimbabwe decided to leave the country, she had noted that there was a lot of inflation, the cost of things was going up but there were no increases in salaries especially for people working for the government. In addition, she stated,

If you supported the opposition you would be in trouble as long as you were not in (President) Mugabe's party. At this time (in 2007) everyone has problems, but at that time, if you spoke a language other than the president's language, you were in big trouble.

Ms. Harare described the political situation in Zimbabwe prior to her departure as follows:

There was a lot of politics going on mainly between the ruling party and opposition- the MDC and ZANU-PF. The opposition wanted to be in power and did not want the ruling party to be in power because they did not believe they were doing a good job.

In its position paper to the 60th session of the UN Commission on Human Rights, Amnesty International described the political conditions in Zimbabwe as follows:

(The year) 2003 saw an escalation in state-sponsored attacks on critics of the government, particularly supporters of the opposition *Movement for Democratic Change* (MDC). Incidents of ill-treatment and torture were reported throughout the year. Hundreds of people have been detained, and a leading private newspaper, the *Daily News*, was shut down. Political manipulation of food aid by officials and supporters of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) continues and the food situation remains critical. The country's economic situation has steadily deteriorated, with rampant inflation and unemployment and critical shortages in basic food commodities, fuel and cash (AI 2004)

The above description shows that the conditions that refugees flee from are not conducive for their stay. While this study is not intended to assess the merits of refugee applications, since in any case they were all determined by the IRB to be persons in need of Canada's protection, it further validates their

claims that what motivates their departure from their homelands is the need for safety. In all the cases, the political environment in their countries was not conducive to living in safety. Informants were either victims or feared being targeted by the government agents or their associates, or being victim of arrest, torture, or assassination; and being singled out for abuse because of gender and political opinion. The role each informant played in these political environments and the extent that they were affected personally differed. A majority of male informants were actively involved in opposition political party work and were therefore targeted because of their political opinions. One informant was working for a non-political environment based organization. However, since he refused to support the political group in his region, with finances or by being an official, he was also threatened with death. One female informant was a victim of gender-based violence while another fled civil war in her country. As well, three other female informants stated that concerns about personal safety forced them to leave when members of their communities were accused of not supporting the ruling government. The following table summarises reasons for the informants' departures:

Name	Gender	Reasons for departure
Mr. Kenya	Male	Political opinion as an opposition party activist
Ms. Nairobi	Female	Victim of violence directed at members of her ethnic group accused of not supporting the ruling government
Ms. Somalia	Female	Fled civil war in her country fearing violence targeted at members of her community
Mr. Nepal	Male	Refused to financially support and/or be a member of a rebel group
Ms. Zimbabwe	Female	Fear of violence targeted at members her ethnic group that was accused of not supporting the ruling government
Ms. Harare	Female	Fear of violence targeted at members her ethnic group that was accused of not supporting the ruling government
Mr. Uganda	Male	Family accused of supporting opposition groups and for campaigning against the ruling party
Mr. Kampala	Male	Vocal supporter of HIV/AIDS and related gay rights and

		political party activist
Ms. Venezuela	Female	Fled abusive relationship without the possibility of accessing state protection

Making decisions to leave

The questions in this section sought to establish how easy it was for refugees to make a decision to leave their country and to make the journey to a foreign country or foreign countries. Responses by informants varied. Some informants initially focused on physical barriers like obtaining a visa, while others described their emotional and psychological impact of leaving, for example how their experience of persecution affected them and their families. As a result, some informants stated that they found it easy to make the decision to leave while others found it very difficult to leave. Informants who found it easy to leave made the following comments:

- *It was easy to leave because while living in the North we were hearing a lot of bombing and fighting for a long time. We decided it was time to leave*
- *We had to leave the country because it was not stable. Everyone needs to live in a stable environment where there is peace and everything.*
- *My immediate family had left the country except for the extended family*
- *I was experiencing difficulties and when I thought about my children, that I would face the same situation as my parents did for me, I felt that I had no choice.*
- *Before my father died, I had lots of pressure not to leave. That time I wanted to go to England UK. This was in 1999. But my father said no. He said I must be grateful for what I have. He hadn't noticed that things were getting bad.*
- *It was easy because we got visas to go to the USA. Then travelled to the border to make a refugee claim*
- *At this point safety was my priority. I did not have a choice.*

Those who said it was hard to leave commented as follows:

- *When I got the visa I didn't want to tell anyone I was leaving. Because all of them would say you shouldn't go, so I took time to tell them. I first told my mom and close friends and a few brothers and then my other relatives on the day of departure.*

- *Leaving my family, my younger brother, my friends, my life, was hard, but the situation forced it. Like I said we had just had an election and people were cashing in on this. Some would say that these guys supported the opposition and people would come for you and then you would disappear. People used to disappear just like that. You live in fear so you start thinking you have to look for somewhere else where you can live without this kind of fear. I know lots of people who disappeared, one girl and one guy for instance, were too vocal during the campaigns and up to now no one has ever heard from them [after they were disappeared].*
- *If I really had a choice between staying in my country, and leaving for Canada, I would always elect to remain in my country. Making the choice to leave was one of the hardest things to do, because I was leaving my friends my family behind and my social network behind and moving to a country that I really did not know about. I had to make a tough choice between leaving and saving my life or remaining and becoming a victim of brutal violence and repression. Some of my friends had paid the ultimate price of death. So, though it was a difficult choice, I left as soon as I got the first chance out.*

It is clear from the above responses that leaving their countries was not an easy choice. Even those who stated that it was “easy to make the decision to leave the country”, when probed they revealed that leaving was inevitable because they were not safe in their countries. Two female respondents who “found it easy to make the decision to leave” explained that their immediate families, that is, the husband in one case, and parents and siblings in the other, had left the country and conditions in their country had become unbearable. Ms Kenya found it easy to leave because she was more concerned about her safety while Ms Venezuela was more concerned with staying away from her abusive partner although the departure meant leaving her parents behind. Other informants described how they agonised with the decision to leave their countries.

Ms. Somalia who stated she found it easy to make a decision to leave described how she had refused to take opportunities to leave her country and move to the USA with her family even though she was displaced and staying in a neighbouring country. She hoped to return to her country when there was calm. Ms Somali did actually return to her country when there was some calm after President Siad Barre was deposed in 1991. However the country disintegrated into inter-clan wars and they had to flee for their safety in 1992. At that point, she had no choice but to leave her country.

In 1991, there was war in the south where the southerners fought with Siad Barre and the former president fled the country in 1991. At this point, we found an opportunity to return to our country.

So we came from Ethiopia to Hergeissa, in the North of Somalia. The North actually made a decision to separate from the rest of Somalia in 1992 and formed Somaliland in the areas that was formerly colonised by the British. Then in 1992 there was another civil war in the North (Somaliland). The war was not major but we could not take that. It was very disappointing because it was based on tribe. We decided to leave the country in 1993 when we realized it was not going to be stable. We fled to Ethiopia and later Djibouti.

Mr. Kampala also stated that he had visited many countries where he represented his organizations at various international forums including Switzerland, United States, UK, South Africa and other countries in Asia but he did not seek asylum since he was not in danger. It was only when he felt that he was in real danger that he fled the country. This issue was specifically raised by immigration officials when he finally applied for refugee status in Canada. They wanted to know why he did not settle or make a claim for asylum in other countries.

I went to Etobicoke twice. The second one is the experience I'll never forget because it is the real questioning. Whatever you're asked is recorded. The woman really wanted to know, why with my passport, I'd left Uganda. Explain these events. How they happened, what period are you talking about? Why weren't you arrested at that point?, like I was on TV and then after that I started hearing from my friends who said that I should be careful because there were spies around and I could be 'disappeared'. So I was giving incidents as they were and then I was kind of mixing ideas and issues, but she kept asking why I didn't make a refugee claim in the UK or the USA or Sweden or Geneva or anywhere. I told her that it was because I was offering services to the people and although part of my work involved travelling to the USA and other places to attend conferences and I had to share the information that I got with my community. I was not interested in staying in the US or the UK. But this time since I felt that my life was really in danger I decided to come to Canada. If there is any other option of maybe going back to the USA or to remain in South Africa or to remain in Thailand I would have remained there but this time the situation was getting...(gestures, meaning out of hand) and if I stayed there, I might have ended in jail or even got killed by the government.

Mr. Kenya stated that as a political/student activist, he did not participate in the political process because he was looking for a reason to leave his country. It was because:

We believed that our country needed to be pushed onto the path of reforms and improvement so that it could become a better place in which to live in. I was hopeful and optimistic that things would change for the better over time. It is this kind of hope and optimism that made it difficult for me to make the decision of leaving.

Experiences of the journey

Informants narrated how they were affected by various measures that governments have taken to regulate entry, as with the case in this study, to stop some people from entering Canada. These challenges

ranged from seeking travel visas, the location of immigration offices abroad, as well as scrutiny by airline officials abroad. One informant was assisted to travel to Canada by an organization that issued her with these documents. Others stated that they had to visit Canada's immigration offices abroad where they presented themselves as regular migrants. They argued that in as much as they were aware that the purpose of obtaining the visas was to travel to seek safety in Canada, they could not disclose their intentions to Canadian officials since they would have been denied documents to travel to Canada. Mr. Kenya explained this challenge.

I learned from the experiences of other people who had applied for visas at the US embassy and Canadian embassy with very genuine and legitimate fears who were oftentimes turned down. This was particularly the case if they went to the embassies and made claims saying: "hey, our lives are in danger and we want to leave". Unless you were a high flying figure or a prominent politician like Koigi wa Wamwere (Kenyan politician, writer and political activist who fled Kenya to Norway), or Gibson Kamau Kuria (Kenyan lawyer and the 1988 Robert F. Kennedy Human Rights Award laureate who fled to USA), then it would not be easy for you to be given a visa at the embassies. I'm not saying that we did not make a major contribution. For me as one of the so-called activists, my fears were not being granted that visa and the consequence this would have on my life. I remember the first time I tried leaving my country for the UK. I went to the British High Commission and after casually assessing my documents; the embassy casually turned me down by simply stating: well, we can't give you a visa. For the Canadian government, the paperwork and what was needed for me to fill out for the visa was enormous. Also, I don't really know if I would have been given the visa had I gone to the Canadian Embassy and told them straight up: hey my life is in danger and I want to leave this country and seek safety and protection in Canada.

Hathaway (2005) has argued that visa regime serves the role of stopping the refugees before they arrive in the states territory and hence trigger rights conferred on refugee applicants by the international law (Hathaway 2005). In addition, this requirement also serves as a deterrent for those planning to make a refugee claim (Adelman 2002). The experiences of Mr. Kampala point to another form of impediment that block refugees from entering Canada, which is the location of visa offices abroad. He noted that in order to apply for travel documents, he had to first travel to a different country where Canada has an immigration office.

Coming to Canada wasn't easy at all. It begins with the process of getting the documents. I had never been to Canada before but lucky enough, I had been to the USA and the UK. So, getting the visa I thought wouldn't be that hard. So, I started with applying for a visa. There is no embassy in my country, so people have to go to Nairobi in Kenya. It takes about 14/15 hours by bus. I arrived

the next day and went to the embassy. You have to pay by money order, I had cash. I got there and they said no I needed to produce a money order, so I had to go back the following day.

After they were issued with necessary documents, most informants stated that they found it easy to travel and were allowed to enter Canada. However, these documents were scrutinized by officials at the airports and informants were questioned during the journey. Ms. Zimbabwe said that her experience with officials at the airports was very frightening. She did not understand why she was questioned at the two airports where she was transiting through.

The journey was not easy for me. I had a rough time in Johannesburg (South Africa). I do not know why. I had my passport. I had foreign currency. I had everything. Even at Heathrow (Airport in the UK) when I was boarding my flight, I was stopped for some time. They questioned me for about seven minutes. Why are you going to Canada? What do you want? I told them that I am just visiting my friends. I am coming back in four weeks. They questioned me. And people are boarding. And now I am scared. I miss this plane, I miss my bags!

At Johannesburg, an airport official told me that he would determine whether I boarded the plane or not. They kept me for a long time. I was supposed to wait for my plane for about 5 hours. I think I was kept waiting for about 2 hours. He said, for you to go it is upon me. He was a black man. And the White lady said: Why don't you let her go? Why are you keeping her? Why are you keeping her passport? I felt there was no justification for it. I just wanted to go to England, and then Canada. Maybe it is because I was black or maybe I looked like I did not have money. That time I had just left my good job. I just do not know what that man wanted.

At Heathrow it was a White man and it was a White Man's plane. So, I felt maybe he was justified. But then I was the only one who was pulled aside.

Information about inland claim process

Each informant in this study came to seek protection in Canada. However at the time of departure, their level of awareness about Canada's inland claim process varied but most had very scant details about the refugee process in Canada. Apart from one informant who was not aware of Canada's refugee process until after arriving in Canada, others had some knowledge about Canada's refugee protection. Informants stated that information about Canada's inland claim process is hard to come by for people fleeing persecution in their own countries. Most informants relied on their friend's knowledge of the process of making a refugee claim or where to seek for assistance. For instance, Mr. Uganda knew that he could seek protection in Canada. However, he thought that such an application would be done at the United Nations High Commissioner for Refugees (UNHCR) office, as is the case in his country. His friend in Canada clarified that refugee claims were handled by Citizenship and Immigration Canada, and gave him direction to the nearest office. Mr. Kenya on the other hand said he would have applied at the airport if he

was aware that it was possible to do that before hand without facing immediate deportation. He stated that details about the in-land claim process were not available to him. Other informants noted that the choice of making a refugee claim at the airport, border or a CIC office was based on the kind of advice that they had received from their contacts in Canada. In addition, they feared presenting themselves to officers at the airport or the border to make a refugee claim for fear of being deported before their case was heard.

Mr. Kenya described his fears as follows.

Upon arriving at the airport, I would have said I was fleeing from Kenya and that I wanted to make a refugee claim. But due to lack of information on Canada's in-land refugee process in Kenya, there was that fear that if I told them I wanted to make a refugee claim, they would just put me on the first plane back home. I had heard stories of people being returned from the airport. So I did not take that option of declaring at the airport. I learnt shortly after arriving in Canada that I could make an inland claim.

Eight informants made their claim within the first week of arriving in Canada. This was because they were clear that the purpose of coming to Canada was to seek protection and they got information about the process of making a claim when they arrived. Only one informant applied for protection after staying in Canada for six months. She said that she did not know about the refugee process until then. Three informants made a refugee claim at the border crossing (two at the airport, and one at the USA/Canada border. Of these three, two had family in Canada and USA on whom they relied for advice on where to submit their claims. One informant made a claim at the airport, although she did not have family in Canada. Her friend in Canada was her contact. Four informants made their claims at CIC Toronto office in Etobicoke. They said that they did not have information about the process upon entry or that they feared being deported at the airport when they arrived. One informant stated that although he was aware that he could make a claim at the airport, he felt that it was not safe. He preferred to make an application at a CIC office once in Canada.

Experiences with immigration officials

The experiences of informants dealing with the immigration officials when they went to make a claim for refugee protection differed. However, the majority felt that the officials did not treat them well. They also felt that the initial process of eligibility determination was lengthy and that officials did not explain the process or how long it would take. All informants found the experience of applying for refugee protection as scaring. Fear of meeting immigration officials was mentioned by all informants irrespective of where individuals applied for refugee protection—i.e., at the airport, border crossing or at CIC offices. This fear was, as Ms. Somalia explained, because “we did not know what to expect”.

The officials that they met did not help assuage their feelings of fear. Several informants described their encounter with officials at ports of entry as “treating us like criminals”. They were mostly uncomfortable with being fingerprinted and photographed, an aspect of the process that most informants said that they least expected. Ms. Venezuela described her experience as follows:

It's hard. It's really being treated like a robot - sit here, take fingerprints, wait for your number, we will call you, wait for the officer, we're trying to find an interpreter, wait a little longer. They weren't friendly. You don't think they respect you – I was expecting respect. I felt like a criminal, like I was doing something so wrong.

Ms. Harare similarly felt like she was being treated like a criminal when she stated her intentions to make a refugee claim at the airport.

I found the process baffling because I did not expect fingerprinting and photo taking. I felt like I was being treated like a criminal. It took about 6 hours for the whole process to be completed at the airport before I could get the PIF. I came expecting that I would be asked why I want to make a claim and then directed to a “hotel”, (making quotation marks in the air with fingers) let's say. I was not prepared to be in a shelter. The officer's were like sit there (pointing to a corner), and I was there for another 3 hours.

What made the experience much more difficult, as Ms. Harare reflected, was the fact that officials at the port of entry did not take time to explain the process.

(Reflecting) They did not explain the process or let you know what is happening or what is taking this long. I think that would have been useful because you do not know what is happening and you do not know if they will deport you especially now that they are taking your fingerprints. I really did not understand why they were doing this. I thought they were treating me like a criminal. It's a process I did not think they would do but then I came to know they were for ID.

Informants said that they were not opposed to this part of the refugee process. They said that they felt reassured when they finally learned the purpose of that process was to determine their admissibility and for getting their new identity as refugee claimants. They reasoned that the officers should at least explain the process, the purpose and how long it would take. Overall informants stated that the admissibility assessment is an important part of the inland claim process but it ought to be done in more humane manner.

Challenges of settlement and pursuing refugee claims

This study found, that when they arrive and during the process of seeking refugee protection in Canada, refugee claimants experience various challenges settling down and suffer from anxieties about the outcome of their claims and the safety of the families they left behind. All informants further noted

that they could not plan for their future since they did not know what would happen to them if their claims were denied. According to Ms. Zimbabwe,

Everything was difficult. I had to pay for clothes, food, and fees for my children in Zimbabwe. I had to take care of myself. At some point, they stopped my welfare (social assistance). I do not know why and I did not know how to ask. I was volunteering. So when they stopped the welfare, I did not have any money and I did not have a job. I was not going to school because I could not focus.

Ms. Venezuela's experience further describes the challenges and frustrations that refugee claimants endure during the period when they are waiting for the determination of their application for protection.

That was very frustrating. I almost dropped my case. Four years of waiting! I made my claim in 2001. I got my hearing in November 2004. Waiting this long created a horrible feeling in me. I called my lawyer and his assistant every day to repeat the same question: Do I have a hearing day yet? I needed to know urgently. I needed to do something with my life but could not do anything during my prolonged waiting period. At the start of the process I did not know whether I would be accepted for refugee protection or I would be kicked out in a month, in two months, or in a year. It was very frustrating. I couldn't get any decent job because of my refugee status and my SIN starting with the number (9) complicated matters even further. As well, it was rather embarrassing to identify myself as a refugee. How comfortable is it for one to go around saying things like: Yeah I'm a refugee!!

But perhaps the biggest challenge is that I couldn't get a good job. I became more and more frustrated and confused as time went by. I could not even move into an apartment because I didn't know if I was going to get a hearing in one month and then told to leave the country. In a nutshell, I didn't know what to do with my life in the course of waiting for my hearing.

The whole process also affected me at a social level. For example, I could not see my dad for four years because I didn't know if it was a good idea for him to come to Canada to visit me because I was a refugee claimant. Of course I couldn't leave the country to visit him. The family separation was very hard for me. My mom had passed away the same year that I came to Canada and I knew my dad needed me a lot and I also needed my dad. Even if it was possible for him to come and visit I didn't have enough money to cover his ticket or to invite him to come here. And because my dad was in my narrative, I told him it was better for him not to come because he'd have to go to the embassy for the visa and they'd see I was a refugee claimant and ask him why he was coming. So, despite all the loneliness and anguish I was going through, I told my dad to wait.

At some point, I started thinking that it would be a good idea for me to learn English and take a diploma or a certificate course. But I soon abandoned this thought because I did not want to spend the meagre money I had trying to go back to school only to be told mid-way that I had to leave the country. Finally, when my case was successfully determined and I was recognized as a convention refugee, my life acquired some semblance of direction and stability. I am now working and studying to get my diploma.

Informants stated that they got different forms of assistance from the government. Some of the support that they got when they first arrived included social assistance (welfare) to pay rent, transport and to buy basic necessities like food and clothes; emergency health care and legal aid to consult and retain an immigration lawyer for their refugee claim. Mr. Nepal explained how assistance helped him.

I went to my community and they told me to go to a social worker where they'll help me. I went there and signed in and they started to support me including with a TTC (Toronto Transit Commission) pass and social assistance. That money was very helpful to me. I also did some training and volunteered in the area of my profession.

Informants also stated that the services that are meant to facilitate their stay as they pursued their claims were inadequate in meeting their needs or they had challenges accessing them. They therefore experienced such difficulties as having enough food, adequate housing and jobs. Mr. Kenya for instance found it difficult to manage the social assistance monies that he was given to meet all his basic survival needs while at the same time finding reliable information about his claim:

I came to learn about the details on my own of some form of monetary support (welfare). That time I went at some place on Wellington Street (Downtown, Toronto). I applied. The whole process took about 3 weeks or so to get the first monies. I remember the first money I was given on a monthly basis was \$534. I was in a house where I was paying \$425 for rent. So, it was a survival game, especially in terms of meeting the sheer basics like food, clothing and shelter. I found it extremely difficult to meet my daily needs and pursue my refugee claim at the same time. But essentially, the main problem I encountered was limited institutional support, especially in terms of getting a decent job. I can tell you that there is no dignity in getting that \$534 from welfare when the money doesn't meet your basic needs. But then the tragedy was that I could not even use the skills I had acquired from Kenya in Canada. The proverbial "lack of Canadian skills and experience" was the response I got from most of the jobs I applied for.

These challenges were also described by Mr. Kampala who said that he had difficulty finding decent accommodation and food on a small welfare budget. In addition, he noted that as a refugee claimant, he could not always count on members of his community for support at early stages of his claim because of suspicion about possible infiltration of the community by the spies of his persecutors. Mr. Kampala narrated his experience as follows:

Getting accommodation was very difficult. I would call and they'd tell me to go and look at the apartment at say Scarborough or Kipling. When I got there, I would find that I could not afford accommodation since the required rent didn't fit the budget that fitted the social assistance allocated. Welfare money limited a person to a certain amount for rent, which I think was \$325, and one was expected to find accommodation for that amount. But most of the time the rent was \$400 or \$450 or even \$600 and this is shared accommodation. I didn't want to share. I decided to

rent an apartment at Victoria Park, which was a little bit far from where I used to work and volunteer. It is a real challenge to get a house on welfare money.

Another challenge that I had was that the fear which I had in Uganda followed me to Canada. I feared that my government uses people and there are spies who come with us and who usually appear at social functions. So I feared to tell people that I had been in Canada for a month. I was apprehensive when people would ask me why I came here and where I was living. The fact that people would ask even personal questions in a bid to get more information about me and the whole environment was unnerving.

Informants also talked about not being able to find jobs in their professions. They said this was because employers asked for Canadian experience and even when they gained some experience after doing volunteer work, they could not get jobs that they qualified for. They associated their inability to get jobs with their immigration status as refugee claimants, which employers are able to notice because of their Social Insurance Numbers (SIN) that begin with the number nine (9). Such experiences compounded the stress of pursuing a refugee claim, which they found very challenging process in and of itself. This was described by Ms. Harare as follows:

I seriously wanted a job but then with a 913 SIN (Social Insurance Number), I thought some employers would not have me because of that. I also just did not have Canadian experience. I had to do volunteer work but even then, I could not be hired. I recall I volunteered at a place for six months as a library assistant. But then they could not hire me. They said they needed someone with French. During the interview, they asked questions that now I know are wrong. They asked me about my family, when my family would be coming, if my husband would be coming soon, if I was planning to have children. It looked like it was just a formality. In my mind they were asking me these questions because they thought I could do the job. But then I waited, and they did not even tell me that they had hired someone else. When I went to find out from the supervisor when, if ever, I get hired, she told me that they had already hired somebody but that they had forgotten to tell me. But I suspected that they had hired someone else because of other reasons other than the explanation that she spoke French (informant did not want to elaborate on this point). Since then, I decided to change my field and started social service work.

Three informants stated that because they could not speak English they found it difficult to interact with people outside of their families or community. They also said that they could not find jobs or felt exploited and taken advantage of on any jobs that they did get. Ms. Somalia for example made the following observations.

I believe people take advantage of you when you do not know the language. For example when you are working and they realize that you do not know the language, they deny you some rights. They actually treat you differently. Even at the stores and in the bus, people treat you differently.

They will even embarrass you in front of people. A TTC driver would say that you haven't paid your fare even when you have paid. You try to defend yourself but you cannot say anything. And then you look at the bus driver and the people are looking at you and it's very embarrassing. If you do not understand the language, you cannot defend yourself.

All informants stated that they did not have money when they first arrived in Canada. They relied on Legal Aid Ontario which helped them to pay the legal fees related to their refugee claims. They found Legal Aid Ontario to be a very important organization that, by facilitating legal advice, contributed to positive outcomes of their claims. One claimant however noted that she found Legal Aid Ontario, which provides legal aid to low income individuals for a variety of legal problems including immigration and refugee hearing to be "insensitive" to her circumstances when she applied for assistance. She described her experience as follows:

At the legal aid office, the questions they ask sound like they dislike you. It doesn't look like they believe you and it feels like they are judging you even before you go to the refugee board itself in order to qualify to get legal aid. They required me to go into details about the (sexual) assault I suffered and what it involved. These are things you do not want to discuss with strangers. Also, they think you have some money back home which you can use on your case. Yet when I came to Canada, I did not have money. The questions at the legal aid office were very disturbing. I was finally able to get legal aid and my lawyer filed my claim.

Informants stated that friends and community agencies helped them to cope with the challenges of pursuing a refugee claim and settling in Canada. These experiences are consistent with findings by Sarah Wayland whose study that was based on focus groups of newcomers including immigrants, refugees and refugee claimants as well as interviews with front line workers noted that newcomers in Canada faced various legal and policy barriers, including to appropriate employment, access to health services, and housing while refugees and refugee claimants endured unique challenges relating to lengthy refugee determination and family sponsorship process (Wayland 2006). These challenges are equally prevalent among refugees without regular status, including protected persons before they became permanent residents in Canada (Goodwin Gill 2000).

Refugee hearing

This section explored the experiences of refugee claimants with the refugee determination process prior to and during the hearing. The experience of Mr. Uganda captures the experiences and emotions of the refugee claimants during this time.

I do not remember what I was doing when I got this call from the secretary of my lawyer telling me the hearing had been set and I had to get copies of my papers. This was the scariest day. I

panicked.

Like Mr. Uganda, other informants in the study described a variety of emotions about how they felt when they finally got the date for their hearing. They stated that they were scared, anxious, fearful, and worried that if their cases were refused, they would be returned home. Informants also stated that they were happy that a decision would be made on their applications to put an end to their anxieties. Ms. Venezuela was not able to sleep the night before her hearing. She said:

I was very happy when I got the hearing date. I remember that day when the lawyer's assistant called me with the date. Then I knew I could decide what was going to do with my life. It would be good news if I succeeded because then I would plan my life with Canada as my new home. But if I had to leave it would also be okay. I was so sure that I was not going to appeal or apply for H&C or PRRA or whatever options are available after the hearing. Psychologically I couldn't handle it any more. To be here without status and without knowing what I was going to do with my life any longer if my hearing was not successful did not appeal to me. So I was prepared for either outcome. I couldn't sleep the night before my hearing. I was so nervous, so scared and kept on wondering what was going to happen to me. I was convinced that if I was successful at the hearing, I could do well in this country. I am a good person and a hard worker who was going to learn their language and I was actually going to school for ESL. After four years in Canada I had made some friends from the restaurant and from school and I felt that I was generally doing well. So I really wanted to have the opportunity to stay. However, at the same time, I was thinking well, if I am not successful, I will go back to Venezuela and see my dad after a long period of separation. So, I had all these mixed emotions and I couldn't sleep at all that night.

The process of determination on whether one would be allowed to stay in Canada or be returned to his or her home country was a source of great fear for the informants. They relied on the support or the presence of close family or friends to walk them to the hearing room or to at least stay within the vicinity of the hearing room if they were not allowed into the hearing room. Ms. Venezuela was escorted to the hearing venue by her friend and her psychologist and lawyer were present when she was in the hearing room. Mr. Uganda was accompanied by his friend to 74 Victoria Street while Ms. Somalia described the hearing panel as fair and caring because they allowed her father into the room during the second part of the hearing. Despite the support of family and friends, informants described the hearing process as very "trying" and emotionally devastating. This is illustrated by Mr. Uganda's reflections.

It was not until the night before I was to appear for my hearing that reality clicked in my mind. I was scared and so nervous. My roommate actually offered to walk me to 74 Victoria. I can't even forget the address. How can I forget the address? We got into the subway. When I was at the venue of the hearing waiting, my mother gave me a call and I wished that she never did. Because you know mothers. "I know it would be fine", she said, "I know it will be okay". For some reason

I broke down and cried. I felt that everything was out of my hands for although I had prepared for the hearing, I was still scared and thoughts of not being accepted kept ringing in my mind. Why does it have to get to this? Why does one have to go through this for someone to be allowed to stay? Why go through this entire burden?

Ms. Venezuela similarly related her experience during the hearing.

A friend of mine went with me. She waited with me even though I knew she couldn't come to the room with me. We waited for the lawyer and when he arrived, we were allowed to go to the hearing room. I don't remember the room number. The first thing the judge said—everyone was there when I got to the room, the judge, the immigration officer and me with my psychologist and lawyer and the interpreter—was asking me to raise my hand and promise to tell the truth. The Judge also asked me to say my names in order and to tell the truth. My heart was beating very fast. When I stood up to testify, I started to cry. It was like nobody could stop me. The lawyer {had} told me when I was in the office that it was okay if I cried at the hearing but he also told me that I had to calm myself down. The judge was very humane and said that he understood that I was very nervous. He tried to calm me down, asked that I be given a glass of water and said I could go to the washroom with the psychologist. Eventually, I calmed down.

Information about the hearing

Participants' knowledge about the hearing process was based on what they had learned from their friends, their lawyers or refugee agencies. Some of this information consisted of broad exaggerations, or about extreme bad experiences at the hearing that others had gone through. However, even where informants had been correctly advised, they imagined that the hearing process was similar to a criminal trial in which case they expected a panel of judge(s), defence lawyers and the prosecutor as is the case in criminal trials.

Ms. Zimbabwe thought that the hearing would be a very long interrogation, "where members would ask questions and then we would take a break, and then they would ask more questions". Mr. Kampala similarly imagined that it would be a full court session as is done in a criminal trial. This was affirmed by the fact that he had a lawyer to 'defend' him.

I was really in fear. I had never appeared in court before. What the people were telling me about the hearing sounded like it was a full courtroom with the judge, lawyer and all the process. You either win or lose. It was the first time I was being asked who is your lawyer. In Uganda you only have a lawyer when you have done something really bad or own something big—in other words, if you a dangerous criminal or a rich person.

Mr. Nepal, whose claim did not go to a full hearing since his application was expedited, still

expected lawyers and judges in a public courtroom to attend his trial.

Before I got to the hearing I thought that the hearing would be conducted in a public courtroom with many—maybe ten— lawyers and judges in attendance. That was before I got in but I did not get that. The hearing process was very straightforward for me and the official was very polite. And he asked me if I was ready for the interview, not hearing, and then I said yes. And he started asking me questions, at that time I was very much afraid because I did not know what was going on but I slowly started to relax. I do not think he asked me extraordinary things. The questions were related to my PIF.

Some informants stated that some of the people that they consulted about their hearings offered some "bad advice" which if followed, would most likely have resulted in a negative outcome of their claims. Mr. Kenya, for instance, noted that one of his biggest challenge while waiting for his hearing was getting the right information from the right people.

During this period of transition, trying to get some basic support for daily livelihood and trying to get the right advice from the right people were challenging because there are so many quacks. I remember one person who actually advised me that since I had started receiving welfare (social assistance), I did not need to forward my refugee claim. He told me that I could just stay around and not even bother looking for a job. I received tonnes of information, which in retrospect, if I had followed, would have simply landed me in major problems.

Mr. Kampala recalled that he expected a lot of people to attend the hearing and that some people advised him that he should exaggerate his experiences of persecution or even tell a lie to impress the board in order to get a positive outcome.

Before you go to the hearing, you find people telling you that the process might take five hours, do this, pretend you are crying, show that the police beat you—it's not easy. Some people told me that I had to lie in order to make my experience look really bad. Before you go to your hearing, you have all these people giving you all kinds of advice.

Experiences at the hearing

All the informants in this study had positive outcomes of their refugee applications. However, they stated that they had lots of fears, anxieties or felt intimidated by the determination process. Mr. Uganda described his experience at the hearing as follows.

Before I got into the room, I thought that a lot of people were going to be there. But this room did not look like it could accommodate a lot of people. But then this is not the kind of stuff you have ever done. It was a totally different experience. You are standing in front of a presiding officer and you have to swear {to tell the truth}. At that point I was feeling very nervous. Then I settled down. I felt I had to do what had to be done and had to do the best I

could and leave the rest to the presiding officers. What I found at the hearing was that the presiding officer, the lawyer and another seat for someone who did not come and then me. It was supposed to be four people but we were three there. This was a little calming since the fear of being subjected to a public courtroom like scenario was removed. I felt better even talking about things you would not want to talk about in public.

Mr. Kenya identified institutional intimidation as one of the challenges refugee claimants face during the hearing process. He also found the role of his lawyer very limited during the hearing.

My lawyer told me he is not supposed to coach me but to cross examine me. So, to a large extent, taking the stand and telling my story in a new environment, completely different—reinforced with presence of Canada's official emblems in the courtroom— legal system from the one I was used to, was a little bit intimidating.

Ms. Harare felt intimidated by the whole idea of being at the hearing room, because, as she put it, "it was the first time I had been in a court or place like that". Mr. Kampala was scared when he got to the hearing room, and only developed some confidence when his lawyer arrived and engaged in a jovial conversation with the hearing officer.

I saw the arrangement of the place: chairs on opposite sides of the room the elevated chair for the judge, the Canada flag and a camera. The camera made me more nervous since it meant that I was to be recorded. I got to the hearing room and the board member came in and asked me where my lawyer was. I started getting really nervous when, after five minutes of waiting, my lawyer had not yet arrived. After seven minutes, my lawyer came in with his bag looking fancy and I was able to relax. He said hi to the board member and they exchanged a few pleasantries. Watching my lawyer and board member engage in this friendly conversation boosted my confidence further and made me somewhat confident about the impending hearing.

Some of the informants overcome their nervousness by getting into the hearing room several times to familiarize themselves with the room and the seating arrangement. Ms. Zimbabwe for example entered the hearing room several times before the time for her hearing in order to build her confidence.

I went to my hearing early and because I knew the number of my hearing room, I opened the door, and I looked around to see the place where I would be sitting. I wanted to get a feel of the place, to familiarize myself with it and to know where each person would be. I just stayed there in the hearing room for some time. Then I got out. I got back again. I just wanted to figure out the place some more in preparation for the hearing.

In other cases, it was the presiding officer's behaviour or comments that calmed the anxieties of refugee claimants' through how they conducted the hearing or helped to "break the ice". For example Ms. Harare, who was very nervous at the beginning of the hearing, relaxed when the board members lighted

the atmosphere by joking about lions.

When I got into the hearing I was kind of nervous but when she {presiding officer} got in she made a comment about lions to break the ice. So, I felt okay after that. It was the first time I had been in a court or a place like that. So even when these people {immigration counsellors} told me that all will be okay, I still expected the worst. Because the judge was friendly, I felt comfortable. She made me feel at ease from the beginning before we started the hearing. The experience at the interview room was okay. Probably because I had heard from people and was expecting worse. Finally the hearing process turned out to be like a job interview or even better.

As the section above shows, informants in this study went to the hearing with certain expectations. These were informed by their lawyers, immigration counsellors at refugee agencies and friends, family or other people who claimed to have knowledge about the hearing process that they could offer. At the hearing, when they compared their expectations of the hearing process with the some of the information they had prior to the hearing, all informants found that the refugee determination process was not as brutal as some people had led them to believe. Although cast in ogre-tale images in some stories they had heard about them prior to their hearings, the informants also found that the determination officers were, human beings who understood the claimants' fears and anxieties. This was expressed by Ms. Zimbabwe who commented

I thought the hearing would be so {gruelling}, where members would ask questions and then we would take a break, and then they would ask more questions. But when the presiding officer said that they were accepting me as a convention refugee, I concluded that the process was not as cruel as I had been made to believe.

Some informants stated that the refugee panel was understanding and sensitive. This was the observation of Ms. Nairobi who described her experience during the hearing as being much better than was the case when she applied for legal aid.

Let me say I may have been the lucky one who got an understanding woman who got herself into my shoes, and she did not make me go into details on how I was, you know, how the process went {rape}. I got a female officer who told me that if I felt a given question was too hard on me, I did not have to answer it. So, I must say that she was very understanding.

Mr. Nepal found the hearing process relatively straight-forward because the board focused its inquiry on his personal experiences with his persecuting agents, something he found very easy to describe

and talk about because it was what he had gone through.

They wanted me to say when this incident happened, at what time, where I was when a particular incident happened, who received the telephone calls at my home and at my office, what type of information I discussed with family and friends regarding this situation. So, I answered these questions very clearly because these things happened to me.

Some of the informants however felt that the refugee protection system favoured "high profile refugees". This, they argued, was because refugee claimants were expected to produce evidence in form of newspaper articles to support their claims. However, such requirements could be to the disadvantage of low profiles whose persecution is not published and who may therefore find it hard to prove that they qualify for protection in Canada. Mr. Kenya reasoned.

I think the system tends to cater to highly visible refugees who are in camps and/or highly visible refugees who acquire a public profile in the places of persecution. High profile refugees can produce newspaper cuttings and other paper trails. What about those refugees who are not able to generate that kind of public attention and information? I think there is need to serve those who do not even have access to newspapers and other print and electronic media. Maybe things have changed now with the current explosion in information technology and maybe it is now easier for those who are persecuted to raise their voices through the numerous information technology media. But until most of those who face persecution can effectively take advantage of advances in information technology, the current practice of giving prominence to institutional refugees—like those under UNHCR—could be denying a whole section of genuine refugee claimants the opportunity to seek and get protection from their persecutors.

Having good documentation to support the claim, Mr. Uganda observed, was key to being accepted as a refugee. Mr. Nepal also attributed the successful outcome of his refugee claim to the fact that he had managed to put together newspaper cuttings about his persecution. He explained that nobody believes the claimant's story at face value. He noted:

Those who do not have those kinds of documents find that their claims are not accepted. If you tell your story, you have to support it, because without the relevant supporting documents, nobody believes it. The PIF is not enough for acceptance by the committee. But if you have relevant documents, then it makes a whole lot of difference.

Ms. Zimbabwe brought some newspaper cuttings from her country when she arrived at the airport. These documents were confiscated by the immigration officials. The documents however, reappeared at the hearing where she believes, because of the evidence of persecution that they

contained, the hearing was easier for her and the evidence in the newspapers supported her claim.

Mr. Nepal also observed that sometimes, the interpreters at the hearing do not understand what the panel is saying. When this happens, it can complicate matters at the hearing. He noticed that during the hearing, his interpreter was not communicating well and sought clarifications.

Sometimes the interpretation was not good. Even the interpreter did not understand very well what the main boss {presiding officer} was asking. In one of the questions I thought it was hard to answer because I did not understand properly. So, I asked the interpreter to clarify this one question that I did not seem to understand. I asked him to repeat what the presiding officer had said to me in my language and he said he too did not understand exactly what was said. So, he asked the main boss to repeat the question again and the main boss asked the question again and this time he got it and I also got it. I even answered him in English for that particular question. So, I think the person chosen as an interpreter should be very knowledgeable of the people he/she is interpreting for and have a good command of their language.

Informants perceptions of Canada's inland claim process

Although all the informants had successful outcomes of their claims, they found the process very stressful. Most importantly, as people who had fled persecution, they did not understand why they had to go through the lengthy and complex determination process before they were allowed to stay in Canada. Mr. Uganda posed these questions: "Why does one have to go through this for someone to be allowed to stay? Why go through this entire burden?" Similar questions were asked by Ms. Venezuela who found the whole process entailing long periods of waiting for refugee determination painful and unnecessary. She argued that the only reasonable requirement for immigration is a travel visa, which should be for the purpose of informing the receiving government of one's presence in their country but not for regulating people who move, especially to seek protection. Furthermore, Ms. Venezuela found the separation from her family very painful. She was very lonely during the determination process.

Ms. Venezuela noted that whenever people from her country, Venezuela, ask her about the refugee process in Canada following deteriorating political situation at her home country, she advises that the refugee process in Canada is good because one can apply and it's accessible but it's bad because it's difficult to navigate. She explained

It's hard because you have to prove that whatever you are telling is true, you need to get all the legal documents, sometimes it's not easy to find the documents you need. It's also very hard if you don't know the language, to get a job, and if you are like me, with a Law degree from back home and come here to work as a waitress, it's not a nice feeling at all. In your country you are the customer, here the waitress, it's not easy to reconcile the two.

As former political or social justice activists, some informants found their designations as refugees difficult to understand. They reasoned that refugees are “people who have nothing”. They found the identity of “refugees” as not being representative of whom they are. This was demonstrated by Mr. Kampala who, when he sought assistance at a refugee shelter, was not able to say that he was a “refugee claimant”.

When I went to the shelter, I wanted to tell them all the information about me because the word refugee was beyond my comprehension. In Uganda the word refugee means you own nothing, you've just escaped from your country to come and get resources in another country, so when they asked me if I was a refugee I said I had gone to immigration and told them I was being persecuted in my country. So, I was asked again: Are you are a refugee claimant? I said. Maybe. It was hard to get the actual meaning of refugee.

Similarly, Mr. Nepal who was a founder and head of a non-profit organization for the protection of environment and culture for 17 years said that when he came to Canada, he expected a lot of respect.

Before I came here, I felt that it's a very good country and at that time, I thought maybe I'll get respect. But when I came here, I had this feeling that I got respect and it is a beautiful country, but it was different. The culture is different, and I had language problems. It's also difficult to get a job. Because my profession was in natural environment, I was a working to keep green. But here it's very tough to get such positions because of lack of Canadian experience.

One informant indeed argued that Canada was either ignorant of or deliberately neglecting a certain proportion of people in need of protection, that is less publicized activists, like human rights workers, labour and union leaders by preferring to be a safe-haven for only resettled refugees in designated refugee camps or highly publicized personalities facing persecution.

Canada should recognize and realize that there are refugees in different parts of the world. Some are institutionalized and some are not, including those who may not be big political names who capture the international headlines and therefore get protection wherever they go. I tend to think the system caters to highly visible refugees who are in camps and highly visible refugees by their high public profile. And sometimes that becomes the case because they have newspaper cuttings and other paper trails. I think there is need to serve those who do not even have access to newspapers and other stuff (evidence).

Ms. Nairobi found the refugee process “punishing” for victims of persecution especially families. She said that even after having gone through a painful experience of sexual assault, the six years waiting to be reunited with her children was too harsh.

One thing is that because of this long process, my closeness with my family was affected. My children have been apart from me for 6 years. It's like starting all over again. But now that my children are coming I am happy but I do not know how they are going to take me. It's been a long time. I left them when they were young and now they are all grown up.

{When the interview was conducted, plans had been finalized to reunite with her family in a week. She contacted the researcher to inform him of the good news when the children finally arrived}.

Ms. Zimbabwe similarly found separation from her children very difficult.

During the waiting, I was concerned about my children. Because if I leave my children with you and I go to another country, you would believe I have a lot of money. So every time I called home, the caretaker told me she needed money. But I wonder whether she was using the money on my children because I later learnt that she was even buying new furniture. How would you feel? I felt very depressed. Because I really missed my children, it really affected me. At the end of the day, it really doesn't matter what kind of home you come and when you are away from home, you really miss home.

Informants' perspectives about public perceptions of refugee claimants

Most studies have focused on public perceptions about refugee claimants. This study shifted the focus to refugee's perceptions about public opinion on refugees and what they make out of them. Informants also offered their perspectives about the public perceptions.

- ✓ *I think that based on what I've read about Canadian perceptions about people who have come here from god-knows-where, the main argument is that refugees just want to come here and use the system, suck up the system. Refugees are perceived as a bunch of lazy people who do not want to really make it on their own and who would like to use the system to get \$534 welfare and be happy with that.*
- ✓ *Most people who come here are genuine. Let's not forget that in terms of immigration numbers, Canada has an annual target of over 230,000 immigrants of which a small portion is refugees, maybe 15,000-20,000. Those who come under these numbers are genuine refugees. Those who come within the broader numbers are people that Canada needs for economic reasons. In most cases it is the smaller numbers that tend to be ostracized on account that they have come here to ruin the system. These are people who have come here looking for safe havens and they have genuine fears and legitimate fears from their countries of origin.*
- ✓ *Most times people think refugees should be grateful we allow them into the country. They should be grateful to be in the country and it's true there are reasons to be grateful for being in this country but this can sometimes override the genuine intervention policy initiatives that could be taken because you are told: Why are you making noise? You should be happy that you are here already...*

- ✚ *There is need to lobby and create more friendly immigration laws and policies in the country and to change the perception of the Canadian public that*

immigrants are not the new suckers in the block. They are human beings who have come here and whose dignity will be restored if they are able to contribute to Canadian society. It is important to let the Canadian society know that refugees are not here by accident. They are here because of circumstances

- ✓ *People do not know that the refugee process is challenging. It is torturing psychologically to go through the system because by the time you submit your papers and then start the waiting, sincerely you will have a lot in your mind. You cannot settle in your mind. Every time you read in the newspapers about people being deported. So you are not yourself. And the fact that you are called a refugee claimant and not even a convention refugee, that kind of tortures your being.*
- ✓ *People who have not gone through the refugee process think that immigrants are here to grab resources yet in actual fact, when we immigrants come here, in four five years, research is showing that we are better educated, we are going to school more and are contributing to the economy. Not all immigrants that apply are accepted, only a very small percentage is accepted. There are a lot of misconceptions and myths about immigrants and refugees.*
 - ✚ *There is a lot of work that needs to be done to educate the Canadian public on issues surrounding access to services to immigrants and even about the whole process. Canada being part of the UN and being a leading signatory on all declarations on human rights need to be aware that everyone is equal- citizen, immigrants or refugee.*
 - ✚ *People should know more about refugees because they go through a lot of challenges. Some refugee claimants get traumatized. I know people in Toronto help very much, but when refugees come, they do not know much about Canada and most people won't ignore you and will direct you. But the other day I met someone who, because he spoke French and no one would understand him, he told me many people ignored him because they thought he was mentally unstable. He tried to speak and most people walked away.*
- ✓ *What the public do not really know is that refugee claimants get really depressed. Do you know that most refugees when they go to bed at night, they cry even if they live two, three or four in a room? Because that time you are all alone. They shed tears. Because they miss home. It doesn't matter if you come from a very poor or very rich family. Family is important and when you are not with your family, you get depressed. You know that one day you might be better off than where you came from but still, home is home.*
- ✓ *Most people think that just because you are here in Canada, you are okay. You have all these tall buildings or they (refugees) are here to take advantage of good things. But it is different. There is everything about you that is different. You have nothing of your own. And you have to start all over again, from having a cup, to being able to afford to make a cup of tea to drink. It all starts with buying something from a dollar store that you can call yours.*

Discussion of findings

This study explored and documented the experiences of people fleeing persecution in their homelands in terms of what they go through in the course of seeking protection in Canada. Specifically, in this study, I wanted to examine what motivates refugee claimants to leave their countries and to understand how various policies that have been put in place by governments to regulate migration impact on their lives. This was analysed against Canada's stated commitment to providing a safe haven to people in need of Canada's protection. The refugee legislation outlines the objectives of Canada's refugee policy as saving lives and offering protection to the displaced and persecuted and to fulfill Canada's commitment to international efforts to provide assistance to those in need of resettlement (see Subsection 2(a) and (b) of IRPA accessible online at the Department of Justice website, <http://laws.justice.gc.ca/en/I-2.5/index.html>). As a state party to the refugee convention, Canada commits to guaranteeing refugees certain rights that follow automatically and immediately from the simple fact of their being convention refugees within the effective jurisdiction of a state party (Hathaway 2005). Hathaway identifies six of these rights. First, persons who claim to be refugees are generally entitled to enter and remain in the territory of a state party until and unless they are found not to be convention refugees. Second, they should not be arbitrarily detained or otherwise penalized for seeking protection. Third, it should be possible to meet essential security and economic subsistence needs while the host state takes whatever measures it deems necessary to verify the claim to convention refugee status. Fourth, basic human dignity ought to be respected, including respect for property and related rights, preservation of family unity, honouring freedom of thought, conscience and religion, and by the provision of primary education to refugee children. Fifth, authoritative documentation of identity and status in the host state should be made available. Sixth, asylum-seekers must have access to meaningful remedy to enforce their rights, including seeking remedy for breach of any of these primary protection rights (Hathaway 2005 p. 279).

To a large extent, Canada has demonstrated its commitment to refugee protection through enactment of laws, policies and its practices with respect to refugee protection. The incorporation of the refugee definition into the domestic law, the establishment of in-Canada refugee determination procedure and the assessment of individuals' claims for protection demonstrate the country's respect for its obligations under international law. Additionally, and as affirmed by informants in this study, when they arrive in Canada, refugee claimants are able to access the refugee determination process, they are provided with legal aid, and money for basic needs of food, housing and health services. Refugee

claimants also enjoy certain freedoms, including freedom of thought, conscience and religion and their applications are determined following an oral hearing by the Immigration and Refugee Board. The rights accorded to refugees are also guaranteed by the Canadian Charter of Rights and Freedom (the Charter), which according to a 1985 decision of the Supreme Court of Canada, applied to all people in Canada, “whether or not they were citizens” (Waldman 2005 p. 15).

Be that as it may, other experiences of informants during their search for protection however raise questions of Canada’s sincerity in its stated commitment to refugee protection, especially in accordance to the Canadian government’s position that refugee policy practices are based on a commitment to its humanitarian traditions and to the protection of refugees and others in need of protection and resettlement (CIC 2006). For example, while Canada has made some positive steps in its commitment to refugee issues, this study identified the following policy issues in Canada’s approach to refugees: limited economic and social support for refugee claimants, most of whom stated that the welfare allocations can barely meet their basic needs of food, housing and shelter; barriers to effective integration into the Canadian socio-economic and political fabric due to limited job opportunities for refugee claimants; bureaucratic red-tape manifested in lengthy waiting times for processing refugee claims, visa requirements and delays reuniting convention refugees with their families, among other concerns.

Generally speaking, the study found that refugees left their countries after their safety was threatened or when political conditions in their countries were not conducive to living in safety. Concerned about personal safety, refugee claimants are compelled to leave their homelands for safe havens like Canada. A review of independent reports on conditions that they described about their countries when they fled showed dangerous conditions existed as described by the informants. The findings about risky conditions in their countries at the time of their departures serve to validate their claims and rebut some commentaries that question the genuineness of inland claimants. Castle and Miller (2003) have argued that there are some observers who describe asylum seekers, who move across international borders in search of protection as not “real victims” of persecution, but simply economic migrants in disguise (Castles and Miller p. 102). This study contradicts such claims and affirms Castle and Millers (2003) observation that unlike immigrants who plan to move to another country, refugees are forced to move by conditions that endanger their lives. All informants described some of these conditions, which include: fears of arrest, torture or detention because of their political activities, membership in groups that were perceived as unwanted and therefore targeted for violence and being victims of gender-motivated violence as the reasons that forced them to flee their homeland.

The study also contradicts Gallagher's (2003) assertion that Canada's refugee policy and practices were 'soft' on refugee claimants and that they encouraged irregular migration since the whole refugee determination was rigorous. The experiences of informants in this study are far from Gallagher's argument that Canada is a preferred destination of "asylum shoppers" who according to the author, come to Canada because other nations have developed tougher policies that block would-be asylum seekers from arriving at their borders. What is more, contrary to Gallagher's assertion that the forms of social assistance that refugee claimants are allowed to access are a 'magnet' for irregular migration (2001), the study found that when they arrive in Canada, refugee claimants go through a tough time and face challenges including dealing with the lengthy and complex processes of refugee determination and settlement and restricted access to settlement services. Informants described delays in the processing of their cases, lengthy family re-unification processes as well as difficulties accessing jobs and housing, which unlike what Gallagher is wont to have us believe, is not a rosy picture at all. These challenges are similar to those outlined in studies by Sarah Wayland (2006) and the Canadian Council for Refugees (CCR 2006) about experiences of immigrants and refugees with immigration policies and settlement and in studies on the economic performance of newcomers, immigrants and refugees by Galabuzi (2001 and 2006), Omidvar (2003) and Teelucksingh (2005). Because of their fragile immigration status, refugee claimants also share in the marginalized existence of people living in Canada without status that are highlighted by Khandor (2004) and Berinstein (2006). Studies focusing on the social, economic and political spheres of life in Canada for new immigrants and refugees show that the economic performance of recent immigrants in Canada during the last two decades has seen a dramatic downward shift in their economic status (Galabuzi 2001 and 2006, Teelucksingh 2005, Omidvar 2003). The studies found that immigrant groups—most of them overwhelmingly non-European visible minorities—are experiencing severe difficulties in the Canadian labour market and associated problems of individual and family poverty, with increasing unemployment and underemployment rates for individual immigrants and their families. Income discrimination against visible minority workers (both immigrants and Canadian born) and gender-based wage discrimination for female immigrants was also highlighted by the study by Galabuzi (2006), while Dion's study on access to housing for newcomers to Canada found that discrimination of immigrants and visible racial minorities, whether native or foreign born has forced them to live in inadequate housing or in less desirable parts of the community (Dion 2001). The studies also found that most visible minority immigrant groups experience feelings of isolation and alienation, which are linked to the perception of cultural differences and experiences of discrimination and racism (Omidvar 2003).

The experiences of racism and discrimination are much more serious among those without regular status, including refugee claimants because, as Wayland (2006) argues, the rights and privileges held by newcomers to Canada vary according to their status, with citizens and permanent residents enjoying the most rights (Wayland 2006). When they arrive, refugee claimants do not have any stable status—they are simply refugee claimants. Although non-status immigrants work, pay taxes, raise families, and contribute to their communities, Khandor contends, they face serious barriers in terms of accessing services, rights and protections enjoyed by most people in Canada like access to legal support, health care, social services and basic personal security and are not protected against unfair and dangerous working conditions (Khandor 2004). A non-published study on non-status immigrant's access to the City of Toronto's services also found that many non-status people try to avoid the use of social services, even in emergencies despite the fact that many services in Toronto are increasingly called upon to serve the needs of non-status people (Berinstein 2006).

The challenges that refugee claimants face during the determination process and the environment in which board members that make the decision operate in are illustrated by Peter Showler in *Refugee Sandwich*. The author identifies the following obstacles that refugee claimants face during a refugee claim process (Showler 2006):

- Obstacles to communication are enormous and formidable
- A vast chasm of potential miscommunication lies between the claimant and the decision maker
- Most genuine claimants experience a profound sense of vulnerability due to their inability to understand the refugee claim process and their fear of being returned to persecution
- The process is frightening because it does not make sense to them and because the stakes are so high
- Their fear is magnified in the hearing room when questions are incomprehensible because of language barriers, different cultural perspectives, or false assumptions on the part of the questioner
- Claimants may be uneducated, inarticulate, traumatized, or simply unable to remember culturally irrelevant facts
- They may be telling the truth as they perceive it, but the questioner might view their statements as mere exaggerations and/or lies

On the other hand, the author argues that board members may have a partial understanding of the refugee law, some objective knowledge about the claimant's country, and often, some experience with prior claims from that country and that they review the Personal Information Form (PIF), that reduce the claimant's life histories to dry, objective facts that may or may not capture their reasons for fearing

persecution. The author further observes that the adjudicators have the lawful authority to decide claims on the facts and the law without interference from any other person or authority, but endure strong administrative pressures to complete the hearing within half a day. Finally, Showler states, board members unavoidably bring their own cultural baggage to the hearing and, with luck, have some knowledge of its contents as well as powerful ethical imperative to get their decisions right and some humility (Showler 2006 p. xvi).

Based on the foregoing discussion on the findings of this study, how should Canada address the refugee issue in a manner that is consistent with its national and international obligations while at the same time operating under a policy framework that takes into account the unique circumstances of refugees? I attempt to respond to this question in the final part of this project by drawing a general conclusion on my findings and making some recommendations on how Canada could make its refugee process more effective.

Conclusion and Recommendations

When Ms. Nairobi left her country after she was violently attacked and sexually assaulted by political thugs who targeted members of her community because of her community's alleged opposition to the government, she hoped that the journey to safety would be easy and that she would re-unite with her young children as soon as she was safe in Canada. After being in Canada for six years, she was yet to be reunited with her family, although she hoped that she would be joined by her children within weeks of conducting the interview in July 2007. From the moment that she fled her country, she endured so many challenges, none of which she anticipated in her quest to seek protection in Canada. While she was excited to receive her family, she wondered why in a country that is committed to ideals of family unity, it took so long for the government to allow her children to re-unite with her.

This is one of the many experiences that this study sought to highlight about the refugees who come to Canada to seek protection. This study sought to analyze these experiences against Canada's stated commitment to providing a safe haven to people in need of Canada's protection. The refugee legislation—the Immigration and Refugee Protection Act (IRPA)—outlines the objectives of Canada's refugee policy as saving lives and offering protection to the displaced and persecuted and to fulfill Canada's commitment to international efforts to provide assistance to those in need of resettlement. Finally, the study sought to analyze how various policies that have been put in place by the government relating to refugee protection impacted on the lives of refugee. In order to meet these objectives of the study, an analysis of literature was carried out focusing on the policy and practice of refugee protection at the international and national levels. A qualitative study was also conducted on refugee claimants living in Canada about their experiences with the refugee process.

The study documented multiple experiences of the refugee process, including the conditions of countries that claimants suffered or feared being persecuted, making the decision to travel to seek protection, flight, and experiences in the country of asylum. The study has also highlighted Canada's refugee policy and practices. The study found that consistent with its obligation to provide protection to refugee claimants, Canada has put in place domestic legislation for refugees that incorporate the Convention Refugee definition. As well, Canada has developed and staffed a refugee determination process and runs a system that provides assistance for basic upkeep—food, shelter and travel as well as legal aid—for claimants while they pursued their refugee claims. Experiences by people who have gone through the refugee process show that after fleeing persecution in their homelands, people who come to Canada to seek refugee protection faced numerous barriers when they tried to enter and after they entered

the country. These challenges began with the process of seeking travel visas, which in some cases involved travelling to other countries to access a Canadian immigration office abroad. Others survived scrutiny by airline officials and interception by immigration officials abroad that would have denied them the right to make a claim for refugee protection. When they arrived in Canada, refugee claimants experienced further challenges. These included dealing with suspicious immigration officials who assessed their eligibility at the port of entry. After making claims for refugee protection, they dealt with a complex and lengthy process of refugee determination and settlement, during which period they suffered from loneliness, worries about the outcome of their claims and concerns for their families abroad. They also faced difficulties accessing work, adequate housing, health services and education. Although the government provided some form of social assistance for basic sustenance—food, travel, accommodation, as well as legal aid which they found very useful as they pursued their claims—the study found that this assistance was not only inadequate but was also a source of public suspicion and apprehension, as refugee claimants were labelled as people taking advantage of Canada’s social welfare system. All informants in the study were determined to be Convention refugees, assuaging their anxieties and fears that prevailed during the lengthy waiting for the hearing and during the determination process. However, memories about their experiences with the refugee process are inerasable in their minds. The memories consist of a cocktail of experiences of pain, fear, hunger, anxieties, and suspicions as well as joy when they were told they were welcome to stay in Canada.

While Canada has made impressive efforts to live up to its international law obligations in so far as refugee issues are concerned, a lot of areas still need to be addressed. For example, although Canada has articulated its immigration policies with respect to refugees under the guidance of the 1951 Geneva Convention relating to refugee protection, current trends shows that the government is eager to block its door to refugees. This was made evident when the Minister for Citizenship and Immigration recently described as a “success” the measures that the government had taken to reduce refugee claims submitted in Canada (Annual Report to Parliament on Immigration (2005). These successes, the Minister argued, were reflected in marked decrease in the number of refugee claims that were made in Canada. The Minister attributed this to “successful collaboration between CIC and CBSA to look for ways to reduce the exploitation of Canada’s refugee system by individuals who do not have a genuine need for protection” (ibid). Such measures, the government noted, included the introduction of Safe Third Country Agreement with the U.S., judicious use of visitor visa requirements and the continued use of interdiction measures abroad (2005 p. 39). As this study showed, since the government does not have processes abroad to facilitate “genuine” refugees fleeing persecution to enter Canada and make refugee claims, the

policies suggested by the Minister would negatively impact those individuals—like the ones in this study—having a genuine need for protection.

Adelman (2002) notes that, the current policy practice of seeking to reduce the numbers of refugees is clearly targeted at refugees, indicating a clear departure between Canada's stated commitments to refugee protection with the practice that inhibits refugee access to Canada. Adelman further argues that a day after Canada and the U.S. signed a joint border and immigration accord on December 4, 2001, Canada imposed visa requirements on a number of countries including Hungary and Zimbabwe which were among the top ten countries producing refugee claimants between January and September of 2001. The author notes that, Hungary was included because, although a small percentage of Roma have been accepted as refugees, Roma from Hungary continually arrive in Canada to become refugee claimants. As for Zimbabwe, the author argues that a majority of Zimbabweans who reach Canada to make a refugee claim are successful, hence a visa requirement would then deter many Zimbabweans from arriving, and many of whom may well be genuine refugees (Adelman 2002). Other measures that affect asylum seekers include interdiction and location of visa offices abroad. As Hathaway (1991: 51) observed, without "lawful" documents, refugees are interdicted before they arrive to the countries where they can seek protection, while the location of immigration offices abroad, that by and large are still not situated in areas where refugees' problems are most severe deny potential immigrants and refugees from accessing Canada (Kelley 2001, Ighodaro 2006). Kelley argues that the measures that Canada has taken to close her borders to those in need of refugee protection render the notion that Canada's refugee policies and practices are guided by humanitarian ideals fallacious. In addition, discourses that link refugees with security concerns and that further justify scrutiny and their refusal to access into Canada, and for those who arrive, surveillance of newcomers and restricted access to settlement services and social assistance call for a discussion about the myth that Canada's refugee policy practices are informed by a tradition of humanitarianism and commitment to international refugee law. Any claims to the belief in providing a safe haven to the persecuted must be accompanied by the practice of facilitating safe travel and settlement processes of the victims.

By documenting refugee experiences, the study not only contributes to on-going discussions about refugees by presenting their voices about their experiences but also highlights their perspectives about prevailing perceptions about them. These experiences also offer a foundation upon which I offer refugee policy recommendations at the following levels:

To the government

- Immigration policies abroad should reflect Canada's commitment to refugee protection by
 - increasing visa processing centres in the developing countries,
 - expanding the country of asylum provision to allow refugees claims to be made at visa posts and expedited travel visas issued to facilitate travel for those at risk of persecution,
 - interdiction abroad to target criminals, not refugees fleeing persecution traveling without lawful travel documents.
- Immigration officers / Canada Border Service Agency officers conduct eligibility interviews and security checks humanely and be sensitive to refugee experiences, including by explaining the purpose of the process
- Have reception centres at the port of entry for refugee claimants to advice or assist on how to make phone calls, get public transport, and recommend shelters or health and counselling services
- Review family reunification policies to ensure family members join the principle applicant immediately following a positive decision of the claim. They should conduct health and security checks when the family is united in Canada
- Increase resources to settlement services to meet counselling needs for jobs, housing, English/French language skills and referral to other services for refugee claimants
- Increase welfare budget to reflect high cost of living

To refugee claimants

- Be aware that navigating the process is not easy and get ready to deal with the prevailing suspicions that refugee claimants come to take advantage of Canada's resources
- Know the importance of providing evidence because in the prevailing environment of suspicion of refugee claimants, some people with very strong cases are refused because they lack documents to support their claims
- Make use of available community services, including from the communities; to seek advice especially from agencies and shelters that deal with refugees

To refugees, former refugees and advocacy groups

- There is the need to lobby for the creation of more refugee friendly immigration laws and policies in the country
- Remind the government that visa policies and location of visa offices abroad and interception abroad are targeting people with genuine need for protection
- There is need to change the perception of the Canadian public that refugee claimants come to take advantage of opportunities and to remind people and the government that refugees are human beings who have come here whose dignity will be found if they are able to contribute to Canadian society
- Refugees should link up with immigrant groups and advocacy groups to see what they are doing and to join them in lobbying and networking with all other networks of immigrants groups who

come into this country from different regions

To the refugee serving agencies

- Be sensitive to unique experiences of refugees especially victims of gender-based persecution and torture survivors
- Agency staff should be cautious when they recommend services or link up refugee claimants with their communities about their fears of meeting people likely to re-traumatise them or expose their families at home to danger

Suggested further research

This study focused on the personal experiences of refugee claimants who made successful refugee claims in Canada. The study sought to document these experiences as a way of providing an avenue for refugees to add their often silent, nay, silenced voices to the refugee discourse in Canada. By highlighting the personal experiences of refugees, the study identified the main factors motivating refugees to leave their countries in search of protection in Canada. As well, the study examined the impact of various Canadian refugee immigration policies on the lives of refugee claimants both at the time they make the decision to leave their countries and after their arrival in Canada. While this study makes important observations and recommendations on how the experiences of refugee claimants could be incorporated into Canada's refugee policies in order to create a more effective refugee policy regime, the study is in no way exhaustive in so far as refugee immigration to Canada is concerned. A number of important issues surrounding refugee immigration to Canada still remain under-researched and more scholarly attention needs to be directed to these issues. Since this study focused on those refugee claimants whose application for refugee protection in Canada were successful, an interesting area I would recommend for further study would be for those refugee claimants whose claims were not successful. Each year, more than a half of asylum applications in Canada are ultimately refused (see Annual Reports to Parliament on Immigration, available at: <http://www.cic.gc.ca/EnGlish/pub/index-2.html#reports>), Since those whose application for refugee protection in Canada are denied constitute a sizeable group, there is need to conduct more research on this group to find out some of the main reasons why these refugee claims are turned down. What is more, such a research undertaking would provide a framework for comparing the experiences and perspectives of those whose applications were successful with those that were unsuccessful while offering an opportunity for appraising the integrity of Canada's refugee policies.

List of figures

Appendix

Interview Guide on refugee experiences with Canada's inland claim process

1. Briefly describe the situation in your country or city around the time you fled your country of origin.
2. How was it like to make a decision to leave your country and come to Canada?

 Prompt: How hard was it to make up your mind to leave? Were there things that pressured you to reconsider your decision to leave? Are there things or people that encouraged you to leave?
3. What was your experience like making a journey to Canada?

 Prompt: How easy was it to come to Canada to make a refugee claim? Describe to me some of the challenges that you faced while coming to make a refugee claim.
4. How easy was it to know how to make a refugee claim?

 Prompt: Are there people who helped you prepare for your refugee application? Did you face any challenges?
5. How was it like to wait for your refugee hearing?

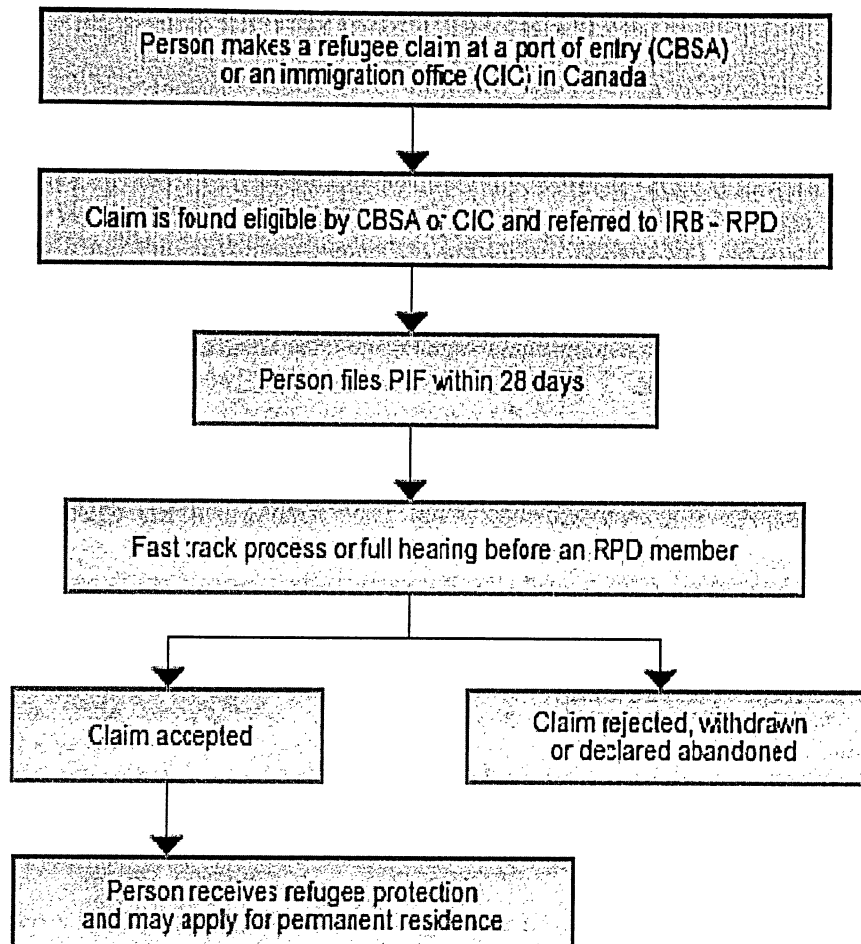
 Prompt: What were your major concerns during this period? Are there difficulties that you run into during this period?
6. How can you describe the process of being assessed to be a refugee?

 Prompt: Thinking back to the time of the hearing, mention two or three things that stick out about your experience?

 Prompt: Based on your experience, are there things about the hearing process that you believe are not known to the Canadian public?
7. What suggestions would you have to make the situation better?

 Prompt: Have you heard people make suggestions on how to improve the refugee process and to make the in-land claim process better? If you were to give advice to someone making a refugee claim, what suggestions would you make to the person? What would you say is the single most useful thing that could be done?
8. Based on your refugee experience, what would you like a person planning to make a refugee claim in Canada to be aware of?
9. Are there experiences during the refugee process that you believe have had some impacts on your settlement process in Canada?

Illustration: The Refugee Determination Process



Source: Immigration and Refugee Board website

http://www.irb-cisr.gc.ca/en/about/publications/overview/index_e.htm#rpd2

References

- Adelman, H. (2002). *Canadian Borders and Immigration Post 9/11*. *International Migration Review*, 36(1), 15-28.
- Amnesty International Canada. (2007). *Refugee Protection in Canada*. Retrieved on 2 September 2007 from <http://www.amnesty.ca/Refugee/Canada.php>
- Amnesty International UK. (2006). *Down and Out in London - The road to destitution for rejected asylum seekers*. Accessed on 30 August 2007 at <http://www.amnesty.org.uk/content.asp?CategoryID=10682>
- Amnesty International: *The UN and Refugee Human Rights: A manual on how UN human rights mechanisms can protect the rights of refugees*, 1997, AI Index: IOR 30/02/97
- Amnesty International. 2006. *Living in the Shadows: A Primer on the Human Rights of Migrants*. Available online at <http://web.amnesty.org/library/Index/ENGPOL330062006>
- Amnesty International Reports: *The State of the World's Human Rights* available on line at www.amnesty.org/library
- Beaujot, R. P. (2004). In Kerr D. (Ed.), *Population Change in Canada* (2nd ed. ed.). Don Mills, Ont.: Oxford University Press.
- Berinstein, C., J. McDonald, P. Nyers, C. Wright, and S.S. Zerehi. 2006. *Access Not Fear: Non-Status Immigrants And City Services*. Toronto. Access Alliance and others.
- Bullets on the water: Refugee Stories* (2000). In Grouev I. (Ed.). Montreal: McGill-Queen's University Press.
- Canada Border Services Agency (CBSA) website. Retrieved February 24, 2007). <http://www.cbsa-asfc.gc.ca/newsroom/factsheets/2004/0311Removals-e.html>,
- Canadian Council for Refugees (CCR). (2005). *Lives on Hold*. Montreal. Available online at www.web.ca/ccr/livesonhold.htm
- Castles, Stephen, and Mark J. Miller. (2003). *The Age of Migration 3rd Edition*. New York. Palgrave Macmillan.
- CIC. *The Canadian Refugee System*. Accessed on April 15, 2007 from <http://www.cic.gc.ca/english/refugees/index.html>
- Citizenship and Immigration Canada: *Annual Report to Parliament on Immigration*, (2002, 2003, 2004, 2005, 2006) http://www.cic.gc.ca/english/pub/annual-report2005/section3.html#3_1b
- Danso, R. (2002). From 'There' to 'Here': An Investigation of the Initial Settlement Experiences of Ethiopian and Somali Refugees in Toronto. *GeoJournal*, 56(1), 3.
- Dauvergne, C. (2005). *Humanitarianism, Identity, and Nation: Migration Laws of Australia and Canada*. Vancouver: UBC Press.
- Dench, J. (2006). Ending The Nightmare: Speeding up Refugee Family Reunification. *Canadian Issues*, 53.
- Department of Justice, Canada. Immigration and Refugee Protection Act (2001). Available on line at <http://laws.justice.gc.ca/en/I-2.5/index.html>
- Dion, K. L. (2001). Immigrants' Perceptions of Housing Discrimination in Toronto: The Housing New Canadians Projects. *The Journal of Social Issues*, 57(3), 523.
- Feller, Erika, Volker Turk & Frances Nicholson (eds). 2003. Refugee Protection in International law: UNHCR's Global Consultations on International Protection. UNHCR Geneva. <http://www.unhcr.org/protect/41a1b51c6.html>
- Galabuzi, G. (2001). In Centre for Social Justice Foundation for Research and Education. (Ed.), *Canada's Creeping Economic Apartheid [electronic resource]: The Economic Segregation and Social Marginalisation of Racialized Groups*. Toronto: CSJ Foundation for Research and Education.
- Galabuzi, G. (2006). *Canada's Economic Apartheid: The Social Exclusion of Racialized Groups in the*

- New Century. Toronto: Canadian Scholars' Press.
- Gallagher, Stephen. *Canada's dysfunctional refugee policy: a realist case for reform*. Behind the Headlines Toronto: Summer 2001. Vol. 58, Iss. 4, p. 1-16
- Gallagher, S. (2003). In Fraser Institute (Vancouver B. C.). (Ed.), *Canada's Dysfunctional Refugee Determination System: Canadian Asylum Policy from a Comparative Perspective*. Vancouver: Fraser Institute.
- Goodwin-Gill, G. S. (2000). In Kumin J., Caledon Institute of Social Policy. (Eds.), *Refugees in Limbo and Canada's International Obligations*. Ottawa, Ont.: Caledon Institute of Social Policy.
- Gordon, Everton. (1999). In York University, Faculty of Graduate Studies. Program in Social Work. (ED.), *Separation, Reunification and Hybridization of Culture: A Study of Caribbean Immigrant Families in Toronto*
- Hathaway, J. C. (1991). *The Law of Refugee Status*. Toronto: Butterworths.
- Hathaway, J. C. (2005). *The Rights of Refugees under International Law*. New York: Cambridge University Press.
- Ighodaro, MacDonald. (2006). *Living the Experience: Migration, Exclusion, and Anti-racist Practice*. Halifax N. S. Fernwood publishers.
- Immigration and Refugee Board. Homepage http://www.irb-cisr.gc.ca/en/index_e.htm
- IRB (2007). 2007-2008 Report on Plans and Priorities for Immigration and Refugee Board of Canada (IRB) http://www.tbs-sct.gc.ca/rpp/0708/IRB-CISR/irb-cisr01_e.asp#section1
- Kelley, N., and Michael Trebilcock (2000). *The Making of the Mosaic: A History of Canada Immigration Policy*. Toronto. Toronto University Press.
- Kelley, Ninette (2001). *A History of Canada Immigration and Refugee Policy*, in Canadian Immigration and Refugee Law, Fall 2001, Vol. 1. Audrey Macklin and Sharry Aiken. Eds. University of Toronto Law.
- Khandor, E., J. MacDonald, P. Nyers, and C. Wright. 2004. *The Regularization of Non-Status Immigrants in Canada 1960-2004: Past Policies, Current Perspectives, Active Campaigns*. Toronto: STATUS Campaign. www.ocasi.org/status
- Kruger, E., Mulder, M., & Korenic, B. (2004). Canada after 11 September: Security Measures and "Preferred" Immigrants. *Mediterranean Quarterly*, 15(4), 72-87.
- Li, Peter: *Destination Canada: Immigration Debates and Issues*, Toronto, Oxford University Press, 2003
- Matas, D. (1989). In Simon I. (Ed.). *Closing the Doors: The Failure of Refugee Protection*. Toronto: Summerhill Press.
- McLuhan, Elizabeth (eds) (1995). *Safe Haven: The Refugee Experience of Five Families*. Multicultural Societies of Ontario. University of Toronto Press.
- Murdie, R. A. (2000). In Teixeira C. (Ed.), *Towards a Comfortable Neighbourhood and Appropriate Housing: Immigrant Experience in Toronto*. Toronto: Joint Centre of Excellence for Research on Immigration and Settlement.
- Neve, Alex (2003). *Is there Access? Are there Rights?* Address to the Canadian Council for Refugees Meeting. Ottawa. Retrieved on 10 August 2007 from <http://www.ccrweb.ca/alexneve.htm>
- Nyers, P. (2006). *Rethinking refugees: Beyond States of Emergency*. New York: Routledge.
- Newman, Lawrence. (2003). *Social Research Methods: Qualitative and Quantitative Approaches*, 5th Edition. Toronto. Pearson Education, Inc.
- Omidvar, R. (2003). In Richmond T., Laidlaw Foundation. (Eds.), *Immigrant Settlement and Social Inclusion in Canada*. Toronto: Laidlaw Foundation.
- Opoku-Dapaah, E. (1995). *Somali Refugees in Toronto: A Profile*. Toronto: York Lanes Press.
- Razack, Sherene H. (1998). *Looking white people in the Eye: Gender, Race, and Culture in the Courtrooms and Classrooms*. University of Toronto Press.
- Pratt, Anna. (2005). *Securing Borders: Detention and Deportation in Canada*. Vancouver. UBC Press.

- Rubin, H. J. and Irene S. Rubin. (2005). *Qualitative Interviewing: The Art of Hearing Data*, 2nd Edition. London. Sage Publications.
- Rudner, Martin (2002). *The globalization of terrorism: Canada's intelligence response to the post-September 11 threat environment*. Canadian Issues 24. Retrieved August 31, 2007, from CBCA Complete database. (Document ID: 345523761).
- Tutty L. M., Rothery M. A., Grinnell R. M. and Austin C. D (1996). *Qualitative Research for Social Workers*. Boston: Allyn and Bacon.
- Saufert, S. A. (2007). Closing the Door to Refugees: The Denial of Due Process for Refugee Claimants in Canada. *Saskatchewan Law Review*, 70(1), 27.
- Showler, P. (2006). *Refugee Sandwich: Stories of Exile and Asylum*. Montreal: McGill-Queen's University Press.
- Siad, A. A. (1991). In York Community Services. (Ed.), *Findings on the Somali Community in the City of York*
- Singh, P. (2007). In Ryerson University. School of Graduate Studies. Program in Immigration and Settlement Studies. (Ed.), *The Challenge of Refugee Determination in a Self-Interested World*
- Teelucksingh, C. (2005). In Galabuzi G., Centre for Social Justice. (Eds.), *Working Precariously: The Impact of Race and Immigrants Status on Employment Opportunities and Outcomes in Canada*. Willowdale, Ont.: Canadian Race Relations Foundation.
- Thobani, S. (2007). *Exalted Subjects: Studies in the Making of Race and Nation in Canada*. Buffalo: University of Toronto Press.
- UNHCR (2006). *Statistical Overview of Population of Refugees, Asylum Seekers, Internally Displaced Persons, Stateless Persons and Other Persons of Concern to UNHCR*. 9 June 2006. Retrieved on August 10, 2007 from www.unhcr.org/statistics
- UNHCR (2001). *The 1951 Geneva Convention – The Wall Behind Which Refugee Can Shelter*. Accessed on line from <http://www.unhcr.org/home/PUBL/3b5e90ea0.pdf>
- US Department of State Reports on Human Rights. Accessed from <http://www.state.gov/g/drl/hr/>
- Waldman, Lorne. (2004). *Canadian Immigration and Refugee Law Practice*. Markham Ontario. LexisNexis.
- Wayland, Sarah. (2006). *Unsettled: Legal and Policy Barriers for Newcomers to Canada and the Law Commission of Canada*. Toronto. Community Foundation of Canada and the Law Commission of Canada. Available on-line at www.cfc-fcc.ca, www.lcc.gc.ca
- Whitaker, R. (1987). *Asylum Seekers and Refugees in the Contemporary World*. Toronto: Routledge

Glossary

CBSA	Canada Border Services Agency
CCR	Canadian Council for Refugees
CIC	Citizenship and Immigration Canada
CR	Convention Refugee
IRB	Immigration and Refugee Board
IRPA	Immigration and Refugee Protection Act
PR	Permanent Resident
PRRA	Pre-Removal Risk Assessment
RAD	Refugee Appeal Division (of IRB)
RPD	Refugee Protection Division
PP	Protected Person
RPO	Refugee Protection Officer
UNHCR	United Nations High Commissioner for Refugees