

## Open Door versus Border Wall

Canada has reached a historic milestone: In 2023, the country's population surpassed 40 million people. The number of people living in Canada rose by more than one million in 2022 –96% due to international migration. This represents the highest annual population growth rate since the post-war boom of 1957.

However, at a time of economic uncertainty and a crisis in both healthcare and housing, this statistic has apparently triggered a backlash. The latest *Focus Canada* public opinion research shows that there has been a significant increase in the belief that there is too much immigration to Canada. According to this poll –conducted last September– Canadians are now significantly more likely than a year ago to say there is too much immigration to the country, dramatically reversing a trend dating back decades. For the first time, a growing number of Canadians are questioning how many immigrants are arriving. \*

This troublesome reversal of Canadian public opinion seems to follow parallel trends in other Western countries –especially in the United States. Although the flow of asylum seekers crossing our border cannot compare to the thousands of so-called “illegal” immigrants crossing the Southern border with Mexico every month, yet Canada has in the past two years closed many entry points and strengthened its border controls with the aim of restricting the “illegal” access of asylum seekers into Canada from the U.S. However, many desperate asylum seekers have chosen to fly instead –landing in our main airport hubs, Pearson and Trudeau, and applying for refugee status. It's important to clarify that, in addition to meeting labour market needs, Canada's immigration system serves other goals, including humanitarian ones, best exemplified by its refugee policy. \*

Some human rights advocates have begun to react to these developments. For example, Rivka Augenfeld, founder and first president of the *Table de concertation des organismes au service des réfugiés et immigrants* from 1985 till 2006, and a volunteer member of the Canadian Council for Refugees, recently pointed out that determinations as to who should be granted refugee status have varied depending on moment-to-moment expediency or cultural preferences. Therefore, some groups (for example, Ukrainians fleeing the Russian invasion) have been given priority over others, without due consideration of the circumstances at the point of origin.

Perhaps it would be best to ask at this point: What does Canada mean by the word “refugee?”

Historically, there have been two groups of people Canada has called refugees: (1) Classes of persons landed under special humanitarian programs following temporary crises; and (2) Asylum seekers or refugee claimants who arrive spontaneously at our borders from all parts of the world. An example of the second kind is the welcoming of American draft dodgers and deserters during the Vietnam war (1956 – 1975).

When it comes to refugees, Canada's immigration system evolved depending on the strategic political situation at each epoch. At times of war, special programs were designed to protect certain national groups perceived as victims of enemy oppression or in acute danger inside a theatre of war. Some examples of this type of asylum are:

- Displaced Persons during and after World War II;
- Hungarians fleeing Soviet repression after the 1956 uprising;
- The Vietnamese "Boat People" in the 1970's and 80's.

The process of determining who is or isn't a refugee is based on the wording of the *Geneva Convention Relating to the Status of Refugees* (1951 and 1967), ratified by Canada. This international convention defines a **refugee** as: "A person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution."

Because of its obligations under the Geneva Convention, Canada must accept individuals' right to apply for asylum upon arrival at any Canadian border, embassy or consulate, simply as human beings seeking protection. These persons are now labelled "**Refugee Claimants**" under Canadian law. Asylum seekers (i.e., refugee claimants) applying from within Canada have to be recognized by the Immigration and Refugee Board of Canada (IRB) as "**Convention Refugees**" before acquiring their Permanent Residence status. The IRB discharges the burden of proof onto the claimant that he or she indeed truly suffers from undue persecution. Until a Convention Refugee becomes a Permanent Resident, he or she has no permanent legal status. Thus, a refugee is not "entitled" under the Immigration Law, although he or she is usually given permanent residence automatically once he or she is determined to be a Convention Refugee. \*\*

One of the main stumbling blocks to the recognition of an asylum seeker as a Convention Refugee in most Western countries today is the so-called "country of first asylum." A good example of the concept of first country of asylum is the definition in Article 26 of the Asylum Procedures Directive of the E.U. : "A country can be considered to be a first country of asylum for a particular applicant for asylum if: (a) s/he has been recognised in that country as a refugee and s/he can still avail him/herself of that protection; or (b) s/he otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement; provided that s/he will be re-admitted to that country. In applying the concept of first country of asylum to the particular circumstances of an applicant for asylum, Member States may take into account Article 27 (1). In other words, the Member State may consider such applications as inadmissible." \*\*\*

In the case of Canada, the IRB may refuse to grant refugee status to any applicant that has already resided in another country after leaving his place of birth, even if conditions in that other country are as deplorable as that of his nationality. Over the decades, many such "refusees" have been deported back to the country where they suffered oppression or persecution.

I believe that regardless of current public opinion about restricting immigration or momentary economic or housing crises in our major cities, we have a sacred duty as Canadians to continue to offer sanctuary to asylum seekers, no matter what border they cross or port of entry they choose. Let us leave the building of border walls to American xenophobes. We are all Canadians here.

\* Keith Newman's October 28<sup>th</sup> 2023 Executive Summary of the Environics Institute's survey on Canadian attitudes about immigration and refugees, as part of Focus Canada public opinion research program, based on telephone interviews with 2,002 Canadians conducted between September 4<sup>th</sup> and 17<sup>th</sup> 2023.

<https://www.environicsinstitute.org/projects/project-details/public-opinion-about-immigration-refugees>

\*\* Pascual Delgado, Language and Cultural Interpretation in Health & Social Sciences CodeXXX5, Dawson College Course Description (Draft of November 11<sup>th</sup> 2011) – pp. 7& 8.

\*\*\* <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4bab55da2>

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