

# Refugees

# IN LIMBO:

# Lives ON HOLD



PHOTO BY CHRIS PULLENAYEGEM

**I**N THE European Middle Ages, theologians used to debate about an unearthly place called “limbo.” Limbo wasn’t hell. But it certainly wasn’t heaven. It was a waiting place for souls not yet qualified for heaven, even if they had done nothing particularly evil during their lives on earth. Opinions differed on how souls would one day get out of limbo and enter heaven, the place of happiness and fulfilment.

THE WORD **LIMBO**, with its emotional freight of uncertainty and frustration, has slipped back into today’s speech. Now it’s about living people – refugees in particular – whose legal status is on hold while their applications


are being processed for permanent residency in the country to which they have fled from dangers in their homeland.


DOES CANADA put anyone in “limbo”? Yes indeed. Refugees, and citizens who are close to them, point to serious human problems that well up in those who are trapped for years in the swampy in-between state we call “refugee limbo.” Are the long waits just an unfortunate necessity in these globally tense days, when security is so much on the public mind?


OR DOES Canada’s in-land refugee determination system need some serious streamlining?

# The process of waiting - - - - -

**W**HEN ASYLUM SEEKERS ARRIVE in Canada and make a claim for refugee status, careful screening begins right away. Personal information, fingerprints and photographs are taken and electronically stored. The claimant is interviewed and asked for information that will guide other officials who check for criminal activity in the person's background, or for political or other connections that might give rise to security concerns. If at this stage any criminal record or any terrorist connection turns up, the person can be deported immediately. If no proof is found but some suspicion remains, the person's Immigration and Refugee Board hearing (the next step in the process) can be delayed indefinitely.

 **WHILE THE CRIMINALITY** and security checks are going on, the person waits – in detention or out in the general community – for his or her first hearing before a member of the Refugee Protection Division of the Immigration and Refugee Board (IRB). The wait for that first hearing usually lasts from eight to twelve months.

 **THOSE WHO MAKE IT** through to that first hearing meet with a single member of the IRB, who judges their claim. The IRB judge has access to all the information collected in the front-end screening. The claimant and the judge have a conversation based on all the gathered information. The judge has to decide whether the claimant fits the legal criteria that qualify someone, under Canadian law or under the relevant Geneva Convention, as a person in need of protection. If the judge finds that the person does fit the criteria, then that claimant joins Canada's list of Protected Persons.

 **ARE PROTECTED PERSONS** then admitted to Canada as permanent residents? No, they are not. That is the point at which they are permitted to apply for permanent resident or "landed" status. They have 180 days to complete the application. The application fee is \$550 per adult and for each depend-

ent over the age of 22, and \$150 for each dependent under 22 years of age.



**After they submit that application and pay the fee, the real wait begins – the period we call "limbo."**

THEY WAIT THROUGH ANOTHER SERIES of checks and reviews before being designated Permanent Residents. This can take years. Once they gain Permanent Resident status, refugees are able to take up their new life in Canada and move towards citizenship if they so choose.

## Canada recognizes 2 types of refugees:

- **Persons who, even before their arrival, have been sponsored by the government of Canada or by a private group. They are called "resettled refugees." They might have been waiting in one of the world's many emergency camps for refugees, where they were fortunate enough to be selected for resettlement in Canada. People in this category are granted permanent residency (formerly known as landed status) immediately upon arrival in Canada.**
- **Persons who make their own way out of the country or situation they are fleeing. After reaching Canada by land, sea or air, they apply for asylum through the in-land refugee determination system. If they are carrying valid official identity documents, they can live in the community while they await the hearing that is the first step of the refugee determination system. If their documents are missing or are suspicious, they are held in detention. They enter a process of waiting – described above – while it's determined that they are refugees, after which they might attain permanent resident status.**

# Q & A on LIMBO

## Can refugee claimants work while they're in "limbo"?

Yes, they can. They can also apply for welfare, if they have no income and no one to support them while they wait. But they must use a social insurance number with a special prefix (the 900 series) which lets any potential employer know that their status in Canada is under investigation.

This label makes it very difficult to get a genuine, long-term job. Who wants to invest in training an employee who, any day, might get picked up by the police and deported?

## Who's doing the investigation while the person waits?

Five departments of the Canadian state keep looking to see if there is any reason to consider the person inadmissible to Canada. The five agencies are the Canadian Security and Intelligence Service (CSIS) and the Royal Canadian Mounted Police, the Canada Border Services Agency, the Ministry of Health, plus Citizenship and Immigration Canada.

## Why weren't those five agencies involved when the claimant was checked out before his or her Immigration and Refugee Board hearing?

They were involved, and they did check the person out. But the bar is set higher for this second set of checks, so it's a slightly different ball game. There are verifications to perform, and long intervals of inactivity while one agency waits for information from another agency or from overseas. Because of those delays, security and medical clearances issued earlier often lapse and need to be re-validated.

All the public servants involved are mandated to make sure that no one gets into Canada who might pose a danger. No one is accountable for meeting a

deadline, or bringing the process to a timely conclusion. Meanwhile, it is very difficult for the person seeking asylum to find out what is going on with her or his case.

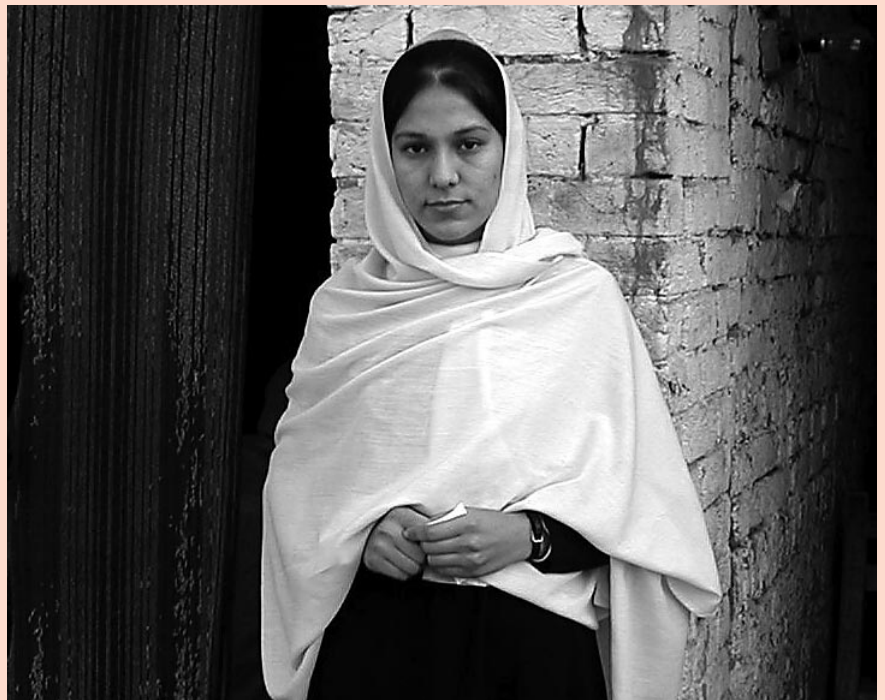
## Are there many people in refugee limbo? How long are they there?

As of April 2004, close to 22,000 Protected Persons who had passed their IRB hearing were on hold, waiting for permanent resident status. Most had been waiting for more than two years.

Some who were interviewed for a 2003 study had been in limbo for 11, 12 or even 13 years. The 2003 study found no one whose wait had been less than 18 months. The record wait that CPJ is aware of, for keeping a refugee in limbo over security concerns that turned out to be without foundation, is 14 years.

This year the Public Justice Resource Centre published a paper exploring the causes, costs and effects of limbo.

Called "Permanent Protection," it can be found at [www.publicjustice.ca](http://www.publicjustice.ca)





## **But some of these people are dangerous, right?**

Maybe. But probably not. A study commissioned by Citizenship and Immigration Canada found that of 2,000 persons in limbo who were screened for security concerns, only one case turned up a reason to consider the person inadmissible to Canada on the grounds of security or criminality.

## **Why were so many suspected in the first place?**

The basis on which persons are selected for in-depth screening has been controversial for a long time. Unsubstantiated allegations, doubtful comments by paid informants, and other sources of information that wouldn't stand up in a court of law are taken very seriously. While that is sometimes inevitable in "intelligence" and detective work, which the RCMP and CSIS are mandated to do in Canada, the involvement of these two agencies tends to cause the longest delays within Canada's refugee determination system.

## **But we have to keep terrorists and criminals out of Canada, don't we?**

It's true that there are terrorists and criminals who want to use Canada as a base. It's also true that any competent terrorist or criminal would try by all means to avoid Canada's refugee determination system as a method of entry. There are other ways – surreptitious or



above-board – that offer a great deal less investigation and much better cover.

## **We all get used to waiting in line. Isn't limbo just a long line?**

For some people that's all it is. For others, refugee limbo is both terrifying and deeply frustrating. These are people who have faced harrowing risks in fleeing their country and getting to Canada in the first place. Their past experience, typically, has taught them that government agencies are hostile forces.

Then they spend years in Canada under official suspicion, being doubly and triply examined by faceless (to them) officials. They are excluded from federal job training programs. Their mobility is restricted and their employment opportunities limited. They feel no welcome

at all from the Canadian state – and some find little or no welcome in Canadian society either.

Perhaps most painful of all: many refugees have close family members waiting to get out of a perilous national situation and longing to be reunited with the loved one who has already reached Canada. But sponsorship privileges also remain "on hold" when a person is in refugee limbo. The spouse or child or parent they want to sponsor cannot come to Canada until the would-be sponsor has achieved permanent resident status.

**To borrow again from that vivid medieval language: sometimes limbo is not very different from hell.**

## *ABEL is getting sick in Canada's waiting room.*

ABEL IS 58 YEARS OLD, a qualified civil engineer, a loving husband and the proud father of five children. Lucky guy, you're thinking. Yes, but his homeland in West Africa is racked with small and large wars, with every side suspecting every other side of dastardly plots to seize the country's natural resources. Currently a weak central government struggles fiercely to get control of the chaos. Understandably, the government is super-fearful, and therefore dangerous to anyone expressing political dissent. Abel spoke out anyway, and before long both he and members of his family had received death threats. It was time to leave.

BY 1997, Abel had left Africa and had submitted a claim for protection in Canada.

So, it turned out, had several of his countrymen. Suspicion followed the newcomers across oceans. On the day of Abel's hearing before the Refugee Board, he was confronted with a list of accusations written and filed by a fellow countryman, who hinted that Abel had been involved with criminal activities in Africa and that he was continuing them in Canada.

ABEL WAS RECOGNIZED as a refugee in need of protection under international law but, of course, an investigation begins. Notes on his file indicate that security concerns must be investigated. Even his social insurance number carries the tell-tale 900-series opening that identifies people who have not achieved permanent residency. Employers with solid, reliable jobs to offer are not looking for 900-series employees.



SO GETTING A JOB in keeping with his qualifications as a civil engineer is not even a remote possibility for Abel. Employment agencies always ask for Canadian experience. Some employers are looking for exploitable resources rather than long-term workers, and a few of those offered Abel jobs at half the legal minimum wage. For a while Abel lifted heavy boxes in a factory, until he injured his back and couldn't lift any more.

FORTUNATELY, a friendly Canadian guided Abel's family to some decent affordable housing. At least now there is a safe roof over everyone's head. But Abel, deeply frustrated at the forces that are keeping his life "on hold," has been suffering from chronic depression, high blood pressure and problems with his heart's rhythms. His wife, just as worried as Abel, suffered a stroke in 2002.

SOME DAYS Abel thinks darkly about

going back to his turbulent country and putting himself in death's way. "At least death is predictable," he says.

THE INVESTIGATIONS launched after Abel's refugee hearing were completed and handed to Citizenship and Immigration Canada in December 2001. Not a trace of evidence was found to support the allegations filed by Abel's fellow countryman. So, did the Canadian Security and Intelligence Service allow Abel's file to proceed through to permanent resident status? No. Why? No explanation was offered.

IT WAS AUGUST 2004 before Abel received notification from Immigration Canada indicating that his application is now in process. How long will it take? Another eighteen months. Why that long? Well, there are so many files....

*For all of **KHALIDA**'s life, there has been war in Afghanistan.*

AT FIRST it was the war to push out the Russian overlords with their strange secular ways, their contempt for Afghani traditions, their determination to make the state the arbiter of everything.

NO SOONER had the Soviet Union been driven out than the men who had united to fight them began to fight one another. Gradually one faction managed to get control of almost the entire country. It was Taliban territory now, and many of the traditions that the Russians had despised suddenly became the laws of the new regime, cruelly enforced.

DANGER mutating into danger. In such utter turmoil, Khalida's husband, although eager to protect her, could not keep her or their children safe. Ah, but there were relatives in Toronto. Let's get the children to Canada – and they managed that, in 1998.

IN 1999 it was Khalida's turn to flee. She would go to Canada and be with the children, and then her husband would join them, and they could begin to build a life together so that their children might one day thrive.

THE DREAM began well. At her refugee hearing in Canada, Khalida was recognized as a refugee according to the criteria set by the Geneva Convention, the international standard observed by signatory countries. An official representing Canada's Immigration and Refugee Board declared Khalida to be someone Canada has an international obligation to protect. She found

an apartment and moved into it with her children.

THEN THE DREAM GOT STUCK. Four years have gone by since Khalida's convention refugee status was recognized, but still she has not been granted permanent resident status in Canada. Until she has that status, she cannot legally bring her beloved husband to Canada. Four years: a much longer wait than anything the website of Citizenship and Immigration Canada would lead you to expect.

THE DELAY has been too much for Khalida. Her face and eyes bear the marks of relentless stress. She had feared losing her husband to the endless wars; now she fears losing him to endless bureaucracy. Why the delay? Whenever she asks, the government office assigned to her case repeats a now-familiar mantra: they are waiting for security checks to be completed.

KHALIDA IS NOT professionally qualified for anything valued by the Canadian labour market. If she were to get work, it would be at a low-skill, entry-level job. So Khalida's elder daughter has foregone further schooling and found a paid job. The daughter knows that her mother needs whatever help she can give her. "The stress my mom faces is too much for us, and it is because my dad is not here," she explains gravely.

THE PAIN of family separation, along with constant worry about her husband's whereabouts, never leaves Khalida's mind. She feels helpless. "I can no longer comfort my children when they miss their father so much," she grieves.

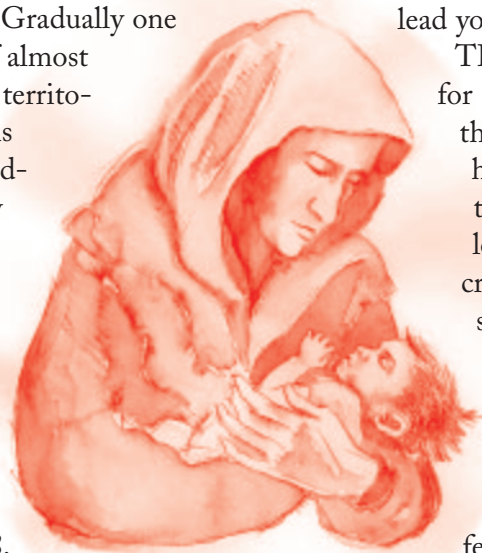


ILLUSTRATION BY NIKKI ABRAHAM

This pamphlet is produced by the **Public Justice Resource Centre**. PJRC, founded in 1963, is a research and education organization that responds to God's call for love, justice and stewardship in the understanding and discussion of core values and faith perspectives in Canadian public policy debates. It works closely with its sister organization, Citizens for Public Justice.

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