

Centre de santé et de services sociaux
de la Montagne



Centre affilié universitaire



A BRIEF

concerning Bill C-31
Protecting Canada's Immigration System Act

presented to the

the Standing Committee on Citizenship and Immigration

by the

Centre de santé et de services sociaux de la Montagne
Programme régional d'accueil et d'intégration des
demandeurs d'asile
(Regional Program for the Settlement and Integration
of Asylum Seekers)
(CSSSDLM/PRAIDA)

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1. Introduction

The CSSSDLM/PRAIDA, having perused Bill C-31, welcomes the opportunity to present this brief regarding its views on asylum seeker protection to the Standing Committee on Citizenship and Immigration.

The CSSSDLM/PRAIDA has been keenly interested in the field of immigration for many years. Le *Programme régional d'accueil et d'intégration des demandeurs d'asile* (PRAIDA) is a service offered at the *Centre de santé et des services sociaux de la Montagne* (CSSSDLM), mandated to provide health and social services in Québec to asylum seekers and persons whose immigration was unplanned and who need help navigating the complex status regularization process.

In Québec, PRAIDA has the exclusive mandate to provide psychosocial support for unaccompanied minors seeking asylum. As a result, PRAIDA has a specific agreement with the IRB (*the Immigration and Refugee Board of Canada*), the CIC (*Citizenship and Immigration Canada*) and the CBSA (*the Canada Border Services Agency*) regarding designated representation service (section 167.2) of the *Immigration and Refugee Protection Act* (IRPA) for unaccompanied minors and permanently unemployable persons.

The protection of asylum seekers is an important issue that reminds Canada of its commitments as a signatory of international conventions (*the Geneva Convention, 1951; the International Convention on the Rights of the Child, 1989; the Convention against Torture, 1984*).

We realize the importance of revising the Immigration and Refugee Protection Act (IRPA 2002) in order to improve the Canadian immigration system, but we are of the opinion that such protection must take into account the needs of people who are fleeing persecution and requesting asylum in Canada. There must be an attempt to establish equity between the protection of the system and that of people requiring asylum or refuge. We believe that the bill tips the scale in favor of the immigration system at the expense of people seeking Canada's protection.

1.1. The context in which our intervention takes place

PRAIDA's staff has acquired more than 50 years of experience in the area of immigration and asylum. Our team consists of doctors, nurses and social service providers, who in carrying out their functions, meet asylum seekers every day, offering them care and support to cope with pre- and post-migratory experiences, posttraumatic stress, many losses, spousal violence, and immigration impacts on the family dynamic.

Our observations and recommendations are based on our work with people experiencing extremely painful, even traumatic conditions as well as our familiarity with IRB procedures acquired in carrying out our role in designated representation service.

To facilitate the understanding of this brief, first we define the profiles of the people whom we serve. Second, we make general observations about time-frames (Clauses 33, 49, 56, 59, 61 and 84 of Bill C-31) and changes regarding the loss of status (Clause 18 of Bill C-31). Then, we make specific comments about claims that cannot be reopened (Clause 170(1) of Bill C-31), the category of *designated countries of origin* (Clause 58 of Bill C-31), restrictions such as a 180-day period of ineligibility for a work permit (by regulation), the categories of persons referred to as “*irregular arrivals*” and “*designated foreign nationals*” (Clauses 3, 10, 81 and 82 of Bill C-31), mandatory detention without the possibility of review for 12 months (Clauses 55 and 56 of Bill C-31) and the compulsory five-year waiting period before applying for permanent residency (Clause 20(2) of Bill C-31). As we discuss these subjects, we describe the impacts of Bill C-31 on our clientele.

In conclusion, we propose that the Québec model providing the framework for asylum seekers be adopted as an alternative to counter the negative effects of the bill.

1.2 Definitions

A refugee according to the Geneva Convention: “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 is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” (UNHCR)

Unaccompanied minors: persons under 18 years of age and not accompanied by a parent or an adult legally responsible for them who arrive at a port of entry in Canada where they make an asylum request. (CIC 2009)

Vulnerable persons: “vulnerable persons are individuals whose ability to present their cases before the IRB is severely impaired. Such persons may include, but would not be limited to, the mentally ill, minors, the elderly, victims of torture, survivors of genocide and crimes against humanity, and women who have suffered gender-related persecution.” (IRB 2006)

Vulnerable persons: “persons under 18 years of age, persons who have suffered serious trauma, persons who are victims of torture, or persons who have witnessed mistreatment, persons suffering from a grave physical disease or a mental disease, pregnant women and women who are victims of domestic violence, persons who are close relatives of a vulnerable person, persons who come from a country in which the conditions are difficult (extreme poverty and illiteracy), minors or elderly persons.” (CSSDLM-PRAIDA)

2. General observations

We are concerned about the image of the asylum seeker as portrayed by Bill C-31. This negative image depicts the victim, the asylum seeker, as a criminal guilty of fraud. Asylum seekers have been coming to our offices for a very long time; they are people who have fled their country to seek safety elsewhere.

Our clients, asylum seekers, are people who have left their country, to flee persecution, arbitrary detention, and threats to their lives or their physical and psychological well-being. Most of the asylum seekers we see bear the scars of previous traumas; they often tell us that their country has mistreated them and assure us that a country in which they are foreigners has saved their lives. They frequently express their profound gratitude and respect towards Canada. We should be proud to witness human beings express such noble sentiments.

As we see it, one of the ministerial objectives is to drastically reduce the procedural time limits in order to accept or expel asylum-seekers within six months of their arrival in Canada. The timelines seem unrealistic and prejudicial to asylum seekers from both the legal and the psychosocial perspectives.

We take note of the opinion of legal experts to the effect that the new legislative measures are largely unconstitutional and that they fail to respect the fundamental rights of asylum seekers, particularly the rules of natural law inscribed in the international and national instruments (of which Canada is a signatory) protecting fundamental rights.

The bill makes provision for hearings to occur within 60 days in standard cases. For asylum seekers from designated countries, the time limits will be 30 days for inland claims and 45 days for port-of-entry claims.

We would like to offer a psychosocial perspective concerning the impacts of Bill C-31 on the ability of asylum seekers to meet the requirements of the Canadian system within such a brief time frame: claimants must comprehend, assemble and produce the evidence essential to their refugee file in addition to preparing themselves to testify as lucidly and effectively as possible before the Refugee Protection Division (RPD) and Refugee Appeal Board (RAD) of the Immigration and Refugee Board (IRB).

2.1 The impact of the time limits (60 days) on refugee claimants not from designated countries of origin

Asylum seekers not from designated countries of origin will face deadlines that are too short: a hearing before the RPD of the IRB will be set within 60 days after a refugee claim has been deemed eligible and a *Basis of Claim* form must be delivered within 15 days of arrival. They will have the right to appeal by completing and submitting a form to the RAD within 15 days of the RPD decision. RAD decisions would be rendered within 90 days after the perfecting of an appeal. The asylum seekers requesting regular asylum will be able to remain in Canada during the appeal.

It must be pointed out that within these short time frames, asylum seekers must also attend to their basic needs: find their bearings in the host society, look for and rent lodgings, register children in school, find a legal counsel for their file, have a medical exam, etc.

Psychosocial and health professionals working with asylum seekers as part of PRAIDA's mandate are ideally placed to observe just how difficult it is for them to navigate steps required when they are going through a period of multiple loss and hardship (uprooting, family separation) accompanied by heightened anxiety and disorganization (difficulty finding their bearings in the host society), uncertainty about the future, as well as isolation and incomprehension associated with a lack of familiarity with the language in the host society. We believe that it is very difficult for asylum seekers to meet the rigorous requirements of their hearing.

2.2 The impact of the time limits (60 days) on unaccompanied minors (UAMs)

For unaccompanied minors, the absence of their parents complicates the process of obtaining identity documents and documentary evidence or producing the grounds for the claim in written form.

Building a relationship of trust between an unaccompanied minor and professionals takes time. Consequently, a minor must first develop a feeling of security and confidence before they share some information.

Short time frames will undermine the capacity of unaccompanied minors to testify since children, unlike adults, lack the capacity to prioritize the many demands on them.

Upon their arrival, minors must cope with numerous appointments: a medical exam, an immigration interview, meetings with a lawyer to prepare the Personal Information Form (PIF), a psychosocial assessment, evaluation and lodging in a support network resource or the Centre jeunesse de Montréal (CJM), school registration and a placement test, etc., leaving scant time to prepare for the hearing.

Furthermore, during this time, minors experience powerful emotions related to being separated from their parents, uprooting, loss of bearings, language barriers, etc.

UAMs depend on a responsible adult to assist them through the various steps and to make decisions for them. Consequently, a designated representative must be named as soon as the unaccompanied minor claiming refugee status arrives.

It is worth remembering that a designated representative spends a great deal of time building relationships with and gaining the trust of significant people in the unaccompanied minor's life. They have remained in the country of origin and can provide information pertinent to the minor's asylum application. If it proves difficult to locate them, the designated representative must appeal to international organizations such as the International Social Service, the Red Cross, and the Office of the United Nations High Commissioner for Refugees. The organizations then conduct a search for the people, assess their living environment and then forward us

information concerning their family life and social-economic conditions (refugee camp).

Thus, we contend that the bill is intended to reduce asylum request processing times at the expense of the best interests of the child. As a result, it is highly probable that UAMs will be obliged to appear at their hearings with incomplete files.

2.3 The impacts of the time limits (60 days) on vulnerable persons

Screening and/or identifying mental health problems requires assessments by health and social services professionals who are rarely available in a short amount of time.

More than likely, people with mental health problems, social adaptation issues, trauma, etc., will appear at the hearings without the documents to facilitate an understanding of their condition and they will emerge even more traumatized and/or their claim will be rejected.

2.4 The loss of permanent resident status when the grounds for the asylum request no longer exist and the person is no longer in need of protection.

The measure overlooks how vital it is for refugees to take root, evolve, develop a sense of commitment and acquire a sense of belonging to the host society that has afforded them safe haven. It fails to consider the notions of continuity, stability and sustainable solutions, which every human being seeks. Our psychosocial interventions are based on approaches that support clients in overcoming the fear and uncertainty about the future with which their traumas have marked them. Often, the traumas that asylum seekers have suffered limit their ability to project into the future and plan their lives. This clause deprives us of valuable tools for helping our clients develop a sense of the safety and stability that the host society offers refugees.

Clients whose claims have been allowed continue to visit us long after they no longer need our services. They describe how they have grown, show us diplomas they have earned, and talk about new family members: their spouses, newborns, relatives who have joined them through the family reunification process. They display a strong sense of belonging to Canada, their safe haven and host nation. They frequently say that they hope to give back to Canada someday what they have received.

3. Specific observations

In this section, we discuss the impacts of Bill C-31 on unaccompanied minors and vulnerable persons listed in the categories “designated countries” and “designated foreign nationals.”

3.1 Claims that cannot be reopened

Under this bill, the IRB will no longer be able to reopen a file for issues of natural justice. On a number of occasions, PRAIDA has submitted requests to reopen files

for people with mental health problems who have withdrawn their asylum claim or whose claim is said to have been abandoned. The IRB had been unable to identify vulnerable persons with mental health problems so early in the process.

3.2 Category covering designated countries of origin

First, we object to the fact that protection will be refused or granted individuals based on their country of origin. It is our understanding and, in fact, the customary practice that protection in the context of an asylum claim is granted case-by-case and based on the persecution feared by the individual. Regardless of the claimant's country of origin, there may be pockets of oppression targeting certain groups as we have seen with some of our unaccompanied minors who fear genital mutilation, forced marriage, forced labour (slavery, prostitution), trafficking in human organs or persecution based on their sexual orientation. We believe that the refugee determination process should be impartial, and we fear that this category may encourage bias in the decision-makers analyzing refugee claimants' files.

3.3 The impact that a six-month (180 day) period of ineligibility for a work permit may have on this category of claimant

Not only will this measure penalize asylum seekers; it will prove costly for the host society. People normally able to work will be obliged to rely on welfare, food banks, last resort assistance services, etc.

This measure also risks increasing the number of people who resort to working in the underground economy to better their financial situation. It is important to note that social assistance does not cover the basic needs of large families, especially since the supplements for children are limited to 60% of the allocations granted permanent residents.

PRAIDA has always used employment as an intervention tool with unaccompanied minors aged 16 and older as well as vulnerable persons. Thanks to employment, our professionals have succeeded in easing their clients' feeling of isolation, improving their ability to integrate, encouraging unaccompanied minors to develop a sense of responsibility and promoting their autonomy in preparing for adulthood.

We stress the importance of work for individuals without a social and family network. Without a job, they run the risk of closing themselves inside four walls and falling into a state of depression.

3.4 The impact of the time limits on UAMs and vulnerable persons

With shorter time limits in this category (hearing is set in 30 or 45 days depending on where the request was submitted) both groups are more heavily penalized. They will rely on outside help to prepare their files and get ready for their hearing.

3.5 Designated foreign national: a member of a group designated as a group that has arrived in an irregular manner

Clause 10 of Bill C-31 grants the minister discretionary power that he or she can exercise in the public interest to designate, by order, an irregular arrival or an arrival involving the organization of illegal entries.

The testimony that we have gathered from our asylum seekers, including those accepted by the IRB, is to the effect that they do not wish or are unable to use their authentic identity documents when leaving their country of origin for fear of reprisals by the authorities who are looking for them and who might identify them. They also attest to the difficulty of obtaining visas from Canada or other countries to enter Canada legally. In addition, they must have had to call on people who could facilitate their entry into Canada clandestinely to avoid being intercepted before they arrived in a safe country to request protection.

Our experience leads us to observe that, but for one or two exceptions among our clientele, the asylum seekers who have arrived in Canada have never posed a risk to Canadians' security.

We have also remarked that countries that traditionally offered safe haven to people fleeing persecution have become inaccessible for many asylum seekers because of the development of technologies and the implementation of restrictive access policies on the national territory.

Clients relate that they have had to sell all their belongings to defray the costs of the journey to Canada. We note that for asylum seekers, protection is becoming increasingly costly and their journey ever more perilous because of the structural obstacles that impede access to safety.

PRAIDA is very concerned about the designations "irregular arrivals" and "designated foreign nationals" (Clauses 3, 10, 81 and 82 of Bill C-31), since a large number of our users may well be detained under these measures: unaccompanied minors, vulnerable persons, adults or families of more than two who arrive clandestinely or with false identity documents.

Indeed, the rationale behind these measures is to discourage people from resorting to human smugglers to enter Canada. It would be astonishing if these measures reduced the number of asylum seekers arriving in Canada. On the contrary, we fear that because of these measures, the claimants we see will be in an even worse state since they risk paying more for their access to safety and spending more time at the mercy of unscrupulous human smugglers.

We feel that rather than penalizing human smugglers, the measures will greatly penalize victims seeking safety particularly since, some of them have been subjected to or have fled from arbitrary, unjust and illegal detentions and will be traumatized once again.

3.6 Mandatory arrest and detention

This group will have a hearing within 30 to 60 days and will be held unjustly in detention throughout the long asylum seeker process. Detained asylum seekers will hardly be able to benefit from a team of professionals other than prison guards or CBSA officers, their own lawyer or their integration consultant. This reduces the presence of other professional caregivers and service providers who could help these individuals take care of their needs and keep them informed about various subjects including their rights and how to prevent abuse.

This designated group will be subjected to a regime of mandatory detention, and a review of the reason for their continued detention will not occur for at least 12 months. We believe that the clause contravenes principles of sound general health, access to essential care and to the fundamental rights set forth in the Canadian Charter of Rights and Freedoms.

The overall mental health of these individuals will undoubtedly be compromised. In fact, social workers and doctors at PRAIDA have had almost unanimous reports from asylum seekers who have been detained that they have suffered from anxiety, fears, claustrophobia, PTSD, and other symptoms because they were deprived of their freedom.

Furthermore, we strongly object to the fact that unaccompanied minors between 16 and 18 years of age will be detained and subjected to the same treatment as adults.

The minors detained and incarcerated will be prevented from living with warm host families. Their fundamental right to access a public school and live a life as normal as possible will be denied. They will be deprived of support and contacts with other students and friends as well as with social practitioners who assist in their social development. This will deprive these young people of mental, psychological, emotional and social stability amounting to cruel and unusual punishment.

They will fall behind in adapting, integrating, and they will be robbed of their human dignity since they are the most vulnerable young people in our society. They will be treated like adult criminals, not children.

Furthermore, detention is equivalent to imprisonment, and incarcerating minors contravenes the Convention on the Rights of the Child of which Canada is a signatory. Similarly, detained minors may well experience more severe psychological symptoms than adults (for example, the young girls under eighteen who report that they were detained and sexually abused, including a number from the Democratic Republic of the Congo or Guinea). Their sole crime is that they dared seek haven far from a country where war was raging, they were abused and they could not seek justice.

3.7 Refugee Appeal Division (RAD) of the IRB

Under Bill C-31, designated persons will have no access to the new refugee appeal division (RAD). Detained during the refugee claim process, they will not be able to bring challenges nor will they receive fair representation in the appeal or

professional proceedings. And this will give rise to feelings of isolation and despair. Eventually, they may succumb to depression, which in some cases may culminate in suicide attempts or other forms of psychological somatization during the detention.

3.8 Request on humanitarian grounds

The one-year waiting period makes it impossible to submit a request on humanitarian grounds. In PRAIDA, we have often seen claims approved on humanitarian grounds for minors after their parents had disappeared or died and there were no longer any family members in their home country. The policy will penalize young minors, who will be excluded and plunged back into insecurity.

3.9 A five-year penalty for permanent residency applications

This restriction will have disastrous consequences for family reunification for many families. PRAIDA has often witnessed the heartbreak brought on by long delays in family reunification. Now, most family reunifications from Africa require three to five years. This clause will double the waiting period for family reunification and risks provoking more stress and mental health problems in accepted refugees. It is important to realize that bad news from the country of origin creates feelings of anxiety, powerlessness and a lack of control in people who are waiting for family reunification.

The measures will affect these asylum seekers' freedom of movement, especially in emergencies when there is a grave disease or the death of a family member outside the country of origin.

3.10 The impact of Bill C-31 on our services

There is a risk that the balance achieved between available resources and the services currently offered may be seriously disrupted with the timetable set by Bill C-31.

The professionals in PRAIDA who help asylum seekers settle will face major obstacles. For example, finding a place to live and signing a lease become a nightmare scenario for a asylum seeker unable to make a commitment with a landlord beyond six months; registering a child in a school for a few months causes problems; the same applies to job hunting, seeking financial support for families with children, etc.

These situations will intensify asylum seekers' level of stress and insecurity and undermine their ability to meet the requirements of the immigration system in which they find themselves.

This will also make it considerably harder for our professionals to offer them effective assistance in assembling relevant evidence for their asylum application. Long experience has taught us that, even when an interpreter is present, communicating with clients struggling to cope with a highly technical system is a complicated and laborious process. The shortened timetables exacerbate the challenge. We also anticipate that our practitioners will be facing a greater number of difficult mental-

health cases. It is very likely that the state of our clients will decline because of the short deadlines early in the process, the long wait for access to permanent residence and family reunification as well as the instability related to their precarious status.

4. An alternative to counter the negative impacts of Bill C-31: the Québec model, CSSSDLM/PRAIDA

It is important to note that entry into Canada is a matter of federal jurisdiction. On the other hand, the support infrastructure for the population in question (health and social services, education, income security, etc.) comes within provincial jurisdiction. History has taught us that decisions within federal legislative competence may have repercussions at the provincial level. The asylum seeker's situation is a good illustration.

In Québec, compared with immigrants and citizens, asylum seekers have only limited access to services because of the temporary nature of their status.

Québec soon understood, in its dealings with asylum seekers and refugees, that it was vital to have a centralized service that was part of the health and social services network to meet this population's needs.

The service required two essential characteristics: expertise in the laws, regulations, policies and programs of the two levels of government and expertise with regard to other government programs in the areas of education, income security, legal aid, health, etc.

Over the years, PRAIDA, a program in operation since 1955, has gained a very considerable knowledge in the domains of asylum, migration, cross cultural intervention, and trauma associated with war, interethnic conflict and socioeconomic crisis.

PRAIDA is unique in Canada, particularly at a number of levels: its interventions, service agreements and contracts with various organizations, its status as a regional organization collaborating with partners beyond the health and social services network, its capacity to serve as a bridge between public services and community organizations, its activities with international authorities, its capacity to forge a fine balance between the requirements of governmental policies and the needs of its clients. Because of all these factors, PRAIDA performs a role of interface and mediation among national, provincial, regional, and local authorities.

The history of PRAIDA shows that Québec has always found a creative solution through this service. PRAIDA has resolved crises set off by a massive arrival of refugees or by impasses resulting from federal decisions concerning the arrival of these groups of refugees.

The first year that PRAIDA was in operation coincided with a mass arrival of Hungarians in Québec in the 1950s. Then, in 1976, PRAIDA was on the frontlines, serving the refugees known as the "boat people."

In 1980, the mass arrival of Sikhs gave rise to a state of panic in Canada following the federal government's decision to cut financial support to these refugee claimants, perceived by the government to be abusing the Canadian system. The Sikh asylum seekers in a very poor state found themselves homeless. To avoid heavy costs to the health system, Québec set up a shelter managed by PRAIDA to accommodate the asylum seekers. Québec also provided an emergency fund to meet their essential needs.

Another situation occurred on September 3, 1999 when the CIC detained ten unaccompanied minors of Chinese origin who were seeking refugee status. They were held for six months in the Canadian Immigration Prevention Center (CIPC) in Laval, a detention facility for adults, deprived of their right to an education and without resources or suitable support. The situation led to collaboration by every organization involved in the unaccompanied minors' files: CIC, DPJ, MRCI and CLSC de Côte-des-Neiges (SARIMM), ISS and UNHCR. A *Protocole transitoire de distribution de services aux mineurs non accompagnés résidents sur le territoire du Québec* was drawn up, according to the following principles:

- Receiving UAMs on Québec territory is a governmental responsibility, which must be formally undertaken, jointly and harmoniously, by the various authorities involved, according to their respective responsibilities, in an efficient and effective manner.
- In Québec, UAMs are entitled, despite their status, to a response to their protection needs as defined by the *Convention on the Rights of the Child* and the *Youth Protection Act*.

It should be noted that the concerted actions led to the release of the minors, who were entrusted to PRAIDA who looked out for their best interests and saw to it that they were introduced into suitable reception facilities. Minors released in this fashion have always fulfilled their responsibilities to the CIC and have never posed a security risk to the host society.

This is a case in point to show that the detention of minors is inappropriate and that alternatives do exist, are implemented and do function.

PRAIDA has always provided an excellent alternative to the detention of minors and vulnerable persons, since the two groups receive support to meet the requirements of the *Immigration Act*.

Furthermore, the partnerships that PRAIDA has forged with various immigration authorities (CIC, CBSA, IRB) make it possible to set up a structure that satisfies the authorities and gives our clientele a feeling of security.

It is our view that detention represents an excessive cost for the Canadian society (about \$200 a day per person) and causes a great deal of suffering and trauma in detained asylum seekers. In contrast, PRAIDA spends \$42 a day per person to shelter asylum seekers before they receive a welfare cheque to the amount of \$614.

A comparison of the figures makes it clear that, as far as society is concerned, PRAIDA can be considered an alternative to detention from an economic perspective. As to possible security problems asylum seekers may pose, we would like to bring to your attention the fact that PRAIDA's asylum seeker clients have always complied with immigration requirements and followed our advice.

For these reasons, we propose PRAIDA as an effective alternative to detaining the groups that are our principal concern: unaccompanied minors and vulnerable persons.

LIST OF ACRONYMS

CBSA:	Canada Border Services Agency
CJM/IU:	Centre jeunesse de Montréal/Institut universitaire
CIC:	Citizenship and Immigration Canada
IRB:	Immigration and Refugee Board of Canada
CLSC:	Centre local de services communautaires
CIPC:	Canadian Immigration Prevention Center
CSSSDLM:	Centre de santé et des services sociaux de la Montagne
DPJ:	Direction de la protection de la jeunesse
PRRA:	Pre-Removal Risk Assessment
UNHCR:	Office of the United Nations High Commissioner for Refugees
IRPA:	Immigration and Refugee Protection Act
UAM:	Unaccompanied minor
MRCI:	Ministère des Relations avec les citoyens et de l'Immigration
PRAIDA:	Programme régional d'accueil et d'intégration des demandeurs d'asile
SARIMM:	Service d'aide aux réfugiés et aux immigrants du Montréal métropolitain
RAD:	Refugee Appeal Division
RPD:	Refugee Protection Division
PTSD:	Posttraumatic Stress Disorder
ISS:	International Social Service

THE RECOMMENDATIONS OF THE CSSSDLM/PRAIDA

Time limits (30 days, 45 days and 60 days) for asylum seeker hearings

1. **Recommendation:** The CSSSDLM/PRAIDA requests that a better balance be established between the protection of the Canadian immigration system and asylum seeker protection, and that the balance take into account available resources for asylum seekers with respect to legal counsel and designated representation.
2. **Recommendation:** The CSSSDLM/PRAIDA requests that the time limits proposed by Bill C-31 take into account the time asylum seekers need to produce their evidence and that these time limits be of six months duration.

Loss of permanent resident status

3. **Recommendation:** The CSSSDLM/PRAIDA calls for the removal of this clause, because accepted refugees need stability and need to maintain their mental health.

Claims that cannot be reopened

4. **Recommendation:** The CSSSDLM/PRAIDA insists that this clause be amended to take into account issues of natural justice and in that case, to permit the IRB to reopen the files of vulnerable persons.

Designated countries of origin

5. **Recommendation:** The CSSSDLM/PRAIDA insists on impartial treatment for asylum seekers who come from designated countries of origin and submit requests based on their status as minorities who are not respected.

Designated foreign nationals: member of a group designated as a group that has arrived in an irregular manner

6. **Recommendation:** The CSSS/PRAIDA insists that the dignity of asylum seekers be respected since they use the sole avenue available to them, irregular entry, in order to flee persecution.
7. **Recommendation:** The CSSSDLM/PRAIDA insists that Bill C-31 comply with the Convention on the Rights of the Child, considering a minor to be a child under 18 years of age.

Mandatory arrest and detention

8. **Recommendation:** The CSSSDLM/PRAIDA recommends that detention be considered the exception rather than the rule for vulnerable asylum seekers, given their fragile state.

9. **Recommendation:** The CSSSDLM/PRAIDA maintains that detention should be a measure of last resort for unaccompanied minors as is indicated in the IRPA (section 60).

Five-year penalty for permanent residence applications and requests for permanent residence on humanitarian grounds

10. **Recommendation:** The CSSSDLM/PRAIDA requests the removal of this clause because it is prejudicial to the well-being of accepted refugees and to the integrity of their family unit.

Alternative to counter the negative effects of Bill C-31: the Québec model, CSSSDLM/PRAIDA

11. **Recommendation:** The CSSSDLM/PRAIDA requests that its proposal be considered a safe alternative for vulnerable asylum seekers and unaccompanied minors.

12. **Recommendation:** The CSSSDLM/PRAIDA requests that the resources required to maintain the services of shelter and support that are an alternative to detention be put at its disposal.