

The Regularization of Non-Status Immigrants in Canada 1960-2004

Past Policies
Current Perspectives
Active Campaigns

November 2004

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This booklet is based on the findings of a collaborative research project by university researchers and community organizations based in Toronto. We came together in the Spring of 2004 with a goal of understanding both the present-day need for, and the history of, regularization programs for non-status immigrants in Canada. We were particularly interested in learning about community activism on this issue involving non-status immigrants and their supporters in Canada.

As part of our research we organized a series of focus group discussions with non-status immigrants in Toronto, asking them what they wanted in a regularization program. We also conducted historical and archival research and interviewed community activists who were knowledgeable about past programs. As well, we held roundtable discussions with community agency workers, community activists, union activists, and academics in Toronto and Montreal.

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Community organizations that were partners in this project include: Access Alliance Multicultural Community Health Centre, Community Social Planning Council of Toronto, Davenport-Perth Neighbourhood Centre, Ontario Council of Agencies Serving Immigrants, the STATUS Coalition, and other community organizations.

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'I think that nobody should be prevented to go somewhere because the world is for everybody'. (Person living without legal immigration status)

WHO IS A 'NON-STATUS IMMIGRANT'?

Non-status immigrants are people who do not have the legal status that would allow them to live permanently in Canada. People can become 'non-status' when their refugee claim has been rejected, if they don't have official identity documents, or because their student visa, visitor's visa, or work permit has expired. The government does not collect official statistics on people living without status, so it is difficult to say how many non-status immigrants live in Canada. However, recent estimates suggest that there are anywhere between 50,000 to 200,000 people in Canada with less than full legal status, with 50% living in Toronto.

'Legal or illegal, with or without papers we all pay taxes. We are contributing to the growth of this country. So, if they do not want us to be legal then they should return us all the money that we have contributed'. (Person living without status)

Non-status immigrants work, pay taxes, raise families, and contribute to their communities. But because of their lack of status, non-status people face serious barriers in terms of accessing the services, rights and protections enjoyed by most people in Canada. Legal status is important because it allows people a range of rights. These include political rights (e.g. the right to vote), workers' rights (e.g. the right to join a union, to earn the minimum wage, to be treated fairly by your boss), and social rights (e.g. public education, health care, unemployment insurance).

'We've been finding a lot of resistance from the schools; they're very callous, and threatening to call immigration, and it's like – hello! We're trying to put the children [in school] and you're threatening the parents that you're going to call immigration?!' (Community Agency Worker)

'I am a lawyer, but if you don't have status then you are nobody'. (Person living without status)

In their daily lives, non-status immigrants have very limited access to legal support, education, health care, social services, basic personal security – and even public recreation and sports facilities. While almost all non-status immigrants work, they are not protected against unfair and dangerous working conditions and are not eligible for workers compensation if they are injured on the job.

'A lot of employers are delighted to hear that you have no papers, because they can overwork you and exploit you'. (Person living without status)

'It really drains you that you have to work 12 hour shifts for very little money. I used to be young. Now I feel so old'. (Person living without status)

People living in Canada without legal status are vulnerable to abuse by employers and landlords, exploitation by immigrant consultants and lawyers, and detention, deportation, and surveillance by authorities. For non-status immigrants, the Canadian border is not just a wall around the country; it creates walls inside the country as well. Whenever a person without status attempts to access a social service, they face the risk that a government employee – such as a police officer, public housing official, or school principal – will report them to immigration authorities. This makes it really hard for non-status immigrants to live their everyday lives.

A: 'I asked a person to come to this meeting and this person said to me, 'You go and if you get anything let me know'. What do you call that? Laziness'.

B: 'No, that's called security'. (People living without status)

'There are many people who live like ghosts'. (Person living without status)

'Many people live with fear. In one occasion the police got us. And in spite of that we go out. We do not live with fear'. (Person living without status)

WHAT IS A 'REGULARIZATION PROGRAM'?

A regularization program allows non-status immigrants to apply for official legal status. Since 1960, several regularization programs have been introduced. When the Canadian government changed the immigration law in 2002 they thought about introducing a regularization program. However, nothing was implemented and non-status people in Canada currently have almost no opportunity to regularize their immigration status. Today, the only official option for non-status immigrants to get status is through a Humanitarian & Compassionate application. With an estimated 5% success rate, however, this process is obviously far from adequate.

More and more people in Canada are realizing that non-status immigrants are being treated unfairly and that this needs to change. Many different groups support a regularization program, including municipal governments, immigrant and refugee service and advocacy organizations, faith groups, non-status people, employer groups, unions, student groups, social activists – and, of course, non-status people themselves. By granting legal status, a regularization program would greatly improve the lives and futures of some of the most marginalized people living in Canada today.

'When you look at regularization programs, they restore something to the person, they're able to have a sense of belonging and contribute more; they have a sense of dignity and stronger ties to Canada'. (Community Activist)

'When you come to Canada you're not focused on getting status. You want to get a job, send money home, and shop in the mall. [laughter] Only later do you realize that status and papers are important'. (Person living without status)

Regularization programs are often portrayed as the humanitarian act of a compassionate government. The history of such programs in Canada shows a more complicated reality. In the past, governments have sometimes regularized non-status immigrants because there was a need for more workers in the labour market. At other times they have done so in response to political pressure created by the campaigns of non-status immigrants and their supporters. Most often, however, governments have introduced regularization programs when they were planning to overhaul Canadian immigration law. During these

periods, the government at the time would introduce programs to regularize the status of people who were still in the old system. This has allowed different Canadian governments to 'clear the decks' before bringing in new – but usually more restrictive and exclusionary – immigration procedures and controls.

Regularization programs in Canada have never been full 'amnesties'. Governments have always attached criteria for eligibility that end up excluding many people from getting full legal status. But what happens to the non-status immigrants who do not qualify? Most regularization programs put significant resources into monitoring and apprehending these failed applicants. By doing this, regularization programs can actually increase the number of non-status immigrants in detention and under deportation orders. In fact, because regularization programs often happen at the same time as the government makes it more difficult to enter Canada, they can potentially make more people 'illegal' because more people will have to enter Canada illegally. As well, more restrictive criteria force people who think they will not be accepted to avoid the risk of making an application – thus remaining 'underground'.

Of course, these are not reasons to give up on the idea of a regularization program for non-status immigrants. On the contrary, they highlight the importance of being aware of and careful about the type of exclusions that governments make while they claim to be including people.

A: *'No conditions, please'*.

B: *'That's cheeky'*. (People living without status)

WHAT CRITERIA HAVE BEEN USED IN REGULARIZATION PROGRAMS?

Historically, regularization programs have had different criteria for eligibility and acceptance. The people we talked to in our research project had many things to say about these criteria.

'It's the ego of the state – I have my rules, you broke my rules and so we will not allow you to land' (Community Activist)

'In order for a regularization program to be successful in the current climate, it would have to be something with lots of restrictions and in particular there would probably be a criminal check, and a health check, which I think is problematic because it's our current immigration law that makes a lot of people fall through the cracks and become undocumented in the first place, so if you're sort of abiding by the same criteria, there's lots of people that are going to fall through the cracks.' (Community Agency Worker)

A: *'No conditions please'.*

B: *'I agree, no conditions. Sometimes you give up your job, your life to get here. There's no turning back. You have to stay here'.* (People living without status)

Length of Residency

The length of time that a person has been living in Canada has been commonly used as criteria for eligibility in regularization programs. Many non-status participants in our study felt that this was a fair condition. However, others felt that this would keep non-status immigrants in a state of 'illegal limbo' where exploitation by employers, landlords and other people would be able to continue. At the same time, several people felt that being here for a long time should count for something, but that this should not work against those who have arrived more recently. Many participants in our study thought it was fair to have to wait a few years to get status, but only if it was guaranteed. People were also concerned about the damage done to non-status immigrants who are rejected after living in Canada for many years.

'The amount of time that a person worked and lived decently, that you worked, paid taxes, were involved in the community, that you were in the country all counts'. (Person living without status)

'After 3 or 4 years the child here learns the language, learns the customs and then to return him back to his country of origin does very strong damage. It is worse when families come with teenagers and adolescents. They get used to a system and they have to go back to a different one'. (Person living without status)

Criminality & Security

Criminal and security checks have been standard criteria in regularization programs in the past. Many participants in our study, at least initially, felt that this was a fair condition in the case of severe criminal acts (e.g. rape, murder). In this way, several participants made a distinction between serious and less serious criminal acts. Other people we talked to pointed to ways in which this condition is unfair and discriminatory. They pointed out that this condition does not address systemic racism within policing and the criminal justice system. As well, community activists argued that this criteria imposes a 'double punishment'. For example, a non-status person could 'serve their time' in jail, but then face deportation afterwards, meaning that they are punished twice. Citizens, on the other hand, are only punished once.

'How long you've stayed here should matter. If you have a life here, but you're without status, then you shouldn't be deported just because you've committed a crime'. (Person living without status)

'There was a time in my country when people were so desperate because there was no work. People had no options, no possibilities. I saw people who stole out of necessity. This is not a criminal. This is what you do out of necessity'. (Person living without status)

'You shouldn't be punished again after you've served your time. Plus, not everybody really commits a crime. There's a big problem with false imprisonment and unfair judges. And today is a very stressful world we live in; people make mistakes'. (Person living without status)

'For example, a child comes to Canada when they're 2 years old; they grow up in Canada. If he 'turns bad' here, he should stay here, not sent back to country of birth. Who are you sending him to? How will he survive?'

(Person living without status)

'We don't want to be a statistic; we want to be somebody. But this means working all day. This means that you're not there to supervise your teenage kid'. (Person living without status)

Family

In several regularization programs, having family members living in Canada has been considered as criteria for acceptance. Many participants in our study did not think that having relatives in Canada should be a condition for regularization at all. Several non-status participants thought that family was important, but noted that the definition of 'family' used by Citizenship and Immigration is often very narrow and unfair. They pointed out the importance of extended or 'de facto' family in their communities.

'Family' is anybody in the community who has helped you, and stood by your side'. (Person living without status)

'Everyone is uncle and auntie'. (Person living without status)

Employment & Wealth

Employment and economic wealth have been used as regular criteria for eligibility and acceptance in regularization programs. What type of work you do can sometimes affect whether you are able to apply for a certain program. In other instances, you need to prove that you are working or are financially stable. Non-status participants had many different perspectives on this condition. Several participants argued that young and healthy people should be working. Others pointed out that people who cannot always do paid work (e.g. people with disabilities, single mothers, elderly people) should not be excluded from regularization programs. Many participants in this study criticized regularization programs that only issue temporary work permits instead of

permanent residency. They felt that work permits do not address the long-term needs of non-status workers and their families. They also pointed to possible exploitation by employers if a regularization program is based on your work. To be excluded based on economic wealth was also considered to be discriminatory by many.

'All of us work in some form. The woman works in the house, the children work towards the future, because studying is a form of working. We all give many, many things back to the country in the future. For this reason, it doesn't seem right...everyone works'. (Person living without status)

'It's discrimination to consider only certain kinds of work'. (Person living without status)

'The young and healthy should get jobs. But elderly people who have been here for 20-30 years, they gave their youth to Canada'. (Person living without status)

'If it is based on employment then people are vulnerable to abuse by their employer'. (Community Agency Worker)

'You shouldn't be judged based on economic wealth'. (Person living without status)

'If I were rich I wouldn't be here'. (Person living without status)

Country of Origin

Several regularization programs in Canada (see 'History of Regularization' section) have focused on a particular group of people coming from a specific country. When discussing this criteria, many non-status participants pointed out the systemic racism within the current immigration system, whereby certain groups of people (e.g. white immigrants from the UK) are treated differently than other groups of people (e.g. Black immigrants from the Caribbean). Others pointed out that many people escaping violence and persecution are not recognized as refugees because the Canadian government has decided ahead of time that their countries are not dangerous. Most participants felt that a regularization program should deal with non-status immigrants on an equal

basis, regardless of their country of origin. At the same time, however, several country-specific regularization programs happened because of grassroots campaigns by the directly affected people (e.g. 2002 program to regularize non-status Algerians in Quebec).

'It shouldn't matter where you are from'. (Person living without status)

'We [Black immigrants from the Caribbean] are treated differently. And they [white UK immigrants] act as if they're born here'. (Person living without status)

'Because you come from the Caribbean, they just look at you and say how can you be a refugee? I'm suffering and I'm struggling, and I'm being battered and abused and mistreated and raped and everything you can think of but my country don't show up on the list'. (Person living without status)

Integration

Regularization programs have at times included the criteria of 'integration'. Many participants in our study thought that this could be a fair condition. At the same time, they pointed out that it can be difficult to get involved in activities that are generally associated with integration, such as learning English or French, going to church and volunteering with community organizations. One participant summarized this by saying that after working many hours of overtime and looking after your family, 'there is very little time left for integrating'. According to many participants, then, 'integration' is fair only if it is understood in broad terms. Community activists also pointed out that immigration officers have wide discretionary powers. This means that each individual officer has the power to decide what 'integration' means.

*'Integration involves working and getting an education, but as a non-status immigrant you are denied these opportunities and it is held against you'.
(Person living without status)*

'Do you speak English? I do not speak English and I am working here. It should not be a condition to obtain papers'. (Person living without status)

'Everybody who is here in this country should be given the opportunity to learn English'. (Person living without status)

'Who cares how well you get along! People are people'. (Person living without status)

'If other people don't participate in things it's because they work – not because they don't want to, but it's because they work. And working is also a way to be incorporated into society. Because they don't only work with people from inside their communities – no, they work with different communities'. (Person living without status)

Medical Condition

Regularization programs usually exclude people with serious medical conditions. People with physical disabilities, or people who have chronic illnesses such as kidney disease, HIV/AIDS, leukemia, or tuberculosis, are often decided to be 'medically inadmissible'. The government uses this condition to exclude those people thought to be a 'burden' on the health care system. Participants in this study described this exclusion as inhumane. While some non-status participants said that they were used to medical checks, the majority of participants thought that this was an unfair criteria. Several people pointed out that non-status immigrants get sick here in Canada, often because of the unsafe and dangerous work conditions that they are forced to accept.

'People who are ill should be treated equally with others'. (Person living without status)

'Sometimes you get the disease here and they want to send you back to your country. That's not right'. (Person living without status)

'The jobs that you get as a non-status immigrant is a job that is going to get you sick'. (Person living without status)

'My son has a medical problem, and here it is attended to. It wouldn't be looked after in my country'. (Person living without status)

HOW HAVE REGULARIZATION PROGRAMS WORKED IN PRACTICE?

There are many different ways that a regularization program can work in practice. The way a program works can affect how many people know about a program, how many people apply, and who succeeds in getting legal status.

Applying for a Regularization Program

The government can provide different ways for people to apply for a program. People might have to go to an immigration office and apply in person. Or they might only have to fill out an application form and send it in. With both of these ways, people who apply will have to let the immigration authorities know who they are. This might prevent some people from applying, because they might be afraid of letting the government know their personal information. During a regularization program in 1960, the government gave people a guarantee that they would not be detained or prosecuted even though they were making their identity known. For other programs, the government did not offer this kind of guarantee.

A regularization program might also offer the choice of applying anonymously, through another person. If people have this choice, they can send a friend, a lawyer or a representative from a community group or organization to apply for them. If people apply this way, they will not have to reveal their identity and personal information. Having this choice might help some people who are afraid of giving away their identity to apply.

The non-status immigrants we talked to in the focus groups had many different opinions on how they would prefer to apply. A few people thought it was important to go in person, because, as one focus group participant said:

'The government of Canada should know who they're going to have in the country'. (Person living without status)

Many people we talked to said that they would rather apply in person, because they knew their own situation best, and because they were most interested in making sure they got status. Some said that they have had bad experiences with

lawyers and immigration consultants who didn't do their job properly, and that they would not want to trust anyone else with their application. But most of these people thought that there should be a guarantee of safety from the government.

'We all go there without any guarantee, and then what happens? They are going to deport all of us'. (Person living without status)

Many focus group participants also said that they would prefer to apply anonymously, through another person. Many people who would rather apply anonymously said they would not feel safe giving the government their personal information. A few people also thought that their application would be judged more fairly if somebody else applied for them. Then their application would only be judged on the rules and conditions of the program, and not on the immigration officer's opinions about the person applying.

'If someone goes for you they'll have your case with them, but they can't ask you other questions. I can't be accused of lying'. (Person living without status)

'If it's anonymous, they don't know your name and you know that you're rejected because you've missed certain criteria. Then I could go back and work on that criteria and apply again. It's important to be able to apply again'. (Person living without status)

Some people said that if there were no guarantee, they would rather apply through another person. A few people said that if they were applying through another person, they would not want to use a lawyer or an immigration consultant. They would rather have someone from a community agency or group apply for them.

'I have more trust in people who work in community organizations than in lawyers'. (Person living without status)

How Will an Application be Judged?

In many of the focus groups, non-status people said that it is very important for immigration officers to use clear guidelines and rules when judging applications.

Many people talked about their experiences of being treated unfairly and inconsistently by different immigration officers:

'It's like every individual in every immigration office sets their own rules. You begin to realize that...it's not like they have sets of rules or standards, where they say this is the requirement'. (Person living without status)

'There are immigration rules but inside it depends on who you meet – the nice ones and the rough ones. Depends on who you meet'. (Person living without status)

'There are rules, but they turn their back on the rules. Identical cases get treated differently'. (Person living without status)

One person told a story about two brothers who applied for refugee status, and had the exact same experiences and stories to tell to immigration. One brother's claim was accepted and the other one was refused. Many people talked about having to lie because the immigration officer didn't believe them when they told the truth:

'If you lie it's better. When you tell the truth they don't believe you!'
(Person living without status)

*'People always have to hide things...if only people could be honest'.
(Community Agency Worker)*

Many people said that any regularization program that could work for them would have to have clear conditions and timelines to work towards:

'You need to tell me, you work for two years, and you have to have this, this and this. So I know, I'm working for a goal and I know I'm going to earn that goal'. (Person living without status)

Knowing About the Program and How to Apply

In any regularization program, people need to know about the program and be able to apply. In Canada's largest regularization program in history (1973), part of the reason so many people applied was that the government put a lot of

money and energy into making sure that people knew about it. There were advertisements around the country explaining the program. The government worked with community groups and organizations to help these groups to spread the word.

The government can also make sure that community groups are able to help people with their applications. Sometimes applying for programs can be confusing, and it is hard to get all the information you need. One focus group participant said that not knowing how to get through the system was a problem, and that she often got information from other people at her church. A community agency worker who has worked on immigrant and refugee issues for over 30 years said that it is very helpful to involve community organizations in regularization programs. In her experience, when the government supported community organizations helping with applications for refugee programs in the past, many people accessed the programs and the application process worked very well.

Who Gets Left Out of Regularization Programs?

Regularization programs and other immigration policies usually assume that people's lives fit into a 'mainstream' idea – that people have partners of the opposite sex, and that they have 'nuclear' families where the man is the 'head' of the family, and the woman and children depend on him. But this can mean that a program will not work for everyone. One community agency worker who works with abused women talked about how this can make women more vulnerable to abuse, because it is up to her male partner to apply for her status:

'Immigration is very patriarchal, and they always assume the man is going to be the principal applicant. ... So then it's in the hands of the man to be responsible for her, and it's like a favour for her'. (Community Agency Worker)

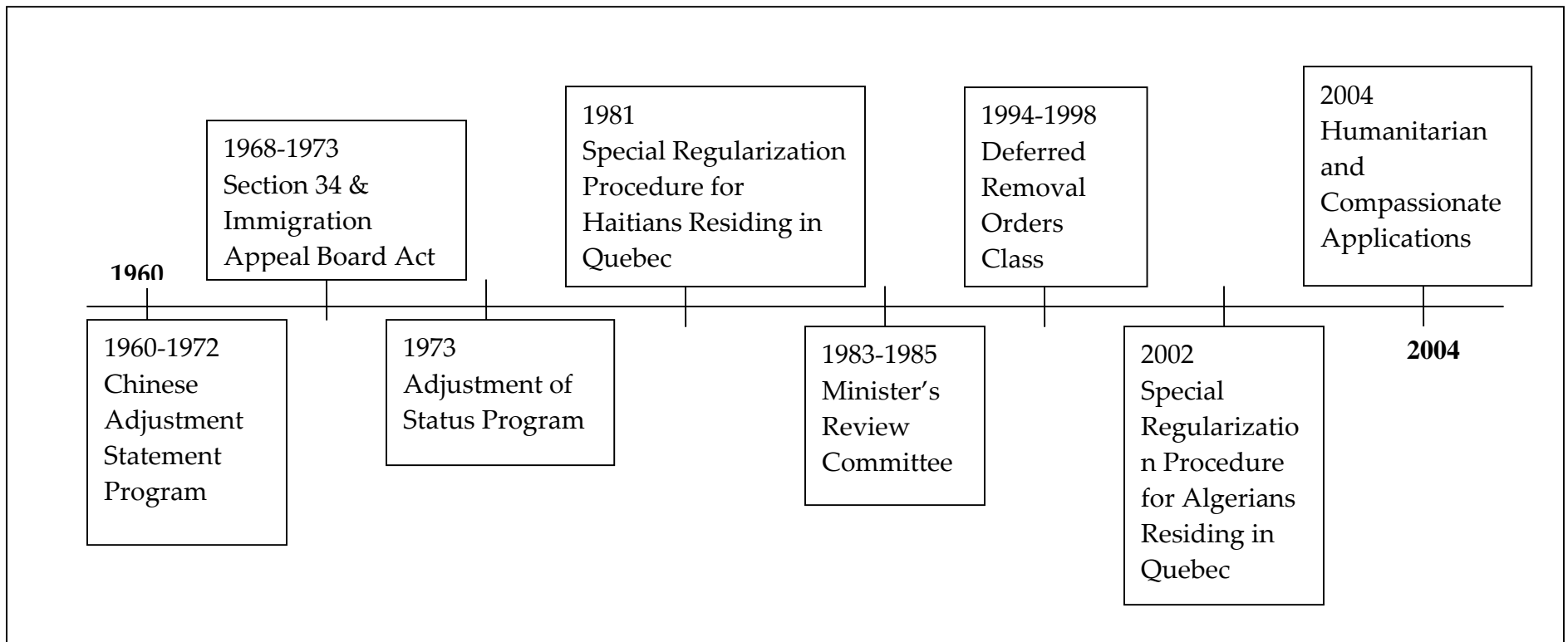
A worker from another community agency talked about how immigration always assumes that people are heterosexual, and how gay, lesbian, bisexual, transgender and transsexual people have to hide their sexual orientation and sexuality to be considered for immigration status.

'Issues around sexuality and sexual orientation are almost never mentioned in these kinds of policies...the level of closeting and fear that people face in order to hide their sexual orientation and try to 'get in' as a straight person, is just...we don't even know how much that's going on'. (Community Agency Worker)

Having Enough Money to Apply

In the past few years, people have had to pay a large fee to apply for regularization programs. In one program that began in 1994, each adult who applied had to pay \$500, and they had to pay another \$100 for each child they were applying for. These application fees are not given back to people, whether their application for status is successful or not. These fees can be very difficult for some non-status people to pay, especially if they have not been able to find stable work, or if the work they do pays very low wages. All new permanent residents must pay a Right of Landing Fee of \$975 per adult. Until 2000, accepted refugee claimants also had to pay this expensive fee. These large application fees can prevent some people from being able to apply for regularization programs, meaning that they get left out of the program and are still without status.

TIMELINE OF REGULARIZATION PROGRAMS IN CANADA 1960-2004



HISTORY OF REGULARIZATION IN CANADA FROM 1960-2004

At different times in history, the government of Canada has had programs and laws that gave non-status immigrants the chance to become permanent residents. The timeline here shows all the major regularization programs, and some of the smaller ones, that have happened since 1960.

Chinese Adjustment Statement Program: 1960-1972

- Who:** Chinese people who came to Canada before 1960 who had no papers or who were pretending to be somebody else
- Number:** About 12,000 people were regularized
- Criteria:** People had to have 'good moral character' and could not be involved in the 'industry' of 'illegal immigration'
- Applying:** Applicants had to go to an immigration office in person and reveal how they got into Canada as well as their true identity and family background. The government promised not to prosecute or detain applicants.

Background: Until the late 1950s, immigration rules made it very difficult for Chinese people to immigrate to Canada. Chinese-Canadian residents also faced barriers in bringing their family members here. For many years, Chinese people came to Canada by pretending to be somebody else, using the name of another person and pretending to be part of another family. These Chinese immigrants were called the 'Paper Sons', because they had papers saying they were in somebody else's family. Many leaders in Chinese-Canadian communities were active in pressuring the government to change the laws that left out Chinese immigrants, and to have a regularization program for the Paper Sons. Finally, in 1960, the Chinese Adjustment Statement Program began. While most people who applied were successful, not everyone was. As well, it is very likely that there are many people who missed this regularization program, as the case of Mr. Wong illustrates.

Mr. Wong was a man who had gone to an immigration office during the time of this program. There he made a statement and been given a piece of paper. He believed that he was a permanent resident for many years. In 1998, he found out that he was not when he tried to apply for his Old Age Security pension. At this time he had become too old to work and had become homeless because he had no money. An immigration lawyer in Toronto helped him apply for permanent resident status but his applications were refused. In the end he died of a heart attack in 2002 having lived here for almost 50 years without status.

Section 34 & The Immigration Appeal Board Act: 1986-1973

Who: Anyone living in Canada without legal immigration status

Number: About 13,000 people were regularized

Criteria: For Immigration Appeal Board, people needed to have received a deportation order. Humanitarian and Compassionate reasons were sometimes considered

Applying: People had to apply in person

Background: Section 34 was part of the 1967 immigration laws that allowed visitors to apply to be permanent residents from within Canada. The Immigration Appeal Board Act was a law passed in 1967 that allowed anyone, no matter what their immigration status, who had gotten a deportation order to appeal this order. The Immigration Appeal Board's decision was final, and they could allow people to stay in Canada for humanitarian and compassionate reasons. These were not really regularization programs, but were immigration laws that gave non-status immigrants a chance to be regularized. In 1972 and 1973, the government cancelled Section 34 and changed the Immigration Appeal Board Act. By 1972, people could no longer apply for permanent residence from within Canada. By 1973, most non-status immigrants could no longer appeal their deportation orders. The government decided to change these laws because they said they could not manage the large number of applications. They also thought there was a 'crisis' where too many people were immigrating to Canada.

Adjustment of Status Program: 1973

- Who:** Anyone living in Canada without legal immigration status
- Number:** About 39,000 people from over 150 countries were regularized
- Criteria:** People had to be living in Canada before a certain date. Economic stability, family relationships, and humanitarian reasons were considered
- Applying:** People had to apply in person
People only had 2 months to apply, from August to October 1973

Background: The Adjustment of Status Program was the largest regularization program in Canada's history. The government decided to have this program for a few reasons. At the time leading up to the program, there were many non-status people living in Canada from all over the world, including a large group of American war resisters who had come to Canada because they did not agree with the Vietnam War. Many people were 'stuck' without status because the government had changed the laws that had previously allowed people to apply for status from within Canada and appeal their deportation orders. Many community and political groups put pressure on the government to create a way for non-status people to become permanent residents. These included ethnic and cultural groups and groups who supported the American war resisters. There was also a lot of public support for an amnesty. As well, the government believed that it needed to deal with all the people who had become 'stuck' in Canada when the regularization laws had changed. So, the Adjustment of Status Program was introduced.

Many believe that this program was a great success. Tens of thousands of people applied, and many were successful. One reason that the program was so successful was that the government put a lot of resources into making sure that people knew about the program and knew how to apply. The government cooperated with community groups and the media to make sure that many people across the country were reached.

Special Regularization Program for Haitians Residing in Quebec: 1981

- Who:** Haitians with less than full legal status in Canada
- Number:** More than 4,000 people regularized
- Criteria:** People had to be living in Quebec, have valid identification documents, and pass a security and criminal check. People who had serious health conditions that would put an 'excessive demand' on health care services were not eligible. French language, job skills, and employment helped applicants.
- Applying:** People had to apply in person

Background: In 1980, more and more Haitians began to arrive in Canada and found themselves with fragile status: they had student or work visas, or perhaps had overstayed their visa and had become 'non-status.' As the political situation in Haiti worsened, Haitians in Quebec began to organize for a program to address their needs collectively, rather than having everyone dealt with on a case-by-case basis as refugee claimants. The Office of Christian Haitians played a key role in this program, as well as in campaigns for regularization that began in 1972 and 1987. This group first came together to address the need for a regularization program when the immigration laws changed in 1972-73, and Haitian nationals could no longer apply for permanent residency from within Canada. This change left many Haitians without legal status, and several began to be targeted by immigration authorities while they were attending church. The group organized meetings, lobbied the government, and was successful at increasing public awareness through news coverage.

Because of the group's success, Haitians based in the Montreal-area were able to secure a regularization program for Haitian 'illegals' living in Quebec. This program was eventually expanded to include temporary workers and student visa-holders from Haiti. After a 1968 agreement with the federal government, Quebec has had greater powers over immigration matters. While applicants had to apply directly to Quebec immigration, members of the Office of Christian Haitians would ensure, for all non-status Haitians who came to them, that all documents were in order and applicants could be fairly sure of a successful application (e.g. no major criminality). Unfortunately, this program rejected applicants with criminal

records and serious medical problems, including one applicant who was rejected because of tuberculosis.

Minister's Review Committee: 1983-1985

- Who:** Any non-status person living in Canada for 5 years or more
- Number:** An estimated 1,000 people – 976 people were regularized by 1984, but the total number is not known
- Criteria:** People had to have lived in Canada for at least 5 years, be 'successfully established and integrated', and have no major criminal record
Employment, work skills, family ties or children in Canada, conditions in country of origin, and how people became non-status were all considered as factors in applications
- Applying:** People could apply in person OR anonymously through another person

Background: The Minister's Review Committee on long-term illegal migrants in Canada was much smaller than the Adjustment of Status Program. The government decided to have this program because 'illegal immigration' was considered an important political issue at the time. The government had done some research on non-status people in Canada, and some reports were written that made recommendations about this issue. One of the recommendations was that the government should use its ability to grant permanent residency to 'long-term illegal residents'. In 1983, the government announced that the Minister's Review Committee program would happen until March 1984. The government then extended this date a few times, so that in the end the program continued until July 1985. In the end, not a very large number of people applied for this program, and less than half of the people who had applied by August 1984 had been successful. By August 1984, 976 people had become permanent residents under this program, but it is not known exactly how many were regularized in total.

Deferred Removal Orders Class (DROC): 1994-1998

- Who:** Failed refugee claimants who had not been deported for 3 years
Most were from China, but some were from Iran and other countries
- Number:** About 3,000 people were regularized
- Criteria:** People had to have made a refugee claim, had their refugee claim refused more than 3 years before, and gotten a deportation order at least 3 years before.
Whether people worked for at least 6 months was considered.
People with criminal records, who were seen as 'security risks', who had avoided deportation or immigration meetings, who had been on welfare, or had a serious medical condition that would put 'excessive demand' on health care services were not eligible.
- Applying:** People had to fill out an application form, making their identity known. As well, application fees had to be paid: \$500 for each adult and \$100 per child

Background: DROC was a program that was for people with failed refugee claims who were stuck in 'limbo' because the government had stopped all deportations to their home country. The government had decided that the situation in their countries was too dangerous to send them back, yet it would not accept their refugee claims. Many of these failed refugee claimants stayed in Canada for many years, building lives and families here. At the time, there was a lot of public attention in Canada and around the world about how the Chinese government was abusing people's human rights. So the government added China to the list of countries it would not deport people to. Chinese-Canadian community groups and organizations began to put pressure on the government to do something about all the people who were living here in limbo without status.

Organizations and groups from Toronto, Montreal and Vancouver were successful in drawing public attention to this issue. In Vancouver, hundreds of non-status people became involved in the struggle through a

local community group. Chinese-Canadian community leaders met with politicians and policy-makers about the issue. An immigration lawyer in Toronto who was active on this issue and a community activist in Vancouver explained that they were pushing for a broader and larger amnesty than DROC.

'We lobbied for a regularization that was for all non-status people, not just Chinese nationals'. (Community Activist)

Although no big amnesty was introduced, the government did announce DROC. But many applicants were not successful. One activist in the Chinese-Canadian community estimates that half of all non-status Chinese people did not get status under DROC because they did not meet the residency requirement.

*'Under DROC, people had to have lived here for at least 5 years in all – approximately 2 years of which they were waiting on a refugee claim, and another 3 years after their claim had been refused'.
(Community Activist)*

Several people were not regularized under DROC because they had serious medical conditions, such as kidney disease.

Special Regularization Procedure for Algerians Residing in Quebec: 2002

Who: Failed refugee claimants from Algeria
Number: Over 900 were regularized
Criteria: People had to be living in Quebec, could not have left Canada at any time since 2002, and had to have 'integrated into Canadian and Quebec society
Some people had to be sponsored financially by a person or organization
People with any criminal record (even for a small crime) or with deportation orders were not eligible
Applying: People had to apply in person

Background: The Special Regularization Procedure for Algerians Residing in Quebec was another program for failed refugee claimants. In the 1990s, many people came to Canada from Algeria because of the violent conflict that had been going on there for many years. Many Algerians went to Montreal and other parts of Quebec because they spoke French. In 1997, the Canadian government stopped all deportations to Algeria because it was too dangerous to send people back there, yet at the same time many Algerians' refugee claims were refused. In 2002, the Canadian government decided that it would start deporting people to Algeria again, after an important trade deal was struck between the two countries. Even still, Algeria was considered dangerous and there was a warning for Canadians not to travel there. Because of this, a group of about 1,069 failed refugee claimants from Algeria found themselves at risk of deportation.

At this time, many non-status Algerians in Quebec mobilized and began to put pressure on the government to regularize their status. The group of non-status Algerians created the Action Committee for Non-status Algerians (CASSA), and they worked with allies from No One Is Illegal (Montreal), individual supporters, and various labour, faith and women's groups. The group got a lot of public attention and support, especially around the case of Yakout Seddiki, Mourad Bourouisa and their two-year old Canadian-born son, Ahmed, a family who went into 'sanctuary' in a church so that they would not be deported. The Canadian and Quebec governments acted because of this pressure and introduced a regularization procedure for failed Algerian refugee claimants who had been living in Quebec. Still, over 150 people were refused and left at risk of being deported. Several people could not be regularized because they could not afford to pay the large application fee for the program. Many people were not accepted because they had criminal records for small offences such as stealing to survive – or for their political activities, as the case of Mohamed Cherfi dramatically illustrates.

Mohamed Cherfi was a well-known leader in CASSA who had spoken publicly and mobilized people in the campaign to regularize non-status Algerians. His application was rejected because the government said he had not worked enough and was not 'integrated' into society. But Mr. Cherfi had worked very hard in the Algerian community for the time he was in Canada, doing lots of volunteer work for the CASSA campaign, and helping many Algerian people with their immigration hearings and their regularization applications. When he got a deportation order, Mr. Cherfi went to live in sanctuary in a church. About a month later police officers entered the church and removed Mr. Cherfi. He was then deported. Many CASSA supporters felt that Mohamed Cherfi was targeted because of his political activism.

Humanitarian and Compassionate (H&C) Applications: 2004

- Who:** Anyone living in Canada without legal immigration status
- Number:** The number regularized under H&C is not known
- Criteria:** The most important thing people need to show to be successful is that they will face 'undue hardship' if they had to go back to their home country
Other important considerations include whether people have 'integrated' into Canadian society, have worked and are financially stable, have volunteered in their community, have studied or upgraded their skills, have family in Canada, and English or French language skills
People with criminal records or a serious medical condition may not be eligible
- Applying:** People have to fill out an application and some are interviewed by an immigration officer. To apply, each adult must pay \$550, and \$150 must be paid for each child

Background: The only way that non-status people living in Canada can get legal status right now is to submit a Humanitarian and Compassionate (H&C) Application. To apply for an H&C, people fill out an application form, often with help from someone who knows a lot about the process, and some people get interviews. But in general, very few people are successful with their H&C applications. It is estimated that less than 5% of all H&C applications are accepted.

IDEAS FOR REGULARIZATION TODAY

When the Canadian government introduced the new immigration laws of 2002, it did not provide an opportunity for non-status immigrants to apply for regularization. Many immigrant rights organizations have demanded the regularization of all non-status immigrants and refugees in Canada, including Solidarity Across Borders, the Action Committee of Non-Status Algerians, the Coalition Against the Deportation of Palestinian Refugees, No One Is Illegal, and the STATUS Campaign. Several other groups in Canada have put pressure on the government to offer some kind of regularization program. A few groups have even made specific proposals detailing they think what regularization program should look like.

Home Builders' Ideas for Regularization of Construction Workers

In December 2003, the Greater Toronto Home Builders' Association (GTHBA) and the Construction Recruitment for External Workers Services (CREWS) submitted a proposal to the government together. Their proposal only deals with non-status immigrants who work to build houses in the construction industry. According to this proposal, non-status immigrants who have lived in Canada for at least one year should get a chance to apply for status. To be eligible, applicants should be able to show that they have skills in a construction trade and have experience doing construction work. People should be able to prove that they have done construction work in Canada in the past, and that they will do construction work in the future. Finally, the proposal says that people cannot have a criminal record or a serious medical condition. The proposal suggests that successful applicants should be issued a temporary resident permit for 2 years, and that after 2 years construction workers should be able to apply for permanent resident status.

In the focus group discussions we held with non-status immigrants, most people were not happy with the Home Builders' Association regularization model. Although a few people said that this proposal could work for them, most said that it was unfair that it applied to construction workers only. A lot of focus group participants said that regularization

should not be based on the type of work a person does, and some said that it should not be based on whether someone is working at all.

'It doesn't seem fair that there is a proposal for certain sectors. It has to be for everyone in general. If it's going to be for workers, they all sacrifice just as much whether in construction, or cleaning, or any other kind of work'. (Person living without status)

Most people said that a temporary work permit program was not good enough, especially if there was no guarantee that they would get full status when the permit expired. Others said that a temporary permit was better than nothing, but that it was only worth something if there was a guarantee that they would get status after a set amount of time.

'They need to give something past a three-year temporary permit, something permanent'. (Person living without status)

'Listen, I don't mind a temporary permit, but there must be something in place saying that I'm going to get something permanent after 5 years. If they tell me I can work for 5 years, then nothing, are they just using me, or helping me?' (Person living without status)

'Temporary is not good. But a temporary permit gives you a chance to prove yourself'. (Person living without status)

Some people pointed out how a temporary permit with no guarantee was risky, because the government would have your personal information, and might decide to deport you after the permit was finished:

'It seems like a double-edged sword to me. You give them all your information, and then when they get to your case they might not give it to you. This does not work for me, nor my family, nor my friends'. (Person living without status)

Vancouver Association of Chinese Canadians' Ideas for a Regularization Program

In January 2004, the Vancouver Association of Chinese Canadians (VACC) submitted a proposal for a regularization model to the Canadian government. These are the main ideas in their proposal:

1. Non-status immigrants who have lived in Canada for 3 years should be eligible for permanent resident status immediately;
2. Non-status immigrants who have lived in Canada for less than 3 should be given for a Minister's Permit which allows them to work and live in Canada until they have been here for 3 years; and
3. An immediate halt to the deportation of non-status immigrants.

In the focus group discussions we held with non-status immigrants, the VACC proposal was, by far, the most popular model. As one person living without status said: *'We like this model best. It will work for everyone'*. Many participants in our study felt that this kind of a regularization program could work for them, though some people pointed out that it would depend on what kind of criteria and conditions were part of it. Several participants said that having to live in Canada for 2 or 3 years before getting status was alright with them, but only if there was a guarantee that they would get status at the end. Some people said that it would be great if people could get status right away, but they thought waiting 2-3 years was reasonable.

'I think that in 3 years you can get stability here'. (Person living without status)

'3 years, yes – it gives me the impression of being reasonable'.
(Person living without status)

Many other focus group participants said that if they had to wait 2 or 3 years before they could get status, then there should be some kind of guarantee of safety that they could live without fear of deportation. In this way, people liked the VACC's call for a stop to deportations and a Minister's permit. But several other people felt that safety from deportation was not enough. They also thought that people should get

certain rights during the waiting period, especially the right to work and get health care.

'It's important to have a permit so you know that you won't be detained'. (Person living without status)

'During the time that the person is waiting, the person should be given some security in order to live here'. (Person living without status)

'It is important to have some stability during that time. If you do not have a SIN (Social Insurance Number) you can't prove that you want to work'. (Person living without status)

A few people did not like the idea of a permit and a waiting period at all. They felt that non-status immigrants should have all of the rights that other people in Canada have:

'Personally I don't like the idea of permits, because if we think people should be here, then I think they should have full citizenship rights. And these permits, whether they be work permits or minister's permits, have lots of restrictions'. (Community Agency Worker)

Still others said that it did not matter what, but that *something* had to happen.

'All the organizations know very well that the only thing that undocumented people want is documents. We do not care about the way we get them'. (Person living without status)

'You can not do anything because you do not know if you are going to stay or if you are going to leave. The government knows all about the people that are here, legally or not. One can not live like that'. (Person living without status)

Other Ideas for Regularization

Using specific criteria to exclude people from regularization programs (e.g. criminal, security and medical conditions) keeps non-status immigrants without legal status and therefore does not address the exploitation and marginalization that non-status immigrants often face on a daily basis. Where restrictive criteria are used, many non-status immigrants will: a) not be eligible to apply, b) not apply in order to remain undetected, or c) be rejected. Temporary work permits keep migrant workers – whether farm workers, domestic workers or otherwise – in a continuing state of fragile status where they face barriers to basic rights and public services and live in danger of detention and deportation. There is a need for an inclusive regularization program that would fulfill the needs of all non-status immigrants and refugees, who, like all people, must have the right to legal status.

'I would like something that liberates you, like an amnesty'. (Person living without status)

CAMPAIGNS FOR NON-STATUS IMMIGRANT & REFUGEE RIGHTS

This section describes many of the active community campaigns working on issues of non-status immigrant and refugee rights. These groups take on a broad range of activities, including stopping detentions and deportations, making public services more accessible, educating the public – and, of course, advocating for the regularization of non-status immigrants. This is by no means a complete list, however, it gives an idea of the range of different communities and groups that are organizing on this issue. If you would like your group to be listed in future versions of this booklet, please send your information to the address listed at the back.

Action Committee of Non-Status Algerians

These men, women and children came to seek asylum in Canada because Algeria is still torn by a civil conflict that has taken 150,000 lives over the past 10 years. Not recognized as political refugees by the Canadian state, this group of people became ‘non-status’. The Canadian government had a moratorium on deportations to Algeria in 1997, but lifted it in April 2002 in order to support Canadian business investments in Algeria. Refusing to be an exchange currency, people affected by the decision joined the Action Committee for Non-Status Algerians in order to make themselves heard and to achieve justice. A Special Regularization for Algerians Residing in Quebec was eventually won, but due to restrictive criteria over a hundred Algerians were rejected. Their struggle continues. This Montreal-based group demands an end to deportations, a reinstatement of the moratorium on removals to Algeria, the return to Canada of those deported to Algeria, and a permanent regularization process for all non-status people.

Tel. (514) 996-3819

Email. cassdz@yahoo.fr

Web. www.tao.ca/~sans-statut/

Action Committee of Pakistani Refugees

This group is based in Montreal and has been fighting the deportation of hundreds of Pakistani refugees from Canada. The highly public struggle against the deportation of the Akhtar / Khan family's deportation provides a clear case of the broader struggle of Montreal's Pakistani community and the urgent need for people from throughout Canada and the world to provide their support and solidarity.

Tel. (514) 812-0858

Email noi-montreal@resist.ca

Web. <http://www.cmaq.net/en/node.php?id=17488>

Campaign to Stop Secret Trials in Canada

Under the CSIS (Canadian Security Intelligence Service) Certificate, Canada's spy agency has put many Muslim men or men of Middle Eastern or Arabic background in jail without charges or bail. Five Muslim men are currently detained: Mohammed Mahjoub (detained since June 2000), Mahmoud Jaballah (August 2001, following his acquittal on a first certificate in 1999), Hassan Almrei (October 2001), Mohamed Harkat (December 2002) and Adil Charkaoui (May 2003). Neither they nor their lawyers are allowed to see the 'evidence' against them under the blanket claim of 'national security'. They cannot appeal the Federal Court ruling delivered by a CSIS-approved judge. The Campaign to Stop Secret Trials organizes court support and engages in research and political action and tries to provide support for the families of Canada's 'disappeared'. The campaign is rooted in anti-racist principles, and explicitly condemns Islamophobia, anti-semitism, and all related forms of religious and political intolerance.

Tel. (416) 651-5800

Email. info@homesnotbombs.ca

Web. www.homesnotbombs.ca

Tel. (514) 859-9023

Email. justiceforadil@riseup.net

Web. www.adilinfo.org

Tel. (613) 820-1550

Email. sophielamarche@hotmail.com

Web. www.zerra.net/freemohamed

Canadian Council for Refugees

The Canadian Council for Refugees is a non-profit umbrella organization committed to the rights and protection of refugees in Canada and around the world, and to the settlement of refugees and immigrants in Canada. The membership is made up of organizations involved in the settlement, sponsorship and protection of refugees and immigrants. The Council serves the networking, information-exchange and advocacy needs of its membership.

Tel. (514) 277-7223

Email. ccr@web.ca

Web. <http://www.web.net/~ccr/>

Coalition Against the Deportation of Palestinian Refugees

Currently in Canada there are 100 Palestinian refugees facing deportation. Most of the refugees are from the refugee camps of Lebanon and from Occupied Palestine. They have claimed refugee status in Canada over the last few years. Based in Montreal, the Coalition was formed in February 2003 and calls for solidarity and support from groups, organizations and individuals in Montreal and beyond. This group demands that the government: (1) immediately stop the deportations of Palestinian refugee claimants, and (2) grant them permanent residency on Humanitarian and Compassionate grounds.

Tel. (514) 591-3171

Email. refugees@riseup.net

Web. <http://refugees.resist.ca>

Communauté Catholique Congolaise de Montréal (CCCM)

This Montreal-based group is a Catholic Christian group and is involved in social justice issues through the Commission of Justice and Peace. They engage in letter-writing campaigns – for example, to Prime Minister Martin on the new Canadian Border Security Agency, and to Immigration

Minister Sgro on her declaration about security as her first priority. They have also organized many demonstrations on family reunification, the regularization of the status, and other issues.

This group's demands are for a change in the policy on the family reunification because of unacceptably long delays; to regularize the status of CCCM members and members of other cultural communities who are integrated in Canadian society and who contribute to development of Canada by paying taxes; to allow children born from parents who don't have status to benefit from all rights as other children in Canada.

Felly Ngankoy and Alfred Lukhanda, Co-chairs
Tel. (514) 256 4747

Don't Ask, Don't Tell campaign

A coalition of over forty community organizations in Toronto, the Don't Ask, Don't Tell campaign seeks to address the immediate needs of those non-status immigrants who 'fall through the cracks' of current immigration policies such as the Humanitarian and Compassionate application, and may also be excluded from a regularization program. A 'Don't Ask, Don't Tell municipal policy would make city services available to all city residents, without discrimination on the basis of immigration status. City programs would not require immigration status-related information, and city workers would be prohibited from inquiring into or sharing immigration information with Citizenship and Immigration Canada or other government agencies or authorities. Currently in Toronto, city residents without full legal status as citizens or permanent residents face significant barriers to accessing essential city services, such as emergency services, social housing, food banks, health care, and education. These barriers exacerbate and perpetuate the fears of detention and deportation that thousands of city residents are forced to live with.

Tel. (416) 834-3730
Email. info@dadttoronto.org
Web. www.dadttoronto.org

Human Rights Action Committee

The Human Rights Action Committee works for the respect and promotion of human rights throughout the world. Their work includes publicizing human rights related information and analysis through the internet and other media, promoting the prosecutions of human rights violators, and supporting local human rights NGOs and activists. This group is based in Montreal.

Tel. (514) 595-4462

Email. sanjiv.kumar@sympatico.ca

Web. www.hraonline.org

Justice for Migrant Workers

Justicia for Migrant Workers (J4MW) is a volunteer driven political non-profit collective made up of committed activists from diverse walks of life (including union activists, educators, researchers, students and youth of colour) based in Toronto. They are engaged in this work alongside personal commitments and numerous social justice struggles. J4MW strives to promote the rights of seasonal Caribbean and Mexican migrant workers that participate each year in the federal government's Caribbean & Mexican Seasonal Agricultural Workers Program (known as SAWP). The J4MW Collective is motivated by relations of trust, experiences shared and lessons learned from migrant farm workers over the course of more than 3 years of community outreach in rural Ontario. As allies, activists and friends they believe migrant workers deserve work with dignity and respect.

Tel. (416) 329-6844

Email. info@justicia4migrantworkers.org

Web. <http://www.justicia4migrantworkers.org>

No One Is Illegal – Montreal

The No One Is Illegal campaign of Montreal is part of a worldwide movement for the self-determination of migrants, refugees and indigenous peoples. This campaign recognizes that struggles for self-determination, and for free movement against colonial exploitation, are led by the communities who fight on the frontlines. Members of this campaign act as allies to lend practical support to these struggles. This campaign also asserts a clear link between capitalist globalization and the displacement of peoples from the majority world. This campaign confronts a colonial system built on the dispossession and genocide of indigenous peoples and racist anti-immigration laws. They maintain that there are no illegal human beings, only illegitimate governments and states. This campaign seeks to contribute to a global movement of justice and dignity, building links between communities of resistance worldwide.

Tel. (514) 859-9023

Email. noii-montreal@resist.ca

Web. <http://clac.tactic.org>

No One Is Illegal – Toronto

No One is Illegal (Toronto) is a group of immigrants, refugees and allies. This group works to educate, mobilize and network to defend immigrants, migrant workers, refugees, and indigenous peoples, to oppose war and racism, and to deepen understandings of colonialism, capitalism, patriarchy and migration in today's world. This group demands the regularization of all non-status people in Canada; no deportations; no detentions; no racial or religious profiling; recognition of the right to free movement; and recognition of indigenous sovereignty.

Email. nooneisillegal@riseup.net

Web. <http://toronto.nooneisillegal.org/>

No One Is Illegal – Vancouver

The No One is Illegal campaign in Vancouver is in full confrontation with Canadian colonial border policies, denouncing and taking action to combat racial profiling of immigrants and refugees, detention and deportation policies, and slave-wage conditions of migrant workers and non-status people. This campaign struggles for the right for our communities to maintain their livelihoods and resist war, occupation and displacement.

Tel. (604) 682-3269, ext. 7149

Email. noii-van@resist.ca

Ontario Coalition Against Poverty – Immigration Committee

Based in Toronto, OCAP has been working on immigration issues for several years. They believe that it is critical to support the right of immigrants and refugees to freely cross borders in search of a safe and decent life for themselves and their families. OCAP believes that the reasons for displacement and the poverty and racism immigrants are subjected to in Canada are anti-poverty issues that must be confronted with the utmost seriousness.

Tel. (416) 925-6939

Email. ocap@tao.ca

Web. www.ocap.ca

Project Threadbare

Project Threadbare is a Toronto-based organization that formed in support and defense of the 24 South Asian Muslim men arrested and detained under a bogus terror investigation called 'Project Thread'. The investigation was a result of a joint effort by the RCMP and Immigration Canada. While no charges were ever laid, the men suffered for months in maximum-security prison, and then most of them were deported. Project Threadbare is a community group that formed after this raid to offer

support and solidarity to those caught up in the unfounded sweep. In the face of increased targeting of Muslims and South Asians, coupled with state repression of community-based social justice organizing, Threadbare and its supporters must continue to strengthen existing networks and build new connections with people of color, immigrant communities, activist groups, and all other supportive constituencies. This struggle is crucial not only in gaining justice for these men, but in the long-term struggle waged by people of colour against racist state targeting and unjust immigration policy. Project Threadbare will not stand by silently while these attacks continue to hurt our communities. Project Threadbare aims to stop the deportations of these innocent men and demands their immediate regularization.

Email. info@threadbare.ca

Web. www.threadbare.ca

Refugees Against Racial Profiling

This Vancouver-based group has recently formed as an organization to protest against the Canadian government's continuing policy of detention and deportations of asylum seekers. The domestic consequences of the 'War on Terrorism' includes massive arrests and the interrogation of immigrants and refugees, the possible use of torture to obtain information, the passing of legislation granting intelligence and law enforcement agencies much broader powers of intrusion into the private lives of people, pervasive government and media censorship of information, the silencing of dissent, and widespread racial profiling and criminalization of Muslim, Arab and South Asian communities. RARP rejects the logic that refugees are terrorists or make Canada unsafe. For members of refugee and immigrant communities, the handling of cases such as Security Certificates and Project Thread sends a clear message that the Canadian government practices racial profiling.

This group demands an end to all racism in the Refugee Determination system that results in unfair and inhuman deportations and detentions, including but not limited to: the abolition of Security Certificates, which violates the presumption of innocence and right to a fair trial; Implementation of the Refugee Appeal Division; an end to the political

appointment process and single-member 'panel' of the Immigration and Refugee board that results in a lottery system for refugees; and regularized status for all asylum seekers.

Sanctuary Coalition

The Sanctuary Coalition is a religious-based national coalition, centred at the Church of the Holy Trinity in Toronto, and is concerned with refugees whose claims in the view of the Coalition have been wrongly rejected by Canada's Refugee Board. The Coalition began in 1993 when it decided 'not to abandon' 23 people whose claims had been reviewed by the Coalition, Amnesty International and other refugee agencies. When the Coalition's 'civil initiative' was brought to the attention of the Prime Minister, he instructed that the cases be reviewed. The Coalition has an educational as well as an advocacy function. One expression of this was the 'Call to Conscience' and interfaith statements of concern for refugees issued a few years ago.

Tel. (416) 598-4521

Web. <http://holytrinitytoronto.org/justice/sanctuary.php>

Solidarity Across Borders

Solidarity Across Borders brings together Montreal-area groups and individuals active on immigration and refugee issues. The four basic demands of the Solidarity Across Borders campaign are: 1) The regularization of all non-status persons; 2) An end to deportations; 3) An end to the detention of immigrants and refugees; 4) The abolition of security certificates.

Solidarity Across Borders also endorses the specific demands of the participating groups of the Solidarity Across Borders network. Those groups are: The Coalition Against the Deportation of Palestinian Refugees; The Action Committee of Non-Status Algerians; The Pakistani Action Committee Against Racial Profiling; Colombianos Unidos; No One Is Illegal-Montreal, The Justice Coalition For Adil Charkaoui, The Mohamed Cherfi Solidarity Committee, The Support Committee for Basque Political Prisoners, The Kurdish Institute of Montreal, The South Asian Women's

Community Center, The Immigrant Workers' Center, Solidarity for Palestinian Human Rights, Block the Empire, McGill Students Against War and Racism, Libertad, and many other groups and individuals.

Tel. (514) 859-9023

Email. noii-montreal@resist.ca

Solidarity with Mohamed Cherfi

This national campaign works to bring Mohamed Cherfi home to Canada. Mohamed Cherfi is a member of the Action Committee of Non-Status Algerians whose application under the Special Regularization for Algerians in Quebec was rejected on the grounds that he was not 'integrated' enough. Facing deportation, he took sanctuary in a Quebec City church. For the first time in Canadian history, church sanctuary was violated when police stormed into the church, arrested Cherfi and handed him over to Immigration Canada. Within six hours he was in a detention centre in New York State. His refugee claim has recently been rejected by the US and Cherfi now faces removal to Algeria where he will be in tremendous danger. This campaign is continuing to push for Cherfi's return to Canada. Five prominent Canadian citizens have come forward to sponsor his application for permanent residency.

Tel. (418) 262-0144

Email. solimo2004@yahoo.fr

Web. <http://www.mohamedcherfi.org>

STATUS campaign

STATUS is a broad coalition of individuals and organizations advocating for the regularization of status of all non-status immigrants living in Canada. In the past, every time there has been an overhaul of Canada's immigration law, the government has brought in programs to regularize the status of those who were caught in the old system. We are at that point again. STATUS is demanding that the government of Canada implements a program to allow all non-status immigrants living and working in Canada to apply for permanent resident status. Living without status is a human rights issue and STATUS is asking the government to act now.

Tel. (416) 322-4950, ext. 239
Email. status@ocasi.org
Web. <http://www.ocasi.org/status/>

Vancouver Association of Chinese Canadians (VACC)

The Vancouver Association of Chinese Canadians is an anti-racism and human rights organization. VACC is a member of the Chinese Canadian National Council (www.ccnc.ca) and the National Anti-Racism Council of Canada (www.narc.freesevers.com). VACC works in coalition with other equality seeking organizations to fight racism, to advance the rights of migrants living in Canada (www.refugees.freesevers.com) and to press the federal government to redress the Chinese Head Tax and Exclusion Act (www.ccnc.ca/redress). VACC urges the Canadian government to review the current immigration policies through the lens of migrants' rights and to develop and implement humanitarian regularization options using the following framework:

1. Non-status residents with 3 years Canadian residency be eligible for permanent resident status immediately;
2. Non-status residents with less than 3 years be eligible for a Minister's Permit until they reach 3 years eligibility; and
3. A halt to deportations and removals.

Web. <http://www.vacc.freesevers.com/>
Web. <http://www.freewebs.com/vacc/>

WHERE TO FIND OUT MORE: A RESOURCE LIST

Websites: Magazines, Newsletters and Bulletins

- 'The Case for Open Borders'. Special issue of *New Internationalist* 350 (2002): www.newint.org
- *Newsletter* of the National Network for Immigrant and Refugee Rights (US): www.nnirr.org
- *Colorlines*. This excellent US anti-racist magazine often features US immigrant rights campaigns: www.colorlines.com
- *Z Magazine*. An independent left-wing magazine that often covers US immigration stories: www.zmag.org
- *European Race Bulletin*. The UK-based Institute of Race Relations provides useful information about racism and immigration: www.irr.org.uk

Websites: Organizations and Campaigns

In the 'Campaigns' section, you will find websites for groups active in Canada. The websites below are for some of the US, UK and European organizations and campaigns.

- Desis Rising Up and Moving (US): www.drumnation.org
- National Network for Immigrant and Refugee Rights (US): www.nnirr.org
- Joint Council for the Welfare of Immigrants (UK): www.jcwi.org.uk
- National Coalition of Anti-Deportation Campaigns (UK): www.ncadc.org.uk
- Information on campaigns in France, including the *sans papiers*: www.gisti.org
- A Europe-wide network of grassroots campaigns supporting the right of free movement: www.noborder.org
- Platform for International Cooperation on Undocumented Migrants (Europe): www.picum.org

Published Material

Applied History Research Group. 1997. Adjustment Statement Policy. In *The Peopling of Canada: 1946-1976*. Calgary: The Applied History Research Group, University of Calgary.

Available on-line:

www.ucalgary.ca/applied_history/tutor/canada1946/amnesty.html

Citizenship and Immigration Canada (CIC). 2002. *Notice: Information for Algerian Nationals*.

Available on-line:

<http://www.cic.gc.ca/english/press/notice/algerian.html>

Dench, Janet. 2000. *A hundred years of immigration to Canada 1900-1999: A chronology focusing on refugees and discrimination*. Canadian Council for Refugees.

Available on-line: www.web.net/~ccr/history.html.

Go, Avvy. 2002. The Broken Dream of an Immigrant Without Status. *OCASI Monthly Report*. March 2002.

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http://www.ocasi.org/downloads/OCASI_March2002.pdf

Hagan, John. 2001. *Northern Passage: American Vietnam War Resisters in Canada*. Cambridge, Mass.: Harvard University Press.

Hawkins, Freda. 1991. *Critical Years in Immigration: Canada and Australia Compared, Second Edition*. Montreal: McGill-Queen's University Press.

Hayter, Teresa. 2000. *Open Borders: The Case Against Immigration Control*. London: Pluto Press.

Karas, Sergio R. 1996. *Canada – Refugee Determination Policy and Procedure Highlights*. Presentation to International Bar Association Migration and Nationality Committee, Berlin, October 1996.

Available on-line: <http://www.karas.ca/p3.doc>.

Kumar, Amitava. 2000. *Passport Photos*. Berkeley: University of California Press.

Li, Peter S. 1998. *The Chinese in Canada*, 2nd Ed. Toronto: Oxford University Press.

Lowry, Michelle & Peter Nyers. 2003. "No One Is Illegal": The fight for refugee and migrant rights in Canada. *Refuge: Canada's Periodical on Refugees* 21:3, pp. 66-72.

Available on-line: http://www.yorku.ca/crs/Refuge/refuge_-_volume_21,_issue_no_3.htm

Wickberg, Edgar, ed. 1982. *From China to Canada: A History of the Chinese Communities in Canada*. Toronto: McLelland and Stewart.

Wright, Cynthia. 2003. Moments of emergence: Organizing by and with undocumented and non-citizen people in Canada after September 11. *Refuge: Canada's Periodical on Refugees* 21:3, pp. 5-16.

Available on-line:
http://www.yorku.ca/crs/Refuge/refuge_-_volume_21,_issue_no_3.htm

Copies of this booklet are available on-line at:

<http://www.ocasi.org/STATUS/index.asp>

Or by contacting the STATUS Campaign:

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