Asylum and resettlement in Canada

Historical development, successes, challenges and lessons

a cura di
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GENOVA UNIVERSITY PRESS

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Ervis Martani and Denise Helly

1.1 Introduction

Although migration has been an intrinsic part of humanity's journey since its earliest stages (Crépeau, 2018) – both as a formative factor of the nation-state (Bloemraad, 2012) and as a catalyst for national and international tensions (Koslowski, 2002; Adamson and Tsourapas, 2019) – in the recent years, the issue of migration and refugee influxes has emerged as a major subject of public discourse in Western countries, including and particularly in the U.S., U.K., Austria, Germany, Italy, and France (Maurer *et al.*, 2021; Shabi, 2019; Sevastopulo, 2018; Mayda, Peri, and Steingress, 2018; Otto and Steihardt, 2017). The political and social effects of the 2008 financial crisis, that is, a renewed political and ideological polarization as well as the rise of populist movements, have resulted in an increased emphasis on the issue of migration (Makunda, 2018).

Various initiatives and policies have been put in place to either facilitate migration or to erect new barriers. In this chapter, we examine international and national frameworks for refugee protection and focus on current developments marked by the erection of walls, deportations and refoulement. Finally, we outline the context of the Canadian refugee protection system, which will serve as an introduction to the subsequent chapters in this volume.

1.2 International and domestic frameworks on refugee protection

The international framework for the protection of refugees is laid out by the 1951 *Refugee Convention* and its 1967 *Protocol*, which comprise 146 and 147 State parties respectively, defining the term and outlining the rights of refugees. According to Article 1A of the Convention, a «refugee» is any person who:

> owing to well-founded fear of being persecuted for reason 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 (art. 1A, 1951 Refugee Convention).

The principle of *non-refoulement* constitutes the most fundamental tenet of the Convention. It establishes that refugees cannot be expelled or repatriated to a country where they fear serious threats to their lives or freedoms (Nicholson and Kumin, 2017). With its mandate to oversee the Convention, the United Nations Refugee Agency (UNHCR) (Kalin, 2003) plays an important role not only in the protection of refugees but also in generating new knowledge on the subject. The Convention establishes only an optimal set of requirements for the signatories, and the parties are given the freedom to adopt higher standards of protection. To date, the Convention continues to influence refugee policy, not only in signatory parties, but also in the refugee policies of non-signatory states (Janmyr, 2021). Constituting the foundation of the current international protection system, it has since been enhanced by other protection regimes and instruments at the regional and national levels.

Within the European Union (EU), the legal framework for the asylum proceedings is the Common European Asylum System (CEAS). Established in the late 1990s, it sets forth the common norms for asylum procedures in the EU. Since then, various regulations and guidelines have come to strengthen and harmonize the basic standards for asylum. Currently, the CEAS consists of six comprehensive instruments: Asylum Procedures Directive; Reception Conditions Directive; Qualification Directive; Dublin Regulation; EURODAC Regulation; and the European Union Agency for Asylum (EASO), which contributes to the functioning and the implementation of the overall system. According to critics, the CEAS engulfs significant structural deficiencies with regards to all stages of the asylum process, namely the registration of arrivals on the territory of member states, the failure of national reception capacity, discrepancies on asylum procedures and protection rates (Beirens, 2018). In addition, it has been pointed out that the system is hampered by a lack of solidarity among its members, inconsistent implementation practices, lack of conformity with the EU's core values, and an approach that is punitive towards secondary movements. As Jakulevičienė (2019) has argued, the EU needs to strike a balance between the incentives and the restrictions with respect to secondary movements. The use of coercion and disincentives is not adequate because it does not address the root cause, namely the uneven sharing of responsibilities among EU member states (Guild *et al.,* 2015; Jakulevičienė, 2019).

It is only in 1969 that Canada signed the Refugee Convention, and while Canada's contemporary approach to refugee issues is considered a 'gold standard' to be emulated, it was not always so. Until the aftermath of World War II, its policies were characterized by exclusion, xenophobia, anti-Semitism, and racism

(Adelman, 2017; Carrière, 2016). For years, refugee status was consistently denied to certain non-European populations. In 1923, the government excluded immigrants «of any Asiatic race» (CCR, 2009, p. 1; Adelman, 2017) and did the same with Jewish refugees fleeing Nazi persecution during 1930-1948. The case of the *St. Louis* cruise liner is perhaps one of the most illustrative examples of Canada's xenophobic and anti-Semitic policies of that time (see chapter 2). As a matter of fact, in 1939, more than 900 Jews were denied entrance to Canada while fleeing one of the most horrific regimes after an unbelievably difficult journey, and the denial was based on the premise that their plight was not a Canadian problem. Forced to return to Europe, many would perish at the hands of the Nazis (Abella and Troper, 1968). Yet Canada did admit refugees, but only White ones: from 1923 to 1930, more than 20,000 Mennonite refugees emigrated from Ukraine in fear of persecution by the Soviet Union. It wasn't until 1970 that Canada began to admit non-Europeans by resettling some Tibetan refugees.

The current Canadian asylum system is governed by the 2002 *Immigration and Refugee Protection Act* (IRPA). In his independent review of the Canadian asylum system, Yeates (2018) highlighted the system's inability to handle the growing number of asylum claims, pinpointing the inadequacy of funding and poor information sharing among supervising agencies, as the system's shortcomings. Other authors have pointed out at the involvement of the authority of the Canadian Border Services Agency in the determination of eligibility of the claims by conducting security checks and intervening in hearings, which has transformed the Canadian system into an unfair process for many asylum seekers (Atak, Hudson, and Nakache, 2019).

Similar to Canada, Australia's *Refugee and Humanitarian Program* offers protection to people both abroad and within the country. The inland portion of the program allows persons who have landed legally and arrived in the country on a regular basis to apply for asylum and subsequently reside and work in Australia as permanent residents. However, it does not accept applications from people who entered the country without a valid visa (Kaldor Centre for International Refugee Law, 2019). Whereas, the Program's portion dealing with people overseas has three sub-components or sub-categories. The Refugee Program, designed for people outside Australia who have been recognized and referred for resettlement by UNHCR; the *Special Humanitarian Program*, which allows individuals and organizations in Australia to offer protection to people suffering from discrimination in their country and the recently implemented *Community Support Program* as a typical sponsorship program, where individuals, community organizations, and other entities are allowed to support the resettlement of refugees (Kaldor Centre for International Refugee Law, 2019).

The United States has not ratified the 1951 *Refugee Convention*, but is nevertheless a member of the 1967 Protocol. By extension, the United States is bound to the original 1951 document through its commitment to the majority of standards and principles. The core of the U.S. system is the *Refugee Act* of 1980, which harmonized domestic legislation with international norms. There are currently three main programs in place to provide protection: the resettlement program for people abroad, the asylum program for people already in the United States, and the temporary protection program. In general, the U.S. refugee protection system is a generous and benevolent one. It has been a leading model for the rest of the world for several decades. The country has admitted more than 3.5 million refugees (resettled and asylees) since the enactment of the *Refugee Act* of 1980. Annual admissions have ranged from 207,000 in 1980 to 11,800 in 2020 (Monin *et al.*, 2021). Until 2019, the United States was the leading resettlement country in the world. That year, Canada resettled 30,100 refugees, surpassing the United States (27,500) in admitted refugees. This was an outcome of the U.S. government's decision to continually lower the cap that was set at 100,000 in 2017 down to just 15,000 by 2021. Over the past five years, the country has been severely criticized for failing to meet international standards. Critics have pointed not only to the reduction of the annual admissions cap, but also to the overall unfavorable climate for refugees and asylum seekers, particularly bans based on nationalities, the «remain in Mexico» order, and attempts to terminate temporary protection status for nationals of several countries. While the current U.S. administration pledged to restore the earlier situation, it initially maintained the cap of 15,000 resettlement slots and pledged to increase it to 62,500 by 2021. However, in fiscal year 2021, only 11,400 refugees have been resettled.

1.3 Current developments: barriers, deportations, pushbacks and violence

The ongoing migration situation has been aggravating in the past years. By the end of 2020, more than 80 million people were forcibly displaced, of whom 11.2 million became newly displaced that year whereas 26.4 million are refugees, who have fled for a variety of reasons, including persecution, violence, and human rights violations (UNHCR, 2021). The Afghan crisis, the war in Ukraine, and the Covid-19 pandemic, the impact of which is not yet fully known, have all aggravated the situation. In some Western countries, some discourses have been depicting refugees as invasive and the influx as an invasion (Castelli Gattinara, 2017; Berry *et al.*, 2016), yet figures show that at the end of 2020 only a small

portion of the refugee population has been hosted in the developed countries. As a matter of fact, 86% of them were hosted by developing countries such as Turkey (3.7 million), Colombia (1.7 million) and Pakistan (1.4 million). By the end of 2020, Germany had taken in 1.2 million refugees, followed by France (440,000), and Italy (130,000). As of 2020, more than two out of every three refugees worldwide were from five countries, namely Syria (6.7 million), Venezuela (4 million), Afghanistan (2.6 million), South Sudan (2.2 million), and Myanmar (1.1 million) (UNHCR 2021).

Following more than two years of consultations and deliberations, in 2018 the UN General Assembly adopted the *Global Compact on Refugees* (GCR), a non-binding document which «represents the political will and ambition […] for strengthened cooperation and solidarity with refugees and affected host countries» (UNHCR, 2018, p. 2). Asserting that the refugee situation requires a comprehensive multi-stakeholder response, the GCR aims to alleviate pressure on first-line host countries, promote refugee self-sufficiency, improve third country solutions, and facilitate safe and decent return to countries of origin (UNHCR, 2018). For critics, the GCR fails to address imperative needs, including the arrival of large flows to Western countries, clear commitments on the ability to seek asylum once they arrive, and the prevention of the erection and maintenance of walls (Aleinikoff, 2018). Barriers to obstruct the movement of the poorest and least educated appear to be a feature of the global North. Indeed, policies such as funding policing in transit countries, prohibiting access to ports for relief vessels, and enforcing tough visa requirements continue to proliferate (Crépeau, 2018). In recent decades, the prevailing view of migration seems to involve reducing the number of non-economic migrants, such as refugees and asylum seekers, resulting in tighter border controls, the construction of walls and the signing of agreements with third states to stop irregular crossings. Higher walls, more restrictive immigration policies and a reduction in the number of admitted foreign nationals illustrate the current adverse climate in the West towards migrants and refugees. For example, Canada and the U.S. did sign a *Safe Third Country Agreement* (STCA) in 2002, a deal that states that both countries are safe for refugees. Asylum seekers attempting to cross the Canada-US border are turned back to the U.S. on that very pretext. As a result, this agreement represents a barrier for accessing to the Canadian refugee protection system. A further consequence of the STCA is an increasing number of irregular crossings. This is due mainly to the fact that the agreement stipulates that it is applied only when the claim is made at an official port of entry to Canada. Thousands of people have crossed the Canada-U.S. border irregularly in order to avoid being turned back to the U.S.

These irregular crossings may potentially put their lives at risk (i.e. *Roxham Road* in Quebec). The increasing level of irregular border crossings has been fostered by U.S. anti-refugee measures pushing a significant number of people without permanent status in the United States to flight towards Canada. In addition, the Trump administration's travel ban on individuals from certain targeted countries has prompted many individuals, fearful of not being able to reunite with family members, to seek protection in Canada (CCR, 2017).

The situation in Europe is not significantly different, and there, too, policies are remarkably characterized by increased border enforcement and other barriers. The *European Border and Coast Guard Agency*, founded in 2004 and known as Frontex, is responsible for ensuring the security and smooth operation of the external borders. In addition, the Dublin Regulation and several other agreements between the EU and third countries (Turkey, Serbia, Albania) are also aimed at strengthening the control of external borders. There has been an increase in the expansion of border control and the construction of both mental and physical walls in the European Union since the 1990s: 10 out of 28 Member states have built walls or fences to prevent immigration (Benedicto and Brunet, 2018) and others have promised to follow suit. While the metaphor of «Fortress Europe» might realistically represent policies toward refugees, it is not entirely adequate to describe the immigration policies of some Western countries that have increased admissions of skilled foreign workers (Czaika and de Haas, 2011) and simultaneously adopted measures to limit access for low-skilled immigrants and those from poorer countries. Canada and Australia are examples of a points-based immigration policy aimed at admitting thousands of skilled workers each year. Similar selection of skilled workers is underway in the United States and the United Kingdom.

Migrants and refugee journeys are tough and difficult ones as they experience various types of violence, both while attempting to access host countries and while in them. This violence, whether direct or indirect, includes refoulement, physical abuse, labor and sexual exploitation, extortion, and trafficking (CoE, 2016). Below are some examples. In March 1997 during a deterrence operation to counter the wave of immigrants heading to Italy, the Italian navy ship *Sibilla* collides with the vessel *Katëri i Radës* carrying migrants, causing the death of what is estimated to be over 100 Albanians (Scovazzi, 2014). In February 2014, approximately 400 migrants were attempting to cross the border between Morocco and Ceuta (Spanish enclave). In order to prevent them from entering Spain, members of the Civil Guard shot them with rubber bullets and used other deterrents such as blank bullets and tear gas. Fourteen people lost their lives and

more than twenty-three others were summarily evicted (ECRE, 2018). Another illustrative case was that of March 2020, when thousands of migrants attempted to cross the border between Turkey and Greece. It was reported that Greek security forces detained, brutally assaulted, sexually abused, robbed, and stripped them, before summarily deporting them to Turkey (HRW, 2020).

The EU and its member states have implemented a border control policy aimed at making their territory an impenetrable stronghold for migrants and refugees, by deporting them and denying them access to asylum procedures (Amnesty International, 2014), by allowing mistreatment against them by the guards (The Economist, 2020), by using the threat of detention as a deterrent (Crépeau, 2013), neglecting them, by «let[ing] them die because this is a good deterrence» (Crépeau, 2014, p. 1), by subsidizing welcome and detention centers in countries where there are serious human rights violations and where access to asylum procedures is threatened (Amnesty International, 2014). The intensification of the use of force and physical brutality against migrants and refugees is also observed in the United States and Canada. In the United States, aggressive migration policies have trapped migrants and refugees in a cycle of violence and abuse at the hands of border guards (DWB, 2020). In the past two years, the Canada Border Services Agency has investigated over 500 cases against staff members where bribery, abuse of authority, and sexual harassment were some of the allegations (Tunney, 2020).

These are merely a few examples involving the use of direct violence against migrants and refugees attempting to gain access to Europe, the United States and Canada. Direct violence is experienced by migrants and refugees in daily basis; however, this visible violence is only the tip of the iceberg. The overall violence experienced by them goes far beyond and is hardly measurable. Social injustice, marginalization, racism, Islamophobia and unfavorable migration policies in host countries have a serious impact on their physical and psychological well-being. To note but a few examples, in the last decade in Europe, several attacks against Muslims have been documented and there has been an increase in Islamophobic incidents throughout (Massoumi, 2020) and we have assisted in the rise of Islamophobic rhetoric in different European countries (ECRI, 2020). Other reports show that migrants are victims of racism, discrimination, and xenophobia in EU member states (EUMC, 2006). In addition, migrants and refugees who have survived the journey to Europe have faced fear and incarceration (Pai, 2020). EU integration statistics show that the risk of poverty and social exclusion for non-EU citizens was twice as high as for nationals (EUROSTAT, 2020).

Related to the current sanitary situation, a recent report in Canada comparing rates of COVID-19 among immigrants and refugees to those among Cana-

dian-born individuals in Ontario showed higher rates of infection among the former. Various variables and circumstances including insecure employment, language barriers, and overcrowded households were found to contribute to these disproportionately high infection rates (Guttmann *et al.*, 2020). As aforementioned, the U.S. administration had announced a cap of 15,000 refugees to be accepted for resettlement in the country during 2021 fiscal year, resettling only 11,400. In the previous year, the cap was set at 18,000, but only about 12,000 refugees were accepted. These numbers represent the lowest record since the modern program began in 1980 and are a far cry from the estimated 110,000 cap in 2017 (Cooke and Rosenberg, 2020).

1.4 Holding up Canada as an example of refugee protection

At the time of the 2015-2016 refugee waves, there was a significant attention that was given to the complementary channels for the admission of refugees, including community and private sponsorship programs. In Canada, the *Private Sponsorship of Refugees* (PSR) program has officially been operating since 1978. This program enables groups of citizens and organizations to support the resettlement of refugees to Canada for up to one year. For more than 40 years, this private sponsorship program has successfully secured the protection of more than 350,000 refugees. The program is considered more effective and suitable than the government-assisted sponsorship program because it allows for smoother, faster, and better long-term integration of refugees (IRCC, 2016; Dhital, 2015; Hyndman, Payne, and Jimenez, 2016). In addition, it is claimed to be a sustainable and a good solution to refugee protection and a pertinent way to sharing responsibilities among frontline host countries (Garnier *et al.,* 2018; Couldray and Herson, 2017).

Given its tremendous success in Canada, the program is being broadly championed as a best practice for the rest of the world. If until recently, it was only Canada that allowed organizations or citizens/permanent residents to sponsor refugees, with or without a prior relationship to them, the PSR has now become a model emulated in many other countries.

In 2016, the then Minister of Immigration, Refugees and Citizenship Canada (IRCC), John McCallum (2015-2017), emphasized the potential exportability of the program to other countries, including in Europe, as the involvement of private sponsors in refugee protection could help ease the pressure on countries dealing with refugee flows (Ugland, 2018). The UNHCR High Commissioner had qualified the program as «exemplary» and encouraged the development of

an PSR program in other jurisdictions, given that it not only provides additional resettlement opportunities but also, by involving citizens in the endeavor, it generates positive societal attitudes towards refugees (Levitz, 2016). In fact, despite the number of refugees admitted through PSR is considerable (more than 350.000), an innovation of Canada's program was the involvement of Canadians in the support of refugees fleeing violence and abuse. More than 1.5 million Canadians aged 25 and older have been involved in supporting refugees in the 2015-2020 cohort and 4 million of them would consider sponsoring refugees in the future (Neuman and Adams, 2021). Since 2016, Canada has been sharing its unique experience and history via the Global Refugee Sponsorship Initiative, which seeks to raise awareness, increase and improve the resettlement of refugees globally through the involvement of private sponsors. Most recently, the Minister of Immigration, Refugees and Citizenship, Marco Mendicino (2019-2021), reiterated that Canada serves as a model for other countries implementing community-based sponsorship initiatives (Harris, 2019). Since then, a growing interest in Canada's experience has already been expressed by several countries, including Australia and some European Union countries. In fact, in 2013, Australia introduced a private sponsorship program based primarily on the Canadian model, and a range of EU member states have been piloting short-term private sponsorship programs in response to the increasing refugee flows (European Commission, 2018). Canada's program has also attracted the interest of its neighbor, the United States. After his inauguration as President of the United States, Joe Biden issued an executive order on exploring the implementation of community and private sponsorship of refugees in his country (The White House, 2021). It is anticipated that in 2022, the United States will pilot a program enabling private groups to support the resettlement of refugees of any nationality to the United States (Kight, 2021).

As mentioned earlier, the PSR program was introduced with the 1976 *Immigration Act*, which went into effect in 1978. However, two groundbreaking initiatives that were undertaken by the government in the 1940s constitute the forerunners of the current program. For instance, in 1946, sponsorship of close relatives in Europe was authorized by an *ad hoc* executive order adopted on humanitarian grounds. A year later, the *Bulk Labor Program* facilitated the relocation of displaced persons from European camps to labor-intensive Canadian industries (Evans, 2018; Cameron, 2020). Yet, a major milestone on the way to the program's formal adoption was the negotiation of several relocation agreements between religious groups and the government during the 1950s and 1960s (Cameron and Labman, 2020). Perhaps not insignificantly, the first sponsorship

agreement under the nascent PSR program was signed between the Mennonite Central Committee and the Government of Canada in 1979.

There are certain domestic circumstances, specific to Canada, that can help explain and understand why this program was conceived and developed in Canada. It was primarily economic and labor needs that shaped Canada's overall approach to immigration after World War II. These needs led to the admission of 186,154 displaced persons to Canada between 1947 and 1953 (Epp, 2017). Between 1945 and 1951, over 160,000 refugees (displaced persons) resettled in Canada. Subsequently, Canada resettled some 77,000 Eastern Europeans by the end of 1970s – including 37,000 Hungarians in 1956-1957 and 11,000 Czechs in 1968-1969 – 7,000 Chileans and other Latin Americans in the 1970s, and more than 7,000 Asians from Uganda in 1972 (Carrière, 2016; CCR, 2009). Whenever it was possible, the government blend and make converge both humanitarian and economic reasons by targeting for resettlement mainly skilled workers and their families, as in the case of the 1962 Chinese Refugee Program (Madokoro, 2016). Madokoro (2009) argues that the resettlement of Czech refugees in 1968 was driven by both humanitarian concerns as well as the country's own needs. Whilst officials were concerned about the humanitarian consequences of the Soviet invasion, they considered the resettlement of Czech refugees against the background of the country's urgent need for skilled workers (Madokoro, 2009).

Furthermore, an additional national factor that led to the creation of the program was the advocacy of religious groups for the institutionalization of the private sponsorship. Religious groups gathered around organizations such as the Canadian Christian Council for the Resettlement of Refugees, the Canadian Jewish Congress and the Mennonite Central Committee played a pivotal role in refugee resettlement, paving the way for the establishment of a formal program in 1976 (Labman, 2019; Cameron, 2020; Gingrich and Enns, 2019). The 1976 *Immigration Act*, in fact, as Cameron (2020) argues, only formalized an already established practice, given that resettlement programs had been regularly conducted for years in the country.

The formal adoption of the program in 1976 accommodated the needs of all parties involved, namely the refugees, Canada's immigration objectives and needs, as well as the aspirations of religious groups that supported private sponsorship of refugees. Since this time, thousands of refugees have been resettled through the support of private sponsors, including 34,000 Indochinese refugees (1979-1980), 49,000 Polish refugees (1980-1996), 9,000 Iranian refugees (1982-2018), 63,000 Iraqis, Afghans, and Somalis (1988-2018), 17,000 Eritreans (2004-2018) (Government of Canada, 2019), and 35,000 Syrians (2015-2020) (IRCC, 2021).

At times of refugee crisis, PSR program has provided protection to thousands of people over a short period of time, such as in the resettlement of 34,000 Indochinese refugees in 1979-1980 (Government of Canada, 2019).

In terms of overall immigration policy, Canada plans to further increase intake ratios. Despite the pandemic, in 2021 Canada admitted a record number of new permanent residents (405,000) and in 2022 the government plans to further increase this number to over 430,000. While this is an indication that Canada remains a welcoming society, critics say that a backlog of about 2.7 million immigration applications is forcing people to wait years to obtain permanent residence. Delays due to the pandemic and the higher number of applications have been identified as possible causes of the backlog by the Canadian government, which has pledged to speed up the processing time for immigration applications. Unlike Europe and the United States, due to its geographic location, Canada has been virtually immune to the illegal entry of asylum seekers. However, over the past decade, there has been a significant increase in asylum claims in Canada. Whilst in the 2011-2016 cohort, 23,870 asylum claims were filed, in 2017, 2018 and 2019, a significant increase was recorded, with 50,390, 55,000 and 64,000 claims respectively. This increase could be the result of the Trump administration's anti-refugee policy in the United States, which has pushed more and more people without permanent status in the United States into Canada. The travel ban on individuals from specifically targeted countries may have been an encouragement for individuals to seek protection in Canada (CCR, 2017). In addition, as mentioned above, Canada and the U.S. have signed a *Safe Third Country Agreement* (STCA), effective December 1, 2004, which prevents asylum seekers from seeking protection at the Canada-U.S. border on the grounds that both countries are safe for refugees. This agreement has been severely criticized by pro-refugee organizations who have pointed out that the U.S. is not actually a safe country for refugees and that the real purpose of the agreement is to curtail asylum claims in the country. At first, the designation of the United States as a safe country was contested and while the Federal Court ruled that the U.S. was not safe, the Federal Court of Appeal overturned that decision and later the Supreme Court declined to hear the appeal (CCR, 2017). In 2017, the agreement was again challenged. In 2020, the Federal Court ruled that the rejection of refugee claims by people leaving the United States and seeking protection in Canada violated their rights guaranteed by the Canadian Charter of Rights and Freedoms. The Government of Canada challenged this decision and the Federal Court of Appeal accepted the government's appeal, leaving the STCA in force. Last December, the Supreme Court of Canada (SCC) decided to hear the appeal and a final decision is expected sometime soon. A direct consequence of the STCA is the increase in

irregular crossings from the U.S. to Canada. Because the agreement only applies to people crossing at an official point, thousands of people have reached Canada through an informal corridor, such as *Roxham Road* in Quebec (see chapter 14). This corridor was closed from March 2020 to November 2021 due to public health concerns related to the pandemic. Once the ban was lifted, irregular crossings resumed and 2800 people crossed in December 2021 alone. Since 2017, over 60,000 people have applied for protection in Canada and the acceptance rate is approximately 54% (Ring and Spagat, 2022).

In Canada, the jurisdiction over immigration policy is divided between the federal and provincial governments. In particular, due to a somewhat asymmetrical federalism, the province of Quebec is by far the most autonomous province with respect to immigration. In fact, Quebec was the first province to sign an agreement with the federal government relating to immigration. The 1991 *Canada-Quebec Accord Relating to Immigration and Temporary Admission of Aliens* (known as the Gagnon-Tremblay-McDougall Accord) constitutes the actual framework of shared competence on immigration matters. This agreement, which is in line with several previous agreements on immigration issues between Canada and Quebec, establishes that Quebec is responsible for the selection and integration of immigrants in its territory, including resettled refugees (Proulx-Chénard, 2021). The agreements give Quebec the right to veto the admittance of refugees selected abroad by the federal government. According to section 19, «Canada shall not admit a refugee or person in similar circumstances identified by Canada who is destined to Québec and who does not meet Québec's selection criteria». In other words, Quebec can select those who have a greater potential to settle in the province (Proulx-Chénard, 2021). However, Canada remains solely responsible for decisions on refugee claims from within Canada and for setting the criteria for determining who is a refugee or a person in a similar situation (Béchard, 2011).

With respect to private sponsorship of refugees, which is a key component of the Canadian protection system, the province of Quebec has had its own private sponsorship program since 1997, administered by the Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) (see chapter 13). Quebec collective sponsorship has been temporarily suspended twice in the past 5 years. In early 2017, the program was suspended due to a high number of applications that resulted in significant delays. In 2020, after lifting the suspension, the province accepted a total of 750 group sponsorship applications, including 100 from groups of two to five people on a first-come, first-served basis. A partial suspension was introduced the following year. Namely, in October 2020, the Quebec government suspended private sponsorship for organizations until November 1, 2021 following serious

allegations about the program. That year, only groups of 2 to 5 people were allowed to apply for the 750 available spots. These applications were selected through a lottery. In fact, the Quebec government decided to proceed with a random draw of applications «under the supervision of an external auditor and in the presence of witnesses». This lottery system has been confirmed for the year 2022, where Quebec will accept 825 applications, 425 from groups of 2 to 5 individuals and 400 from organizations (MIFI, 2022). Initially, the Quebec government did not elaborate on the decision to suspend the program for organizations, except to say that there were serious allegations regarding the integrity of certain practices within the program (Valiante, 2020). This decision was preceded by a request for organizations to provide detailed financial reports on recent sponsorship applications. This decision was criticized by both academics and pro-refugee organizations as «ill-advised» and «unfortunate», especially since the pandemic had already trapped refugees and in the context, the government was shutting down well-experienced organizations instead of increasing the provinces' resettlement capacities (Garnier and Labman, 2020; Valiante, 2020). By October 2021, the government provided some additional details on the reasons behind the suspension. Indeed, after reviewing applications for commitments since 2019, the government confirmed «the existence of stratagems aimed at circumventing the humanitarian objective of the program» (Pinard-Fontaine, 2021). As a result, 18 organizations were suspended for two years. They were charged with a variety of suspected fraudulent practices, including profiting from the program, soliciting payment from refugees in order to submit a sponsorship application, or failing to provide financial support to the refugees they had committed to sponsor (Bergeron and Gervais, 2022; Schué, 2021).

1.5 Final remarks

This chapter began by presenting some key aspects of the international and national refugee protection framework and current developments. Despite the existence of modern legislation, at the international, regional and local levels, there are several concerns related to refugee protection. We have argued that some Western countries have adopted a number of measures that have contributed to creating a negative sentiment towards migrants and refugees, who are often portrayed as invaders and queue-cutters. Tightening border controls, building walls, constant refoulements and signing agreements with third states to stop irregular crossings are some of the main features of current refugee policies in the West. This situation could worsen with the current war in Ukraine, the Afghan crisis and the Covid-19 pandemic.

Canada is generally depicted as a welcoming society for immigrants. Its effective management of immigration and diversity and its PSR program are widely promoted as a best practice to be transferred abroad. However, detention and deportation of asylum seekers and barriers to integration of resettled refugees represent a big challenge of the current policy. In addition, violence, vulnerability, denial of rights and growing hostility towards migrants and refugees may undermine the overall success of the system.

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By the year 2020, there were more than 280 million international migrants across the globe. Of this figure, 26.4 million were refugees, who have fled for a variety of reasons, including persecution, violence and human rights violations. Canada is considered the world leader in the protection of refugees. Notwithstanding this generally positive perception, the Canadian protection system exhibits a series of deficiencies, ranging from detention policies and deportation in the case of asylum seekers, down to the integration obstacles and other associated challenges encountered by resettled refugees. In addition, other challenges including violence, vulnerability, denial of rights, and growing hostility toward migrants and refugees undermine the overall health and image of the system.

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