

Canada: Open border policy for tsunami victims promised... but not delivered

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On December 26, 2004, massive waves resulting from an earthquake deep beneath the ocean swept across South Asia and the east coast of Africa, leaving a path of destruction that stunned the world. It is estimated that over 160,000 people were killed. Millions have been displaced.

In the immediate aftermath there was an unprecedented response from people around the world. The response from everyday people put their governments to shame, as the initial responses of most governments were far more muted. Promises of money increased significantly in response to public outcry.

The Canadian government also stepped forward as the first, and only, developed country to offer to open its borders to ensure that tsunami victims could escape to safety. Given the slow pace at which aid was making its way to the affected areas, opening the borders had the capacity to address an immediate need. Such compassion was staggering when we consider the anti-immigrant tenor of government policy, particularly since September 11.

However, as time has passed, it has become clear that the Canadian government's promises to help evacuate people from the affected areas were little more than a cynical public relations exercise.

Canada's Promise

On January 3, 2005, the federal government issued a press release stating that it was "committed to doing as much as we can to help reunite close family members of Canadian citizens and permanent residents who have been, and continue to be, seriously and personally affected by the disaster."

There are a number of ways to immigrate to Canada. The main ones are to come as a refugee, as a "skilled worker," or by way of sponsorship by a family member (or member of the "Family Class"). Citizenship & Immigration Canada (CIC) promised to expedite all existing applications of Family Class applicants for those who had been and continued to be seriously and personally affected by the disaster and who have immediate family members in Canada. The government also promised to expedite new Family Class applications for those who were directly affected by the tsunami.

Worried family members in Canada were hopeful that they could bring their relatives to Canada quickly. However, the press release deliberately glossed over one key problem: the problematic definition of "family" in the Immigration and Refugee Protection Act.

The Act allows Canadian citizens and permanent residents to sponsor spouses, common-law and conjugal partners, children, parents and grandparents. That's it. Other close family members, such as siblings, aunts and uncles, are not included. Once this limitation became evident, there was an immediate outcry from people with family members in the affected areas, and demands to expand the definition of "family class" to include extended family.

The limits on the help being offered were made very clear to me when I spoke with a friend from Sri Lanka. Almost all of her husband's family had been swept away in the tsunami, including her sister-in-law with her young child in her arms. The family home had been destroyed. The only living family members were her husband's elderly father and uncle. The father could be sponsored, but not her husband's uncle. The family was desperate to bring them both to Toronto. To date, they have not been successful.

In response to stories such as these, the Canadian government promised to consider other close family members for sponsorship on a "case-by-case" basis. CIC instructed extended family members to apply as "Skilled Workers" with letters from family members in Canada explaining how they would provide economic support.

Normally Skilled Worker applications are only granted to people with a university education, strong English or French language skills and a solid work history in skilled employment. Only a small group of people can immigrate this way.

In the case of tsunami-affected applicants, Immigration Officers were instructed that they had the discretion to grant skilled worker applications for unqualified applicants with family in Canada. However, in practice many such applications have been turned down because the applicants have failed to convince the Immigration Officer that they would be able to "contribute financially" to Canada. Clearly the Canadian government's assurance that it would do whatever was necessary to bring family members to Canada quickly was nothing more than an empty promise.

The reality is that while CIC has sped up processing of some family class applications that were underway before the tsunami hit, there is little evidence that they have sped up any new applications. In fact, visa offices in places like Colombo, Sri Lanka are not even accepting new applications.

Barriers to Immigration

Other obstacles stand in the way of those lucky enough to have their applications considered. The quantity of red tape that must be overcome before being allowed to immigrate to Canada makes it impossible to bring people from disaster-affected areas quickly. Some key steps in obtaining permission to immigrate to Canada include completing a medical examination (most disabled people are not allowed to immigrate to Canada), obtaining a security clearance and proving identity. The Canadian government has not removed any of these steps to assist people in tsunami-affected areas, even where it is impossible to complete them quickly.

For example, it is impossible to prove your identity when all documents were lost to the waves. Replacing lost documents is extremely difficult in a country where state infrastructure has yet to be replaced. Without valid identity documents, it is not possible to obtain a security clearance from the Canadian Security and Intelligence Service (CSIS). So those attempting to take advantage of Canada's supposed largess face insurmountable obstacles and delays.

It is impossible to complete medicals in areas in which hospitals and medical staff, or the roads to

reach them, have been washed away. At the best of times, requiring people to pass medicals before they can immigrate to Canada discriminates against people with disabilities. In cases involving flight from a disaster zone, how can such requirements possibly be justified?

It is likely that by the time many applicants have jumped all of the hurdles for immigration to Canada, they will either have died as a result of the humanitarian crisis, or the crisis will have ended.

A humanitarian policy for people fleeing disaster zones

Although I would like to see the opening of borders to all migrants, in the interim it may be possible to convince governments of the need to open borders for those fleeing from humanitarian disasters. A commitment to getting people out of disaster-affected areas requires cutting some of the red tape. The best way to do this would be to put in place specific legal provisions that cut the red tape for all people seeking to flee areas devastated by natural disasters or wars.

There are several ways this could be done. One would be to create a new “class” of applications for people seeking to flee natural disasters or civil war. Applicants must be free to flee from such areas and come to Canada immediately. The processing of their applications could be done while they wait in Canada. Medical requirements must be waived. In effect, this is what is already done for refugees.

Natural disasters and civil wars will continue to occur, likely with greater frequency. Canada, after all, contributes to the creation of such conditions through policies that encourage environmental degradation and conflict. Without any principled policy in place, the Canadian government is free to pick and choose when it will provide assistance and open the doors to the victims of humanitarian disasters. For example, during the bombing of Kosovo in 1999, the Canadian government brought plane-loads of Kosovar refugees to Canada. This was motivated by a desire to highlight the victimization of Albanians in Kosovo, and justify the NATO bombing campaign.

All too often government responses to international disasters are guided by political and economic interests and by racism. The Canadian government cares very little for the victims of a recent earthquake in Iran or the current humanitarian disaster in Sudan. Nor has it done much for those in the Caribbean still suffering the effects of September 2004’s Hurricane Ivan. There are no flights to Canada for these victims. Does anyone doubt that the response to the tsunami would have been quite different had the waves hit England and not South Asia?

Policy for all victims

A policy in place for all victims of humanitarian disaster would force the Canadian government to provide assistance, whether or not there was a political or economic benefit.

Although pictures from tsunami affected zones no longer appear on the front pages of newspapers, rest assured that the suffering continues. Only a tiny portion of the money that was donated to charities, or that was committed by governments, has actually been spent on bettering the lives of survivors.

The situation for people in tsunami-affected zones remains critical, and NGOs estimate that it will take at least one year before serious gains are made in rebuilding the affected areas. In the meantime, tsunami refugees try to survive in overcrowded camps. Given the slow pace of reconstruction, it is essential that effective options are available for people to leave the affected areas, if they so choose.

P.S.

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