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Canada-U.S. agree to 'safe third country' refugee pact

By CAMPBELL CLARK, ESTANISLAO OZIEWICZ AND TU THANH HA
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OTTAWA, NIAGARA FALLS, ONT., MONTREAL -- Canada and the United States have reached a landmark deal on the treatment of refugee claimants, under which many of those who now claim protection in Canada would be turned back to ask the United States for asylum there.

The so-called "safe-third-country" agreement initialled yesterday says the Americans would handle thousands of refugee claimants who go to the United States, then travel to the Canadian border to make refugee claims here.

The draft agreement was announced in Niagara Falls yesterday by Deputy Prime Minister John Manley and U.S. Homeland Security Director Tom Ridge as they outlined progress on a Canada-U.S. border plan that also would expand fast-track programs for trade and travellers.

The refugee agreement, still to be finalized after consultations with refugee advocates, is a major change to the refugee system that was long resisted by the United States but gained new life in the post-Sept. 11 rush to tighten border controls.

But even in draft form, and with the full text not yet released, it drew criticism. Refugee advocates called it a "sad day." Conservative critics said it left broad loopholes.

Mr. Manley hailed the deal as one that would allow Canada to bring in more refugees from United Nations camps overseas and stop asylum seekers from shopping for country of their choice.

"What we are trying to do here is to ensure that our refugee processes deal with the real problem that exists in the world, of giving shelter to some of those who seek, because of political or other forms of oppression, to come to a safe country," Mr. Manley said.

"It's not a matter of shopping for the country that you want; it's a matter of escaping the oppression that you face."

But refugee lawyer David Matas said that under the new arrangement, many

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What's the difference between a good house guest and a politician? The good house guest knows when it's time to leave. -- Raymond St. Arnaud, Victoria, B.C.

who request protection in Canada will be returned to the United States, where the system is more restrictive and more subject to the political bias of the government, and where many asylum seekers, including children, are placed in detention.

"It's less fair hearings, more harsh treatment and a more narrow definition [of refugees]," he said.

After the Sept. 11 terrorist attacks, U.S. officials had pushed Canada to place tighter controls on undocumented refugee claimants entering the country, but Canadian officials countered that many came through the United States.

About 14,000, or about 60 per cent, of the 23,000 people who claimed refugee status last year at Canadian border crossings and airports came through the United States.

It is more difficult to determine how many of the 21,000 people who made refugee claims from inside Canada had entered from the United States.

The traffic has been mostly northward, but Mr. Ridge said the United States was willing to accept the deal as part of a broad effort to handle border flows more effectively.

"Although the effect of any particular issue may have a disproportionate effect on one side of the border or the other, as friends, as neighbours, as partners, we felt it was very important," he said.

In principle, the agreement is simple: Anyone who comes to North America to claim asylum must file their claim with the first country in which they arrive.

In practice, substantial exceptions exist.

The agreement would apply only to those who claim refugee status when they arrive at a border point, not to "inland claimants." That means that someone who went to the United States first, but entered Canada, legally or illegally, and stayed for some time before claiming refugee status, could be processed by the Canadian refugee system.

Mr. Matas said that means refugee claimants have an incentive to sneak into the country to make claims from inside Canada, so they can stay. And Canadian Alliance immigration critic Diane Ablonczy said the exception means the agreement is a "baby step."

Immigration Minister Denis Coderre emphasized the deal would not apply to people who come from a country that Canada considers so unsafe that no one should be returned to it, such as Zimbabwe.

New border rules

Under current rules, anyone who comes to Canada and claims to need refuge from persecution can stay until the claim is ruled on by an immigration commissioner. But under a new Canada-U.S. agreement, many refugee claimants who enter through the United States would be sent back there first, to claim aslyum under the stricter U.S. system. Here are some examples of how the new system would work:

A person who flew from Iraq directly to Canada still could make a refugee claim at the airport. The claim would be judged by a commissioner of the Immigration and Refugee Board, who would decide whether the claimant would face persecution if returned to Iraq.



An Iraqi who travelled to New York but later drove to Niagara Falls and claimed refugee status at the border would be turned back and told to make a claim for asylum in the United States. A U.S. Immigration and Naturalization Service officer would give the claimant an administrative hearing to determine whether the fear of returning to Iraq was credible. Claimants who made it through the whole U.S. process would be allowed to live in the United States. Claimants who failed would be sent home.

An Iraqi who travelled to the United States, drove to Canada, entered the country then claimed refugee status would be allowed to stay in Canada and have the claim heard in Canada. He could stay and make his claim whether he entered Canada legally, with a visitor or student visa, or illegally. *Campbell Clark*

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