



Somalis and Canadian immigration policy

Thousands of Somalis have come to Canada in recent decades, fleeing human rights abuses under the regime of Siad Barré and after his downfall in 1991. More than 25 years later, Somalia remains without a stable functioning government. Even though Canada has provided a new home to many Somali refugees, it has not offered special immigration measures to respond to the longstanding catastrophic situation in Somalia. On the contrary, some immigration policies have discriminated against Somalis, with devastating consequences.

The ID issue

In February 1993, Canada's *Immigration Act* was changed so that accepted refugees had to provide **satisfactory identity documents** in order to be granted permanent residence. Many Somali and Afghan refugees could not provide satisfactory identity documents, because of the lack of a functioning government in their country of origin. Others were also affected, but the Somalis were by far the most numerous to be caught up in the ID issue over the coming years.

The consequences for refugees who could not become permanent residents were dire:

- They could not reunite with spouses or young children outside Canada.
- They could not go to university or college (unless they could afford to pay foreign student fees). They were not eligible for student loans.
- They could not travel outside Canada.
- They often could not get better-paid jobs as employers didn't want to hire someone without permanent status.
- People's mental health suffered because of their powerlessness.

The number of refugees in limbo as a result of this new rule quickly grew. By 1996, the government estimated that 7,500 Somali and Afghan refugees were affected.

There were demonstrations, letters, meetings with Members of Parliament and government officials and petitions to beg for a solution. The human impacts were widely covered in the media.

In 1997, the Canadian government introduced the **Undocumented Convention Refugees in Canada Class**. Under this new class, refugees in limbo could become permanent residents after waiting for 5 years, during which time they could not reunite with family members and could not travel outside Canada. The long wait was intolerable. In addition, the existence of the Class, which was known to be largely for Somalis, meant that immigration officials were less likely to accept Somali identity documents.

By 1999 the number of people in limbo was estimated to be 13,000.

In 2000, the government agreed to the settlement of a legal challenge, launched in 1996, which argued that the ID rule was discriminatory against Somalis (the case is called *Aden*). Under the terms of the settlement, Somali refugees without ID would be able to submit instead affidavits from someone who knew them before their arrival in Canada or from a credible Somali organization in Canada.

The terms of the agreement were written into the 2002 regulations of the new *Immigration and Refugee Protection Act*. At that time the Undocumented Convention Refugees in Canada Class was abolished, on the urging of NGOs including the CCR.

During the 1990s, it was often pointed out that keeping thousands of refugees in limbo would have devastating long-term social impacts. Even though the ID issue was largely resolved a decade ago, some of the struggles in the Somali Canadian community today may well be at least partly due to the impact of the policies, which is felt into the next generation. Families were only reunited after a long separation, people were unable to educate themselves or get decent jobs, and many fell into depression. Many Somalis felt that their community had been rebuffed and rejected by the government.

Until recently, no moratorium on removals to Somalia

Despite the chaos and insecurity that have prevailed in Somalis for decades, the Canadian government has never declared a formal moratorium on removals. In contrast, the US offers Somalis “Temporary Protected Status”, which is a measure equivalent to a moratorium, and is based on the same criteria. Because there was no moratorium on removals to Somalia, refused refugee claimants who had committed no crimes faced removal to Somalia, despite the generalized risk.

The CCR repeatedly called for a moratorium on removals to Somalia, and made detailed submissions to show how the situation in Somalia meets the criteria for a Temporary Suspension of Removals. However, the government has always refused.

Finally, in December 2011, Canada Border Services Agency declared an “Administrative Deferral of Removals” for the regions of Middle Shabelle, Afgoye, and Mogadishu, on account of the famine.

DNA tests

Somalis are often forced to undergo DNA testing when seeking family reunification. Just as Somalis were found not to have satisfactory documents for permanent residence, they are frequently told that their documents do not establish family relationship between parents and children. This means that parents applying to bring their children to Canada routinely have to do DNA testing, which is very expensive and adds significant extra delays to what is already very slow processing (the average processing time at Nairobi for dependants of refugees is 26 months).

Barriers to resettlement of Somali refugees

In 2012, the Canadian government decided to focus 90% of the **government resettlement program** on a few specific targeted populations. They asked the UNHCR to recommend populations and Somalis were among the groups proposed by the UNHCR. However, Somalis were not selected. Government documents obtained through Access to Information show that arguments against resettling Somalis included the “sheer numbers of persons in need” and the deteriorating security situation in Dadaab refugee camp. In addition, the documents show that the Canadian government was concerned that Somalis don’t integrate well (viewed according to economic factors).

The door closed even earlier on resettlement of significant numbers of Somali refugees through the **Private Sponsorship of Refugees Program**. Since 2011 there has been a cap on the number of applications



Sponsorship Agreement Holders can submit on behalf of refugees processed at the Nairobi mission. The cap, introduced to address the backlog that had accumulated over many years at Nairobi, severely limits sponsors' ability to respond to refugees in that region of world, including of course the Dadaab refugee camp.

