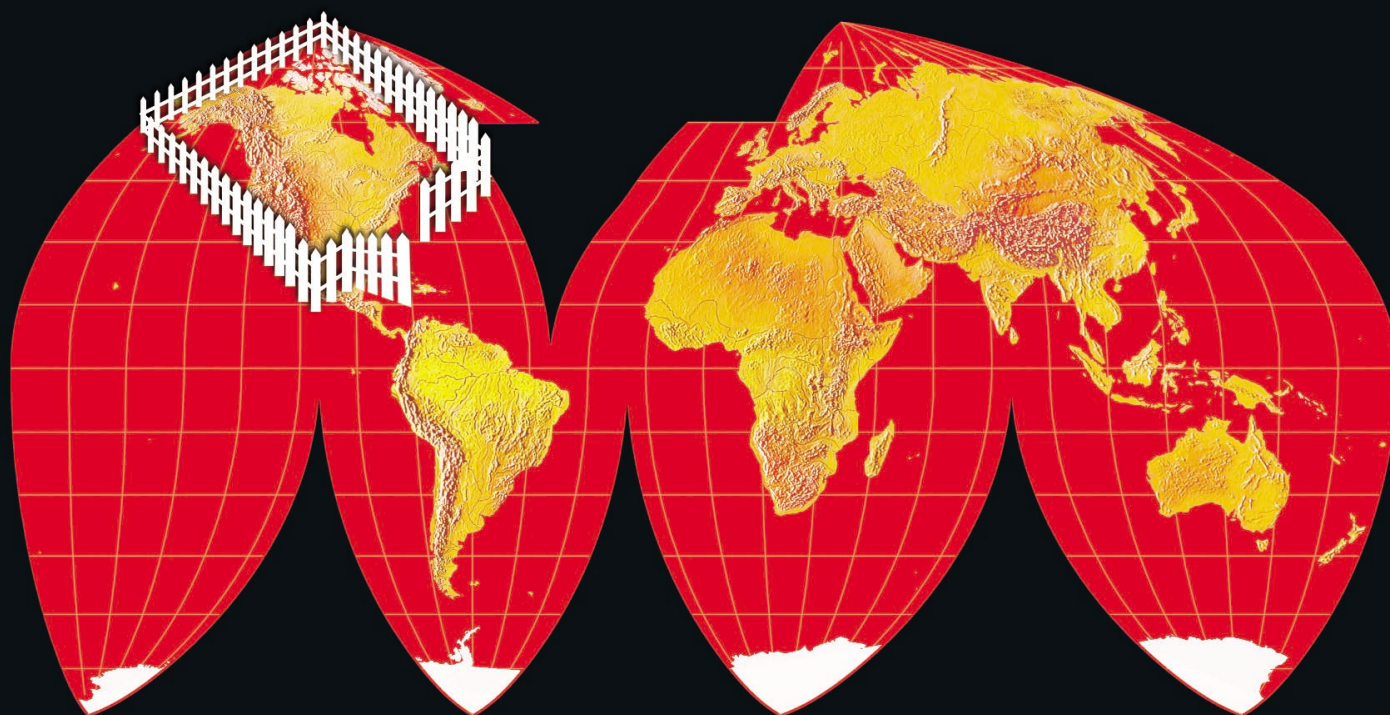


# TERRORISM, REFUGEES AND HOMELAND SECURITY



**Martin Collacott**

Distinguished Speakers Series in Political Geography  
Royal Military College of Canada • Collège militaire royal du Canada

*Image Opposite:* Manhattan, New York - 12 September 2001 - IKONOS 1-meter (aftermath image)

This one-meter resolution satellite image of Manhattan, New York was collected at 11:43 a.m. EDT on 12 September 2001 by Space Imaging's IKONOS satellite. The image shows an area of white and gray-colored dust and smoke at the location where the 1,350-foot towers of the World Trade Center once stood. IKONOS travels 423 miles above the Earth's surface at a speed of 17,500 miles per hour.

*Photo credit:* "spaceimaging.com" at [http://www.spaceimaging.com/newsroom/attack\\_gallery.htm](http://www.spaceimaging.com/newsroom/attack_gallery.htm)

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Martin Collacott

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Foreword .....	vii
Résumé.....	ix
Terrorism, Refugees and Homeland Security .....	1
Footnotes.....	9
<i>Table A: Comparative Acceptance Rates</i> .....	11
A Note on Immigration.....	12
Further Reading & Sources .....	13
About the Author .....	15



Since it was founded, in 1876, the role of the Royal Military College of Canada has been to educate and train officer cadets and commissioned officers "for careers of effective service in the Canadian Forces." Courses of instruction at the College are intended to provide a balanced liberal, scientific and military education, while the co-mingling of students from all provinces creates bonds of comradeship and inculcates a spirit of tolerance and understanding. From the first class that graduated in 1880 to the present, ex-cadets have served with distinction in many parts of the world, in part because of the appreciation for national and international defence problems achieved through their education at the College. The "Distinguished Speakers Series in Political Geography" is intended to develop a deeper understanding of the emerging geopolitical realities of the contemporary world by offering students at the College an annual lecture on an issue of particular national or international significance. Presented by leading experts in the field, these lectures will be published in English and in French abstract for study and wider circulation in Canada and abroad. It is hoped that both the venue and the appearance of this series will stimulate further research, reflection, and even debate, which will better prepare our students for "careers of effective service" in Canada's armed forces and for their ongoing engagement in the affairs of our nation and the world.

Professors Lubomyr Luciuk and James Finan, Co-Editors,  
Distinguished Speakers Series in Political Geography,  
Royal Military College of Canada

March 2002

Depuis sa fondation, en 1876, le Collège militaire royal du Canada a pour rôle d'éduquer et de former des élèves officiers et des officiers "qui se destinent à faire carrière dans les Forces canadiennes." Les programmes d'étude du Collège offrent un enseignement bien équilibré en arts et en sciences, ainsi qu'une solide formation militaire. La diversité d'origine d'élèves venus de toutes les provinces et territoires du Canada permet de tisser des liens de camaraderie et d'inculquer un esprit de tolérance et de compréhension. Depuis 1880, date de sortie de la première promotion, jusqu'à nos jours, les anciens du Collège ont servi avec distinction comme soldats et comme casques bleus aux quatre coins du monde, preuve que leur éducation au collège les a sensibilisés aux problèmes de défense au Canada et dans le monde. La série de "Conférences en géographie politique" vise à faire mieux comprendre les réalités géopolitiques qui font leur apparition dans le monde contemporain en offrant aux élèves-officiers des renseignements sur des questions d'ordre national ou international qui présentent une importance particulière. Organisées par des experts, ces conférences seront publiées en anglais et en français et connaîtront une vaste diffusion au Canada et à l'étranger. Nous espérons que le lieu et la parution de cette série inciteront à la recherche, à la réflexion, voire au débat, et qu'ils prépareront mieux nos élèves à "faire carrière" dans les Forces canadiennes et à s'engager avec dévouement dans les affaires de leur pays et du monde.

Professeur Lubomyr Luciuk, directeur de la série  
Professeur James Finan, directeur adjoint de la série  
Série des Conférences de marque en géographie politique  
Collège militaire royal du Canada

Mars 2002





Les événements du 11 septembre ont attiré l'attention sur la frontière canado-américaine et les préoccupations américaines concernant la possibilité d'attaques terroristes qui seraient planifiées et effectuées à partir de notre territoire. Le Canada, pour sa part, a l'intérêt de maintenir ses frontières ouvertes avec les États-Unis, surtout pour faciliter le commerce bilatéral, qui est de loin plus important pour nous que pour les États-Unis.

Dans les semaines après le 11 septembre, la réaction initiale du Canada était d'exprimer son soutien à Washington, en proposant une aide militaire en Afghanistan ou en passant des lois antiterroristes au Parlement. Ottawa était moins enthousiaste de procéder à des changements quant à ses politiques par rapport aux réfugiés, afin de rendre plus difficile aux terroristes d'entrer et de demeurer au Canada. Une des raisons avancées pour justifier ce manque de mesure dans ce domaine était que, faire ces changements pourrait causer un tort à la souveraineté et aux valeurs canadiennes.

Dans un effort de soutenir son point de vue, le gouvernement du Canada a essayé de montrer que le Canada n'est pas un paradis pour les terroristes, (comme quelques Américains sont aussi du même avis) et de prétendre que le risque d'attaques terroristes à partir de notre territoire a été exagéré. Des déclarations par des personnalités canadiennes avant le 11 septembre et des révélations pendant le procès des terroristes aux États-Unis concernant des complices au Canada, ont fait qu'il est très difficile de nier que nous avons un sérieux problème à cet égard.

Pratiquement, tous les terroristes qui intéressent les États-Unis et qui ont des liens canadiens sont entrés dans ce pays en se déclarant réfugiés. Ce qui, en conséquence, tourne l'attention vers notre système de sélection des réfugiés, à travers lequel, il est relativement facile d'entrer au Canada et d'y demeurer pendant des mois et même des années, et ce, même si la demande de statut de réfugié est rejetée ou même si des enquêtes prouvent que le demandeur de statut de réfugié est un terroriste.

Faire des changements pour pallier les lacunes de notre système d'accueil des réfugiés est une tâche très difficile, puisqu'un lobby très puissant s'est développé pour soutenir le système actuel et des décisions juridiques à travers les années ont rendu très difficile au gouvernement d'expédier le traitement des dossiers des demandeurs et de déporter ceux qui constituent une menace pour la sécurité nationale. De plus, la nouvelle loi sur l'immigration et les réfugiés a même empiré la situation.

Des progrès dans les pourparlers avec les Américains pour déterminer les mesures à prendre dans ce dossier, ont été très lents et des officiels américains ont remarqué que le Canada s'intéresse plus au commerce qu'à la lutte contre le terrorisme. Même si les États-Unis ont leurs propres lacunes pour face aux terroristes, ils s'attendent à ce que le Canada traite des problèmes évidents à l'intérieur de nos frontières, si la libre circulation des marchandises doit être garantie.



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## Terrorism, Refugees and Homeland Security

The events of 11 September 2001 have had profound repercussions not only in global terms but also for relations between Canada and the United States. For Washington, the primary preoccupation has been in neutralizing elements in any part of the world that promote and support terrorism, especially those directed against the United States. Related to this is a determination to make it as difficult as possible for terrorists to attack American targets, and particularly to launch attacks within the United States itself. In this context, the question of the presence of terrorists in Canada who could pose a threat to the United States has assumed significance in the management of our bilateral relations.

Even prior to 11 September there had been concern in Washington over the ease with which terrorists were able to enter Canada and move about freely. The incident that had brought this home to the Americans was the arrest of Ahmed Ressam as he tried to enter Washington State in December 1999 with a large quantity of explosives apparently intended for detonation in Los Angeles International Airport. At his trial it was established that he had claimed refugee status when he arrived in Canada in 1994 and, although it was not granted as he failed to show up for his hearing, he had been able to remain in the country despite having acquired a criminal record and associated with terrorists. In addition, he had had little difficulty in fraudulently obtaining a Canadian passport, travelling to Afghanistan to receive terrorist training and returning to Canada to assemble the explosives.

Ressam's capture set off alarm bells in the United States. The city of Seattle cancelled its Millennium celebrations for fear of further threats and the following month a congressional committee was convened in Washington to assess the threat of terrorist attacks from across the Canadian border and consider what action might be taken to tighten up controls at the border. During Ressam's trial in Los Angeles, which took place several months later, it became clear that he was part of a network of Islamic terrorists based in Canada. Further trials in the United States, France and other countries revealed the extent to

which Islamic terrorists were operating in Canada. This was by no means the first indication of the presence of major international terrorist operations within our borders. In the 1980s we became a hotbed of Sikh extremism and witnessed the Air India bombings and violent attacks on Sikh moderates in Canada as well as the establishment of an extensive fund-raising network involving a variety of criminal activities on the part of Sri Lankan Tamil terrorists.

I personally was well aware of the degree to which we were becoming a haven for such operations when I was responsible for the co-ordination of counter-terrorism policy for the Department of Foreign Affairs in the late 1980s. I proposed legislation to curtail terrorist fundraising in Canada but met with little interest outside my own department. By 1998, however, the situation had become so serious that the head of the Canadian Security Intelligence Service, Ward Elcock, felt obliged to speak out publicly on the issue. He told a special committee of the Canadian Senate in June of 1998 that, with perhaps the singular exception of the United States, there were more international terrorist groups active here than in any other country in the world and that the Counter-Terrorism Branch of CSIS was investigating over 50 organizational targets and about 350 individual terrorist targets.<sup>1</sup>

By way of example, Elcock listed the following terrorist groups or front groups acting on their behalf that had been and were active in Canada: Hizballah and other Shiite Islamic terrorist organizations; several Sunni Islamic extremist groups, including Hamas, with ties to Egypt, Libya, Algeria, Lebanon and Iran; the Provisional IRA; the Tamil Tigers; the Kurdistan Worker's Party (PKK); and all of the world's major Sikh terrorist groups.

Among the activities in which they were involved in Canada, he listed logistical support for terrorist acts, fund-raising in aid of terrorism, exploitation of ethnic communities through propaganda, advocacy and disinformation, the intimidation, coercion and manipulation of immigrants, the provision of safe haven in Canada to terrorists, the smuggling of immigrants and the transit of terrorists to and from the United States. Some of the specific acts that, individuals and groups here have had direct or indirect association with included the World Trade Centre bombing of 1993, suicide bombings in Israel, assassinations in India, the murder of tourists in Egypt, the Al Khobar Towers attack in Saudi Arabia and

## Terrorism, Refugees and Homeland Security

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the bombing campaign of the Provisional IRA. Elcock concluded his remarks by stating that he did not believe that Canadians wanted their country to be known as a place from which terrorist acts elsewhere are funded or fomented and cautioned that we cannot become, through inaction or otherwise, what might be called an unofficial state sponsor of terrorism.

This was by no means the last that Elcock had to say on the subject. In an interview with the *The National Post* on 4 May 2000 he stated that Islamic terrorists were by then considered the leading threat to Canada's national security and the same week CSIS issued a report noting that, over the previous fifteen years, it had witnessed a disturbing trend as terrorists moved from significant support roles, such as fundraising and procurement, to actually planning and preparing terrorist acts from Canadian territory.<sup>2</sup> In a further prescient observation, in its annual report, issued the following month, CSIS identified a number of disturbing trends in international terrorism including the emergence of North America as a target for mass-casualty international terrorist strikes in addition to Canadians, now more than ever, becoming potential victims and Canada becoming a potential venue for terrorist attacks.<sup>3</sup>

Other CSIS reports underlined the difficulty of cracking down on terrorists and their supporters at the political level when it released a report in March 2000 on the operations of the Liberation Tigers of Tamil Eelam in which it was stated that "because the Tigers have been able to run effective propaganda campaigns which have successfully mobilized significant sectors of the overseas Tamil diaspora in their favour, politicians have become increasingly reluctant to support tougher actions against the LTTE for fear that this would impinge on their local electoral support base."<sup>4</sup> This warning also proved to be on the mark when, two months later, the Minister of Finance, Paul Martin, and the then Minister of International Development, Maria Minna, both attended and spoke at dinner given by a group identified in CSIS reports as well as by the US State Department as a front for the LTTE.<sup>5</sup>

Paul Martin defended his attendance by claiming that "anybody who attacks a group of Canadians, whether they are Tamils or anything else, who gather at a cultural event and basically try to link them with terrorists, that is not the Canadian way."<sup>6</sup> His colleague, Solicitor General Lawrence MacAuley reinforced this explanation by

suggesting that "it is irresponsible for any member (of parliament) to try to link terrorism with ethnic communities." Canadian Alliance MP Deepak Obrai made the point nevertheless that "This is not a cultural issue. This group here (the LTTE) is known to be supporting terrorists, one of the most ruthless ones."<sup>7</sup>

The distinction between cultural and terrorist groups was, however, lost on the government and the issue was allowed to die down, at least for a while. It was briefly resuscitated in March of the following year when an access to information request revealed that Paul Martin had been warned about the nature of the dinner in an official memo two days before the event,<sup>8</sup> and the former head of CSIS and former Deputy Foreign Minister, Reid Morden, publicly expressed concern over the reluctance of the Liberals to get tough on terrorism out of fear of losing support from ethnic groups.<sup>9</sup>

Since 11 September, many more cases of Islamic terrorists who are or were operating in Canada have come to light. An article in *The National Post* in December, for example, provided details on 16 such terrorists, all of whom had been living here and all of whom were subsequently arrested and, in most cases, convicted in other countries but had never been charged for terrorist crimes in Canada.<sup>10</sup>

Despite all of this information about the extensive presence of international terrorists in Canada, the federal government's response after 11 September was to deny that Canada had a serious problem in this regard which could pose a significant threat to the United States. Ottawa's position in fact was that the notion that our country was an haven for terrorists was a case of urban mythology created by an episode of the television series *The West Wing* (in which terrorists entered the US from Canada) and early and, in the event, unfounded reports that some of the hijackers had, indeed, started their final journey from Canada.<sup>11</sup>

While this approach may have been convincing for Americans whose concerns about a terrorist threat from our side of the borders were based solely on the subsequently discounted stories about the hijackers entering through Canada or *The West Wing* episode, it did not impress the more knowledgeable officials who were familiar with Ward Elcock's testimony and the revelations made at the trial of Ressay and others. They no doubt

concluded that Canadian ministers were naïve in the extreme if not downright foolish to believe that the issue of terrorism in Canada could be wished away in this fashion.

A further approach taken by Canadian officials to deflect attention from the problem of terrorism in Canada was to point out not only that all of the hijackers had found ways of getting into the United States without passing through Canada and most, in fact, had entered legally with visas. Why then was it necessary to point fingers at Canada? Up to a point this argument has some validity inasmuch as the Americans have readily admitted that they have major problems of their own to rectify if they are to prevent a recurrence of events like those of 11 September. What this line of argument fails to acknowledge, however, is that Canada also suffers from serious deficiencies with regard to the entry of terrorists onto its soil and, if these are not dealt with, the US will be less than reassured about its own security regardless of how effectively it tightens up its own procedures.

To understand the nature of our problem we have to look at the essential features of the Canadian refugee determination system, the channel that virtually all Islamic terrorists in Canada have used to enter our territory and remain here. While terrorists can in principle come here on visas, and at least one connected with *al-Qaeda* is believed to have done so, claiming refugee status in Canada is by far the preferred route. This fact was confirmed by the RCMP in October in a report made at the *International Money Laundering Conference* in Montreal concerning terrorists entering Canada. According to the RCMP, they all have the same *modus operandi*: the first step is to claim refugee status, allowing the claimant to remain in Canada while their case works its way through Canada's often cumbersome immigration and refugee regulations. Next comes applications for Canadian benefits -- welfare and health cards granting access to medical care. That is used as a base salary as they establish themselves. The terrorist then typically links with others in Canada who engage in crime to boost their income.<sup>12</sup>

What then is the problem with our refugee determination system and why have terrorists been able to use it with such ease to enter Canada and stay here? To answer this we must look at the principles on which the system is based as well as how it works in practice.

The process for allowing people to make refugee claims in Canada and in other refugee receiving countries is based on the 1951 United Nations Convention relating to the Status of Refugees. This international agreement was created in large measure out of recognition that prior to and during the Second World War democratic countries, including Canada, had shown little or no readiness to accept people fleeing the Nazis. The Free World therefore felt obliged not to repeat this failure and the new UN convention was designed to deal with the newest wave of political refugees - those fleeing persecution from Communist regimes.

In this regard, two types of refugees were identified: those who fled because they had a well-founded fear of persecution based on their religion, ethnic background, political views, etc., and those escaping war, civil war, civil unrest and natural disasters. The first category, referred to as Convention refugees, consisted of people who were unable to return to the countries from which they had fled since, if they did, they would once again be subject to persecution. They were therefore considered to be eligible for permanent resettlement in a safe country prepared to accept them. In the second category were those who were not fleeing persecution but who need temporary protection - usually in a nearby country - until the situation had improved in their homeland and they could safely return.

Of those requiring permanent resettlement, every year Canada selects several thousand from overseas with the help of the office United Nations High Commissioner for Refugees (UNHCR). In addition, however, many thousand more make claims inside Canada or at our ports of entry. The reason for permitting them to come to Canada first and then make claims rather than making them from abroad is that the UN Convention requires that claimants not be forced back across borders into the hands of the repressive regimes from whom they fled - not an unreasonable provision back in 1951, when the Convention was drafted and most escaped across borders from Communist countries and directly into the countries where they sought asylum.

The situation has evolved considerably in the last half century, however, and almost all people who now make refugee claims in Canada have travelled through safe third countries, where they could have asked for refuge. (A possible recent exception to this was the four boatloads of Chinese migrants who landed on the British Columbia

## Terrorism, Refugees and Homeland Security

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coast in 1999 and who, it could be argued, were coming directly from a repressive, or at least somewhat repressive, regime. Even in their case, however, they admitted that they had expected to be smuggled into Canada so they could in turn be smuggled across the border into the United States in order to earn as much money as possible. The idea of applying for refugee status only arose when they were unexpectedly caught before they could land and were then offered the opportunity to claim they were refugees fleeing persecution).

Canada has, in fact, had legislation in place for more than a decade to send people back to the safe third countries through which they travelled – and from where they could apply either to stay in that country or come to Canada. Refugee lawyers and advocates have, however, successfully argued that no country in the world is safe except Canada and that they must, therefore, be allowed to remain here while they make their claims. As a result of this situation, and because we have arguably the most generous provisions for refugee claimants in the world, we have become a magnet for extensive international smuggling networks that arrange passage for individuals seeking better economic opportunities but who lack the qualifications required to become legal immigrants. Various estimates put the number of people being smuggled across borders in the tens of millions with profits in the tens of billions of dollars for the criminal syndicates that run the operations.

The people on the move are, moreover, in most cases by no means the poorest of the poor. They are usually able to raise somewhere between US \$10,000 and \$50,000 to pay smugglers and, in the words of one expert, tend to be ambitious and risk takers. More often, the real refugees are those who have only managed to flee as far as the country next door and are sheltered in refugee camps run by the United Nations. Whereas countries like Canada spend ten of thousands of dollars a year supporting and processing each of those who make claims in our countries, the amounts provided to sustain those in refugee camps are often pitifully small – in Canada's case not much more than one dollar per year on average for each.

Nor would most of those whose claims we accept be considered refugees by other countries. Our non-adversarial process in which we give the claimant the benefit of the doubt results in an acceptance rate of almost 60%, whereas other countries consider that the vast

majority do not have legitimate cases and accept on average less than 15%. This state of affairs was reflected in the statements of former Immigration and Refugee Board member, David Anderson (currently federal Minister of the Environment), who, when asked whether members of the board suffered from "compassion fatigue" as a result of hearing so many distressing tales, replied to the effect that "Perjury fatigue is more like it because they have seen the rule of law subverted so often...the underlying premise is that if someone lied well enough to get here then they'll do well." He added that "either the rest of the world is wrong or we are wrong, and I think it's us."<sup>13</sup>

One of the root causes of the problem is the manner in which we judge the cases of claimants in Canada. The members of the Immigration and Refugee Board are political appointments and, while these include a number of very able individuals, a large proportion are drawn from professions and organizations that are heavily involved in refugee advocacy and some of the appointees are simply incompetent. The government commissioned Immigration Legislative Review recommended in 1997 that the appointees be replaced with trained professional public servants.<sup>14</sup> Earlier the same year, the Auditor General of Canada warned in a detailed report that the refugee determination system, including the IRB, was in serious disarray and cautioned against making patchwork changes.<sup>15</sup>

Despite these criticisms and recommendations, there has been little or no improvement in the system. As recently as last September a former IRB member, Professor Lubomyr Luciuk, offered his impressions of how most claimants presented their cases to the board: "be a liar...bring no identity documents, or use fake ones. Be vague about who you are, where you're from, how you got here and, especially, why you left. Except, of course, for insisting you face torture, even martyrdom, if you return...Unless you're an utter imbecile, you stand an excellent chance of getting refugee status in Canada." Echoing the comments made years earlier by David Anderson, Luciuk went on to note that many of the stories on which the claims were based were similar if not identical. "New members do occasionally wonder why so many claimants' stories sound so much alike. Remember the smugglers who brought you to Canada? They coached you in what tale you should recite, like thousands before you. Stick to the script! Should you mess up, claim to be suffering from post-traumatic stress disorder."<sup>16</sup>

All of this is not to say that Canada does not accept many thousands of genuine refugees for resettlement and, indeed, most Canadians take pride in our generosity in this regard. Those we can be most certain are genuine refugees, however, are those we select overseas with the help of the UNHCR. Before they set foot in Canada we are able to make a reasonable determination of whether they are really are refugees as well as complete a check on whether they have a terrorist or criminal background. Someone whose claim to be a refugee is weak, or has something to hide of a terrorist or criminal nature, is far better off arriving in Canada first and then making a claim – with a good probability of success and little chance of being made to leave even if refused. In addition he or she can immediately avail themselves of Canada's generous benefits for refugee claimants – free welfare, housing, medical and dental services, legal fees, and so on.

With rewards like this, Canada has become the goal for more and more refugee claimants – rather than ask for asylum in the safe third countries through which most of them have travelled to get here. Not surprisingly the numbers making claims in Canada in recent years have been rapidly rising – from 24,000 three years ago to 34,000 in 2000 and an estimated 44,000 last year.

Our system is, indeed, so generous that some who could have been sponsored as immigrants come as refugees because of wider range of benefits they receive and the more immediate entry this route provides. There are also people who come by the thousands from countries that are not normally considered refugee-producing (last year, for instance, from Argentina) and claim refugee status simply to have what amounts to a holiday in Canada at the expense of the Canadian taxpayer before returning home.<sup>17</sup> Another type of abuse revealed recently involves refugee claims made in Canada by overseas students taking courses in the United States who have their monthly Canadian welfare cheques forwarded to them through a mailing address here while continuing their studies south of the border.<sup>18</sup>

There was a time in the past when the government might have been able to exercise a reasonable degree of control over its agenda and been able to act in the interests of the nation in this area. It is increasingly doubtful, however, whether our elected representatives can regain control of the system. To understand the difficulties involved, we must look at the way in which the refugee servicing industry has evolved in recent decades.

When Canada began accepting significant numbers of refugees in the post-Second World War period, it began doing so in response to the specific developments – as, for example, when we took in many thousands after the Hungarian uprising in 1956 as well as during the exodus of boat people from Vietnam in the late 1970s. Following these events, however, some of the non-governmental organizations that had responded with valuable assistance in the resettlement of these earlier waves of refugees became established on a more permanent basis and developed a need for a more regular and predictable flow of persons seeking refuge in Canada if their continued existence was to be assured. This may well have been the reason why we began to set annual targets that had little relation to the actual number of individuals who might be in need of our protection. A notable example of this occurred in 1992 when Canada set a goal of accepting 58,000 refugees even though the UNHCR estimated that only 42,290 in the entire world needed resettlement.<sup>19</sup>

While the current immigration and refugee legislation stipulates only that we will take our fair share of refugees, on a *per capita* basis Canada in fact takes four times as many persons for permanent resettlement of persons who make claims on its territory compared to other receiving countries. In 1999, for example, Canada had 4.5% of the population of the member countries and took 18% of the refugees.<sup>20</sup>

The refugee lobby of immigration lawyers and advocacy groups has now established its agenda so firmly on government policy that it will be very difficult to extricate ourselves from the situation even if the government had the political will to do so. Further to this, a great many “large and liberal” judicial decisions in favour of refugee claimants have set precedents that now render it very difficult for the government to act in the national interest even when it wants to. A particularly important case in this regard was the 1985 Supreme Court “Singh” decision, in which six failed refugee claimants successfully argued that, because of the wording of Section 7 of the *Charter of Rights and Freedoms*, they were entitled to the same rights under Canadian law as Canadian citizens.<sup>21</sup>

While such an outcome was not the intention of the *Charter* when it was drafted, nothing has been done to rectify the situation and the interpretation has been a major factor in making our refugee determination system many layered, protracted and costly for the taxpayer. The

## Terrorism, Refugees and Homeland Security

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case of convicted terrorist Mohammad Issa Mohammad illustrates the extent of the problem. Although he had originally succeeded in entering Canada on a visa, after he had been identified as a terrorist and ordered deported, he claimed refugee status since by this action he could avail himself of a wide variety of appeals. Although refused as a refugee, he has succeeded in launching more than 40 hearings before Immigration and Refugee Board over the last 15 years at a cost estimated as high as \$3 million for the taxpayers along with a great deal more in welfare and other expenses related to the support of himself and his family.<sup>22</sup>

Attempts at reforming the system are usually defeated by refugee lawyers and advocacy groups using a variety of arguments such as suggesting that critics of the system lack compassion (many of the claimants being perfectly nice individuals who only wish to better their lives – but are simply not refugees) or that they are motivated by racism (since the majority of claimants are from developing countries and are visible minorities). Another common line of argument is that, unless we stretch the definition very widely, we will be in contravention of some international convention or other.

Most frequently cited in this regard is the UN Convention on Refugees. The fact is, however, that we have already expanded our guidelines well beyond the Convention despite our own warning to the international community more than a decade ago that, if we were to do so, we would risk defining the problem into complete unmanageability, lose public support and distort our assistance by spending thousands of dollars each on individuals who manage to reach our territory and only a pittance on those who succeed in moving only a few miles from home. This warning was delivered to a meeting of the UNHCR in Geneva in 1991 at which our representative, Gerald Shannon, also recommended that international agreements be drawn up requiring countries to adopt standardized refugee-screening procedures to prevent “asylum shopping” and “to ensure that the Convention is applied fairly and efficiently.”<sup>23</sup> Ironically, Canada has ignored this sound advice to a greater extent than any other country.

Quite apart from the fact that we ourselves have gone far beyond the intention of the UN Convention, there is

good reason to argue that the latter itself is well out of date in relation to current circumstances. The Convention accomplished what it was supposed to do fairly well for the first decades of its existence. It is working much less effectively today, however, with massive numbers of people in search of better economic opportunities crossing international borders with the aid of criminal syndicates and claiming to be refugees in order to try to get permanent status in countries such as Canada.

Other countries have recognized the urgent need for revision of the Refugee Convention. Two years ago the then British Home Secretary Jack Straw pointed out that it was “too broad for the 21st century,” and made the case that member countries of the European Union should agree on new ways to interpret it. Last year, Philip Ruddock, the Australian Minister of Immigration made a similar point.<sup>24</sup>

The UNHCR continues to do make an excellent contribution in such areas as caring for refugees in camps around the world and helping Canada and other countries to identify genuine refugees for resettlement from overseas. It is unfortunate, in the circumstances, that the agency does not play a more constructive role in seeking solutions to the problem of the large number of unfounded claims that are increasingly clogging the system in Canada and other countries and coordinating efforts to make appropriate revisions to the Convention. Simply calling for more compassion on the part of Canadians is not going to solve these problems.

The UNHCR, in fact, seems to be working in parallel with advocacy groups to encourage the most generous possible provisions in each of the refugee receiving countries rather than help establish an international regime that will be fair to all concerned – asylum seekers and receiving countries alike. What it should be doing is proposing guidelines to be adopted by all refugee-receiving countries, which will deter asylum shopping, as well as establish a regime under which each country agrees to take a fair share of refugees requiring resettlement.

In light of all this, what are the possibilities that we will be able to take the measures necessary to satisfy the United States that there is not a significant risk from international terrorism from our side of the border? Indications to date are not encouraging. Since 11



September the numbers of claimants pouring into Canada has not abated, with almost 15,000 arriving in the last four months of the year. Of these, close to 2,500 came from terrorist-producing countries: Iraq, Iran, Pakistan, Somalia, Algeria, Albania and Afghanistan<sup>25</sup> and most are released into Canadian society long before security checks are completed. Recent court cases, moreover, indicate there is little prospect of removing even identified terrorists because of the almost endless series of appeals available.

Nor will the new *Immigration and Refugee Protection Act* improve this situation when it comes into effect later this year. While promoted by the government as a tough bill that will aid in the fight against terrorism, critics have pointed out that it will, in fact, render this task even more difficult. Former ambassador and head of the immigration service, James Bissett, has pointed out that it will make it easier for people to use it to get into the country by broadening the definition of who can apply for refugee status in Canada, and make it more difficult to remove those who constitute a security threat by adding further levels of appeal.

In Bissett's estimation, the new bill "is a disaster. It plays into the hands of professional smugglers. It leaves Canada wide open for easy entry to undesirables. It seems designed to ensure that the bad guys can never be sent home. Does anyone still wonder why our allies doubt Canada's seriousness in the fight against terrorism?"<sup>26</sup> Some Members of the Refugee Board, itself, have indicated that they believe that the provisions of the new *Immigration and Refugee Protection Act*, while touted as speeding up the process, could in fact double or even triple the time it takes to deal with a claim, with estimates running as high as 29 months.<sup>27</sup>

As things now stand, a critical problem lies in our willingness to let persons arriving at Canadian airports enter the country by claiming to be refugees and to release them, either immediately or after detention (which in most cases is brief). While the new immigration and refugee legislation provides a modest improvement over its predecessor in that security checks on such claimants will be initiated when they make their claim rather than when it is granted (which could be years later), the latter are usually released into Canadian society long before we have adequate information on whether or not they have terrorist credentials.

One solution that our government appears to be pursuing is reducing the number of claims made in Canada by sending more immigration control officers abroad to intercept claimants before they reach our territory. Unless they are also prepared to impose a much more rigorous system of detention for those who are successful making claims in Canada, however, we can expect only limited success and even this will be complicated by the numerous appeals available to even well-documented terrorists if they are determined to stay in the country.

This is not to say that tightening up the refugee determination system is the only area in which we need to and are able to take action to reduce the threat from terrorism. Since 11 September we have committed substantially more resources to agencies responsible for tracking and apprehending terrorists in Canada. We have also passed anti-terrorism legislation that is much more robust than that which had been under consideration earlier. Unless, however, we can take substantial measures to restrict the flow of potential terrorists into Canada through the refugee determination system, we will still be responsible for a major weakness in the defences of North America against terrorism.

As noted above, the Americans must address a wide range of issues of their own in tightening up their security. Many of these are proving to be both complicated and costly. While it will take the United States months and probably even years to put some of them into place, there can be little doubt about the determination and degree of political will behind their efforts. As the Americans address areas of vulnerability on their side of the border they will expect us to do the same on ours. This point was made by one of the leading Congressional advocates of border security, Representative Tom Tancredo of Colorado, who told *CBC Newsworld* that the United States will have to worry much less about the border with Canada if they don't have to worry about the people coming across the ocean into Canada, pointedly adding, undoubtedly for our benefit, that "We will only be as strong as the weakest link. Any weak link around our borders will be the undoing of the whole thing."<sup>28</sup>

Nor should we have any illusions about whether trade or the defence against terrorism takes priority for the United States. While its commercial trade with Canada is by no means unimportant – one quarter of its foreign trade is with us – it does not compare with the fact that fully 87%

## Terrorism, Refugees and Homeland Security

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of our trade is with the US. Even this is not the whole story, however. When we take into account the fact that trade comprises a much larger part of our economy than the American, in relative terms our bilateral commerce is ten times as important to us as it is to them. While an interruption of this trade would be bothersome for them and perhaps serious for some sectors of their economy, it would be catastrophic for ours.

We should not be surprised, therefore, to find that the Americans accord higher priority to stopping terrorism than keeping the border open for trade. I predicted that this would be the case some weeks before the events of 11 September. It has become much more so since then. Deputy Prime Minister John Manley admitted recently that progress with the United States had been slow in attempts to reach agreement on how to speed up the movement of trade across the border. A specific example given was the pre-clearance of auto-parts shipments from Canada. In referring to this issue, the head of the US Customs Service was quoted as stating that "There are at least a certain number of *al-Qaeda* terrorists in Canada." He went on to suggest that Canada was more interested in trade than stopping terrorism and added that "we're interested in looking at increased security against terrorism at the border, but I don't think the Canadians are looking at it the same way."<sup>29</sup>

That the Americans remain concerned about threats from our side of the border has also been made clear by the fact that they are not only increasing staff at border crossing posts but also tripling the number of agents who will patrol the border between the legal entry points. This indicates that they remain less than comfortable about who or what might try to cross from the Canadian side. While these measures can also be useful in preventing

other kinds of criminal activity such as smuggling of contraband and economic migrants, there can be little doubt that stopping terrorists from entering their country is foremost on the minds of the Americans.

Just how long the Americans will wait to see if we are prepared to take the necessary action to control the entry of terrorists into Canada remains to be seen. Those in this country who do not want fundamental reforms made to how we deal with refugees will almost certainly fight a vigorous rear guard action to avoid major changes. One of the principal arguments that has been used to date in this regard is that some of the changes being called for would constitute an infringement of our national sovereignty and of Canadian values. In fact, the measures required should be taken in our own self-interest quite apart from their impact on relations with the United States.

More often than not, those who invoke concerns about sovereignty in this particular area are using it to fend off changes that would run counter to their own particular areas of interest. There may, indeed, be legitimate points in which issues of sovereignty will have to be raised in our discussions with the Americans but on most of those relating to terrorist activities the measures which need to be implemented should have been taken long ago for our own sake and without any urging from outside.

Thus far our American cousins have shown considerable forbearance. Their expectations were hinted at in November, however, when the former US Ambassador to Canada, Gordon Giffin, told a conference that we should take the lead in making whatever reforms we need to introduce, and not be seen to be responding only to American pressure.<sup>30</sup> How long the US will continue to be patient remains to be seen.

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2. Stewart Bell, "Terrorists use Canada as staging ground: CSIS," *The National Post*, 3 May 2000. See also *Perspectives*, a CSIS publication, #2000/04, *International Terrorism: The Threat to Canada* at [http://www.csis-scrs.gc.ca/eng/miscdocs/200004\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/200004_e.html) and Stewart Bell, "Man guilty in fraud linked to Tamil Tigers," *The National Post*, 8 March 2002.
3. Stewart Bell, "Canada grows as a target for terrorists: CSIS," *The National Post*, 13 June 2001. See also CSIS, *Public Report for the Year 2000, Part II: Counter-Terrorism* at [http://www.csis-scrs.gc.ca/eng/publicrp/pub2000\\_e.html#3b](http://www.csis-scrs.gc.ca/eng/publicrp/pub2000_e.html#3b)
4. Adrian Humphreys, "Politicians seeking ethnic votes are soft on terrorism," *The National Post*, 19 March 2000. See also CSIS, *Commentary*, No.77, *The Liberation Tigers of Tamil Ealam's (LTTE) International Organization and Operations: a Preliminary Analysis* by Peter Chalk, at [http://www.csis-scrs.gc.ca/eng/comment/com77\\_e.html](http://www.csis-scrs.gc.ca/eng/comment/com77_e.html)
5. Stewart Bell, "Martin to dine with terrorist front," *The National Post*, 6 May 2000.
6. See the editorial, "Tiger tales," *The National Post*, 31 May 2001.
7. Tim Naumetz, "Martin ducks the question of Tamil Links," *The Ottawa Citizen*, 5 October 2001.
8. Stewart Bell, "Diplomat's memo raised concerns over Tamil event," *The National Post*, 10 March 2001.
9. Robert Fife, "Politics trumping security: ex-spy," *The National Post*, 9 March 2001.
10. Stewart Bell and Marina Jimenez, "Al-Qaeda operatives in Canada," *The National Post*, 16 December 2001 and Leonard Stern, "Islamic Radicals in Canada May Strike Anytime: CSIS Agent," *The National Post*, 8 March 2002.
11. Sheldon Alberts, "Don't blame Canada, Manley says," *The National Post*, 6 November 2001.
12. Adrian Humphreys, "Ottawa unwittingly assists terrorism: RCMP," *The National Post*, 17 October 2001.
13. See Charles M. Campbell, *Betrayal and Deceit: The Politics of Canadian Immigration*, (West Vancouver: Jasmine Books, 2000, ISBN 0-9686738-0-5), page 2.
14. Department of Public Works and Government Services Canada, *Immigration Legislative Review: Not Just Numbers*, 1997, page 84, at <http://www.cic.gc.ca/english/about/policy/lrag/etoc.html>
15. Auditor General of Canada, *Citizenship and Immigration Canada and the Immigration and Refugee Board: The Processing of Refugee Claims* at <http://www.oagbvg.gc.ca/domino/reports.nsf/html/ch9725e.html>
16. See Lubomyr Luciuk, "How to get into Canada? Lie," *The Vancouver Sun*, 22 September 2001, also published as "Board Games," *The Ottawa Citizen*, 25 September 2001, "Welcome to Canada, liar," *The Winnipeg Free Press*, 25 September 2001 and "Dying-and lying-to live in Canada," *The Whig Standard*, 26 September 2001. Professor Luciuk's expose provoked a barrage of criticisms, including David Matas, "Ex-board member the real liar," *The Winnipeg Free Press*, 29 September 2001; Gertrude Neuwirth, "RMC professor's column distorts refugee process," *The Whig Standard*, 9 October 2001; Peter Showler, "Refugee board fair panel," *Winnipeg Free Press*, 11 October 2001 and many a riposte, including Lubomyr Luciuk, "Liar tag makes rounds," *The Winnipeg Free Press*, 6 October 2001; James Bissett, "Refugee board is playing its own games," *The Ottawa Citizen*, 17 October 2001; Martin Collacott, "Something is clearly wrong with our immigration policy," *The Ottawa Citizen*, 22 October 2001; Martin Collacott, "Refugee policy deeply flawed," and Jack McIntyre, "Dr. Truth right about refugees," *The Whig Standard*, 25 October 2001.
17. Tom Godfrey, "Hello, cheap tourists: Argentine 'refugees' duck \$150 visa fee," *The Toronto Sun*, 1 March 2001.
18. Maria McClintock, "What welfare fraud reports? News of scam concerns Caplan," *The Ottawa Sun*, 9 November 2001.
19. Daniel Stoffman, "The high costs of our refugee system: How Canada inadvertently encourages foreigners

## Terrorism, Refugees and Homeland Security

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to claim refugee status as a way of jumping the immigration queues," *The Toronto Star*, 21 September 1992.

20. Canada is one of the 17 member states of the *Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (ICG)*. These comprise most of the countries that accept refugees for permanent resettlement on the basis of the UN Convention. According to UNHCR statistics, in 1999 for example, Canada took in 18% of the refugees accepted for permanent resettlement but makes up only 4.5% of the population of these countries. On a *per capita* basis we therefore accepted four times the average. I was not able to get accurate figures of the numbers selected by various countries from abroad (as distinct from in-country claims) but believe that, if these were added in, the numbers accepted by Canada would still far exceed those of other countries on a *per capita* basis. *Table A* (see below) provides a basis for comparing Canadian acceptance rates with those of various other countries.

21. The "Singh" decision can be found on the Supreme Court of Canada web site at [http://www.lexum.umontreal.ca/csc-scc/en/pub/1985/vol1/html/1985scr1\\_0177.html](http://www.lexum.umontreal.ca/csc-scc/en/pub/1985/vol1/html/1985scr1_0177.html)

22. As reported on *CTV W-FIVE*, 3 February 2002.

23. See Campbell, *Betrayal and Deceit*, page 68.

24. Andrew Sparros, "UN Convention on asylum seekers is weak, says Straw," *The Telegraph* (UK), 2 March 2000 and Simon Mann, "Britain flags drastic shift on refugees," *The Sydney Morning Herald*, 8 February 2001.

25. James Bissett, "Streamlining refugees is sure to backfire," *The National Post*, 28 January 2002.

26. James Bissett, "Immigration security: from bad to worse," *the globe and mail*, 16 October 2001

27. Allan Thompson, "New law will slow refugee claims: Officials," *The Toronto Star*, 9 November 2001.

28. Interview with Don Newman, *CBC Newsworld*, 29 January 2002.

29. Joan Bryden, "Canada, US to set new rules at border," *The Vancouver Sun*, 4 February 2002.

30. Plenary on NAFTA and North American borders at the annual conference of the Association of Canadian Studies in the United States, San Antonio Texas, 16 November 2001.

Table A

Receiving Country	Population mid-1999	Claims Submitted	Decisions Rendered	Refugee Status Granted	Other	% Accepted	Total % Refugees Accepted
Austria	8.1 million	20,100	18,250	3,430	1,230	25.5	18.8
Belgium	10.2	35,780	4,750	1,480	-	31.2	31.2
Denmark	5.3	6,470	7,250	1,140	2,620	51.9	15.7
Finland	5.2	3,110	2,730	30	470	18.3	1.0
France	59.1	30,910	24,150	4,660	-	19.3	19.3
Germany	82.0	95,110	135,500	10,260	2,100	9.1	7.6
Ireland	3.7	11,090	5,990	510	40	9.2	8.5
Italy	57.7	33,360	8,330	810	860	20.0	9.7
Netherlands	15.8	39,300	60,910	1,510	7,990	15.6	2.4
Norway	4.4	10,160	9,650	180	3,030	33.2	1.8
Spain	39.4	8,410	6,890	290	470	11.0	4.2
Sweden	8.9	11,230	9,310	330	2,610	31.6	3.5
Switzerland	7.1	41,302	24,579	2,032	7,001	36.8	8.3
U.K.	59.4	71,150	33,070	7,080	13,340	61.7	21.4
Australia	19.0	9,450	7,360	1,940	-	26.4	26.4
Canada	30.6	29,370	27,930	12,950	-	46.4	46.4
USA.	272.5	81,650	92,610	19,810	-	21.4	21.4
<b>Totals</b>	<b>672.9</b>	<b>537,952</b>	<b>479,259</b>	<b>68,442</b>	<b>41,761</b>	<b>22.6</b>	<b>13.4</b>

*Analysis:*

1. Among the member countries of the ICG, Canada has 4.5 % of the population but accepted 18.9 % of refugees in 1999—more than four times our proportional share. Since the Canadian totals provided by the UNHCR include only those accepted in Canada plus their relatives still abroad (a total of 12,844 people) and do not include the 9,773 persons accepted directly by our missions abroad, the Canadian percentage of the total for all sixteen countries could be considerably larger than 18.9%. By the same token, it may also be the case that the totals for the other countries similarly do not include refugees they accepted from abroad (and there were certainly a significant number of the latter, at least in the case of the United States). It is at least certain that our share was four times the average for claims made in receiving countries.

2. The average acceptance rate among the 16 countries was 14.3 % (68,442 granted refugee status divided by 479,259 decisions rendered) compared to Canada's rate of 46.4%. If Canada's totals are considered separately from the rest, the difference is even greater, that is the acceptance rate for the others is 12.3% compared to Canada's 46.4%. It is worth noting also that the Canadian acceptance rate uses totals that include withdrawn and abandoned claims (probably in an effort by the government to bring down the acceptance rates as much as possible). If abandoned and withdrawn claims are not included (which would be more reasonable since we are only really talking about cases where actual decisions were made), our acceptance rate rises considerably.

## A Note on Immigration

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The focus of this paper has been on the shortcomings of the refugee determination system rather than on the immigration program in general, simply because it is the former through which most international terrorists have entered Canada and become a concern to the United States. One important connection between these two policy areas is that, once an individual has been granted refugee status in Canada, he or she can apply to become a landed immigrant and within a few months become eligible to sponsor family members. Canada differs in this regard, for example, from Australia, where successful asylum seekers must wait several years before they can begin bringing in relatives. This provision on the part of Canada is one of the features that makes us such a popular target for refugee claimants and which, in the words of immigration critic, Daniel Stoffman, helps make our refugee determination system “a parallel immigration program in which self-selected immigrants are given landed status as ‘refugees’ although most would not be so defined anywhere else in the world.”

For the most part, however, the problems affecting immigration and refugee policy differ. While we will likely be reviewing, in concert with the Americans, and in some detail, how we screen immigrants and as well as temporary residents, no attempt has been made in this paper to examine these questions since our refugee determination procedures are undoubtedly of greater concern to Washington, at least for now.

As for our immigration program, it has become largely divorced from the interests of Canadians in general, particularly with respect to how many people we need and whom we select. Like the refugee program, policy is driven largely by the wishes of special interest groups. An additional feature of immigration, however, is that priorities are also strongly influenced by what political parties perceive as being of direct benefit to them in the next election. This makes reform even more difficult to achieve than in the case of the refugee determination system. And, because the number of immigrants entering the country is much larger than that of refugees, the potential harm to the country if we fail to get immigration policy right could be much greater. For now, however, the spotlight is on the refugee determination system and, its relation to the issue of terrorists in Canada and implications for our trade with the USA. A review of our immigration policy will have to wait for another occasion.

**Books, Newspaper Articles and other References**

The best available critique of the Canadian refugee determination system is Charles M. Campbell, *Betrayal and Deceit: The Politics of Canadian Immigration*. Later this year two other books, by Daniel Stoffman and Diane Francis, should also provide valuable insights into the problems of our refugee system and immigration programs. Stoffman previously produced what is arguably the best series ever written on this theme, entitled "Pounding at the Gates," carried in *The Toronto Star* from 20-24 September 1992, and also available from the Atkinson Foundation. Among Canadian journalists, Francis has been the most persistently active in keeping Canadians informed on these issues. Three recent examples of her work, published in *The Financial Post* section of *The National Post* are "Canada: Queen's Scout for Refugees: We'll let anyone in anytime from anywhere," 14 October 2001, "Refugees fanatics reign in Ottawa: We're fooled into believing Bill C-11 responds to Sept. 11," 25 October 2001 and "Canada a perfect haven for bin Laden: Terrorist could gain refugee status, housing and welfare," 22 November, 2001.

Prior to the events of 11 September, critical articles on the refugee determination process did not appear with great frequency, with only occasional exceptions, like the series of articles titled *Underground to Canada*, co-authored by Stewart Bell and Marina Jimenez, published in *The National Post*. The series began with "A Scam Exposed," 24 March 2000, then continued with "Profits from forgery used to fund Tamil Tigers," 24 March 2000; "Police hunt for man operating fraud scam," 25 March 2000; "The Smuggler and His Profits," 27 March 2000; "Sanctuary not for the choosing," 27 March 2000; "Nickname hints at Sri Lanka's sad history and economic turmoil: 'The teardrop of India,'" 27 March 2000; "Low-rent hotel is home for migrants waiting to leave," 28 March 2000; "The Stranded," 28 March 2000; "Human Cargo: False Claims," 29 March 2000; "Underground Passage," 30 March 2000; "End of the Line: Human Cargo," 30 March 2000; "Solutions: Stemming the Tide," and "Human Cargo," 31 March 2000.

Several trenchant pieces were published by William Bauer, a former Ambassador who has also served as a Member of the Immigration and Refugee Board. His articles include "Refugee from the IRB," *The Globe and Mail*, 12 November 1994; "Refugees, victims, or killers: The new

slave trade?" *International Journal*, Autumn, 1997, pages 677-694; "How the System Works," *The Globe and Mail*, 12 November 1994; "Refugees, victims, or killers: The new slave trade?" *International Journal*, Autumn, 1997, pages 677-694; "Too Big an Issue to Leave to the Lawyers," *The Vancouver Sun*, 14 January 1998; "The People Smugglers," *Reader's Digest Canada*, August 1999; "Canada: Used and Abused," *The Vancouver Sun*, 18 August 1999; "A Time for Tough Measures," *Maclean's*, 23 August 1999; "The New Arrivals: Migrants, Refugees or Frauds?" *Behind the Headlines*, Autumn, 1999 and "The Children and the Tigers," *The National Post*, 18 September 2000. Also see my articles in *The Vancouver Sun*, "Learning lessons from a murder," 21 November 1998, "We are too soft on bogus refugees," 28 July 1999 and "Refugee claimants riot: are they being unfairly treated?" 15 June 2000; in *The National Post*, "Putting right the welcome mat," 6 June 2000, "The Canadian Connection," 13 June 2000, "Canada is a great country - for refugees," 4 August 2001, "Political will needed to guard the border," 22 October 2001 and in *The Ottawa Citizen*, "Our porous border," 4 April 2001, "Don't expect perfect harmony," 1 August 2001 and "A few things Canada must fix," 13 September 2001.

An "Open letter to Jean Chrétien: Canada must stand on guard," was published in *The Globe and Mail*, 6 June 2001, co-signed by Cal Best, formerly an Assistant Deputy Minister of Immigration and Canadian High Commissioner; Charles M. Campbell, former president of the B.C. Liberal Party and vice-chair, Immigration Appeal Board; Gordon Gibson, formerly an aide to Prime Minister Pierre E. Trudeau and leader of the British Columbia Liberal Party; John L. Manion, oc, a former Deputy Minister of Manpower and Immigration, Deputy Secretary of the Treasury Board and Associate Clerk of the Privy Council and by Des Verma, a teacher, member of the Senate of the University of British Columbia and former Member of the Immigration and Refugee Board.

Since the events of 11 September, a good many well-documented articles on our refugee system by others have appeared in both Canadian and US dailies. See, for examples, Christie Blatchford, "Canada and Terrorism: Programmed to receive" and "Canada probes 14,000 refugees," *The National Post*, 24 November 2001 and "Refugee industry costs Canada millions," 28 November 2001; Margaret Wente, "How the refugee system got

## Terrorism, Refugees and Homeland Security

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undermined," *The Globe and Mail*, 3 November 2001 and Donna Jacobs in *The Financial Post*, "Immigrant, refugee screening 'a shocking, scandalous mess,'" 30 October 2001, "Bill C-11 deeply flawed," 3 November 2001 and "The case for detaining refugees," 3 November 2001.

A significant new development with respect to encouraging informed debate on refugee and immigration issues has been the readiness of an increasing number of former senior immigration officials to state in unvarnished terms what they think is wrong with policies in these areas. Thus Tom Kent, author of Canada's "colour-blind" immigration policies under Prime Minister Lester B. Pearson in the 1960s, later a Deputy Minister of Immigration, wrote scathingly of the impact of the Canadian *Charter of Rights and Freedoms* on the refugee determination system in the *Literary Review of Canada* (March 2000) and again in an October 2001 article published by Queen's University (*Policy Insights: The Commentaries*) available at:

<http://policy.queensu.ca/spspi/docs/tk1001.html>

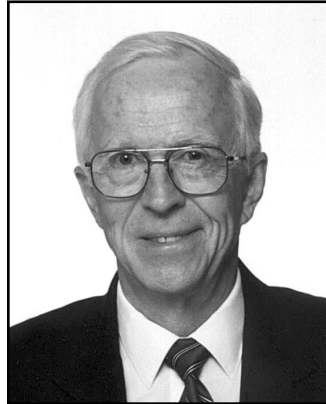
See Jack Aubry, "Deny some immigrants Charter rights: policy guru," *The National Post*, 2 October 2001.

Likewise, John L. Manion and James Bissett have appeared before the Senate Committee to criticize the new refugee and immigration legislation (3 October 2001). That so distinguished a group of senior officials, with years of experience in immigration and refugee policy,

should come forward to describe our current refugee system as a disaster for the country is probably unprecedented in the field of public policy and indicative of the fact that there is indeed something deeply wrong with our current policies.

While this paper conveys the views of an individual who believes that our refugee determination system is in serious disarray and that fundamental reforms need to be made as a matter of urgency it must be equally clear there are many who strongly support current policies and who, if they have any criticisms to make, will argue that Canadian procedures and policies are already too restrictive. The latter have been assiduous in promoting such views and, to date at least, have had more influence on government policy than critics. While not attempting to list the many papers and other publications in which the arguments of supporters of current immigration and refugee determination policies are to be found, at least mention of a few organizations active in this area, whose web sites provide access to their perspectives, is called for. These include the Canadian Council for Refugees, the Canadian Council for Social Development and the Maytree Foundation. Considerable statistical and other information can also be found on the web sites of the United Nations High Commissioner for Refugees at <http://www.unhcr.ch>, Citizenship and Immigration Canada at <http://www.cic.gc.ca> and the Immigration and Refugee Board of Canada, at <http://www.irb.gc.ca>



**Martin Collacott**

After obtaining a BA and MA in philosophy from the University of Toronto, Martin Collacott worked for the Toronto Central YMCA, became Citizenship Advisor for the Ontario Department of Education and subsequently spent five years in East Malaysia with the Canadian International Development Agency training teachers of English in Chinese schools. He joined the Department of Foreign Affairs and International Trade in 1966 and served in Saigon, Hong Kong, Beijing, Lagos and Tokyo. In 1970 he was the Chinese-speaking member of the Canadian team that negotiated Canada's diplomatic recognition of the People's Republic of China. From 1982 to 1986 he was posted as Canadian High Commissioner to Sri Lanka, from 1990 to 1993 he was Canada's Ambassador to Syria and Lebanon and from 1993 to 1995 Canada's Ambassador to Cambodia. He has also worked as Director for Latin American Relations and Director General for Security, which included co-ordination of counter-terrorism policy.

Following his retirement in 1997, Mr. Collacott has been involved in promoting human rights and democratic development in Asia, taking on the post of chief election observer for Canada during the July 1998 Cambodian elections. He is a frequent contributor to the Canadian media on issues having to do with immigration and refugee policies as well as related national security issues. He lives with his wife in Vancouver.

