THE CZECHOSLOVAKIAN REFUGEE MOVEMENT 1968

Were you there?

The following are list of officers thought to have served at HQ and Vienna during the Czechoslovakian Refugee Movement according to some of those who contributed to Bulletin 46. If any of our readers have names to add we would be grateful to receive them.

LIST OF OFFICERS AT HQ DURING THE CZECHOSLOVAKIAN REFUGEE MOVEMENT 1968

ED ASHFIELD, AL ARLETT, BILL BURTON, JOE BISSETT, BILL BERNHARDT, GENE BEASLEY, MOE BRUSH, DON BANDY, MOE BENOIT, LIZ BOYCE, MRS. BENGER, CY COUTU, NALDI COLLETO, BERT CARKNER, DALTON COLLINS, CHARLIE DAGG, BILL COSTELLO, LEO CAMPBELL, JOHN DOBSON, WALLY DICKMAN, HARRY DONNER, JEAN DEWAN, STEVE FONTAINE, JESSIE FALCONER, GUS GALIPEAU, TOM GILL, AL GORMAN, NESTOR GAYOWSKY, BENOIT GODBOUT, AL GUNN, RANJIT HALL, JOHN HUNTER, DICK HUNT, TOM HERLEHIGH, RED JOHNSON, AL JORDAN[?], VAL LATOUR, GERRY LAMBERT, GEORGES LAPLANTE, LOU LABELLE, ART LEPITRE, GILLES LABELLE, D'ARCY MURPHY, ROY MCGRATH, CRAIG MACDONALD, BUD MUISE, BOB MCINTOSH, BILL NAUSS, EDITH O"CONNOR, GEORGE O"LEARY, ARNOLD PATTON, [?] POOLE, DON PELTON, BETTY ROTH, TERRY SHEEHAN, KEN STUART, BILL SORIKAN, JOE SWALES, JOHNNY ST.ONGE, PHYLLIS TURNBULL, ART VASS.

LIST OF OFFICERS IN VIENNA DURING THE CZECHOSLOVAKIAN REFUGEE MOVEMENT 1968

IMMIGRATION: JOHN ZAWISZA, DAVID BULLOCK, JOHN WEISDORF, JOHN KLASSEN, JOHN HOLM, MARIA HACKE, JOYCE CAVANAGH, RUDY (?), SHIRLEY MACMILLAN, DON LYGO, LUDWIG (LOUIS) MACH, BRIAN O'CONNOR, MAGGIE EVANS, TOBY PRICE, ROGER ST. VINCENT, HARRY CUNLiffe, GINETTE TREMBLAY, CHUCK MORROW, DARRELL MESHEAU, DOUG DUNNINGTON, MIKE MOLLOY.

VISA CONTROL: BOB GOLDSMITH, RAY TROTTIER, GARRY FROESE.

MEDICAL: ROGER LECLERC, PETER ABEAR, DAVE TRAFTON, JOHN (JIM) ROOKS

Ed.Note:
This issue of the CIHS Bulletin is the product of an Editorial Committee: Mike Molloy and Al Gunn gathered in the documents, David Bullock proofread them and put them on paper which was then distributed by Al.
Designated Classes:
A regulatory device to target humanitarian resettlement programs

by Raphael Girard

Those who were around at the time might argue that the government's decision in November 1978, to enact 3 separate classes to facilitate the selection of immigrants in refugee-like situations from Eastern Europe, Latin America and Indo China respectively, was directly attributable to an attack of Delhi Belly suffered by Immigration Minister Bud Cullen during a trip abroad in May of that year. In fact the decision was precipitated by operational teething problems following the coming into force of the 1976 Act and its accompanying regulatory package on April 1, 1978. Bud Cullen's misfortunes only served to bring the problems of implementation to the attention of the senior executive in a timely way. Let me elaborate.

In the early post war years, humanitarian immigration programs were largely conceived and delivered administratively. As the practitioners know, humanitarian immigration selection turns on two factors: eligibility and admissibility. Normally, the government decides the eligible group when it gives the green light for a resettlement program; while visa officers apply statutory and regulatory criteria to determine admissibility in individual cases. Although some structure was provided for admissibility criteria in 1966/7 with the introduction of standard selection factors that were point-rated for economic immigrants, eligibility criteria were established by administrative fiat right up until the proclamation of the 1976 Act.

The policy underpinning for humanitarian immigration was altruistic but notably vague in detail. The 1951 Geneva Convention on the Status of Refugees, among other things, defined refugees as persons affected the events surrounding World War II. For European countries there were issues of protection since they were the host to massive numbers of people displaced by war and by the communist takeover in Eastern Europe in the immediate post-war years. For Canada, obviously, could not.

Operationally, the overriding principle that supported admissibility decisions was that each immigrant had to demonstrate the ability to establish successfully in the labour market. As a result, the selection process in humanitarian cases although more "relaxed" than labour market selection was very often different from that applied to economic migrants, thereby giving credibility to charges that Canada took only the best qualified. The idea that we should try to help those refugees or other humanitarian cases in most need took some time to take root and only really gained acceptance in the immigration field in the late 80s.

The move to a more structured approach to the selection of immigrants on humanitarian grounds began after 1969 when we finally signed the 1951 Geneva Convention on Refugee Status and the 1967 Protocol in 1969. The main causal factor for change, however, was not due to our signing the Convention but rather because of a general mess in the immigration program that had resulted from regulatory measures pushed through in 1966/7 by Deputy Minister Tom Kent during the tenure of Minister Jean Marchand.

The Kent initiative, among other things, was designed to
make immigration processes more equitable and transparent. Immigration applications were permitted from within Canada and appeal rights against deportation were accorded to anyone and everyone. This compromised immigration control for almost 5 years because unsuccessful immigrant applicants in Canada appealed en masse and the Immigration Appeal Board had a statutory limit of 10 decision makers. The launching of an appeal guaranteed long term de facto residence in Canada to the appellant and there was nothing to prevent a new appeal by the few who lost at the IAB. The direct result of this debacle which was dramatized by a wildcat strike by Immigration Officers at Dorval airport was a backlash against the government, driving the Liberals into minority in the 1972 federal election.

Realizing this, Prime Minister Trudeau wasted no time in bringing in a team of trouble shooters in the persons of Minister Robert Andras and Deputy Minister Allan Gottlieb, giving them a mandate to get immigration under control. Andras and Gottlieb were determined not only to regain control of the border but to modernize the statute and make the operations more transparent. They insisted that the objectives of immigration policy and the framework for rules and practices had to be directly legislated by parliament. In 1973 the department launched a full scale review under the direction of Richard Tate with the objective of producing a Green Paper on immigration policy and holding public consultations prior to bringing in a new and durable statute. The general review would also apply to humanitarian immigration and Canada’s role as a signatory to the 1951 Geneva Convention on Refugee Status.

While the Green Paper process broke new ground in many areas, the treatment of refugee policy issues in the discussion document was largely one-dimensional. It simply reaffirmed the government’s intention to maintain Canada’s primary role as a country of resettlement as opposed to first asylum—an approach that was remarkably shortsighted and sowed the seeds of future difficulties both in Canada and abroad.

Canada had declined to sign the Convention in 1951 due to an unfounded concern that signature might lead to an obligation which would force Canada to resettle certain people or numbers of people who met the Convention definition but not necessarily our idea of who would make a successful immigrant. After signature, there was also a serious misunderstanding of the nature of the obligation not to refoul refugees who managed to arrive at our border without prior screening or permission. We may not have wanted to become a country of first asylum for any number of refugees but, as we were to discover within a few years, the choice was not in our gift. We continued to view our obligation as a convention signatory largely as one of resettlement.

Even after the signature of the Convention by Canada in 1969, operations abroad were continued much as before. The Special Program for Ugandan Asians which began in the same year, for example, was not affected by our new standing as a Convention signatory. Citizen or not, ethnic Asian residents of Uganda were compelled to leave their country on relatively short notice. While no one had any doubt that these victims of racial hatred were refugees, in fact most could not meet the Convention definition because they were still in their country of citizenship or usual residence. However, whether the individuals were refugees or not in the strict definition of the Convention was academic since Idi Amin himself had defined the eligible group based on their ethnicity. We had no problem with selection because the selection system was still administratively open-ended. The operating instructions (OM) to the field for this movement were a direct lift from the OM that created the Moroccan Jewish movement in the early sixties which was the first to take place under the rubric of our Oppressed Minority outreach.

Another example occurred a few years later in our own hemisphere. The coup d’état that toppled Salvador Allende in Chile in 1971 and the following brutal repression of democracy in that country, led to a limited international resettlement effort of Allende supporters. The Convention was once again irrelevant since the target group we were trying to assist was by definition outside the Convention since most of the victims of oppression were still within their country of nationality. The OM therefore defined the eligible group in exactly the same terms as did the Convention but the requirement that the individual be outside of his or her own country had been shorn from an otherwise identical text. In programming terms this was a difficult movement since it was hard to identify eligible individuals among the population at large where emigration pressures were general and where there were few international agencies to assist.

Despite the fact that the Green Paper consultations were launched during the peak of our difficulties with the NDP and the Churches over Chile and with the growing number of claims for refugee status in Canada, the process did not end with a ready-to-implement strategy or framework that would make much easier the department’s task of managing the most generous humanitarian immigration program in the world. The framework consisted of a provision in the Act for a Convention Refugees class, Section 6(1), coupled with a regulation making authority to create other humanitarian classes by regulation when the international situation so warranted (Section 6(2). For refugee claims in Canada, the IAB was given authority to conduct a de novo appeal of a refusal by an in-house administrative determination by the Minister whether to accept a claim to refugee status. No change was made to the ten-member statutory limit on the IAB.

When the 1976 Act came into effect in April 1978, there was a fair bit of wheel spinning in implementation, particularly in the area of humanitarian migration. Convention refugees had become an admissible class but there was no immediate follow-up on the regulation-making authority for other humanitarian classes. As a result upwards of 8 million Convention Refugees were covered by the new class definition while several of our humanitarian programs of long standing were orphaned. Apart from Convention Refugees, there was no longer a means to select anyone who...
did not meet selection criteria either as family or economic applicants.

The impact of this was early and negative. For the Ongoing Program for Eastern Europeans, officers in the field spent a great deal of time trying to fit our share of the annual resettlement effort from camps in Austria and Italy, into the Convention definition. Often these same applicants did not consider themselves to be refugees and were reluctant to advance a claim. The Jewish émigrés from Russia, in fact, considered the term to be pejorative and took offence at the idea it should be applied to them. Elsewhere, immigration officers encountered the same problem as had been encountered in Chile. The population of refugees in the world was vast. Just who among them we were looking to resettle was not clear. Annual planning of resettlement priorities was in its infancy and the rights and obligations of both clients and the department were not well understood. What was more problematic was that the UN agency responsible for refugees, the UNHCR, was not really interested in helping us since third country resettlement was at best a 1% solution for refugees in their care.

While this problem had been debated by headquarters staff well before the proclamation of the 1976 Act, the only explanation as to why it was not solved prior to the launch of the new Act is that there was an abiding belief in the departmental culture which had always found a way to deliver a policy even when the enabling regulations were deficient. It is probable that the issue had been put on the back burner while higher priority work was attended to. Once the Act was launched, the focus of attention was drawn to problems in Canada which were of a more urgent nature.

Hence the timeliness of Bud Cullen’s attack of gastro­enteritis. In late May of 1978, shortly after the 1976 Act came into effect, Minister Bud Cullen accompanied by Deputy Minister Jack Manion, set out on a tour of selected posts abroad including India and Italy. The Minister’s plan to do some fence mending among the Italian/Canadian constituency on that trip, however, was not to be fulfilled. Stricken by stomach bugs of some ferocity while in Delhi, the Minister cancelled his Italian visit delegating the Deputy, Jack Manion, to make the trip in his stead along with Manion’s Executive Assistant, Victor Glickman, late of the office of the former minister, Robert Andras.

What had been planned as an important ministerial level political bilateral discussion with the Italian government was quickly reformatted into an in-depth look at the gamut of Canadian immigration programs by visiting senior officials. Coincidentally the Visa Office in Italy was at the time one of the pillars, along with Vienna, of the Ongoing Program for refugee resettlement of Eastern Europeans. Rome was also the major player in settling Jewish emigrants from the USSR.

As a career Immigration Officer himself, the Deputy Minister had an abiding interest and exceptional perceptive ness about the workings of the program. He quickly perceived the disconnect between our humanitarian objectives and the selection mechanism. The cumbersome tool of the Convention definition was yielding fewer results than desired despite the fact that the entire staff of the Visa Office was doing the best it could with a maximum of goodwill toward the clientele.

The major hurdle was to convince Mr. Manion that the high refusal rate of Russian Jewish applicants as well as other Eastern Europeans was not due to a niggardly approach in applying the Convention but rather because of the unsuitability of the Convention as a tool for establishing eligibility. Once convinced that there was a lacuna in the regulations, Mr. Manion put the wheels in motion for redress immediately on his return to Canada later in May. The Refugee Affairs Directorate, headed by Mike Molloy, seized upon the opportunity to rectify not only the problem of Eastern Europeans, but all of the others that had cropped up when it was discovered that the Convention would only cover a portion of those people in humanitarian need that Canada wanted to assist.

The resulting regulatory package in November 1978 created not one but three designated classes under Section 6(2) of the Immigration Act. Nevertheless, they all had a common objective which was to simplify the process of humanitarian selection. Collectively they defined eligibility without requiring an elaborate refugee determination of Convention status. For Eastern Europe the eligible group consisted of those irrevocably exiled from their own countries because those countries arbitrarily stripped emigrants of their nationality on departure. Whether they were Convention eligible individually was not really relevant since they all had to be resettled somewhere other than in the country of first asylum. For Latin Americans, the designated class overcame the problem that the eligible group consisted of people still in their own country. (This class was later extended to provide for the selection of political prisoners and oppressed minorities in any country designated by the government through regulation.) For the Indo-Chinese the designated class was an operational goad that reduced the selection process to determining admissibility rather than eligibility. Given that none of the boat people in South East Asia were going to return to Vietnam and they could not stay any length of time in the countries of first asylum, the issue of the Convention status of the individuals was not crucial to their need for resettlement. This greatly enhanced the efficiency of our selection activities in the field.

The moral of that story which is as valid today as it was then, is that in the field of humanitarian immigration generic regulations cannot do the job. Resettlement is a very selective device for individuals and groups with specific characteristics and for whom resettlement is the only durable solution. The regulation must be cast so that selection activities can focus on those who most need it. It therefore has to be underpinned by an enabling regulation to ensure accuracy in delivery and efficiency in operation. Certainly such an approach is discriminatory but reasonably so in the sense of the Charter, especially when the UNHCR priorities for durable solutions to refugee problems are first of all, repatriation in safety and second, local resettlement. The Convention Definition is a device to ensure protection of
those in danger of refoulement it is not a selection tool of any great value. Certainly, many Convention Refugees need to be resettled but not only because they satisfy the definition. Over and above that they are in a situation that calls for redress through permanent relocation. Similarly, there are many who may not meet the legal definition of the convention for reasons that have nothing to do with their vulnerable status that requires that they be resettled. It is that situation that was evident in the Canadian Odyssey from a practical effective system to a paralyzing structure and finally back again to a practical flexible system that can serve as a template for the successful delivery of the government's stated objectives.

January 2005

A Very Fortunate Life

The Citizenship and Immigration Canada (CIC) Library and the Canadian Immigration Historical Society teamed up on August 11, 2005 to host a function at which Roger St. Vincent presented to the library a copy of his memoirs of his 41 year career with the civil service, including 35 years with immigration, titled A Very Fortunate Life.

Roger joined the Immigration Service in November of 1947, after serving as an airman in North Africa and the Middle East during the Second World War. He served in a number of positions internationally, including as Chargé d'Affaires in Belgrade and as Director of European Operations. A Very Fortunate Life includes the complete text of Seven Crested Cranes, Roger's account of the Uganda refugee operation (published by CIHS in 1993). It covers in detail Rogers long and varied career, from service on the border following the war, to the years he spent selecting immigrants in post-war Displaced Persons Camps, to an account of his experience as immigration coordinator during Montreal's Expo 67.

The event was enlivened by a display of Uganda and CIHS memorabilia assembled by library staff. In addition a number of library staff members attended in Immigration Department uniforms dating from back to the pre-World War 2 era. The book was accepted by Charlene Elgee, CIC Librarian and Janet Siddall, Acting ADM Operations. Accompanying Roger, after an enjoyable lunch at Papages Greek restaurant, were CIHS Members Joe Bissett, Raph Girard, David Bullock, Al Gunn, Ian Rankin and Mike Molloy.

Upper photo: Mike — bystanders — Roger
Lower photo: Roger — Cherlene Elgee — Janet Siddall
Historical Documents

by Mike Molloy

Bulletin 45 announced that in future editions we would normally feature a document from the past designed to illustrate some aspect of Canadian immigration history. We began that issue with a survey listing a remarkable array of refugee programs, many of which have long since passed out of public memory, under the title of Canada's Refugee Programmes - 1945 - 1970—an "Information Sheet" issued by the Information Division of the Department of Manpower and Immigration in 1969.

We resume the practice in this issue, jumping ahead eight eventful years, (expulsion of Asian Ugandans, military takeover in Chile, fall of Saigon, the Immigration Green Paper) with a document created by the Refugee Affairs Division in 1978 called 1978/79 Refugee Program Forecast. What makes this document interesting is that it was issued at the cusp spanning the last year of the 1952 Immigration Act and the implementation, in 1978 of the 1976 Act.

The authors apparently created this document to inventory existing programs and to indicate how they would fit into a new legislative and regulatory framework. A law-based approach to our refugee programs was about to replace the various ad hoc arrangements that had served Canada since the end of the Second World War. Policies, concepts and terminology were in transition. The Ongoing Refugee Program mentioned in section II. would fade away within a year as the logic of an Annual Immigration Levels plan came to include an annual refugee plan after a suggestion by Ivan Timonin, the Director of the Demographic Policy Division. This, in tum, led to a full-court press on the UN High Commissioner for Refugees, to encourage that Agency to issue an annual global survey of resettlement needs, something that endures to this day.

This document provides an interesting companion piece to Raph Girard's article on Designated Classes as the authors identify programs that would now need to be the subject of new DC regulations.

1978/79 REFUGEE PROGRAM FORECAST

I. INTRODUCTION

Canada's refugee/humanitarian resettlement programs are designed to facilitate the selection of persons who have suffered or fear persecution and/or who are displaced from their homelands. Preference is given to those in greatest need who, at the same time, are capable of establishing themselves in this country. The new Act provides for the selection of Convention refugees on a continuing basis and authorizes the Governor in Council to establish special selection criteria for other refugee-like groups. The purpose of this paper is to identify the various resettlement programs now in operation and to indicate which of these will require special regulations under the new Act.

II. ONGOING PROGRAM

- designed to select Convention refugees on a continuing basis without geographic restrictions
- selection criteria are established in Section 8 of the 1978 Regulations
- 80% of those selected thus far under the Ongoing Program have been eastern Europeans
- expected intake for the coming year is 1,500, up from 1,061 in 1977. This anticipated increase is due to the new refugee sponsorship system and the phasing out of the Vietnamese/Cambodian Special Movement (see below).

III. SPECIAL PROGRAMS

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The past special programs have been established by cabinet or by Ministerial direction to deal with emergency situations or special groups. These encompass the broad spectrum of Convention refugees, war refugees, persons fleeing social/political upheaval and may even include persons fleeing natural disasters. Under the new Act, where special programs are designed to assist persons other than Convention refugees, regulations under 6(2) and 115(1)(d) and (e) are required. Those existing special programs requiring special regulations are indicated with **.

1. Vietnamese/Cambodian Special Movement

- designed to select persons displaced after the fall of South Viet Nam and Cambodia including relatives of Canadian citizens and residents as well as 3,000 “independent” refugees
  - since its inception in 1975, 7,000 persons have been admitted under this program
  - the last of the independent quota has now been assigned and the program will terminate this spring
  - relatives and other qualified overland Indo-Chinese refugees will continue to be dealt with as family class immigrants or under the Ongoing Refugee Program in the future.

2.** Small-Boat Escapee Program

- aims at the selection of persons fleeing Vietnam in small boats, currently considered by the UNHCR to be the group in most urgent need of resettlement
  - 50 families a month may be admitted; selection is primarily at posts in Singapore, Manila and Hong Kong
  - the boat escapees are not considered by the UNHCR to be “Convention refugees”
  - The program was initiated on January 1, 1978; estimated admissions this year 1,200 to 1,600.

3. South American Program

- aimed originally at assisting persons whose lives were adversely affected by the anti-Allende coup in Chile September 1973
  - now encompasses all Latin American refugees
  - to date approximately 6,000 persons have been admitted under this program and there are 1,000 quota places remaining
  - estimated intake in 1978/79, 800 persons
  - identifiable sub-components of this complex movement include the following:

a. SMC Program

- designed for Chileans who fled their country as a result of events in Chile and who meet the full Convention refugee definition. Most of these are selected in Argentina

b. LATAM Program

- aimed at non-Chilean refugees meeting full Convention definition
  - approximately 50 Uruguayans and Argentines have been selected to date

c.** Oppressed Minority Program – Chile

- designed for Chilean nationals fearing or subject to persecution in Chile
  - by definition these are not Convention refugees

d. Oppressed Minority Political Prisoners Program – Chile

- aimed at selection of 200 political prisoners from Chile
total admitted to date 113 plus 230 dependents, all others eligible for this program have been identified and will be admitted if and when released.

since selection is complete, no specific regulations are needed.

e. ** Oppressed Minority Provision – Argentina

• while there is no formal program for Argentines facing persecution in Argentina, our office in Buenos Aires has authority to select such persons on the same basis as refugees under the Oppressed Minority Provision

f. ** Political prisoners - Argentina

• it has been recommended to the Minister that Canada establish a program on behalf of Argentine political prisoners who can meet selection and background requirements

IV. B'NAI BRITH PILOT PROJECT

• undertaken to facilitated the resettlement of up to 75 families of Soviet Jews previously resettled in Israel and currently “stranded” in Italy.

• estimated total arrivals in 1978: 35 cases, approximately 60 to 70 persons

• selection of eligible families will be completed prior to the coming into effect of the new Act.

V. ** EASTERN EUROPEAN DISPLACED PERSON PROGRAM

• established under Ministerial authority on 6 Oct. 1977

• program is based on the premise that while many eastern Europeans fleeing to or defecting in western Europe are not actually Convention refugees, they nevertheless merit special consideration for humanitarian reasons and because of special circumstances

• Normal immigrant selection criteria apply but unofficial offers of assistance from relatives and ethnic communities in Canada are taken into account and bona fide job offers to such persons do not require Manpower certification.

VI. HANDICAPPED REFUGEE PROGRAM

• established in response to UNHCR’s “10 or More Plan"

• aimed at resettling handicapped refugees who are capable of successful establishment

• intake to date has rarely exceeded 2 or 3 cases a year

• persons admitted require approval of provincial medical authorities and, if necessary, a commitment by the province to provide treatment

• program requires a re-evaluation and revitalization; this is scheduled for the fall of 1978

• faster provincial response should be sought in the context of greater federal-provincial cooperation in the immigration field

• handicapped refugees can normally be admitted under the Ongoing Program or under the appropriate Special Movement.