

AN EVALUATION OF BILL C-31 IN CANADA: A DECISION-MAKING INQUIRY

Anum Rafiq
B.A, M.A
York University
Ontario, Canada

Abstract

It is beneficial to analyze the field of refugee protection through the theoretical framework of a political economy of health perspective, and a charter-based human rights system lens. This would allow a clear representation of how economic policy and the maximum utilization of profits drives the decision-making process behind policy acceptance and implementation. It would also allow for an examination of Canada's position as one of the signatory states to the *Geneva Convention*. This paper explores the blurred lines in the decision making process adhering to refugees from 'safe-countries', it does so by placing an emphasis on the ideas of personal paradigms and the paradigmatic change that Canada is undergoing. The Canadian refugee detention and deportation industries are quickly turning into neoliberal corporations that are placing human rights of safety, security, and integrity at risk, for the sake of millions of dollars in profits (Crepeau, 2006). This neoliberal shift in the refugee agenda can be seen through an examination of the new section outlining refugee detention in Bill C-31. It can also be seen through the decision-making process behind the 'safe-country' clause that takes away designated refugees' rights to apply for appeal, post-rejection. This paper will cover the issues of national security, vulnerable populations, refugee mental health, and the decision making process behind determining refugeehood. It provides a critical literature review of policy briefs along with scholarly articles to disseminate existing findings, identify research gaps, and finally suggest policy amendments and new research perspectives in lieu of the changing dynamics related to Bill C-31.

Keywords: refugee, political economy, health, mental health, displacement, Canada, Bill C-31, systematic violence

Introduction:

The inquiry behind the process of refugee determination in Canada has numerous facets that can be analyzed to understand the biases at play behind the decision making process faced by refugees. This report, however, focuses on the clause of 'safe-third countries' as promoted by

Bill C-31, known as the *Protecting Canada's Immigration System Act*. This bill was designed to make the refugee determination process 'faster, and fairer' (Young, 2000). The recent process of immigration reform began late in 1996 with the appointment of a three-person panel charged with reviewing all aspects of immigration law, policies and practices (Young, 2000). While definitely improving the speediness of the determination process due to quicker rejections, the fairness aspect of the act has been widely critiqued. The countries determined 'safe', are determined as such solely under the discretion of the Minister of Citizenship and Immigration. The Minister is said to base their decision on their understanding of whether or not countries uphold basic human and democratic rights (Lowry, 2010). Bill C-31 nullifies the need for the presence of a human rights committee to aid the Minister in determining which countries are deemed safe. Bill C-31 was initially introduced in the year 2000, after which it did not come into play due to the elections (Young, 2000). In the year 2012, however, after numerous hearings and receiving Royal Assent, the bill was transposed as an act to balance the refugee reform happening in Canada from the late 1990s. The Minister at the time claimed the bill would address the issue of 'Bogus Refugees' and claimants from the European Union democracies (CCR, 2012).

This paper explores the blurred lines in the decision making process adhering to refugees from 'safe-countries', it does so by placing an emphasis on the ideas of personal paradigms and the paradigmatic change that Canada is undergoing (Skogstad, 2011). It provides a critical literature review of policy briefs along with scholarly articles to disseminate existing findings, identify research gaps, and finally suggest policy amendments and new research perspectives in lieu of the changing dynamics related to Bill C-31. The literature review focuses on the themes of national security, determining 'refugeeness', and the selection of safe-countries in Canada.

It is important to take into account that people hold a collective understanding of the world within which they operate (Bossin, 2001). A decision-maker's paradigm is constructed of his/her normative understandings, definitions of appropriateness, beliefs about state goals/interests, and cognitive understandings of the causal relationships within which the world operates (Skogstad, 2011). With this notion, it would be beneficial to examine the fact that Bill C-31 eradicated the need for a human rights committee to weigh-in on decisions impacting vulnerable peoples lives (CCR, 2012). Bill C-31 also imposed restrictions due to which claimants whose appeals were rejected due to being from 'safe-countries', would no longer be able to apply for a re-appeal. Bill C-31 has been widely espoused as an improvement that will help battle the issue of human trafficking in Canada (Bossin, 2001). Dench (2008) discusses the signs of Western colonialism and the 'saviour complex', which are prominent amongst the restrictions in Bill C-31 (Dench, 2008). Refugees under certain groups, namely those who do not have sufficient identification on them, or who may be deemed 'unsafe' by the Minister, can be designated as a category to be detained for a period of 12 months, no questions and no exceptions. This 'jail now, ask questions later' approach has been presented as a method of combating human trafficking (CLA, 2012). The idea of foreigners needing protection through deprivation of their independence and freedom can be linked to the notion that foreigners are presumed radicalized and dependent (Dench, 2008). Human trafficking in Canada is definitely an issue that needs to be combated, however, contrary to what the media portrays, human trafficking is not an issue seeping into Canada through international borders. Instead, reports

suggest that 90% of sex trafficking victims in Canada come from within Canadian borders as opposed to outside (CWF, 2014).

Literature Review:

Bill C-31 is meant to be an improvement upon Bill C-4, a piece of legislation aimed towards countering human smuggling in Canada. It is said to enhance national security by tightening the laws, disabling refugees making false claims for asylum. Bill C-31 has removed the need for a decision support system within the refugee determination process. Moreover, it has imposed unrealistic deadlines on refugee claimants of as little as 15 days for claimants to provide a written claim. It has imposed mandatory detention and lesser ability to exercise rights on individuals designated as ‘irregular arrivals’ (under the subjective discretion of the Minister of public safety). The bill has also imposed a 3-year bar on the reapplication for refuge for ‘designated groups’ post-rejection. Finally, those from ‘designated’ groups, once denied, cannot apply for a reevaluation for 5 years under any grounds (CCR, 2012). Since the political shift post-approval of Bill C-31, and even prior to, numerous scholars have done research on the impacts of the bill on national security, the meaning of ‘refugeeness’, the impacts of detention on mental health, and the complexity of determining refugeehood. Scholars have emphasized that the bill would allow a single-member to form the quorum to decide on any case (Young, 2000).

The idea of national security is one that is consistently emphasized in the bill, and importantly so. However, the politically charged terminology that is used to refer to suspicious refugee claims as ‘bogus claims’ is one that re-emphasizes an us vs. them image (Nakache, 2009). The decision-making process behind determining which claims are ‘bogus’ now undermines Canada’s refugee systems’ integrity. Through Bill C-31, the Minister has independent power to designate a country as ‘safe’, which implies that refugees seeking protection from those countries are likely to be categorized as bogus claimants who would be subjected to an expedited claims process, and become immediately removable without the right to appeal (Young, 2000). The role of media coverage in terms of national security and international crime is also one that enhances the risk of personal paradigms affecting the decision making process as carried out by single member quorums, including the process of the Minister deeming countries as ‘safe’ (Rousseau et al, 2002).

Essentially, the literature found on the decision-making process behind the acceptance of Bill C-31, and behind the detailed administrative execution of the processes is imbalanced. There is ample literature on debates for and against Bill C-31, however when it comes to implementation processes post-approval, there is very scarce documentation on how decisions are being made, along with vague transparency. As Rousseau et al (2002) point out, the influence of legal, psychological, and cultural factors is highly problematic in the refugee determination process (Rousseau et al, 2002). They suggest that the factors aforementioned impact the aspects of evidence evaluation, credibility assessment, conducting hearings, and the ability to deal with individuals from traumatized and diverse backgrounds (Rousseau et al, 2002). The Chair of the Canadian Immigration and Refugee Board has suggested the process of refugee determination to be the ‘single most adjudication function in the contemporary Western societies’ (Rousseau et al, 2002). An aspect of the decision-making process behind evidence evaluation is presented by Rousseau et al (2002), in which they highlight that the standard of proof required to make one’s case is lower than that of the balance of probabilities. This is relevant to the Refugee and

Immigration Protection Act which states that ‘there need not be more than a 50% chance (probability), and on the other hand there must be more than a *minimal possibility* of persecution’ (Rousseau et al, 2002). This clause from the Immigration Act can be seen as a prime example of the intricacies and complexity of the refugee determination process. Requiring traumatized, war-struck refugees to provide a balanced evidence that it isn’t more than a 50% possibility that they will be persecuted in their home-lands, yet it isn’t less than likely, is asking for the skills of thorough manipulation from people who are at the most vulnerable points in their lives. One of the main themes that prevailed in the literature search was the emphasis on Bill C-31 and its strenuous measures towards human trafficking in Canada. Lowry (2010) discusses the concept of interdiction in the context of national security and its discriminatory impacts. She suggests that ever since the introduction of nation-states and sovereignty, refugees and ‘aliens’ have been deemed a threat to the identity of a nation and its security. She takes the idea of refugeeness and inequalities back to the notion of colonialism, and its linear relation to the profit of the North and the exploitation of the South (Lowry, 2010). Dench’s (2008) analysis of a study highlighting the major domains in organized crime can be related to Lowry’s idea of the fine line between criminality and armed struggle against an oppressive state. In her analysis the interdiction behind Bill C-31 and its attempt to control the borders, Dench (2008) reports on the results of a comparative study examining the costs of crimes in Canada. The study found that the costs associated with migrant trafficking to Canada were estimated at between \$120 million and \$400 million per year. In comparison, however, the study highlighted that the estimated costs of other crimes were exponentially higher than those of trafficking (Dench, 2008). For instance, the study reported that the costs of illicit drugs to Canadians ranged from \$1.4 billion per year to \$4 billion, just for Canada’s three most populous provinces, and it was estimated that \$5 billion to \$17 billion was laundered in Canada each (Dench, 2008). Yet media coverage of the announcement focused not on the most costly forms of organized criminal activity, but on people smuggling (Dench, 2008). National security is portrayed as the backbone for Bill C-31, however, the burden on the economy and the prison systems in Canada is not considered.

Moreover, it is important to note that In December 2008, 61 children were detained in Canada, 10 of them unaccompanied children (children who came to Canada without a parent or guardian). Detention of children in Canada is not limited to ‘exceptional circumstances’ as espoused by the agreement. Instead, youth aged 16 or over for which an alternate family cannot be found are to be detained with or without family (CCLA, 2013). The response towards this detention of youth is again linked to the efforts of securitization. It is suggested that detaining individuals and cutting off their ties to external people will help ensure that human-traffickers are not able to make a profit off these people (Lowry, 2007). Currently, the legislation states that any foreign national can be detained on three grounds if that person is: (1) not likely to appear for an examination, an inquiry or removal, (2) likely to pose a danger to the public or (3) undocumented or improperly documented (Crepeau, 2006). These grounds are similar to the former legislative regime; however, the decision making power that it has granted an officer is vastly greater than before. For instance, foreign nationals as well as permanent residents can now be detained at any point during the status determination process 1) on the basis of administrative convenience (for example, to continue the interview) or 2) when they have “reasonable grounds to suspect” inadmissibility on the basis of security or human rights violations (Crepeau, 2006). Moreover, a foreign national can be detained at any point without a warrant. This clause is a direct violation

of the human right to integrity and liberty. Officers are able to detain individuals on the basis of lack of proper identity. Bill C-31 allows single-member quorums to make decisions on asylum-seekers cases (Lowry, 2007). A major criterion of the determination process of refugee status is said to be the officer's 'satisfaction' with the level of 'cooperation' in establishing his/her identity. This cooperation is required as soon as individuals enter the country, with no importance given to the migrants' background and his/her level of trust in authoritative figures, based on their experiences at home (Crepeau, 2006). The bill also states that "designated" children aged 16 to 18 will be incarcerated as if they were adults, while children under 16 will either be taken away from parents and handed over to provincial child protection services, or unofficially detained with their mother. In all cases children will be separated from their fathers (Cleveland, 2012). Studies that interviewed detainees report that detainees classified their time in detention as being the 'worst part of the process' (Kronick et al, 2011). A case-study analysis carried out by Kronick et al (2011) captures the mental stress endured by women and children in refugee detention centres. Through an international comparison, Kronick et al (2011) report that detained refugee children in Australia experienced significant mental health issues during and after their 2-year detention period. Researchers noted a range of disturbances associated with detention including disruptive conduct, nocturnal enuresis, separation anxiety, sleep disturbance, nightmares, and impaired cognitive development (Kronick et al, 2011). Thus proving that detention has severe implications on the mental health of claimants, and decisions supporting detention need to be exercised with extreme care.

Research Questions and perspectives:

The research questions and perspectives that are predominant in the fields of refugee determination and Bill C-31 are based on the perspective of securitization, who holds the power, and the detention clause. It highlights the fact that Canada does not currently have ample programs that support refugee female integration, nor does it have a concrete socioeconomic tracking system that monitors the financial and emotional well being of refugee women. The literature also covers issues of gender inequality amongst refugees as well as the effect of gender on the decision-making personnel. It highlights that the personal paradigms each decision-maker holds, has a strong impact on the selection or rejection of the case. Important research questions then, would be questions of power relations in which the idea of 'who holds the power' is uncovered. Moreover, it would be beneficial to research the paradigms of these power-players, as well as their political and corporate goals, and its impacts on the refugee and immigrant acceptance sector of Canada. Where the funding and donations are received from, and where the corporate interests lay would also be worth examining. The economic aspect of the refugee determination process of Canada is a field that needs thorough political economy and Marxist evaluations.

Advantages:

Conducting a broad literature review on the decision-making process behind refugee determination, as well as the mental health of refugee groups led to discovering the potential for broader research. For instance, it is crucial to consider the impact of geographical place and space in the situations of detention. Sixty people were held in detention for more than a year in 2013. These were among the 585 refugees awaiting deportation in immigration cells in Canada,

figures from the Canadian Border Services Agencies reported. Out of the sixty individuals detained for over a year, two have waited behind bars for more than five years in hopes for a reevaluation (Klein, 2014). Scholars such as Cleveland (2012) and Carman (2014) examine the physical structures of detention centres in Canada. It is noteworthy that these are places that have barred windows, barb-wired fences all around, even in playgrounds. It has also been suggested that many detention holding facilities are at the airports, six to seven feet underground where detainees feel trapped, with no one being allowed to visit them (Carman, 2014). Critics argue that asylum seekers may feel a sense of physical safety in comparison to the turmoil that caused them to leave their homes in the first place. However, the mental impact of living in detention centres for women is a trauma that negatively impacts their long-term health. The literature review also provided the advantage of giving a breakdown of the Refugee and Immigration protection act, in which the process of refugee determination was analyzed. The works by Rousseau et al (2002) confirmed that prior to Bill C-31, two members of the Refugee Determination Division (RDD), assisted by a Refugee Claim Officer (RCO) were previously assigned to evaluate the credibility of oral and documental evidence (Rousseau et al, 2002). Post Bill C-31, however, the single-member quorum clause has been implemented, without the provision of a transparent decision-making process. Another advantage of a comprehensive literature review was to be able to understand how the various facets of the refugee and immigration act are linked to different levels of the government. For instance, the involvement of the Federal government and the issue of refugees in prisons, showed the connection of different levels of the government and intergovernmental communication gaps. It also allowed for the understanding that issues portrayed in media are not only biased, but strongly influence the views citizens hold towards refugee acceptance and integration in Canada.

Challenges and limitations:

Despite conducting extensive research into the selection criteria behind the selection of safe countries in Bill C-31, there is little to no clarity on how the process is carried out. The lack of a multidisciplinary analysis causes the inability to create a transparent decision-making process. There are very few scholarly articles on the criterion behind selection. Moreover, the articles that exist do not follow an analytical framework that examines the single member quorum clause. For instance, many authors have discussed the negative impacts of Bill C-31 including detention, over-securitization, human rights issues, gender issues, and mental health issues. All of these topics are related to Bill C-31, but do not provide concrete evidence of the decision-making process and its relation to the personal paradigms of decision makers. Moreover, there is no mention of a computerized software system in place to aid the decision-making process.

In terms of statistics and data monitoring, a study conducted by Nakache (2009) highlights the weakness of the refugee reporting and statistics system in Canada; she suggests that there is a lack of readily available, up-to-date data on the cost of detention, which hinders effective public monitoring (Nakache, 2009). In her study, Nakache (2009) highlights that international human rights law outlines detention as a last resort or an exception, as opposed to a norm. International human rights law dictates certain principles under which detention may be used. Moreover, it requires for the procedure of detention to be just and humane (Nakache, 2009). In Canada, however, not only has detention become a normal procedure, but a majority of the funding aimed towards security is being allocated to respond to the increase in the detention

of migrants with no adequate identification. From June to December 2003, for example, 56 percent of detentions were on grounds of flight risk, 10 percent because of a lack of satisfactory identity documents and only 1 percent on security grounds (Dench 2004). An issue of inconsistency in decision making also arises when asylum-seekers arriving in major cities such as Toronto and Montreal are treated relatively better than those arriving elsewhere. For instance, those arriving in major cities receive procedural safeguards and notices thereof in their languages, whereas those arriving in different parts have little access to such information (Nakache, 2009). Moreover, asylum-seekers arriving in other parts have more difficulty attaining legal aid. It is also common practice for asylum seekers outside Toronto and Montreal to be detained in penal institutions because there are no specialized immigration detention centres (Nakache, 2009). This exposes asylum-seekers to various levels of human rights violations, as under the Charter of rights every individual is to be treated equally (CLA, 2013). The asylum-seekers who are detained in federal prison are sent there due to their mental health issues as determined by decision makers who may mistake trauma related behaviour with violence (Nakache, 2009). Provincial prisons, however, are not suited for the purpose of regenerative positive mental health for refugees suffering traumatic experiences. Further, it decreases transparency due to the protection gap of communication between the federal and provincial levels of the government regarding the care of asylum-seekers.

New Research Perspectives:

Perspectives: A highly beneficial research project would be one that resonates with Rousseau et al's proposal (Rousseau et al, 2002). This project would be a cross-sectional study that determines the psychological, cultural, and political factors related to the lack of consensus on cases of asylum-seekers evaluated by the Immigration and Refugee Board. A qualitative approach that conducts a retrospective case-by-case analysis would identify the reasons for rejection and their contradiction with the Canadian Charter of Human Rights. It would also examine the budget allocation assigned to refugee boards. The existing structure of expenditure on the refugee and immigration system can be seen as a victim of creative destruction, in which the economic structure from within was revolutionized for profit. This phenomenon can be seen through the new budget allocations in 2001, made for the security of immigration and detention, with the objective to be able to detain more people, for longer (Crepeau, 2008). For instance, in the year 2003-2004 13,413 people were detained in Canada, an increase of 68 percent over the numbers from 1999-2000 (7,968) (Crepeau, 2008).

A robust research project would also include a national analysis of the number of refugee claims accepted by province in Canada. It would provide a breakdown of how many claims are made from each country annually. It would push for the compilation of a database that records which officer is assigned to which case. It would also provide a track record of acceptance and rejection rates of each adjudicator. This would require a national effort with a multiple levels of the government working together. According to UNHCR, in 2014 Canada ranked last (15th) on the list of top countries accepting refugees. To put this in context, it is noteworthy that Sweden, a country with a population of 9.6 million, admitted 75,100 refugees in 2014 where Canada accepted only 13,500 (UNHCR). A research project that would truly enhance Canada's refugee determination process include the creation of Decision support software that manages the refugee determination process. This could be done by having software that first ensures that more than

one adjudicator is responsible for each case, and then analyzes the strengths and weaknesses of each case. After confirming that, the system would allow for adjudicators to record symptoms of stress and trauma displayed by the claimant. It would then provide the adjudicators with statistical feedback on the vulnerability of each claimant. This vulnerability could be calculated through a behavioural condition checklist. Those who support Bill C-31 have stated the importance of fraud detection and securitization against trafficking and terrorists through the refugee removal system (Crepeau, 2008). It is a valid notion to suggest the need for a safe country that does not allow for its systems to be taken advantage of. However, officialising the process and ensuring that it is free of personal biases is as important as ensuring security. Having a DSS that notifies adjudicators of possible biases during the refugee examination process will aid in helping adjudicators be aware of political and cultural factors that may be at play.

Applications:

This research perspective that takes into account the political economy and the critical humanist framework will be beneficial for the recognition of policy issues, and will be able to provide grounds for new policy recommendations. It could be applied through a) developing a checklist to classify cases by province, b) conducting an in-depth analysis of at least 25% of the rejected cases, and c) developing an analysis grid based on factors that were at play that should have been ignored, and creating objective framework. For example, one of the major problems with the refugee detention program in Canada is the lack of a national tracking system that records the health status, both mental and physical, along with other characteristics such as admission and release dates (Crepeau, 2008). It is vital that program planning occurs in an all-encompassing way that records significant information about refugees, both male and female, nationally (Guruge, 2004). Moreover, it would allow for the re-examination of the need for diversification of authorities present in refugee detention centres. One of the main stressors agreed upon by scholars is the lack of community and difficulty of language barriers faced by refugees. Providing refugees with authoritative figures from countries deemed 'safe', will allow detainees to create a level of comfort. They will be able to feel understood, which would decrease mental stress. Furthermore, having human-rights councillors on the single-member quorums would eradicate some of the fear and tension faced by refugees. It would be highly beneficial if refugee claimants could have advisors from their own homelands, as it would increase their level of comfort, thus diminishing the problems associated with evaluating traumatized claimants (McKeary, 2010).

Lastly, a political economy analysis with a focus on human rights would firstly allow for the establishment of a decision-making process that truly limits the need for the detention of youth. It would conduct an analysis on which neoliberal factors are at play that decrease the availability of space required by families to reside in homes. It would also reevaluate the constant relation of refugees to 'terrorists' and 'threats', which would result in the ability for claimants to reside with family or friends if necessary or desired (Redwood, 2008).

Scenarios: The lack of a decision-making support system has often been criticized by those who are doubtful about the competency of the refugee decision-making board. Rousseau et al (2002) highlight that the Hathway Report of 1993 provided an outline of problematic relationships between board members, along with the a range of systemic weaknesses. The authors discussed

the problem with the absence of a specific decision making criteria behind the selection of board members for the refugee decision board (Rousseau et al, 2002). One of the issues that could be resolved by modifying Bill C-31 through a human rights framework would be the absorption of costs that provinces have to undergo due to refugees utilizing emergency care as a last resort. A human rights modification would deter the 'safe-country' clause in which claimants from certain countries are denied basic health care. Scenarios in which having trained and culturally sensitive board members would be beneficial are those that impact claimants' lives. For instance, a current coalition against the deportation of Palestinian Refugees from Canada has cited language barriers and translation issues to be one of the main reasons behind case-rejection (CADPR, 2014). The CADPR also reports on cases that have been rejected due to credibility issues due to inconsistencies in recalling specific dates (CADPR, 2014). An example of a rejected file demonstrates how having culturally sensitive adjudicators and a DSS that notifies decision-makers of vulnerabilities could have helped in this case:

“IRB member Stéphane Handfield concluded that, contrary to the claimant's testimony, he had returned to Syria at a date after he fled. This conclusion was based on a document translated in Syria and mailed to the claimant. Rather than accepting the claimant's clear explanation, Handfield rejected his claim on lack of credibility. Additionally, the 62 year-old Palestinian refugee claimant had trouble recalling specific dates. When he did so, he looked to his wife for confirmation, but Handfield did not allow her to respond. The lack of recollection of these dates was additional motive for rejecting the refugee claim.” (CADPR, 2014).

Research disciplines needed: In order to conduct a national analysis of refugee claims by province, the Federal and Provincial governments of Canada would have to collaborate. This implies that the Refugee determination departments of all provinces receiving claims in Canada would need to assign a team of their human-rights groups and refugee lawyers to analyze the personal paradigms that could affect decision-makers' ability to accept or reject refugees. It would require a multi-disciplinary team excelling in policy analysis and culturally sensitive care and trauma studies to be able to conduct a multivariate analysis that takes into account political, economic, and social factors at play in the refugee determination process. It would also include the main NGOs of each province that works with refugees, which would vouch for the importance of needing lawyers on refugee counselling sites, having mental health care programs, and services for claimants in detention.

Conclusion: In 2005, 15% of Canada's population was comprised of refugees, as opposed to 9% in 2010 (McKenzie, 2009). Canada has historically been a part of the 162 countries that have appealed the International Covenant on Economic, Social and Cultural Rights as adopted by the United Nations General Assembly. Under the declaration of the Essential Rights of the Man, this treaty was designed to allow individuals to be self-determined, and to be able to determine their own political status (McKenzie, 2009). Bill C-31 currently challenges Canada's' association with this treaty. Currently, Canada is undergoing significant political restructuring in terms of its immigration and refugee laws. The espoused reasons behind this restructuring are an improvement in the country's economic outcomes, better ability to respond to commodity booms, and a more secure country (Picart & Riddell, 2012). However, Bill C-31 infringes upon

the human rights of those who are vulnerable, and promotes detention and deportation as weapons against immigration fraud. Comparative studies have shown effective systems in countries such as the U.K and Australia, who have foregone detention due to its demonstrated negative impacts on health. The decision-making process behind refugee determination has been weakened due to Bill C-31 and the single-member quorum. An in-depth analysis of the political, social, and cultural factors at play would allow Canada to become a more just, and accepting country.

References:

- Bossin, M. (2001). Bill C-31: Limited Access to Refugee Determination and Protection. *Refuge: Canada's Journal on Refugees*, 19(4). Retrieved from <http://pi.library.yorku.ca/ojs/index.php/refuge/article/view/21215>
- Carman, T. (2014, August 29). Detained refugees treated worse than criminals: Lawyer. *Vancouver Sun*.
- CCLA. Don't Punish Victims: Stop the Anti-Refugee Bill. (2013). Retrieved November 28, 2014, from <http://ccla.org/protectrefugees/>
- Cleveand, J. (2012). The harmful effects of detention and family separation on asylum seekers' mental health in the context of Bill C-31. (pp. 3-17). Retrieved from http://www.csssdelamontagne.qc.ca/fileadmin/csss_dlm/Publications/Publications_CRF/brief_c31_final.pdf
- Council, Refugees. Protect Refugees from Bill C-31: Joint statement. (2012, March 1). Retrieved May 2, 2015, from <http://ccrweb.ca/en/protect-refugees-c31-statement>
- Crépeau, F. (2011). Anti-terrorism Measures and Refugee Law Challenges in Canada. *Refugee Survey Quarterly*, 29(4), 31-44. doi:10.1093/rsq/hdq039
- Crepeau, F., Nakache, D., (2009). Controlling Irregular Migration in Canada: Reconciling Security Concerns with Human Rights Protection. *Journal of Immigration and Refugee Policy* 12(1). (pp. 3-44).
- Dench, J. (2001). Controlling the Borders: C-31 and Interdiction. *Refuge: Canada's Journal on Refugees*, 19(4). Retrieved from <http://pi.library.yorku.ca/ojs/index.php/refuge/article/view/21212>
- Don't Punish Victims: Stop the Anti-Refugee Bill. (2015). Retrieved May 11, 2015, from <http://ccla.org/protectrefugees/>
- Kronick, R., Rousseau, C., Cleveland, J., (2011). Mandatory Detention of Refugee Children: A Public Health Issue? *Journal of Pediatric Child Health*. 16(8), 65-68.
- Lowry, M. (2007). Creating human insecurity: The national security focus in Canada's immigration system. *Refuge: Canada's Journal on Refugees*, 21(1).
- Nakache, D. (2011). The Human and Financial Cost of Asylum-Seekers in Canada. (pp. 5-85). Ottawa: UNHCR.
- Guruge, S., & Khanlou, N. (2004). Intersectionalities of influence: Researching the health of immigrant and refugee women. *CJNR (Canadian Journal of Nursing Research)*, 36(3), 32-47.
- McKeary, M., & Newbold, B. (2010). Barriers to care: The challenges for Canadian refugees and their health care providers. *Journal of Refugee Studies*, 3-38.

- McKenzie, K. (2009). Improving mental health services for immigrant, refugee, ethno-cultural and racialized groups. *Mental Health Commission of Canada*.
- Picart, G., & Riddell, G. (2012, November 1). New Directions in Immigration Policy: Canada's Evolving Approach to Immigration Selection. Retrieved November 1, 2014,
- Redwood-Campbell, L., Thind, H., Howard, M., Koteles, J., Fowler, N., & Kaczorowski, J. (2008). Understanding the health of refugee women in host countries: lessons from the Kosovar re-settlement in Canada. *Prehospital and disaster medicine*, 23(04), 322-327.
- Skogstad, G. D. (2011). *Policy Paradigms, Transnationalism, and Domestic Politics*. UofT Press.
- Statistics & Operational Data. (n.d.). Retrieved May 5, 2015, from <http://www.unhcr.org/pages/49c3646c4d6.html>
- Reasons for Rejections. (2014). Retrieved May 6, 2015, from <http://refugees.resist.ca/document/reason4rejection.htm>
- Rousseau, C., Crepeau, F., Foxen, P., Houle, F., (2002). The Complexity of Determining Refugeehood: A Multidisciplinary Analysis of the Decision Making Process of the Canadian Immigration and Refugee Board. *Journal of Refugee Studies*, 15(1), 1-28.
- Young, M. (2000, March 1). Bill C-31 The refugee and immigration protection act. Retrieved May 3, 2015, from http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c11&Parl=37&Ses=1