



Halifax  
RefugeeClinic

We strive to create a respectful, caring, and comfortable atmosphere in the Clinic where clients receive comprehensive immigration legal services, as well as assistance with settlement needs that fosters self-sufficiency.



**MANDATE: TO PROVIDE FREE LEGAL AND SETTLEMENT SERVICES TO REFUGEE CLAIMANTS WHO CANNOT AFFORD A LAWYER**

- **NON-GOVERNMENTAL**
- **NOT-FOR-PROFIT**
- **COMMUNITY BASED**

**FOUNDER: LEE COHEN, QC**

**EXECUTIVE DIRECTOR: JULIE CHAMAGNE**

**SETTLEMENT COORDINATOR: GILLIAN ZUBIZARRETA**

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**→ CORE FUNDER: THE LAW FOUNDATION OF NOVA SCOTIA**



# *Definition of a REFUGEE*

## **LEGAL DEFINITION:**

**A REFUGEE IS A PERSON WHO "OWING TO A WELL-FOUNDED FEAR OF BEING PERSECUTED FOR REASONS OF RACE, RELIGION, NATIONALITY, MEMBERSHIP OF A PARTICULAR SOCIAL GROUP, OR POLITICAL OPINION, IS OUTSIDE THE COUNTRY OF HIS NATIONALITY, AND IS UNABLE TO OR, OWING TO SUCH FEAR, IS UNWILLING TO AVAIL HIMSELF OF THE PROTECTION OF THAT COUNTRY..."**

**THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES  
THE "GENEVA CONVENTION"**





# Categories of Refugees

## Refugee Claimants

### INLAND

- **Refugee Claimants (= asylum seekers)**
- Not Permanent Residents – conditional status pending the outcome of their hearing
- No access to federal (CIC) and provincial (NSOI) immigration funded settlement services
- \*\*Also, in NS, are not eligible for legal aid for immigration and refugee matters
- Covered under the IFHP (Interim Federal Health Program) until refugee status or Permanent Residence is obtained
- Eligible to apply for provincial income assistance (aka: welfare, social assistance)
- Can apply for a work/study permit

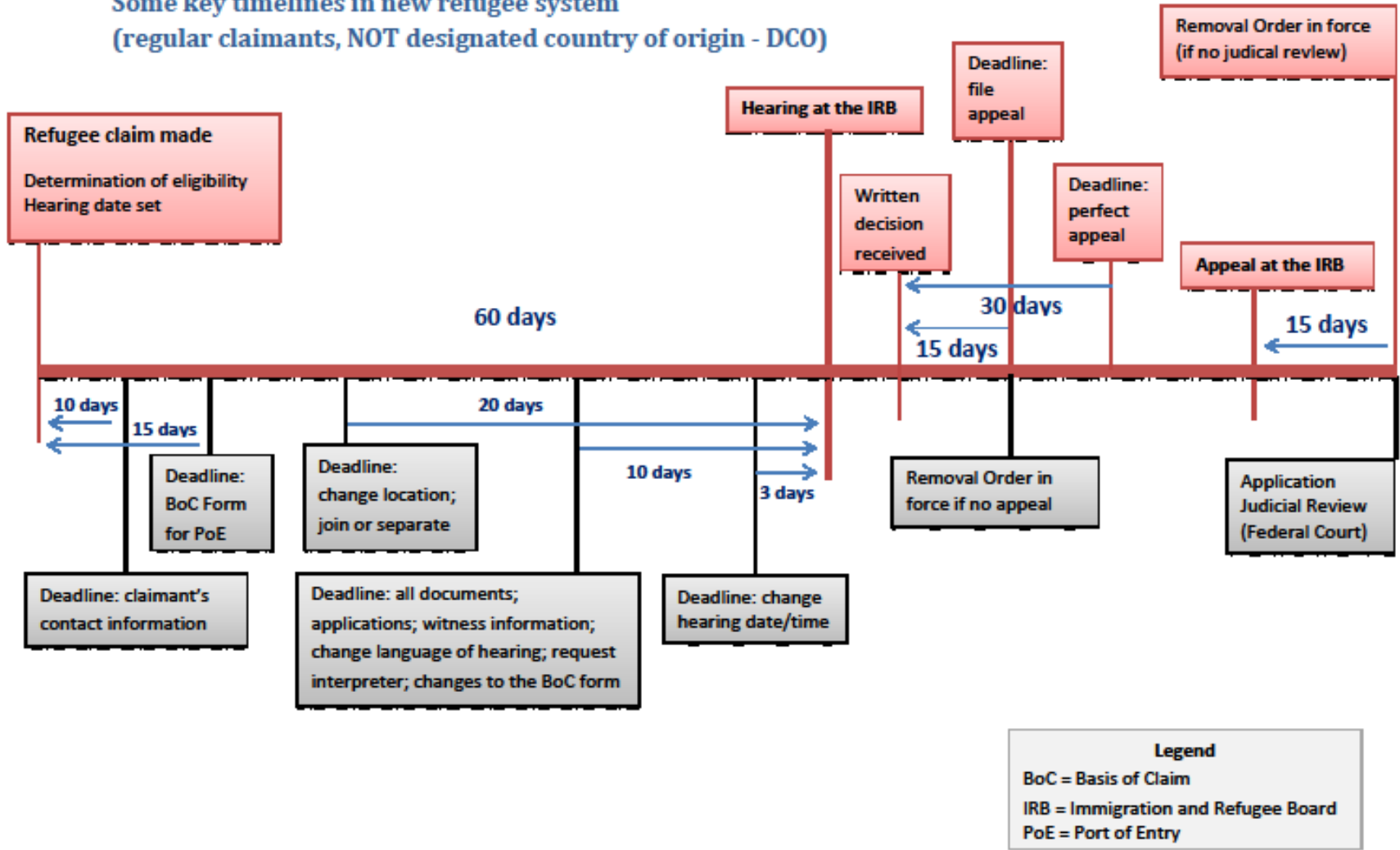
## Sponsored Refugees

### OVERSEAS



- **Resettled (aka Sponsored) Refugees**
- GAR (Government Assisted Refugees)  
\*\*\*according to ISANS **approximately 180 GARs arrive annually in Halifax** from various countries around the world and receive help through the Resettlement Assistance Program (RAP) that ISANS delivers
- Privately Sponsored (groups are responsible for financial and social/settlement support for the first year)
- JAS (Joint Assisted Sponsorship)
- “Landed” upon arrival = Permanent Residents
- Access to federal and provincial immigration funded settlement services (e.g. ISANS)
- Eligible for provincial health care in NS upon arrival and receive supplemental IFHP coverage

**Some key timelines in new refugee system  
(regular claimants, NOT designated country of origin - DCO)**



# The Halifax Refugee Clinic – since 2000

## Legal Services

- Representation and assistance throughout the entire determination procedure, including pre and post claim
- Volunteer counsel and research assistants provided for each claim
- Mock hearings

## Settlement Services

- Settlement assistance and support throughout the entire determination procedure, including pre and post claim
- **Needs-based model**
- Advocacy and mediation
- Support from volunteers



# Some of the Halifax Refugee Clinic's clients, staff, and volunteers



# Where do clients of the Halifax Refugee Clinic come from?



## **COUNTRIES OF ORIGIN FOR NEW CLIENTS 2015-2016:**

**ETHIOPIA, IRAN, IRAQ, EL SALVADOR, ALBANIA, ZIMBABWE, AFGHANISTAN, UKRAINE, RUSSIA, CUBA, KOSOVO, HAITI, BOTSWANA, MALI, ETHIOPIA, EGYPT, PALESTINE, HUNGARY, ROMANIA, SYRIA, RUSSIA, CROATIA, SOUTH KOREA, MALI, COMOROS, CAMEROON, AND BURUNDI, DEMOCRATIC REPUBLIC OF THE CONGO, LIBYA, ST VINCENT AND THE GRENADINES, CHINA, GUINEA, SIERRA LEONE, PAKISTAN, YEMEN, NIGERIA, ZAMBIA.**



## 1) Teklehaimenot, Ethiopia

Tekle was a student in engineering from **Ethiopia**, whose family came from the Oromo ethnic minority. During the 2008 elections in the capital, he had been part of a student protest movement against rising tuitions and had subsequently been arrested and badly tortured for 10 days. He stopped going to school at this point and, 6 months after his release, he applied for a study visa to come to Canada. He was successful and came to Halifax to the engineering program at Dalhousie. He studied without problems for two years and went back to Ethiopia once during the summer for a few weeks, to see his grandmother who was ill. 2 years into his studies in Canada, his father back in Ethiopia was detained on suspicion that the money he was sending overseas for his son's studies was being diverted to the Oromo Liberation Army. The Ethiopian Police issued a summons for Tekle to come in for an interrogation. Tekle came to us a few months after receiving news of this summons, after he had told a counselor about the stress and fear he felt about his study permit coming to an end and the lack of money from his father.

## 2) Ximena, Mexico

Ximena was a **Mexican** woman who had been a victim of domestic violence for 15 years. Her ex-husband would regularly threaten her, force sex upon her, beat her and sequester her in her home, not even allowing her to leave to put out the garbage. Once, he pushed her down a flight of stairs which caused her to miscarry. The police were contacted after a particularly bad and violent incident which occurred in public and they opened a file, but she felt they were dismissive and there was no follow up from their end. Her husband became even more abusive. She left the house several times when the situation escalated and went to her cousin's home but her husband convinced her to return to him and the children. She called the police on 2 or 3 occasions and they said that they were investigating but she lost hope that the authorities would do anything to protect her. She finally escaped and moved to a different part of the country, fleeing with her eldest son. In a rage, he hired people to track her down, come after her and threaten her and her new boyfriend at gunpoint to come back to him. She and her eldest son quickly travelled to Canada to visit some Nova Scotian friends she had met in the restaurant where she was working and, after being in Halifax for a year and unsuccessful in renewing her visitor permit, came to see us to talk about her fear of returning to Mexico.

### 3) Abdulatif, Iraq

Abdulatif was an Iraqi citizen who wanted to support and be a part of the new democratic process in his country. He decided to answer a call to volunteer at a polling station for upcoming municipal elections. After the election, he was threatened twice by an unknown militia group in Baghdad. They left him a note on his front step saying “Death to the traitors. You shall pay and suffer you traitor staff of the electoral commission” He went to the police with the note who told him that they could do nothing for him and actually advised him to leave for his own safety. He paid a smuggler \$20,000 to come all the way into Canada on a fake German passport. He flew first to Italy where he stayed for 2 months while he waited for instructions and documents from the smuggler. He flew from Rome to Frankfurt and then to Halifax, where he made a refugee claim upon arrival at the airport, using his real name but saying that he was a Christian Iraqi, as the smuggler had advised him. He was detained on immigration grounds and needed help accessing his family members back home (so that they could send identity documents) and filling out the refugee forms in detention. He refused to disclose any information about the smuggler.

#### 4) Marynia, Ukraine

Marynia was a Ukrainian woman and small business owner who was married to a factory worker. Both he and she started writing articles for the local paper on the rampant corruption they witnessed in their city. They received many threats from the local authorities and one morning, her husband's body was found outside their home. When she pressed to have the circumstances of his death brought to light, she was continuously harassed, her home and business were repossessed and she was subject to regular sexual assaults by a local police officer. She came to Canada as a visitor with her 8-year-old daughter. She had already fled through Western Europe, where she had made an unsuccessful refugee claim in Norway and returned to the Ukraine to apply for the visa, which took 6 months. She made a refugee claim 3 months after arriving in Canada. She only disclosed the sexual violence she suffered in Canada (she had not talked about this aspect in Norway) after several sessions with a counselor. During her hearing, the interpreter made several mistakes which caused the Board member to be confused and doubt Marynia's credibility, causing her to become distressed and affecting her overall testimony.

## 5) Djibril, Mauritania

Djibril was a man from Mauritania who, after many years of trying to repress it, realized that he was a homosexual. Homosexuality in his country was a criminal offence, punishable by the death penalty, and completely abhorred by his religion and society. Although he kept it a secret for some time, some people saw him kissing a man in a secluded place and word soon spread through the community. He was accosted the following day by some men on his way back from work. They proceeded to beat and insult him, with a crowd gathering and cheering them on as he lay on the ground. He looked up saw his own family members in the crowd, some of them cheering, some of them standing by, unable to do anything lest they be beaten as well for supporting him. Djibril stayed mostly secluded in his home for weeks, trying to liquidate his assets to contact a smuggler and buy a passport and plane ticket to leave the country. His mother would call him to make sure that he was alive but not speak to him, as the shame was too great for her to bear. He came to Canada and lived undocumented in Montreal. He eventually made a refugee claim but has only been able to get a birth certificate with no photo ID.



## 6) Flutura, Croatia

Flutura was an Albanian-Croatian woman whose husband was physically abusive to her for many years. He once bit her ear and held a gun to her head, saying that he would kill her if she ever left. She eventually left to a women's shelter and the Croatian courts gave her full custody and handed her husband a sentence, which he never actually was forced to serve. He continued threatening her and she left for Canada, where she made a refugee claim.

Although the Board Member accepted everything that had happened to her, it was determined that that Croatia was in a position to offer her adequate state protection and her refugee claim was denied. She is living in a town on the South Shore where she has a lot of community support and works as a cook. Her son, who was 8 when they came and is now 11, plays on the local soccer team.

## 7) Hossein, Afghanistan

Hossein was a man from the ethnic minority of the widely persecuted and marginalized Hazara. While travelling from Kabul to his native village, the Taliban stopped the bus he was on at a checkpoint and removed all the Hazara riders. They were all taken to a nearby training base and held there. Hossein pleaded with them to spare his life, explaining that he was a good mechanic and could help them out. The following day, they lined up the people they had detained and shot them, one by one. When they arrived to Hossein, they stopped and told him to go fix a tank that was having engine issues. He stayed at the camp for a few weeks, and was mistreated and beaten and thought every day that he would die. HE managed to escape one night and fled to Pakistan. He lived there for 3 years, working as a mechanic and then had enough money to make arrangements to leave to a Canada. He flew through Jamaica, arriving at the Halifax airport on a charter flight with a fake passport. He went up to the customs officials and said: “Afghanistan” and they proceeded to call an interpreter. He was detained as he had no identity documents and we visited him in detention, to started completed the refugee paperwork there and work on release from detention. We realized that he was suffering from severe mental health issues and PTSD that was being triggered by being in detention and having to recount his story. He was unable to recall dates and we learned there were many inconsistencies in his original paperwork and so we sent in a supplemental narrative.

## 8) Hassan, Algeria

Hassan arrived in the port of Halifax on a containership from Brest, France. He was discovered onboard the ship by Canadian Border Services and was detained on immigration grounds, as he had no ID documents. Hassan was born in Algeria in 1993, into a Muslim (Sunni) family. He is the second oldest among his 5 siblings, all whom are girls, and only received 6 years of formal schooling. When he was 11-years-old, Hassan dropped out of school to become a street vendor in order to help support his family, because his father had died. Hassan worked for a little over a year before he saw some men hanging out near his stall. It was well known that these men were part of a terrorist organization trying to recruit young males and that they would talk to the street vendors, promising a better life. One day these men approached Hassan in the market. They talked to him about the importance of protecting Islam against evils. They visited regularly for several weeks and Hassan became increasingly nervous with each visit because he did not want to join them. On his way home from mosque one evening, these men approached Hassan again and put him into the car. They drove outside the city to a secluded clearing. There were more people waiting for them in the clearing and man with a beard and dressed in Islamic robes approached Hassan and told him that they had an important place for him in their organization and that he seemed like a good boy and a great fighter. Hassan resisted and began crying at one point and the man became very angry signaled to some of the others in the clearing who held Hassan down as a man hit the bottom of Hassan's feet continuously with a paddle. When they were done, Hassan was driven to the outskirts of town and was left to walk the remaining distance to his home, which he could barely do from the pain. Before the men left him, they threatened that if he ever went to the police or told anyone who had done this to him, they would come back and finish the job they started. He moved to a different part of the country and lived there for 2 years, before leaving for France, where he stayed undocumented and living on the streets for 4 years before hiding out in a containership bound for Canada with 2 other friends.

## 9) Theophile, Burundi

Theophile is an 18 year old from Burundi who has not seen or talked to his immediate family members in over a year. His family is Tutsi and his father and other family members were politically active in an opposition party. When the president of Burundi, Pierre Nkurunziza, decided to run for a third term, despite it being unconstitutional, his family members took part in protests and demonstrations, although he was not aware of the details of their involvement. One day the Imbonerakure, the violent youth wing of the ruling party, came to their house, beat all the family members, tied them up and robbed them. A week later, his father told them that he had found out they were on a government list of opposition leaders, suspected to have been responsible for the failed “coup” that happened after the president's re-election. His father gave them instructions to go to other family members. Theophile went to a maternal aunt's house, who was married to a Hutu, and lived in hiding for 3 months while she prepared his application for a study visa with fake documents. He signed off on the application, although he did not read its contents. When he arrived in Canada, he asked the information desk at the airport where to go for immigration help and was directed to us.

## 10) Bashkim, Kosovo

Bashkim was a young urban professional, an ethnic Albanian, who worked in Pristina, Kosovo and who lived in a city about 45 mins away. Through his work, he heard about an apartment for sale in his city for a very good deal, as the seller was an ethnic Serbian and had left Kosovo for Serbia (like many other Kosovar Serbs) after the war in 1999. Bashkim bought the apartment with his savings and was told that the tenant would be out in 6 months. After 6 months, he was given the keys from a government agency that helped Serbian Kosovars who were no longer in Kosovo administer their properties and set about starting to do some renovations. A few days after he took possession, he arrived to find the former tenant there, waving some papers and saying that the apartment was his and not Bashkim's and that he had no business evicting him from his own apartment. Bashkim went to the police and told them what had happened and the police said that they would address the issue, although he was not given any file number or paperwork. The police came to his family house a few days later and told him that it was clear to go in again. When he went back, the tenant was there with a gun and told him that he had fought with the Kosovo Liberation Army during the war and he had connections in the police department and with high ranking politicians said that he would kill Bashkim if he came again. Bashkim tried to avoid the situation and consulted a lawyer to see if the sale could be annulled, to no avail. The tenant came several times to his family house and after a violent visit, Bashkim decided he needed to leave the country, at least for a while. He arrived in Canada to do a short English course but the situation was still bad back home and his family members told him that the tenant was still paying visits to the house and asking about his whereabouts. He renewed his status twice – one study permit was rejected and then he applied for a visitor permit extension and stayed another year, not knowing where to run or what to do. He was referred to us as he was living in PEI and eventually decided to make a refugee claim, a year and a half after arriving in Canada.



## 11) Patience, Malawi.

Patience was a young academic from Malawi who came to Canada 10 years ago to do a Masters in International Development. She found out here that she had contracted HIV from her former husband. She was afraid to return to Malawi because of lack of medical treatment and also, the stigma and the discrimination she would face as a HIV-positive person. She had a very supportive community here and a medical team who were taking very good care of her health needs. She tried to apply for permanent residence through the international graduate stream but was unsuccessful in meeting the requirements. She came to see us as her postgraduate work permit was going to expire and we discussed options and she finally decided to make a refugee claim.

**Thank you for listening!**

**QUESTIONS?**