Halifax Refugee Clinic

By Nathaniel Geoffrion

During the 2017 Fall semester I spent 7 hours at the Halifax Refugee Clinic every Friday. Though my part was small, the work of this organization is vital. I don't think that the Canadian refugee and immigration system could function without the work of similar non-profit organizations across the country. The HRC promises to help anybody who walks through their door or calls, and they never know when a whole family will show up and change their entire schedule. There are two primary functions of the HRC. One is to assist refugees in the process of attaining refugee status from the Canadian government, and the other is to figure out where they will live, where they will find healthcare, and what community resources they should access while they are settling in and determining their status. Much of the clinic's resources are devoted to finding and/or paying for accommodations, transportation, and health care for refugees. Once a refugee claim has been submitted, the claimant is explicitly barred from employment in Canada. What resources they managed to bring into the country are all that they have to sustain themselves. They are provided with a temporary refugee-specific health insurance, and minimal support, but the day to day of settling in an unfamiliar city is costly. Two of the fulltime staff focus on this side of the work.

Katie Tinker was the one full time employee who was responsible for preparing refugee claims during my time there, and the person who I worked most closely with. All of the lawyers who represent refugees are volunteers, as are all of the translators who work at hearings and assist in translating documents and personal accounts. Some of the hearings these volunteers work in go on as long as four hours.

Although I had no part in the fundraising of the clinic, I think its important to note that much of the valuable time of the clinic's employees is taken up in securing the funding to continue operating, including that of the directress Julie Chamaigne. In the first years of the organization, they had no clinic, operating out of homes and cafes. Over the last decade they have upgraded and upsized, but still face the constant challenge of securing steady revenue from donations, without government support.

A refugee claim requires a month by month account of the claimants location and occupation going back ten years, or to their 18th birthday if that was less than ten years ago. Some claimants have been around the world in that time looking for safe haven, to dozens of countries, and they are expected to remember every one. They must list the location and birth date of their whole immediate family, provide copies of any government-issued documents which they possess, and list any previous claims for protection they have made in any country.

Most of my work at the refugee clinic was focused on research for the evidence packages which each refugee claimant sends in. Canadian Immigration keeps a National Documentation Package for each country on Earth, with information about their ability to protect the rights of their inhabitants, but we always supplement this with our own research specific to the client in question. A typical package contains at least 25 sources, as recent as possible, showing that there is danger for people of the claimant's description in their home country, and precedent for the threats and violence which they have suffered. Newspaper articles are the most useful. The situation on the ground in dangerous areas is constantly changing and reporting can be sparse, so we have included information from not necessarily reputable sources in the past. Even personal blog posts have been submitted as evidence, or reporting from openly biased news organizations.

I wasn't ever asked to work outside of my hours in the office. The clinics expectations of my productivity were entirely reasonable. Everything I was asked to do was adequately explained first, with examples from the past for me to use as a guide. The work which I did, amateur though it was, all had a direct effect on improving our clients' chances of being accepted into a new life in Canada, and escaping from the danger behind them. This was the most rewarding work that I've done in my life, because I really felt that I was making a difference in someone else's life every day that I was there.

Generally I would have one or two projects in a day. Our job is to show that the claimant is a Convention Refugee, who fits into one of the categories specified in the United Nations Convention Relating to the Status of Refugees, which Canada is a signatory to. I'll give the UN's definition of a refugee in full here, because its essentially the metric for success in every case.

> 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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

If the local authorities are capable of protecting this person, that is a disqualification. If there is an Internal Flight Alternative, a safer place within the home country, that is a disqualification. If the refugee is suspected of war crimes because they carried arms for a non-state armed group, that is a disqualification. This ignores the fact that membership in such groups is often involuntary.

One client whose case I worked on was a Syrian Christian. His case was very strong, as the danger to Christians in Syria is widely acknowledged, but we put the same amount of effort into gathering recent, supporting evidence as we do for every other client. Another was a Sunni

Muslim whose family was trapped within the territory of the Shiite Houthi rebels in Yemen. He was a star student who won Yemeni government sponsored tuition, but the rebels cut his name from the list, so he could no longer afford to enroll in his next semester. In another, I was helping submit supplementary evidence to the board after a hearing but before the decision. The client fled Libya because his family was widely believed to be associated with the deposed Gaddafi regime, as was his entire tribe. The board questioned whether he could have gone to the city of Tobruk, because of one reference in the National Documentation Package which said that Tobruk was safe for Gaddafi loyalists. My task was to show that Tobruk is no safer than any other city in Libya, and traveling there is a risk of its own. And there were a few other cases.

I never worked on the same file again after leaving it at the end of the week. Deadlines approach rapidly in refugee cases, and there are dozens of files open at any one time. I think that I would have been disproportionately more useful as a full-time staff, who could carry one evidence package or one whole refugee claim through to completion. Time is lost with every new set of eyes who must familiarize themselves with a particular case. However, much of the work at the Refugee Clinic is done on a volunteer basis. They simply do not have the funds to employ more than four or five staff at any time. The HRC has had difficulty attracting articling law students because they are unable to offer any compensation. Most articling positions do pay. Nonetheless, self-sacrificing students have articled at the clinic before. I would consider such work to be of immense relevance to any studies in the legal profession.

A refugee hearing is essentially a trial, although not legally such. A lawyer represents the claimant, who is cross-examined by the board member thoroughly on their documents, their story, and the evidence which both sides have submitted. Like a prosecution, the board has their own researchers and their own interns, devoted to finding evidence that there is not indeed a

threat to the claimants life in their home country, or that there are safe places and resources within the home country to which they could have had recourse before coming to Canada. Unlike in a trial, refugees are treated as guilty until proven innocent.

If a story becomes muddled on repeated re-telling, if it varies at the hearing in the slightest from that submitted in the Basis of Claim, there is little hope for the refugee. Even if there is a clear danger to their life in either case, both become suspected lies. Once the board member has determined that the claimant's testimony is unreliable, there isn't much that can save them. Testimony from their family members, which would otherwise be accepted, can be thrown out at that point too, as inherently biased.

Some of the work which I did ancillary to the evidence files which I prepared included answering phones and assisting clients. The phone at the clinic never stops ringing. The most common callers are Halifax and Nova Scotia government offices, health care providers who give service to clients of the clinic, a fair amount of spam, and clients themselves. Refugees don't have much to do but sit around worrying about their cases, and some call for updates frequently, especially as their deadlines approach. A few calls come in collect from detention facilities outside the city, with limited time and faint, staticky voices on the other end. Most of the names who were calling or were called about were unfamiliar to me, and I had to struggle to understand them over the phone. It was a bit embarrassing every time I relayed a call and got the name entirely wrong. That's one skill which all of the full-timers at the HRC are experts at: remembering and pronouncing wildly non-Western names.

On my second day at the clinic, a client named Mohammed arrived unexpectedly, and because everyone was busy I was asked to help him set up an email to communicate with the clinic. It took me half an hour to make a Gmail account and explain how to use it, because we

had no language in common. I regretted giving up on my French studies. Mohammed speaks Arabic and French, but I'm just a mono-lingual goon. We started with a phone on speaker between us, connected to a translator listening to Mohammed in Arabic, translating for me, listening to me, translating back to Arabic. We'd called him up completely unexpectedly, and he immediately gave us ten minutes of his time, before he had to get back to work. He was client of the clinic years ago and is still happy to help. I muddled through the rest of the process on my own. Mohammed and I communicated by pointing, gesturing, a mix of rudimentary French and English, and laughing off our frequent confusion. Some kind of translation is required in almost every case at the clinic. Sometimes every conversation between client and clinic has to be translated. Usually all of the government documents from the home country must be translated before being submitted. Often the entire personal narrative is written in the native language and then translated, or transcribed through a translator. Speakers of dozens of languages have come into the clinic over the years, each requiring the same depth of skilled translation. Some languages, like Arabic, are relatively common, others we may never have heard of before. It's difficult to find a translator for the more obscure languages, especially one who lives in Halifax, so much translation is done over the phone or through email. Sometimes the most reliable translators are the people who were refugees themselves.

One of the last things I did at the clinic was begin the arduous task of creating a spreadsheet listing the location of all the case files, going back to the beginning of the organization. Katie told me that she'd know that they needed to do that for a while, but I can see why it kept being pushed off. Every case which the clinic has ever worked on is stored in bursting folders, which contain all of the information, copies of all of the forms, receipts, communications with the government associated with that person. Due to the haphazard nature

of the clinic's early work, most of the oldest cases are still in cardboard boxes in a closet. I never got to the closet and I pity the person who will, instead working down the rows of a large file cabinet.

Even finding the rudimentary information which I was tasked with, the name, UCI number (Unique Client Identifier, assigned to everyone with a file in the Canadian Immigration system) and dates of first contact with the clinic and of claim submission, seemed like an endless task. I spent a full work-day on a drawer and half of another. I'd say about one quarter of the spreadsheet was complete by the time I left, if that, and with many of the individual entries still incomplete because specific dates were lost or deeply buried. With all of the competing calls on their attention and looming deadlines, I can see why the clinic employees can't always find the time for administrative minutiae. They do their best to keep a running file on the inside of each folder, dating every single meeting, conversation, and step in the claims process and beyond. There's no telling when any of that information might again become relevant, perhaps because a previously abandoned case is attempted again, or a successful claimant is now hoping to bring their family to live with them in Canada, and has to prove that it is painful for parents and spouses to be separated from their loved ones.

Moreso even than the knowledge and experience which I gained, it is the many different stories of refugee life which will stay with me after my internship. I learned about those few individuals in the modern world who are almost stateless, living between nationalities and undesired, unprotected by any government. Their passports are in the custody of the refugee board until the conclusion of their hearings, and they're neither here nor there, in limbo.

Many of the refugees who come to the Halifax Refugee Clinic are students at the local universities, and young. They came legally on student visas, and lived for months or years with

the same comfortable status that I have, as a United States citizen studying at Dalhousie. Their visas are lost or soon to be, either because they have completed their studies or lost status because they could no longer pay tuition. Still, they have plenty of time to come in to the clinic, review their options, and prepare their cases – or not - before submitting their claims. The same can be said for people who obtained visitor visas at Canadian embassies before flying over. Other refugees are in a much more tenuous situation. They were intercepted by border police on their entry to Canada and forced to immediately make their claim or be deported to their home country on the spot. From that moment, they have just 15 days to send in their Basis of Claim form, along with the piles of documentary and supplementary evidence which is required to prove who they are. They must organize their lives into a coherent narrative in the space of two weeks, which I challenge any natural-born Canadian to do. Some spent their savings on a plane ticket with no visa, and were detained in the airport. Some were found in the seaport, stowaways in the international shipping which comes through Halifax. One spent nine days eating dates and sipping water in the trunk of a car before dehydration forced him to reveal himself in the middle of the Atlantic, to be detained before he had even arrived.

I wouldn't describe a single one of the refugees whose claims I read as an economic migrant, as an international scammer. They've lived with fear that I can't imagine ever feeling, and I'm lucky enough that I probably never will. I'm reminded that today, right now, there are places in the world where safety is not a guarantee. There are normal people like me who can't leave their homes without the shadow of death hanging over them. Recognizing the rights of refugees is one of the best things the international community has done since World War II, and it is increasingly important in the 21st century.

I felt strange writing this summary. I feel like I'm exploiting the stories of real refugees who came to the clinic, like I'm glad that their suffering gave me the opportunity to help them and feel righteous for it. I wish that no human being ever had to become a refugee, but the reality is, there are millions of refugees, and hundreds of thousands of refugees live in Canada, and I'm glad that I had a small part in the work of the Halifax Refugee Clinic, which provides a small part of the help that refugees need.