Family Reunification in Canada: Towards Authentic Humanitarianism

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November 2016

Abstract

Many asylum claimants in Canada, at the time of receiving refugee status, are separated from their immediate family members. Family members who remain abroad may be exposed to persecution. Canada has committed to the principle of family unity as a signatory of multiple international conventions and in Immigration and Refugee Protection Act (IRPA, 2001). The family reunification program for refugees is the policy intended to facilitate the immigration of family members of refugees to Canada. However, close examination of policy implementation reveals that multiple restrictive barriers thwart the successful reunification of refugees' families. Drawing on academic research, NGO reports and case law, this paper argues that there is a lack of consistency between Canada's implementation of policy and Canada's domestic and international obligations in terms of family reunification. The paper also explores recommendations to improve policy and address its shortcomings.

Introduction

Many asylum claimants in Canada, at the time of receiving refugee status, are separated from their immediate family members who have been left behind for a number of reasons. In a recent interview by the media, a doctor working with refugees spoke of the profound pain they experience when separated from loved ones:

> "Mei-ling Wiedmeyer, medical director of the Bridge Clinic, which provides services for refugees, told reporters she can provide no medication or therapy that has the same therapeutic effect as being with loved ones and knowing they are safe. Dr. Wiedmeyer said clinic staff see the damaging effects of family separation every day." (Dhillon, 2015)

We can hardly conceive of the agony that a refugee longing to be reunited with his or her family who has been left exposed to persecution might experience. This, in and of itself, is a traumatic event, notwithstanding the refugee's history which, by definition, is already loaded with trauma. The international principle of family unity affirms that "the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened" (UNHCR, 1951). The principle has been recognized by Canada in a number of conventions and in its own Immigration and Refugee Protection Act (IRPA, 2001).

In what follows, the process of family reunification for refugees in Canada will be analyzed. First, a brief summary of the regulations of this immigration program will be presented. Second, structural barriers imposed by Canadian family reunification policy which hinder the reunification of refugees with their family members will be highlighted. The third section outlines Canada's commitments to family reunification in both its own domestic immigration policy in the last 15 years as well as on the international stage. This paper argues that there is a lack of consistency between Canada's implementation of policy and Canada's domestic and international obligations in terms of family reunification. Specifically, the problem of Canada's restricted definition of the family will be examined more closely. Finally,

recommendations by the UNHCR and the Canadian Council for Refugees (CCR hereafter) to improve policy will be presented. This paper seeks to create a discourse on behalf of refugees and citizens alike to demand that the Canadian government commit to the principle of family unity in word and in action and that it upholds that objective with genuine change towards family reunification for inland refugees.

The necessity of family reunification for refugees

Founded on the international definition of a refugee (UN, 1951), Canada has defined refugees in its own Immigration and Refugee Protection Act (2001) as "persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, as well as those at risk of torture or cruel and unusual treatment or punishment". An asylum-seeker is a person who has either arrived at the Canadian border or entered Canadian territory by their own means and who claims refugee status, but "whose request for sanctuary has yet to be processed" (UNHCR website, 2016). In accordance with Canada's international commitments, after a rigorous assessment of the claim by a judge from the Immigration and Refugee Board, protection is offered to those who qualify under the definition by granting them 'refugee status' and the right to reside in Canada.

Alas, at the time of receiving refugee status, in many cases the refugee's immediate family members are outside Canada, often in precarious living conditions where they remain exposed to danger and persecution (CCR, 2004). In the midst of fear and chaos, family members become separated in the process of fleeing persecution for many reasons, the most common being limited personal capital as well as a lack of legal channels to reach countries of asylum (CCR, 2004). In these circumstances, many families decide for one member (usually the male head of the family) to undertake the journey to Canada alone and for the wife and children to

stay behind either in the home country or in a country of first asylum while waiting to be reunited in Canada (CCR, 2004).

In 2015 alone, over 16,592 individuals made an asylum claim in Canada (Immigration and Refugee Board of Canada, 2016). After waiting an average processing delay of 10 months for a decision (IRCC, 2016a), approximately 60% of all claims made after 2012 were accepted (Rehaag, 2016). Importantly, if refugee status is granted, the second step of the process involves applying for permanent residence in Canada as well as requesting immediate family members to join them in Canada (Bradley, 2010, IRPR, 2002). In Canada, there are two separate streams that address the goal of reuniting immigrant families: the family reunification program for refugees and the family class sponsorship program for all other categories of immigrants. A fundamental difference exists between the two; the family separation that is sought to be addressed by the family reunification program for refugees is one that derives from the refugee's unique situation of having an acknowledged well-founded fear of persecution. This entails that immediate family members are also likely to be in danger and that the need for family unity is urgent. In striking contrast, the family class sponsorship program is meant in theory to address situations where family separation has arisen from a voluntary decision to migrate to Canada under non-life-threatening conditions. The Immigration and Refugee Protection Regulations (IRPR, 2002) detail the provisions of the family reunification program which are meant to provide an accelerated pathway for families of accepted refugees to be reunited in Canada.

Current procedures for family reunification of refugees in Canada

The set of procedures instated to facilitate the accelerated reunification of non-accompanying family members to Canada is known as the One-Year-Window of Opportunity Provision, which, under s. 176 (2), applies for refugees who are separated from their family

members when they claim protection (IRPR, 2002). In order to benefit from the One-Year-Window, under s. 175(1) of the IRPR and s. 21(2) of the IRPA, a refugee must first apply for permanent residence following delivery of refugee status (IRPA, 2001; IRPR, 2002). On their permanent residence application, they can include eligible family members, that is, their spouse, common-law partner, dependent children, and dependent children of dependent children of the principal applicant (IRPR, 2002). Family members who are included on the application have a strict one year timeframe to themselves apply for permanent residence from abroad, which upon approval will grant them the right to join their family member(s) as permanent residents in Canada (IRCC, 2016b; IRPR, 2002). If, for any reason, family members are unable to apply within the one year window, the only alternative will be to sponsor family members though the regular family class sponsorship program which requires the principal applicant to have permanent resident status (Bradley, 2010). While at first glance the One-Year-Window Provision might appear to favor the family reunification of successful asylum claimants in Canada, in reality a number of restrictive measures are in place which significantly hinder this goal.

The restrictive barriers imposed by family reunification policy

In accordance with the aforementioned procedure, the One-Year-Window Provision is the set of regulations which should provide for an 'accelerated' process for family reunification of successful claimants. However, closer examination reveals that it actually imposes serious barriers which impede refugees' right to be reunited with their family in Canada (Bradley, 2010; CCR, 2004, 2006, 2008; UNHCR, 2000). Among many, the strict timeline, the astronomical application fees, the highly restrictive definition of eligible family members, the burden of proving family relationship, as well as the excessive processing delays will be briefly discussed.

As previously explained, there are strict time constraints within which applications must be made for family reunification. Family members must make their own application for permanent residence from abroad within one year of the refugee's permanent residence application (IRCC, 2016b; IRPR, 2002). There exists a multitude of reasons that may prevent family members from completing their application within this timeframe. Considering that un-accompanying family members are likely suffering the very same life-threatening conditions that qualified the claimant for refugee status, it is easily conceivable that they are living in conflict zones and that they are vulnerable to imprisonment, torture or abduction (CCR, 2004). They may be stripped of identification and be in hiding, and therefore may not have access to legal protection (CCR, 2004). Additionally, it may be practically impossible for them to travel to a designated Canadian visa office or merely doing so might expose them, whilst communication channels may be obstructed or monitored. Thus, the One-Year-Window timeline is restrictive and does not account for family members' lived realities abroad.

In addition to the stress of complying with the timelines, elevated fees required for applying only exacerbate the pressure. The fees for a permanent residence application are 550$ per adult and 150$ per dependent (IRCC, 2016c). This means that for a refugee sponsoring a spouse and two children, the cost of the application totals 1400$. This is a large sum of money for any Canadian to collect, let alone a new immigrant struggling to find employment and who may be wrestling with post-traumatic stress or psychological anxiety from their refugee experience and family separation. It is worth noting that many refugees in Canada also bear the responsibility of sending money through remittances to help their families overseas survive (CCR, 2004). Thus, application fees coupled with strict time constraints constitute a massive barrier to successful family reunification. Nevertheless, suppose the refugee has saved sufficient

funds and the family is able to submit the application on time, they still must face the hurdle of qualifying as eligible members according to Canada's limited definition of family.

Canada excludes many crucial family relationships in its definition of an 'eligible family member'. Siblings or grandparents do not qualify, and most importantly, parents are excluded (CCR, 2006). Therefore, an unaccompanied minor who has secured refugee status can only request that his or her parents come to Canada through an immigration application on Humanitarian and Compassionate grounds (IRPA, 2001). The Humanitarian and Compassionate grounds immigration category is a last resort application process for exceptional cases that do not meet the regular eligibility requirements to become permanent residents and its outcome is subject to the immigration officer's discretion (IRCC, 2016d). Thus, unaccompanied minors who become refugees in Canada must accept indefinite separation from their parents in exchange for protection (CCR, 2006; International Bureau for Children's Rights, Canadian Council for Refugees, & United Church of Canada, 2008). Immigration, Refugees and Citizenship Canada (IRCC) has stated that the justification for this ban is to deter families from sending unaccompanied minors to Canada as 'anchors' who can then secure status for their parents (Bradley, 2010; CCR, 2006). However, the CCR argues no evidence supporting this concern has been provided by IRCC (CCR, 2006). Ultimately, the government's position aligns with current discourse criminalizing migrants rather than deploying maximum resources to achieve reunification.

Another restrictive parameter of eligible family members for reunification is Canada's definition of dependent. The IRPA defines a dependent as a biological or legally adopted child below the age of 22 who is unmarried, to the exception of children above 22 years old who have been enrolled continuously in school since before the age of 22 to this day (IRPA, 2001). For

one, it is highly improbable that dependents could be enrolled in school at a time of civil war for example, which effectively bars eligibility for most dependents over the age of 22. In fact, more than half of refugee children have no access to school worldwide (UNHCR, 2016). Secondly and most crucially, as Bradley points out "this definition is based on a very culturally-specific understanding of family, which may not be consistent with the refugee's situation" (Bradley, 2010). For instance, some children may be informally adopted, legally married, or above the age of 22 and still depend on their parents (CCR,2004). This point deserves specific attention and will therefore be discussed meticulously as its own section later in the paper.

Whether for adopted children, biological dependents, or spouses, Canada places the burden of proving the authenticity of claimed family relationships on the applicant, which constitutes in and of itself an immense barrier for reunification. The CCR explicitly states that "refugees are often unable to produce the kind of birth and marriage certificates that Citizenship and Immigration Canada would like to see" (CCR, 2004). Legal documents may have been destroyed by war or denied to the family by local authorities as a means of persecuting them (CCR, 2006). Then again, some countries lack institutional structures capable of producing the identity documents that Canada demands or IRCC may be suspicious of their credibility (CCR, 2004, 2006). In the case of children, IRCC retains the discretionary right to require applicants undergo DNA testing to establish parental relationship (CCR, 2004). NGOs report this obligation disproportionately targets families from Africa and Asia (CCR, 2006). What is more, the applicant is responsible to pay the additional costs of DNA testing which in 2003 exceeded 900$ (CCR, 2006). Deplorably, if family members were disqualified under refugee family reunification because of failed DNA tests, unsatisfactory documentation or ineligibility, separation is permanent since requirements and definitions are the same under the family class

sponsorship program (Bradley, 2010). Thus, parents have been forced to choose between protection and their children (Bradley, 2010 CCR, 2006). Finally, processing delays constitute a major factor in the separation of refugee families awaiting reunification.

All things accounted for, the processing times for the family reunification of successful asylum claimants in Canada amounts to longer delays than the family class sponsorship processing of a Canadian immigrant who is not a refugee (CCR, 2004). In 50% of applications, family members abroad have to wait more than 13 months to be reunited in Canada, while one in five refugees waits more than 26 months (CCR, 2004). Let us not forget that an asylum claimant waits on average 10 months before receiving the first decision on their claim (more if there is an appeal) (IRCC, 2016a).

A major factor in these delays is an absolute lack of resources and personnel dispatched for processing applications at overseas Canadian visa offices (CCR, 2004). Another recurring reason is the one-year expiry on the validity of medical exams (IRCC requires medical clearance for family members abroad), which forces applicants to undergo the exam all over again (CCR, 2004). Furthermore, specific refugees are subjected to a mandatory waiting period. In 2012, the Conservative government passed Bill C-31 *An Act to amend the Immigration and Refugee Protection Act, , the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act* modifying the IRPA (2001) to legitimize differential treatment of 'Designated Foreign Nationals', a label ascribed to two or more asylum claimants who arrive 'irregularly'. These refugees are singled out and imposed a mandatory 5-year waiting period before they can apply for permanent residence in Canada and apply for family reunification (Bill C-31, 2012). Clearly, processing delays magnify the hardship experienced by refugees seeking family reunification.

Lastly, under s.117(9)(d) of the IRPR (2002), any family member who was not declared on the principal applicant's initial application for permanent residence is denied family reunification forever. This provision serves the purpose of punishing families for failing to comply with application rules or failing to declare a change of status (birth of a child, marriage, etc.) and has been contested at the Federal Court to no avail (CCR, 2006).

DeShaw writes that family reunification is not a right but a privilege (DeShaw, 2006). Effectively, the inefficient and detrimental process of a falsely termed 'accelerated' family reunification for inland refugees lends credence to the privilege-based idea. As discussed above, the inflexible timelines, the fees, the exclusionary definition of the family, the processing delays and section 117(9)(d) of the IRPR magnify the suffering of refugees in Canada and their families abroad. These barriers represent immense roadblocks that seriously call into question the intended purpose of the family reunification program for refugees. It appears that regulations embedded within the program are designed to hinder the goal of reunification for refugees from being achieved altogether. The harsh reality of Canada's treatment of applications will now be examined in distinction with Canada's proclaimed commitments to family reunification in the international and domestic spheres of policy.

Canadian commitments on family reunification

The Canadian government has frequently proclaimed its profound commitment to family reunification as concurrent with Canada's 'humanitarian' tradition of welcoming refugees (Daniel, 2005). Daniel writes that "it has come to be associated in official discourse […] as the hallmark of the nation's 'compassion'" (Daniel, 2005). Alternatively, DeShaw posits in *The History of Family Reunification in Canada and Current Policy* (2006):

"Myth: family class immigration is based on humanitarian considerations.

> Fact: family class immigration is premised on the importance of family reunification based on family relationships."

Looking at the Canadian family reunification policies for inland refugees, research shows that the governments' considerations in providing access or lack thereof for family reunification is much more contradictory and conflated than DeShaw might suggest. In its regulations and practice, the importance of family unity is always challenged by the structural barriers that are intentionally put in place by the government of Canada. The confusion that arises from the contradictions between Canada's statements on the international stage and domestic policies versus its practical application calls for further analysis. This will be examined by outlining official commitments Canada has made to family unity in international conventions and domestic law. These will then be contrasted with Canada's application of a culturally specific definition of the family that significantly opposes its commitments.

Canada has ratified the 1951 UN Convention relating to the Status of Refugees along with the other 144 countries that have done so. However, Canada did not adopt Recommendation B of the Final Act of the same convention at the UN Conference of Plenipotentiaries on the status of Refugees and Stateless Persons (UNHCR, 1951) which "*recommends* Governments to take the necessary measures for the protection of the refugee's family" (Bradley, 2010). On the other hand, Canada is a signatory of the Universal Declaration of Human Rights which states in Article 16 "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State" (UN, 1948). Canada has also ratified the UN Convention on the Rights of the Child (1989) which emphasizes that "States Parties shall ensure that a child shall not be separated from his or her parents against their will unless it is determined to be in the child's best interests by an authority subject to judicial review". Finally, Canada has adopted the International Covenant on Economic, Social and Cultural Rights (UN, 1966) as well as the

International Covenant on the Civil and Political Rights (UN, 1966) which both reiterate the principle of family unity (Bradley, 2010; UNHCR, 1951). These commitments are important indicators that the Canadian government positions itself on the international arena as upholding most international instruments outlining the importance of family unity, in line with Canada's reputation as a leader in humanitarian immigration.

In its own domestic policy, the IRPA (2001) explicitly recognizes the importance of family unity and dictates that every effort must be made to reunite refugee families in Canada. To demonstrate this, section 3(1)(d) states that one of the objectives of the Act is "to see that families are reunited in Canada" (IRPA, 2001). Section 3(2)(f) mandates the goal ‘to support the self-sufficiency and the social and economic well-being of refugees by facilitating reunification with their family members in Canada’ (IRPA, 2001). Importantly, Section 3(3)(f) prescribes that the Act "complies with international human rights instruments to which Canada is a signatory" (IRPA, 2001). Hence, Canada positions itself as a firm proponent of the value of family reunification both in its international stance as well as its domestic objectives.

In practice though, Canada has so far failed to uphold both its international and domestic family unity commitments despite vigorous advocacy by the UNHCR (Bradley, 2010; UNHCR, 2000). It has been argued that the "One-Year-Window is an arbitrary restriction" (UNHCR, 2000) and that the prohibitive definition of 'eligible family members' for family reunification which excludes parents is contrary to the Convention on the Rights of the Child (1989) and results in "the permanent separation of children from their parents" (Bradley, 2010). Furthermore, in the well-known court case of *De Guzman v. Minister of Citizenship and Immigration of Canada* (2005), the applicant challenged Section 117(9)(d) of the IRPR (2002) which denies family reunification for un-accompanying family members who were not disclosed

on the principal applicant's initial application for permanent residence. De Guzman argued that this regulation was contrary to the family reunification objectives in the IRPA (2001) as well as Canada's commitments as a signatory of the international human rights instruments stated above (Bradley, 2010; De Guzman v. Canada, 2005). The Federal Court of Appeal found that IRPR (2002) takes precedence over the IRPA objectives and Canada's international human rights obligations (De Guzman v. Canada, 2005). The Court upheld the enforcement of Section 117(9)(d) accordingly (De Guzman v. Canada, 2005). Therefore, this analysis supports the contention that the Canadian governments' commitments to international law, as well as its own domestic policy, are at odds with its regulations and application of the policy. In practice, Canada has failed to uphold family reunification as an international human right despite vigorous advocacy by the UNHCR (2000), the CCR (2004, 2006) and academics (Bradley, 2010; Jastram & Newland, 2003). Different recommendations have been made to encourage Canada to comply with its commitments and improve its regulations.

Recommendations by advocacy groups for more humane and inclusive reunification policy

The principle of family unity states that "the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened" (UNHCR, 1951). In response to the One-Year-Window regulation, in a report directed to IRCC, the UNHCR has fervently defended a fair and non-discriminatory processing of all applications under the same family reunification system regardless of the time at which they apply. The UNHCR "urges that when family members were reasonably unable to apply within the one year window, visa officers have the discretion to resettle remaining dependents (including extended or de facto dependents) as refugees" (UNHCR, 2000). More generally, the report made clear that "UNHCR believes that refugee families should be entitled to

reunite in Canada without the requirement that any remaining family be sponsored under the family class or demonstrate an independent fear of persecution" (UNHCR, 2000). In fact, the principle of family unity was expanded in 1979 to recommend that refugee status be automatically extended to the family members of refugees in order to expedite reunification (UNHCR, 1979).

While Canada is obviously aware of the position of the UNHCR, the problem lies in the fact that upholding these humanitarian principles intersects with the state's primary motive to be sovereign on decisions of selecting immigrants (Bradley, 2010). In other words, the Canadian government prefers to continue to apply regulations in the way it sees fit to meet economic immigration goals as opposed to complying with non-governmental recommendations. To this end, European countries adopted the 1950 *European Convention for the Protection of Human Rights and Fundamental Freedoms* which expressly states family unity and reunification as fundamental rights that supersede state sovereignty (Council of Europe, 1950). In response to the absence of a comparable leading principle in Canadian law, the CCR offers a solution that combines protection and family reunification with state decision-making sovereignty; it recommends that family members be brought to Canada the instant the asylum claimant is determined to be a refugee and that they all apply for permanent residency from within Canada (CCR, 2006). This would allow the family to be united in Canada pending their application result. Seeing that most un-accompanying family members do eventually acquire the right to join their family in Canada, why not at a minimum allow the family to be together in safety during processing (CCR, 2006)? While visas and permits are issued to tourists and students by the government of Canada in the span of a few weeks from their application date, the unacceptable processing delays to which refugee families are subjected are incongruent with IRCC's claim that

the One-Year-Window Provision is an expediting administrative measure. Crucially, academics solicit the Canadian government to concede that the due implementation of the right to family unity is an inseparable complementary tenant of Canada's commitment to durable solutions for refugees (Jastram & Newland, 2003). Finally, the last section of this essay outlines the negative consequences resulting from family separation and addresses the specific problem of Canada's restricted definition of the family.

The separation of refugee families has multiple harmful consequences on refugees' lives, including children. Notably, it hinders integration in Canadian society, language learning, and psychological well-being, health, school performance and the unity of the family itself (CCR, 2004; Rousseau, Mekki-Berrada & Moreau, 2001). Excessive delays in family reunification processing mean that the repercussions of prolonged separation are profound and at times irreversible (Rousseau et al., 2001). Consequences such as the death of overseas family members, recurrent persecution, serious illness and even breakage of the relationship ties (spousal or parent-child) should alert authorities that the system is destructive (CCR, 2004). Jastram and Newland (2003) write that "although the right to seek and enjoy asylum in another country is an individual human right, the individual refugee should not be seen in isolation from his or her family". The CCR echoes the statement by stressing that "as long as their loved ones remain at risk, refugees cannot fully enjoy the relative security they have found in Canada" (CCR, 2004).

The primary causes of family separation being the exclusion of certain family members from eligibility and delays from administrative complications with establishing the veracity of family relationships, the legal definition of 'family member' must be revised. These devastating outcomes could be avoided with a more flexible approach to family ties. In many countries, the

family household encompasses three generations: grand-parents, parents, and children living together in a close-knit system of inter-dependency. Thus, because the definition of family member excludes parents, it becomes impossible in practice to reunite the family household and some family members (siblings, adult/married children).

Furthermore, as the CCR explains, "in many countries, adoption is an informal matter and there is no paperwork involved" (CCR, 2004). This custom is especially intensified during war, when families may informally adopt the orphaned children of killed relatives or neighbors. If a child was adopted informally (and may know of it or not) and is unable to produce legal documentation to attest the adoption, "the requirement of biometric testing or formal proof of adoption means that the child may be separated permanently from the only family he or she knows and from the family members willing to care for the child" (CCR, 2006).

Finally, as invoked in the *De Guzman* case law mentioned above, according to section 117 (9)(d) of the IRPR, any family member who was not declared on the principal applicant's initial application for permanent residence is denied family reunification (IRPR, 2002). It applies regardless of the best interests of children affected: "there is no appeal from the denial and it applies forever, permanently punishing people for failing to declare dependents" (CCR, 2004). Failure to declare family members on the initial application can be the result of many unforeseen circumstances, such as the misreported death of the person, lack of knowledge of their whereabouts or loss of contact, an unknown pregnancy of the spouse at the time of application, or the applicant's misunderstanding of enduring disclosure obligations toward IRCC (CCR, 2006). The CCR (2006) reported a case where a refugee failed to declare that his wife was pregnant at the time of the application. The child was born two weeks before IRCC issued family members their permanent residence approvals. The family was denied from both bringing their

child to Canada as well as filing a permanent residence application for the child to join them afterwards (CCR, 2006). By permanently separating families, "this regulation punishes everyone" (CCR, 2006) and contradicts Canada's international and domestic commitments.

The UNHCR recommends a flexible definition of 'dependent' whereby a child is recognized as such by virtue of being financially, materially and emotionally dependent on their parent (UNHCR, 2000). Therefore, the distinction between a biological, adoptive or de facto child should be irrelevant as long as an authentic parent-child relationship exists. At the 2001 Annual Tripartite Consultations on Resettlement, the UNHCR, resettlement countries (including Canada) and NGO's all agreed to "flexible and expansive definitions of the family that are 'culturally sensitive and situation specific'" (Bradley, 2010; UNHCR, 2001). The same must be done for refugees who acquired status through an inland asylum claim. Change is possible; in 2010, Quebec's initiative to enlarge the 'family member' category to include brothers, sisters, and adult dependents in the aftermath of the earthquake in Haiti is proof that these objectives are achievable (Peritz, 2010). Advancing towards a flexible definition of the family works to the benefit of Canadian society, the government, as well as refugees by "enhancing integration prospects and lowering social costs in the long term" (UNHCR, 2001). In light of this, it is unacceptable that family reunification of refugees in Canada be a 'privilege' (DeShaw, 2006). Canada must do better.

Conclusion

In conclusion, this paper has argued that Canada's application of the IRPR is incompatible with the IRPA's stated objectives and Canadian international commitments to uphold family reunification. Instead of prioritizing regulations at the expense of refugee families' lives and state international obligations, Canada must find the political will to modify them in

such a way that reinforces rather than negates commitments. First, Canada would do well to implement the recommendations of the UNHCR and the CCR, that is, derive refugee status to family members and to adopt a "flexible and expansive" definition of the family (UNHCR, 2001). The exceptional circumstances of refugees demand exceptional measures. The government must exercise judgment and treat family reunification with the respect and sanctity that it deserves in line with its humanitarian orientation towards durable solutions. This means repealing timelines on applications, ensuring uniform and just processing of all applications under the same umbrella refugee reunification system, acknowledging the diversity of family definitions, and lifting all permanent bans on undisclosed members. It should be reiterated that no child should remain separated from their parents when reunification is possible. Lastly, resources must be deployed to reduce processing delays, while protecting families by permitting un-accompanying members to be processed in Canada. The Canadian government must retain humanity in political action; it must take every measure to facilitate family reunification, and by doing so it will help refugees rebuild their lives in Canada.

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