



for PUBLIC JUSTICE

**Briefing Note to
Hon. Monte Solberg, Minister of Citizenship and Immigration
Hon. James Flaherty, Minister of Finance
April 20, 2006**

Permanent residence processing fees for refugees

Recommendation:

That in the 2006 budget, the federal government completely rescind the *processing fees* charged to protected persons (refugees) who are applying for permanent residence, at the same time as the government's stated plan to reduce the *right of landing fees* for immigrants.

Summary

Refugees who are granted protected person status in Canada are required to pay \$550.00 per parent (or individual) and \$150.00 per dependent child with their application for permanent resident status. They have only 180 days within which to submit their application. The costs recovered by levying this fee hardly make a difference to the national budget. It amounts to only 0.5% of the immigration department budget. The fee however places undue and extreme hardship on protected persons who find it a huge challenge to raise this money themselves. It disregards Canada's international obligation to help refugees settle and integrate easily. The call to remove this fee has been made by a wide spectrum of persons and organizations throughout Canada over the years.

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Removing the processing fees for protected persons in the budget of 2006 would be a tangible demonstration of Canada's commitment to refugees.

Context

In 1994, the federal government introduced the \$550 *processing fee* for all immigrants and refugees. In 1995, the \$975 *Right of Landing Fee* (ROLF) was introduced for both groups as well. This was the price to be paid for obtaining the permanent resident visa or "landed" document, and to help the government to eliminate the federal deficit.

In February 2000, the federal government rescinded the ROLF for refugees (now protected persons).

In February 2006, the newly elected Conservative government promised to reduce the ROLF by half for immigrants.

The processing fee, however, continues to be charged to both immigrants and refugees. Refugees can least afford this fee.

Perspective

For a refugee family, consisting of a father, mother and three children, the processing fees add up to \$1550.00; \$550.00 each for the parents, plus 150.00 for each dependant child.

This is more than a month's wages at minimum wage, should either be fortunate enough to have any form of employment. Most times this is not the case at all. Most protected persons in Canada find it extremely difficult to find proper employment and those who do so are often engaged in precarious work. This is largely *because* of their protected person status.

Refugees are unlike any others entering the country. They do not bring any financial capital; they bring hardly anything except their trauma. After the review by the Immigration and Refugee Board and determination as protected persons, they have only 180 days to come up with the fees needed and to apply for permanent residence status. If they miss this deadline, their only recourse is to apply for a humanitarian and compassionate (H&C) review of their application, a process that could take years and whose eligibility criteria is far more stringent. Fear of missing this application deadline forces many to borrow the money from private sources, almost always not knowing when they could pay it back.

About 12,000 asylum claimants were granted protected persons status in 2005. Had all applications for permanent resident status been submitted and assuming that the principal applicants amounted to 2/3rds of this number with the rest being dependants, the total amount that would have been collected by the government is \$5.0M. This amounts to a cost recovery of only 0.5% to a department that operates on an annual budget of nearly \$1Billion.

The decision to impose a processing fee was taken by the federal government in 1994 against a backdrop of increasing government financial constraints. Canada's current federal budget surplus is in excess of \$10Billion. The department of Citizenship and Immigration made a net profit of \$140M on processing immigrants and refugees by the end of the fiscal year 2004/5. The math is clear. Eliminating the processing fees for refugees would hardly be noticed in either the department's or the federal government's budget.

And what's more; the cost to the government should the refugee miss the application deadline and be forced to apply through H&C could be even higher.

Discriminatory

Immigrants are those who choose to apply to come to Canada. Immigrants normally have financial resources at their disposal and a variety of options. Protected persons do not have such choice. They flee to Canada because they have no other options. They have no resources to draw from and almost always borrow to pay for their immigrant application process. Charging a processing fee to this impoverished community is neither ethical nor fair.

Obligations and commitments

Canada is a signatory to the UN Convention relating to the Status of Refugees. The convention is very specific in how signatory countries treat refugees who seek to make it their home. Article 34 of the convention states – "*The Contracting States shall as far as possible facilitate the*

assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings." The spirit and letter of this article was to ensure that those fleeing persecution were allowed to integrate into a host country with minimum impediments and that they would not have to face situations that would retard their integration into their adoptive society. Canada has an obligation and commitment to make the way easier for such persons.

Now is the time

Refugees are people without resources. They depend on others to help rebuild their lives. Placing financial burdens on them is hardly a way of welcoming them and making their transition into a new culture trouble free. The processing fee is hindering the integration of protected persons by casting them into a vicious trap of debt. Many who have missed the 180 day deadline due to the lack of funds have to navigate a lengthy process in order to remain in Canada.

Many agencies and groups, especially those who work directly to help refugees integrate, have advocated the abolition of processing fees for refugees. They have proffered a wealth of facts, anecdotes, research and sound reasoning that makes this an easy and non-costly policy decision to make.

We welcome the government's decision to reduce the ROLF for immigrants. That is an important step for immigrants.

At the same time, Canada should remove the burden for those who need protection and are less likely to have the financial resources of immigrants. Completely rescinding processing fees for protected persons will be a tangible demonstration of Canada's commitment of welcome and protection to these persons.

Recommendation:

That in the 2006 budget, the federal government completely rescind the *processing fees* charged to protected persons (refugees) who are applying for permanent residence, at the same time as the government's stated plan to reduce the *right of landing fee* for immigrants.

Respectfully submitted



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