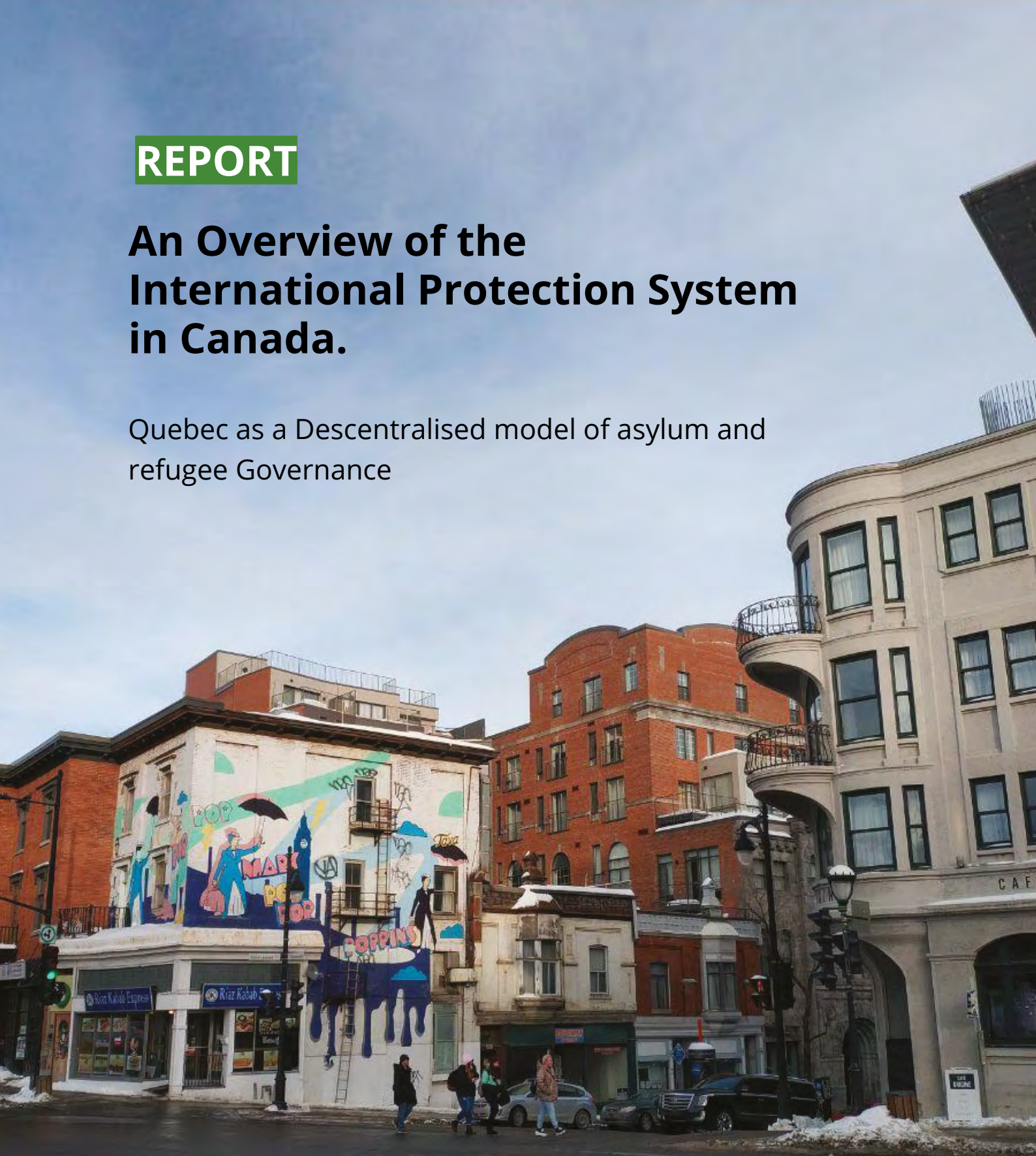
REPORT

An Overview of the International Protection System in Canada.

Quebec as a Descentralised model of asylum and refugee Governance



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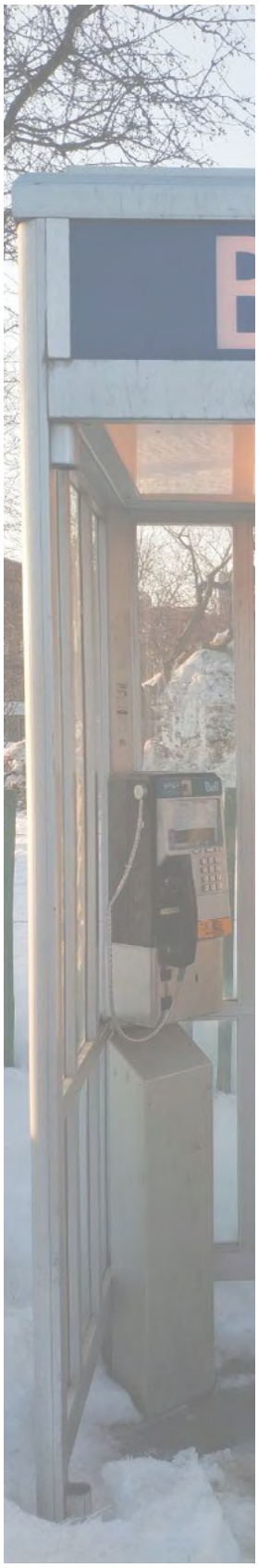

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LIST OF ACRONYMS

ARM: Actión Refugiés Montreal

CAQ: Coalition Avenir Quebec

CBSA/ASFC: Canada Border Service Agency/Agence des services frontaliers du Canada

CCAR: Catalan Commission for Refugees (*Comissió Catalana d'Ajuda al Refugiat*)

CSQ: Quebec Selection Certificate

IRB: Immigration and Refugee Board of Canada

IRCC: Immigration, Refugees and Citizenship Canada

IRPA: Immigration and Refugee Protection Act

MIFI: Ministry of Immigration, Francisation and Integration

IHC: Immigration holding centres for migrants

IOM: International Organisation for Migration

NGO: Non-Governmental Organisation

PRAIDA: Regional Program for the Settlement and Integration of Asylum Seekers

PRRA: Pre-removal Risk Assessment

UNHCR: The United Nations High Commissioner for Refugees

1. INTRODUCTION

Canada is viewed as a worldwide model in managing migration flows and diversity. In 2018, according to United Nations data, it became the foremost country in the world in resettling refugees: 28,100 people moved to Canada out of a total of 92,400. In other words, Canada settled 30.41 % of the total number of people put forward by the UNHCR to be resettled around the world.[1] Additionally, with 54,040 applications, it became the ninth country in the world in terms of asylum applications submitted. [2]

The Federal Government's strategy for managing the migration flow is the pre-selection of migrants in their country of origin, to whom regulated entry into the country is granted via different programs and categories. In the 2018-1019 plan[3], the Canadian government considered the entry of between 300,000 – 350,000 migrants to permanently settle in the country.

Regarding international protection, the resettlement of refugees through governmental as well as private programs is the main distinctive feature of this pioneer model, which year after year shows a deep commitment to international protection.

In this context, the province of Quebec which has a long tradition of managing its own immigration, has become a model for understanding the workings of a decentralised system in terms of migration management. With a demographic weight

1. UNHCR forced displacement (2018): https://www.unhcr.org/statistics/unhcrstats/5d08d7ee7/unhcr-global-trends-2018.html
2. Asylum Applications (2018): https://www.canada.ca/fr/immigration-refugies-citoyennete/services/refug ies/demandes-asile/demandes-asile-2018.html
3. Immigration, Refugees and Citizenship Canada (2017) Plan 2018–2019: https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/departmental-plan-2018-2019/departmental-plan.html

of 22.6% of Canada and a GDP of 19%[4], Quebec faces big challenges: to attract migrants who match their labour market needs, to attract French-speaking profiles and to provide French language teaching, while struggling against the ageing population and rural depopulation which the province suffers from. The Quebec government's projections for the years 2018-19 included the incorporation of between 50,000 -54,0000 migrants per year.[5] With respect to resettlements, 6,334 refugees were resettled in 2018.[6]

The Catalan Commission for Refugees (CCAR) carried out a fact-finding visit in January 2020, with the goal of finding out and understanding how the system of international protection works in Canada. Of particular interest was to find out how the Province of Quebec manages its own programs, given the powers it has in this regard. We believe that it is interesting to understand how a decentralised model works, in which the interaction between both federal and provincial institutions is key to the correct development of the system. The apparent success of this model in reference to its resettlement policy is just as or more important than the success of the management of decentralised powers, in a subject as sensitive as the management of newcomers within its territory; a challenge which is also currently shared by many European States.

4. Economic, demographic and political impact of immigration in Quebec (2019): https://www.rcinet.ca/es/2019/05/23/impactos-economico-demografico-y-politico-de-la-inmigracion-en-quebec/

5. Quebec Immigration Planning for the 2017-2019 : http://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bll.DocumentGenerique_115499&process=Default&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vIv9rjij7p3xLGTZDmLVSmJLoqe/vG7/YWzzC Com a conseqüència del canvi de govern a la tardor de 2018, es van modificar les projeccions per l'any 2019.

6. Report presented by the UNHCR as part of a consultation by the Quebec government on strategic planning 2019-2023. The figure shown is the total number of people resettled via various programs. Available at: https://www.unhcr.ca/wp-content/uploads/2019/07/Memoire-du-HCR-Commission-des-relations-avec-les-citoyens-ANQ-juillet-2019.pdf.

2. SOCIO-POLITICAL AND HISTORICAL CONTEXT

In order to gain perspective of how Canada has become a model in terms of managing migration, it is necessary briefly to go back to its origins.

The concept of Canada was born in 1867 under the political form of a confederation. It was initially called " the Dominion of Canada". This union, not always an easy one, was conceived by a pact and the voluntary interrelationships between various communities with widely differing political and cultural traditions; it was a territory with the presence of different indigenous populations and colonisers from various countries. Quebec, through all the attempts of its assimilation, survived and managed to preserve itself as a nation with an explicit recognition of its rights in terms of upholding its own language and laws.

Therefore, since its conception as a country, Canada stayed away from the traditional idea of a nation state that is dominant in Europe. It was conceived by means of a pact between various communities and nations with the main objective of strengthening its economy.

The existence of three communities with three very different political and constitutional traditions (Catholic, French-speaking Quebec; Protestant, Anglo-Saxon Canada; and the so called First Nations) conditioned the evolution of the concept of citizenship and identity. At the same time, this shaped the way they related to one another and how to make public policy at all levels, in particular in relation to the management of migration and inclusion of migrants in Canadian and Quebecois society.

Identity in Canada is largely based upon fostering a collective belonging to society versus a national identity.[7] The elements of shared identity on which this belonging is based are personal responsibility and civic participation. The aim is to build a social rather than national citizenship. It was under the presidency of Pierre Elliott Trudeau[8] that this officially became a reality on 8th October 1971 with the presentation of a program on multiculturalism within a bilingual framework. This institutionalised the idea that while there are two distinct language communities in Canada, there is also a cultural reality that goes much further and deserves institutional recognition.

Meanwhile, migratory policies began to be developed away from the racial and national restrictions that had conditioned migratory flows and a determining factor in accepting people was to fill the gaps in the internal labour market. At the same time, Quebec was the first province to have its own immigration department and had been using a constitutional prerogative for some years to attract French-speaking immigration. In 1971, the first of four immigration agreements with the Federal Government was signed, aimed at gaining powers to be able to select its own immigration. In 1976, with the enactment of the Immigration Act for the first time, refugees were distinguished as a distinct class within the category of immigrants.

Diversity management, immigration and interethnic relations were central elements of the political discourse at both levels of government and this resulted in the passing of a federal multiculturalism law in 1988. Multiculturalism was understood as a pillar in the construction of the political community, that is, as a fundamental part of the federalism that was being consolidated at that time: simultaneously as an instrument and goal of political management.

As for Quebec, in parallel with Trudeau's rise to power, the *Parti Quebecois* led by René Levesque emerged gaining strength. While Quebecois nationalism is based on the politicisation of the French fact, a civic rather than an ethnic one,[9] from the 1970s onwards, interculturalism[10] began to be promoted where elements of national belonging were prioritised with common reference to Quebecois values and identity. It had a clear goal of integration by belonging associated with the language.[11] Along these lines, the Law 101, also known as the *Charte de la Langue Francaise*[12], was established in 1977, whereby language learning would become the main way of integration and belonging in Quebec.

7. Revista Nuevos Estudios Políticos [Journal of New Political Studies] (2005). The management of cultural diversity – Multiculturalism in a multinational society. Quebec interculturalism versus Canadian multiculturalism p.89-136: https://dialnet.unirioja.es/descarga/articulo/1317841.pdf

8. Pierre Elliot Trudeau was the Prime Minister of Canada from 20th April 1968 to 4th June 1979 and again from 1st March 1980 to 30th June 1984 with the Liberal Party of Canada. He was the ideologue of multiculturalism as a political goal and instrument in the 1970s.

9. Zapata – Barrero, Ricard. (2008) La inmigración en naciones minoritarias. Flandes, Quebec i Catalunya en perspectiva [Immigration in Minority Nations: Flandes, Quebec and Catalonia] p.59. Available at: https://books.google.es/books?id=AkPsTkB2JZ0C&dq=estrategia+quebequesa+multiculturalismo&hl=es&source=gbs_navlinks_s

10. Interculturalism, like multiculturalism, seeks to recognise the difference and integration of diverse groups. As explained by Pablo González Ulloa in Multiculturalism in Canada: The redefinition of policies of inclusion and its theorists, interculturalism is strengthened by means of building mechanisms which allow full integration into society; in the case of Quebec, this is language. On the other hand, multiculturalism is defined by the recognition of the actual diversity that exists. The difference between the two can be illustrated by using a metaphor of a tree and a mosaic. While multiculturalism represents a mosaic made up of different pieces of different colours to form a whole, interculturalism represents a tree whose different roots converge to create a robust trunk. In this tree, cities and civil society play an essential role.

11. Idem.

12. In the preamble to the complete law about French. Available at: http://www.legisquebec.gouv.qc.ca/fr/showdoc/cs/C-11

Subsequently, between 1986 and 1990, with the arrival of the Liberal Party, a change in this trend began, whereby integration into the linguistic and cultural community was not decisive but rather was tied to a policy of the individual recognition of cultural minorities.[13] Another key point in Quebec's strategy to create public integration policies is the promotion of *partnership* work. This means co-management in respect to this matter by the government together with other groups in terms of strategy.[14] This means that non-governmental organisations, migrants' associations and other community actors are involved in prior consultations in the designing of processes and in the implementation of public policies to integrate refugees and asylum applicants. This system is still in place and, as we have seen on our recent visit, NGOs and government institutions have set up joint working groups and consult each other on a regular basis.

In short, this brief contextualisation of the management/constitution that is Canada today is essential to understanding the approach this country takes regarding migration. Unlike other places in the world where migratory flows are viewed with hostility, in the words of the Minister of Citizenship and Immigration, Elinor Caplan, in a speech in 2000[15], Canada considers that:

"Immigrants and refugees have built our country... Canada has benefited greatly from this global movement of people. Immigration is a source of social, economic and cultural wealth. We celebrate diversity... I want the levels of immigrants to continue increasing..."

The idea of multiculturalism gives rise to an understanding of how international protection policies are articulated in Canada. This allows us to compare the Province of Quebec and its intercultural model in order to analyse what points of difference exist in the idea and materialisation of both policies.

Since Canada signed the Geneva Convention in 1969, the Canadian Asylum System (ICAS) has evolved greatly. In 2002, the Immigration and Refugee Protection Act[16] was passed, which replaced the 1976 law and became the main legal instrument in the country's international protection framework. This was amended in 2012 by the Protecting Canada's Immigration System Act. The main goal was to speed up the processing of asylum applications, both in terms of approvals and/or refusals and in terms of managing and resolving appeals. In addition, being equipped with a control system using biometric data would allow a more careful management of people entering the territory. Ultimately, the aim of these reforms was to systematise the governance and control mechanisms in all phases of the asylum process, which had so far only partially existed.

Despite the reforms, in 2017 Canada and especially the province of Quebec faced a substantial increase in border asylum applications. This put strain on the system, which was designed to take in people arriving in the country in an orderly manner by resettlement and was not prepared to handle a substantial increase in applications in Canadian territory: from 23,870 applications in 2016 to 50,390 in 2017.[17]

This situation was a direct consequence of the restrictive migration and asylum policies in the United States of America as a result of the Trump

13. See note 10, p.62.

14. Raya Lozano, E. (2001): Las políticas de inmigración del gobierno de Quebec en el contexto de las políticas multiculturales de Canadá. [The Quebec government's immigration policies in the context of Canada's multicultural policies.] p.161-204. Available at: https://revistas.comillas.edu/index.php/revistamigraciones/article/view/4379

15. In the following link , a speech made in Parliament on 1st May 2000 by the Minister of Citizenship and Immigration, Elionor Caplan, can be found: https://openparliament.ca/debates/2000/5/1/elinor-caplan-1/

16. Complete law: https://laws.justice.gc.ca/eng/acts/i-2.5/

17. Asylum claims by year (2017): https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims/asylum-claims-2017.html

Administration. In September 2017, the Trump Administration terminated the Deferred Act for Childhood Arrival[18] (DACA) program, which at the time had prevented more than 700,000 young people from being deported, mostly of Mexican origin, and had also facilitated their obtaining of a temporary work permit. In the same vein, the program that granted temporary protection status (TPS) to Haiti and Nicaragua nationals was brought to an end, while also putting on the table the ending of temporary protection of Honduran nationals.[19] Although these measures were not implemented immediately, this created an uncertainty for those people who regularly lived under the auspices of the TPS.

The result of these trends in the neighbouring country was that in the summer of 2017, the number of irregular entries through Quebec along Roxham Road[20] increased exponentially. In 2017, the total number of border interceptions carried out by the Federal Guard across Canada was 20,593, of which 18,836 were at Roxham Road.

In other words, 91.46% of irregular entries took place in the province of Quebec. Despite the high numbers, during our visit we were able to travel to this border point and check that it is not hostile in terms of police surveillance, unlike many European borders.

Quebec's 813km border with the United States is the busiest point for asylum seekers to cross into Canada. Along the whole border, the CBSA controls access through the official border ports. The reason why people started to go through Roxham Road despite warnings is because of the existence of a legal loophole, which allows people from the United States to enter Canada through a non-official entry point; here the Safe Third Country Agreement[21] does not apply. This means that they will not be automatically returned in this

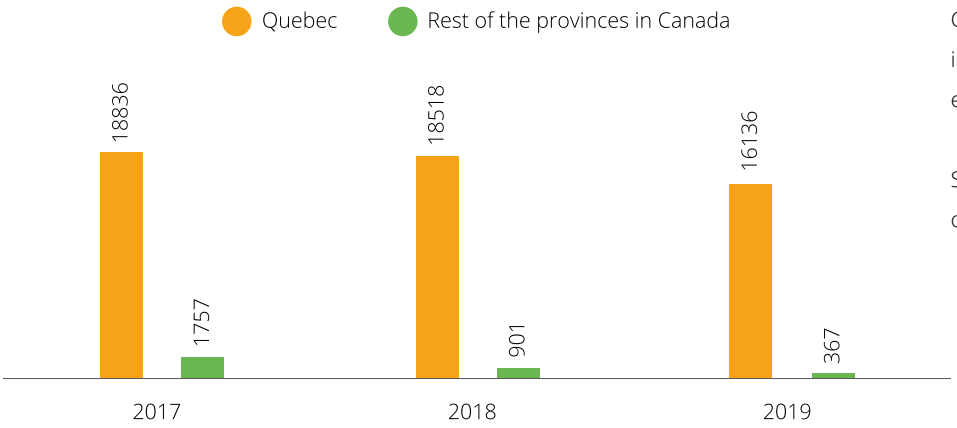
Source: CCAR, Roxham Border, February 2020.

18. Supreme Court Appears Ready to Let Trump End DACA program (2019): https://www.nytimes.com/2019/11/12/us/supreme-court-dreamers.html

19. Pew Research: Many immigrants with Temporary Protected Status fase uncertain in US (2019): https://www.pewresearch.org/fact-tank/2019/11/27/immigrants-temporary-protected-status-in-us/

20. Roxham Road has been the main irregular entry route into Canada since 2017. It is a road between the Quebec towns of Hemmingford and Saint Bernard Lacolle. Images of hundreds of people crossing daily during the summer of 2017 and 2018 caused reactions from both civil society and the Federal and Provincial governments.

21. The Safe Third Country Agreement , in force since 2002, between Canada and the United States. Designed for asylum seekers to seek protection in the first of the two countries they enter. That way, if an immigrant crosses the border into Canada through an official point of entry and has previously passed through the United States (or vice versa) he or she will not be able to apply for asylum. The treaty was designed exclusivley to handle applications at official ports of entry. It does not apply to those who enter through unregulated border points. There are certain exceptions to returns: if the asylum seeker has relatives in Canada or in a minor. Text of the agreement available at: https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement/final-text.html



Graph 1. Number of interceptions (irregular entries) at the border.

Source: Compilation based on IRCC data.

way as the law does not provide that it can be applied at unregulated points.

The trend regarding irregular arrivals has been maintained throughout 2018 and 2019. In 2018, a total of 19,419 asylum applications were made at an unofficial border point, of which 18,518 were made in the Province of Quebec.[22] In 2019, there will be a slight decrease in applications in absolute terms but not in relative terms; with 96.9% (16,136) of requests out of a total of 16,503 irregular entries, only 367 were formalised in a Canadian territory outside Quebec.

Faced with this situation of overflow, Quebec demanded financial compensation from the Federal Government in order to cover the cost of managing irregular entries into the country. The Federal Government's response has been to allocate 250 million to the Quebec government. [23]

This new reality has led to the more conservative segments of society and politics to take up xenophobic discourse. In Quebec, especially in recent years, there has been a strong populist discourse in which immigration in general is being signalled as a result of the arrivals via Roxham Road, in particular asylum seekers.

The current government, presided by Legault of the Conservative Party *Coalition Avenir Québec*, together with the Minister of Immigration, Francisation and Integration (MIFI), Simon Jolin-Barrete, promised to reduce the annual quota of the amount of admissions of migrants, alleging that they are not integrated.[24] According to a recent study, in less than two years of legislature, there has been a reduction in the quota by 25.9%,[25] which has led to the non-compliance of the commitment made in the multi-year plans: from 51,125 migrants accepted in 2018 to the admission of only 40,545 in 2019.[26] Other measures along the same lines have been the official introduction of a "democratic and Quebecois values" test in January 2020, which requires a 75% pass rate for all people who

22. Asylum claims in 2018. Inmigration and Citizenship, Government of Canada: https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims/asylum-claims-2018.html

23. Government of Canada provides $ 250 million to Quebec to help with cost associated with irregular admissions (2019) : https://www.canada.ca/en/immigration-refugees-citizenship/news/2019/08/government-of-canada-provides-250-million-to-quebec-to-help-with-costs-associated-with-irregular-migration.html

24. The National Post : Quebecs Coalition Government makes Good on promise to cut inmigration. https://nationalpost.com/news/canada/quebecs-coalition-government-makes-good-on-promise-to-cut-immigration

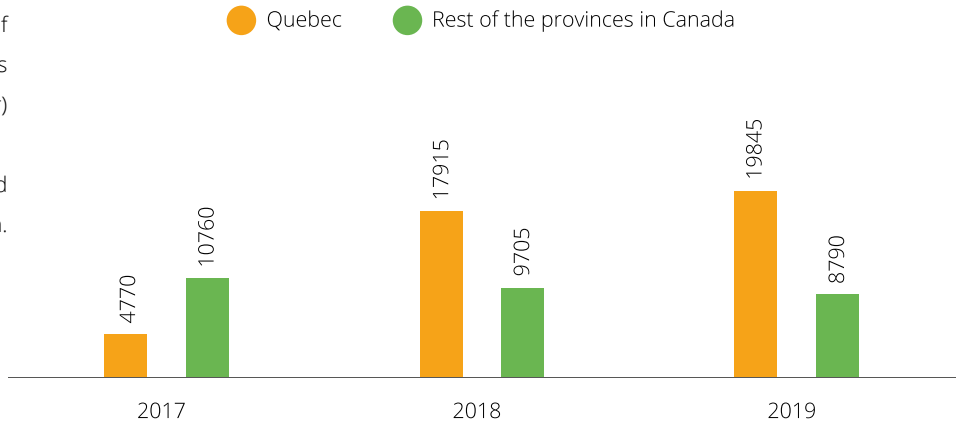
25. Montreal Gazette :CAQ kept its promise to reduce inmigration(2019). https://montrealgazette.com/news/caq-kept-its-promise-to-reduce-immigration-study

26. Canada- Admissions of resettled refugees by Province/ Territory of intended destination, Gender, Age Group and Immigration Category (2019). Database available at : https://open.canada.ca/data/en/dataset/4a1b260a-7ac4-4985-80a0-603bfe4aec11

want to live in Quebec. In addition, the Quebec Experience Program project (PEQ) has been reformulated for foreign students studying in Quebec or young workers, which makes it easier to obtain a certificate in order to open the door faster to be granted permanent residency. From now on, only careers and specialisations of interest to Quebec's domestic labour market will be eligible.

Graph 2. Total number of entries at official points (land, sea and air)

Source: Compilation based on IRCC data.



As stated above, in recent years, the Province of Quebec has become the main point of entry for asylum seekers. This has highlighted the shortcomings and defects of a system that has never encountered this volume of requests in the territory. Such an increase in the arrivals of people seeking international protection overwhelms the existing resources and, in particular, the city of Montreal suffered the consequences, to the point where stadiums were opened to accommodate people arriving from the border.[27]

On the other hand, Quebec, as can be seen in Graph 2, has also undertaken many of the applications submitted at official ports of entry since 2018: by sea, air and land. In 2018, Quebec received 64.86% of all formalised/submitted applications (27,620).[28] In 2019, it took on 19,845 out of a total of 28,635, almost 5% more than the previous year.[29]

The exponential increase in asylum applications over the last four years, especially from 2016 to 2017, has meant that their processing has not taken place within the corresponding deadlines. In 2016, out of a total of 23,870[30] asylum applications submitted, 23,350 were processed, of which 9,972 were approved (42.7%) and 4,821 rejected (20.65%).[31] That year, there were 17,537 accumulated pending applications. In 2018, the number of pending applications was already 71,675. In 2019, of the 64,045 registered applications, a total of 58,378 were processed, of which 47% were approved. Nevertheless, the pending claims reached a figure of 87,270.

This data is reflected in Graph 3, which shows the failings of a system whose resources were unable to take on this increase in applications in the Canadian territory. In consequence, the administrative court in charge of processing and examining

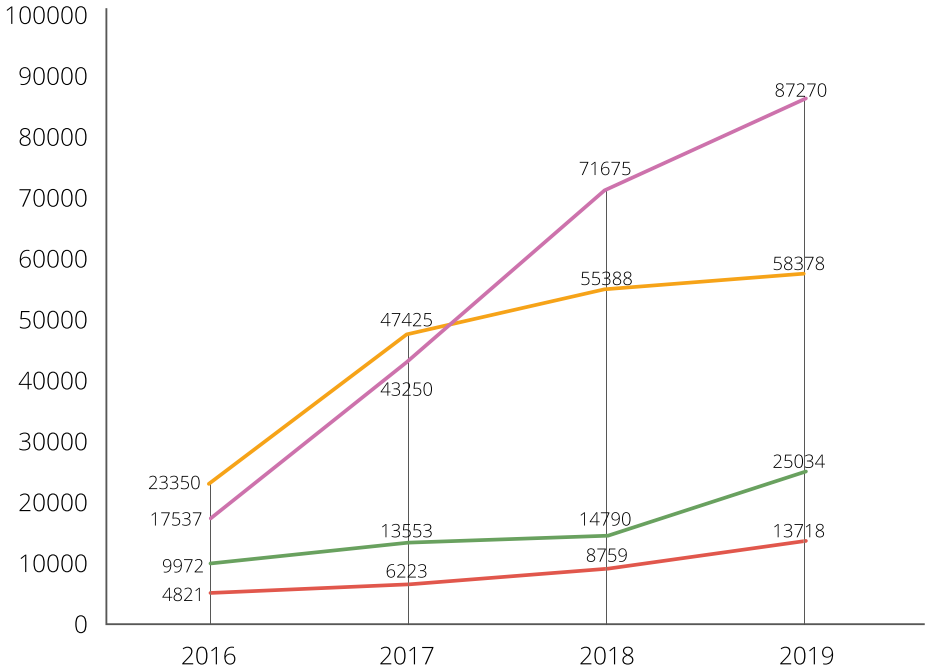
27. New York Times. Montreal Refugees Stadium housing: https://www.nytimes.com/2017/08/03/world/americas/montreal-refugees-stadium-housing.html

28. Asylum claims by year (2018). Immigration and Citizenship, Government of Canada: https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims/asylum-claims-2018.html

29. Asylum claims by year (2019). https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims/asylum-claims-2019.html

30. Asylum claims by year (2011 - 2016): https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims/processed-claims.html

31. Refugee Protection Claims (New System) by Country of Alleged Persecution (2016). https://irb-cisr.gc.ca/en/statistics/protection/Pages/RPDS-tat2016.aspx



Graph 3. Progress of the applications examined, approved, denied and pending resolution between 2016-2019.

Compilation based on IRCC data.

applications is the Immigration and Refugee Board of Canada (IRB).[32] During 2019, more human resources were provided, mainly staff recruitment, and training plans were granted in order to speed up learning and to meet the goal of reducing the volume of pending applications that had been accumulated. During the meeting held between the CCAR and the Deputy Vice President of the IRB in Montreal, he explained that one of the challenges they face, and which they had already begun to work on, was the need to train the agents involved in the asylum process in the country in human rights and specifically in international protection.

While the volume of examined applications has virtually remained the same since 2017, pending applications have continued to grow exponentially. The positive counterpoint is that in 2019 the approved applications were slightly higher than in 2018.

32. Immigration and Refugee Board of Canada (IRB) is the largest independent administrative court in Canada. It is responsible for making decisions on immigration and refugee issues. It is organised into three divisions: the Refugee Protection Division (RPD), the Immigration Division and the Immigration Appeals Division. The RPD, with whom we met in February 2020, is the section in charge of examining and issuing a decision on asylum applications made in Canada. Further information available at: www.irb-cisr.gc.ca/

Table 1. Main country of origin of asylum applicants in Canada. Comparative table from 2017-2019.

COUNTRY OF ORIGIN	TOTAL ASYLUM APPLICATIONS 2019	TOTAL ASYLUM APPLICATIONS 2018	TOTAL ASYLUM APPLICATIONS 2017	TOTAL ASYLUM APPLICATIONS 2017-19
India	6.381	4.515	1.460	12.356
Mexico	5.634	3.157	1.459	10.250
Iran	5.338	2.538	679	8.555
Nigeria	4.472	9.857	5.575	19.904
Colombia	3.197	2.582	1.321	7.100
Pakistan	2.420	2.104	1.665	6.189
China	2.010	1.942	1.199	5.151
Turkey	1.939	1.904	2.199	6.042
Haiti	1.600	1.496	8.286	11.382
DR of Congo	1.464	1.148	551	3.163

Source: Compilation based on IRCC data.

Table 1 shows the top 10 nationalities that submitted the most asylum applications in 2019 in Canada compared to the previous two years as well the total number of applications submitted during this period. In 2019, the main nationalities of asylum seekers were India and Mexico, followed by Iran, Nigeria and Colombia. In 2019, India took over from Nigeria as the largest submitter of asylum applicants in Canada due to a high rise in 2018. However, if we evaluate the total number of applications submitted in the last three years, we can see that the main nationality of asylum seekers is Nigerian (19,904 applications), followed by Indian (12,356) and Haitian (11,382). As can be seen from the diversity between the countries of origin of these top ten nationalities (three continents are included), a major challenge is posed in terms of managing diversity and inclusion. In contrast to the above data, Spain receives displaced people escaping serious humans rights violations, mainly from Latin America.

3. INTERNATIONAL PROTECTION PROGRAMS

3.1 Canadian Asylum Program – Applications within the territory

Regarding applications within the territory, even if they are made in the Province of Quebec, it is Canada that has the exclusive powers to examine them and grant or deny protection to asylum seekers.

The asylum system in Canada is based on a complex interaction between three agencies. In the first instance, there are the Canada Border Service Agency (CBSA/ASFC)[33] and the Immigration, Refugees and Citizenship Commission of Canada (IRCC)[34] agents, who are responsible for conducting the first screening.

The CBSA/ASFC is responsible for determining whether an asylum application made at an official border port has sufficient grounds to be submitted and referred to the IRB. As for the IRCC, this agency is responsible for the management of immigration and refugee matters and is explicitly responsible for determining the submission of asylum claims for all applications submitted both in its offices in Canada and its offices abroad, which it has strategically placed around the world. After this screening, they are sent to the IRB.

As mentioned above, the IRB's Refugee Protection Division (RPD) is responsible for examining all asy-

33. Further information about the Canada Border Service Agency: https://www.cbsa-asfc.gc.ca/menu-eng.html

34. Information about the IRCC: https://www.canada.ca/en/immigration-refugees-citizenship.html

lum applications on a case-by-case basis. During our visit, those of us from the CCAR were able to attend a hearing where an asylum seeker defended his case before a magistrate. **In this way, all asylum seekers in Canada must have a hearing**, which is held at the nearest IRB office depending on where they live. In the event that a person has changed region and notified the relevant section of the IRB, if they have logistical or financial difficulties in getting to the court delegation, they can conduct the hearing by videoconference. Hearings can be conducted in English or French and can last up to three or four hours. The court has an interpreting service provided for asylum seekers at their request. The defense is also present during the hearing, although it is not compulsory to attend. Another interesting point we observed is that during the asylum hearing, asylum seekers can provide new evidence to support their version of events. If considered relevant by the magistrate, it will be included and taken into account when issuing the resolution. Depending on the evidence presented, the above may cause the resolution not to be issued on the same day and for the magistrate to request an adjournment for in-depth study.

3.1.1 A brief look at policy framework

Since Canada signed the Geneva Convention, the Canadian asylum system has developed enormously. In 2020, The Immigration and Refugee Protection Act (IRPA)[35] was passed, which replaced the 1976 law and became the main legal instrument in the International Protection framework in the country. This was amended in 2012 by the Protecting Canada's Immigration System Act, which is currently still in force. The aim of this reform was to speed up the processing of asylum applications, both in terms of approvals and/or refusals and in terms of managing and resolving appeals. It also meant the introduction of biometric technology. These reforms intended to systematise governance and control mechanisms throughout the process, which had previously only existed partially. However, the current collapse of the system has meant that despite efforts to speed up administrative procedures, the resolution timeline has not decreased.

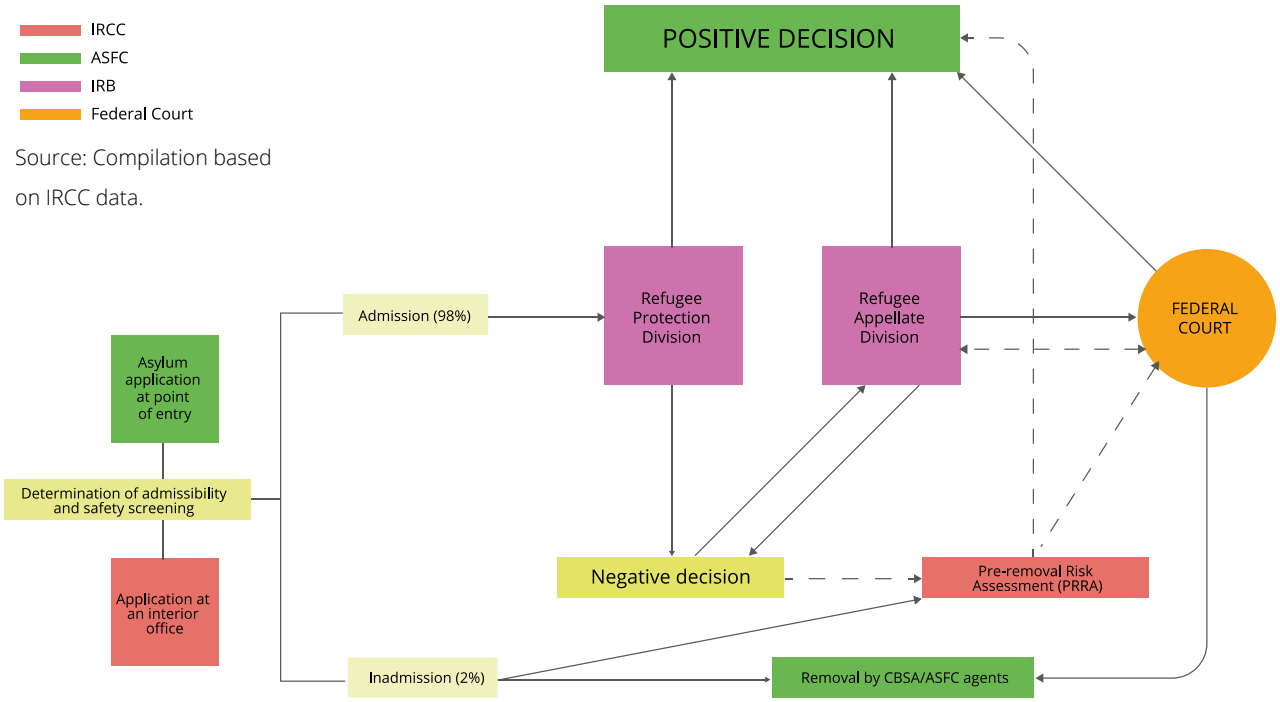
3.1.2 The asylum application process

Applications in Canadian territory can be registered at both the official access points in the country, managed by the CBSA/ASFC offices as well as the IRCC offices in the national territory. In order to determine the admissibility of applications, people must go through strict security, criminal and medical controls. A comparison is made by taking biometric data and the subsequent comparison of this with other data from other resources, such as criminal records. At the same time as the asylum application is formalised, applicants receive a conditional removal order which is enforceable if they are not admitted or their case receives a negative decision. On the other hand, if the data they provide to identify themselves shows any gaps or raises doubts, the agents will refer applicants to a section of the IRCC who, by conducting a thorough personal interview, try to clarify the information or, as is often the case, lead to the detention of applicants. [36]

In the event that an application is not accepted for processing, there is a possible last resort of the Pre-removal Risk Assessment (PRRA), which if ad-

35. Complete text at: https://laws.justice.gc.ca/eng/acts/i-2.5/

36. Analysis by the UNHCR(2014): The human and financial costs of detention asylum seekers in Canada: https://www.unhcr.ca/wp-content/uploads/2014/10/RPT-2011-12-detention_assylum_seekers-e.pdf
Also The National Post(2019): https://nationalpost.com/news/canada/five-things-to-know-about-canadian-immigration-detention-centres



Source: Compilation based on IRCC data.

mitted, temporarily suspends the removal order from Canada. Some of the reasons why an application may be inadmissible are: the application of the Safe Third Country Agreement (which does not apply to unofficial border entries), having recognised refugee status in another country, having previously applied for asylum in Canada, having a criminal record or being considered a danger to public safety in Canada.

Nonetheless, 98% of requests made in the territory are accepted[37] and referred to the IRB for examination. When an application is accepted, applicants receive a document recognising them as asylum seekers and they are summoned for a hearing with the IRB's Refugee Protection Division. In this case, those who apply at a port of entry have 15 days to submit the completed form with the basis for their application, the BOC form,[38] to the IRB. Meanwhile, those who do so in an interior office have to complete everything at the same time. Deadlines for this hearing are set at 60 days.[39] Currently, the waiting period from the time the application is referred to the IRB until the hearing is held is on average 22 months,[40] which shows the extent of the failure of the system, even when new staff is hired.

37. Information taken from the document provided by "Table de Concertation des Organismes au Service des Personnes Refugiées et Immigrantes" (TCRI). This umbrella organisation is authorised by the government both to conduct training and to manage a collective sponsorship program for refugees. Further information: http://tcri.qc.ca/tcri-qui-sommes-nous

38. Basis of Claim Form: https://irb-cisr.gc.ca/en/forms/Documents/RpdSpr0201_e.pdf

39. As of 15th June 2019, all asylum seekers have the same deadlines for complying with the procedure. Before that date, there were two categories with two different speeds depending on whether they were from a designated country or not. Information available at: https://www.canada.ca/fr/immigration-refugies-citoyennete/services/refugies/presenter-demande-asile-canada/demande/politique-pays-designes.html

40. Information here: https://irb-cisr.gc.ca/en/information-sheets/Pages/refugee-protection.aspx

When a positive decision is received, the person automatically becomes recognised as protected and, in the case of Quebec, must apply for a Quebec Selection Certificate (CSQ)[41] in order to arrange their permanent residency.

Canadian law provides for protection in two ways: refugees - according to the criteria of the Geneva Convention (The Refugees Convention) and persons in need of protection - those who do not meet the requirements to receive refugee status yet are at risk of torture, their lives are at risk or they are vulnerable to cruel and degrading treatment[42] if they return to their country of origin. The latter would be the equivalent of subsidiary protection granted by the Spanish State.

If the decision is negative, several appeals can be filed in different courts:

- In the Appellate Division of the IRB
- The Federal Court
- Request a Pre-removal Risk Assessment. The waiting time before submitting this claim is one year from the negative IRB decision.
- Apply for protection based on humanitarian and compassionate grounds.[43] This cannot be submitted until one year after the negative IRB decision nor while an asylum application has been submitted. While it grants permanent residency, it does not offer international protection.

Table 2. Approval percentages[44]

	% of approval
Refugee Protection Division IRB – First Instance	63,8
Appeal to IRB Appeals Division	28
Appeal to Federal Court 5	5
Appeal on humanitarian grounds	50
Appeal by Pre-removal Risk Assessment	2

41. In order to apply for permanent residency, those who want to live in the Province of Quebec must apply for a CSQ. This certificate will be extended to all relatives who form part of the application as long as they are mentioned in it. It will allow them to access certain services. In the event that the relatives are not in the country and do not meet the requirements to be resettled as refugees, this certificate serves to speed up family reunification.

42. Convention definitions of refugees and persons in need of protection: https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/eligibility.html

43. Humanitarian and compassionate grounds is a concept created to give a remedy to all those migrants who do not meet the requirements to apply for permanent residence. Through this channel, they can ask for their case to be reviewed on compassionate and humanitarian grounds. It is a decision at the discretion of the IRCC. There is a one-year bar on those who have been denied asylum. Further information at: https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/after-apply-next-steps/refusal-options/humanitarian-compassionate-grounds.html

44. Information provided by La Table de concertation des organismes au service des personnes réfugiées et immigrantes from the discussion held during the meeting in February 2020 in Montreal.

Source: CCAR, Montreal. February 2020.

3.1.3 Detention of asylum applicants and commitment to detention centres

One of the darker areas of the Canadian asylum system is the deprivation of freedom that many asylum seekers are subjected to when crossing the border at an unofficial border point, despite the CBSA's official position to only detain those who do not have the right to stay in Canada. According to the law, the main reasons for this are: posing a threat to Canadian citizens, having a criminal record, human rights violations, belonging to a criminal organisation etc., suspicion of not showing up for interrogation or hearings or, finally, for not being able to prove identity at the time of identification.[45] Regarding the last point, asylum seekers often lose their documents during the journey they take for various reasons, which should be taken into consideration and not be a reason for arrest. Lawyers and NGOs condemn the fact that the arrests are made before they can determine whether or not people pose a threat to Canadian society and there are no accountability mechanisms. Detainees may be detained indefinitely (there is no legal time limit) for reasons such as: not being able to prove the relationship between two people or doubts arising from the supporting documentation provided.[46] All arrests are approved by a judge.

Once a person has been detained, they can be released within the first 48 hours. Within 48 hours or without delay thereafter, the first review of the arrest is carried out. Once this period has elapsed, the detention is reviewed after 7 days. Subsequently, reviews are carried out every 30 days and so on indefinitely[47] until it is considered that there are no reasons to keep the person in detention or because a removal will be carried out.

Actión Refugiés Montreal (ARM), with whom the CCAR held a meeting during our Montreal visit, is the only organisation that has an agreement with the CBSA/ASFC, by which it can access the Laval Detention Centre (the closest centre to Montreal city) once or twice a week. They have disclosed the helpless situation many of the asylum seekers find themselves in on the inside of this detention centre. A total lack of communication along with the uncertainty of how long they could remain inside generate psychological stress. During the ARM's visits, they provide legal support regarding detention and other legal advice, information on existing outside resources and also provide inmates with prepaid phone cards in order to make it easier to communicate with the outside world.[48] During our visit, ARM professionals stated that given that many of the people are locked up because of the lack of documentation to prove their identity, they could not speak to the outside world. This made it difficult to get the evidence necessary to be able to get out.

45. Information about the reasons the CBSA/ASFC have for "Arrests, detention and removals": https://www.cbsa-asfc.gc.ca/security-securite/arr-det-eng.html

46. https://www.canadianlawyermag.com/news/general/detaining-immigrants/274454

47. UNHCR report- Global Strategy beyond detention 2014-19: https://www.unhcr.org/553f58719.pdf

48. Further information related to the detention program managed by ARM in Laval: https://actionr.org/im-a-refugeed-person/detention-program/

Between 2018 and 2019, a total of 9,861 immigrants were detained, of which 7,706 were locked up in detention centres for migrants (IHC)[49], which are where the majority of asylum seekers are held, according to the several organisations we interviewed. The rest were sent to provincial prisons because there was no space available at the IHC. With 2,263 arrests between 2018 and 2019, Quebec is the province with the second highest number of detained immigrants.[50]

According to the data provided by the CBSA/ASFC, the three main reasons for arrest are: incorrect identification (555), being considered a public threat (658) and for fear of not appearing at their admissibility hearings for not providing information or failing to comply with a possible removal order (8,148 arrests). The fact that the main reason for incarceration, according to the CBSA statistics, is the fear that a person will not turn up to the hearing proves a high degree of arbitrariness and does not guarantee the effective enjoyment of the right to asylum.

Another point to highlight is the detention of minors along with their families, most of whom are detained in the province of Quebec. The minors themselves are not detained, but alleging their best interests, they are given the possibility to remain with their parents in the detention centre. The alternative is to place them under federal guardianship.

49. Arrests, detentions, and removals. Quarterly Detention Statistics – Annual - 2018-2019 https://www.cbsa-asfc.gc.ca/security-securite/detent/qstat-2018-2019-eng.html

50. Idem.

3.2 Humanitarian Refuge and Resettlement

3.2.1 The Canada - Quebec Agreement

Under The Canada-Quebec Agreement of 1991,[51] Quebec has the power to manage its own immigration programs, with some limitations, and is committed to taking in a percentage of the total number of refugees admitted annually to Canada.

Broadly speaking, the Canada-Quebec agreement sets out the powers on a federal level and those on a provincial level in these three areas of immigration management:

1. Planning of immigration levels

The Federal Government sets the annual volume of immigration quotas that Canada will receive in all categories, always taking into account Quebec's estimates.

For its part, Quebec is committed to taking in a percentage of people proportional to its demographic weight within Canada, which could be increased by 5% if socio-economic conditions allow.

51. The Gagnon-Tremblay-McDougall Accord between Canada and Quebec signed on 5th February 1991 meant the effective decentralisation of immigration powers for Quebec. In the Canadaian Constitution, the responsibility for immigration was shared between the federal government and the provinces that make up the nation. However, it was not until the signing of this agreement that it was specifically set out as to how each administration would assume control over this matter. Despite the high level of decentralisation, it is specified that Quebec legislation in this matter must be compatible with the Federal one, which prevails over the Provincial one. Complete text of the agreement available at: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/immigration/publications-adm/accord/AC_canada_quebec_immigration_MIDI.pdf

2. Admission and selection

The Federal Government is responsible for the eligibility of migrants on the basis of criminal, security and medical criteria as well as for the administrative handling of asylum claims (their review and resolution process.)

For its part, the Province of Quebec has the ability to select all migrants who will live within its territory, except for those involving family reunification and those who apply for asylum within their territory.

3. Reception and Integration

Quebec has the capacity to manage its reception services and the integration of migrant persons with a permanent residence permit on a linguistic, social and cultural level. Accordingly, it will get financial compensation from the Federal Government.

3.2.2 Refuge and Resettlement Programs

The powers conferred on the Quebec government by this agreement have enabled it to develop and manage its own resettlement, reception and integration programs, in addition to economic ones, with characteristics and conditions different to those of the federal ones.[52]

Accordingly, Quebec can choose on the basis of its own criteria what type of people it takes in. The main requirements here are based on language, the needs of the local labour market and also age, in order to combat its ageing population.[53]

A study carried out by *l'Institut du Quebec*[54] concluded that, given the low birth rate along with the continued ageing trend of the population, only by increasing the quotas of people accepted annually could this situation be reversed and in this way, avoid the deterioration of the economy and social services.

With regard to resettlement, this includes two types of people in need of international protections: on the one hand, refugees according to the definition of the Geneva Convention, and on the other hand, people in need of protection[55] for having suffered human rights violations: torture, fear for their own lives and/or escaping war or receiving inhumane treatment. People arriving through these programs are put forward by the UNHCR or other government- authorised organisations. They must be residing outside their country of origin and demonstrate that there is no possibility of staying and living in decent conditions. Once they have been put forward, the IRCC offices around the world conduct interviews with those put forward by the UNHCR in order to see if they fit the requirements that Canada/Quebec require in terms of language, labour market needs, origin, etc. At that time, they are also given the relevant medical examinations and their eligibility is checked in terms of security and criminality. Once the interview is over and the conditions are met, the destination where the person will be sent is decided.

52. The federal resettlement programs can be read about in the report presented by the Spanish Refugee Aid Commission (CEAR) (2019): " Una mirada hacia el sistema de asilo canadiense" [A look at the Canadian asylum system]: https://www.cear.es/wp-content/uploads/2019/01/Informe-Sistema-de-Asilo-Canada.pdf

53. Information taken from the report Le bilan démographique du Québec [Demographic Assessment of Quebec]: https://www.stat.gouv.qc.ca/statistiques/population-demographie/bilan-demographique_an.html

54. Report available at: https://www.institutduquebec.ca/docs/default-source/default-document-library/201905-immigration_vf.pdf?sfvrsn=0

55. This protection is granted to people who, although not strictly in line with the defintion of the Geneva Convention, on the return to their country of origin would be at risk of torture (according to Article 1 of the Geneva Convention against torture) suffering threats to life or risk of cruel, inhuman or degrading treatment or punishment.

To carry out resettlement in Quebec, there are several sponsorship programs that can be grouped under two major headings: government sponsorship and private sponsorship.

The government-run refugee program (GAR)[56] is the only one fully funded by the government of Quebec for one year. People arriving via this sponsorship are put forward by the UNHCR and having been accepted by IRCC agents, IOM charters a flight, which is paid for by the government. The government by means of its collaborating organisations initially advises on all the administrative procedures which need to be carried out, covers hotel accommodation for a few days until they find a flat as well as handling their medical insurance. In the meantime, while they do not have a job, they receive financial help. People who arrive via this government sponsorship are those in the most vulnerable situation.[57]

As for private or collective sponsorship programs,[58] sponsorship programs from organisations and sponsorship for groups by two to five people exist, which is known as the "mentorship" program. In both cases, sponsors will need to demonstrate the ability to support one person for a year. They will also need to cover or help obtain aspects such as housing, job search, food, health insurance, and so on. In the case of Quebec, the person sponsored together with the sponsors must file a claim with the Government of Quebec stating their intention to resettle in Quebec. Once the government declares in favour of such a person being able to be sponsored, it will issue a CSQ and they will have to send this certificate along with other documents to the Federal Government.[59]

In the meeting held with the CCAR, ARM condemned this double step which has to be carried out with two administrations, greatly complicating the management of the files as any changes that occur in the circumstances of the applicant must be communicated both to the Provincial and Federal Government, which subsequently causes many delays. According to this organisation that manages its own sponsorship program, in February 2020 files were being submitted to the Quebec government to sponsor refugees, whose request had been made by the interested parties in the summer of 2015.

Sponsorship by groups of two to five people is open to permanent residents or Canadian nationals. The Quebec government requires a minimum income[60] from the group in order to authorise them to sponsor a refugee. They are usually groups of people who come together to bring a family member or acquaintance from their country of origin.

As for sponsorship by a Quebec government-authorised organisation,[61] there are different types of bodies authorised by the provincial government, usually churches, associations, NGOs, which become responsible for all the expenses that sponsored people can generate during their

56. http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/refugee-selected/index.html

57. The various organisations we met with during our trip reiterated that government sponsorship chooses the most vulnerable profiles to be resettled, while the arrival of acquaintances or relatives is sponsored through the collective or private way. Here is the position of the Canadian Council for Refugees (CCR) : https://ccrweb.ca/en/private-sponsorship-refugees

58. Information related to collective sponsorship: https://services.immigration-quebec.gouv.qc.ca/fr/immigrer-installer/immigration-humanitaire/immigration-humanitaire/parrainage-collectif.html

59. Information about how to be selected by the government of Quebec: https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/sponsored-refugee/selection.html

60. Scale of income required by Quebec can be consulted here: https://ccrweb.ca/en/psr-toolkit/application-sponsor-group-2-5-income-calculation.

61. https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/collective-sponsorship/5-steps/sponsorship-application/index.html

Table 3. Total number of refugees resettled according to year and program.

Source: Compilation based on data from IRCC.

		2017	2018	2019
QUEBEC	**Government sponsorship**	1.525	1.395	1.205
	Private sponsorship: Groups of 2-5 & organisations	4.810	4.290	3.610
Total number of people resettled		6.335	5.685	4.815

first year. Organisations can sponsor them themselves or act as a channel for individuals, who due to lack of resources or capacity, cannot. They act as an umbrella to be able to bring over family members.

There is another very interesting possibility: the program called the "One-Year Window of Opportunity" (OYW).[62] This deals with family reunification that can be requested by any resettled refugee as well as if they have obtained status within Canada and whose family have been left behind for some reason. In short, it is family sponsorship to be carried out during the first year a refugee has been resettled. In the case of Quebec, an important factor when processing an application in this program is having those who wish to be considered as dependent relatives in the CSQ.

As stated above, in Quebec, public-private interventions in areas that in Europe are considered to be strictly specific to the State or the delegation of certain services to individuals or NGOs, do not generate any debate. The mark of political liberalism is still visible: the defence of individual and economic freedoms and the maintenance of a social security system (health and unemployment income) allow the collective imagination to grasp the fact that citizens can take on something that the State has an obligation to guarantee by law.

After talking to different actors during our visit to Quebec, they have made it clear to us that private sponsorship is conceived as a complementary program to the State's efforts. It is understood as an opportunity for citizens to unite and build the community together.

However, since 2017 as shown in the table above, the Quebec government has lowered its commitment in relation to the number of resettled people. As said before, the situation experienced at the border with the increase of asylum seekers has led to the adoption of a discourse which justifies the need to reduce commitment on international protection

In 2017, Quebec resettled a total of 6,336[63] people while in 2019 there were only 4,815, of which a mere 25% were sponsored by the government.

Thus, more people are resettled via the two types of private sponsorship than through the government program implemented for this very purpose.

62. Further information on the One-Year Window program: http://www.rstp.ca/en/infosheet/one-year-window-oyw/

63. Canada - Admissions of Permanent Residents by Province/Territory of Intended Destination and Immigration Category, January 2015 - December 2019 : https://open.canada.ca/data/en/dataset/4a1b260a-7ac4-4985-80a0-603bfe4aec11

Since 2018, Legault's government has crippled private sponsorship on several occasions. In January 2020, the call to apply was reopened but only for a limited number of sponsorships (750 refugees during the year).[64]

The experts we met during our fact-finding visit and some reports[65] place special emphasis on refugees arriving by means of private sponsorship being able to get better paid jobs than those who arrive through the government program. The reasons given for this difference are that it is an essential factor to have a social network from the outset within the territory. This encourages support in the job search and the scrutiny of working conditions, while making it easier to get a job by word-of-mouth among acquaintances.

64. Collective Sponsorship: https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/collective-sponsorship/index.html

65. The long- term economic outcomes of Refugee Private Sponsorship: https://www150.statcan.gc.ca/n1/pub/11f0019m/11f0019m2019021-eng.htm

4. RECEPTION AND INCLUSION SYSTEM

The economic and social attributes of Quebec, and Canada in general, make the reception and inclusion processes relatively easier than in other regions.

A province such as Quebec has the perfect conditions to be able to take people in due to its need for more workforce,[66] its ageing population, an unemployment rate of 4.8%[67] and a proactive civil society.

In Quebec, there are three ministries with intersecting powers to manage the reception and inclusion of asylum seekers.

The Ministry of Education and Higher Education provides services either directly or through the participation of companies and entities in terms of offering French courses for young people and adults, socio-professional integration courses and other training opportunities.

The Ministry of Labour, Employment and Social Solidarity offers, in the same way as above, job guidance, training, job search assistance, wage subsidies granted to encourage hiring and gives talks on the labour market in order to help place such people.

Finally, the Ministry of Health and Social Services offers preventative health care, primary health care and social services for asylum seekers. It provides

66. El País Spanish newspaper (2018): Canadá se queda sin trabajadores [Canada runs out of workers] https://elpais.com/economia/2018/12/13/actualidad/1544714569_246587.html

67. Quebec economic data: https://www.stat.gouv.qc.ca/statistiques/economie/indicnm.htm

financial support to individuals and families seeking asylum and offers a support service to women, taking into account ethno cultural diversity.

4.1 Regional Program for the Settlement and Integration of Asylum Seekers – PRAIDA

While in Canada there is no comprehensive program to support asylum seekers in different aspects (accommodation, guidance, aid, training, etc.), Quebec does have a specific program called the Regional Program for the Settlement and Integration of Asylum Seekers (PRAIDA),[68] which depends on the Ministry of Health and Social Services. Despite the existence of this program, some of the services it provides are carried out by non-governmental organisations.

PRAIDA has had a regional mandate to meet the needs of asylum seekers since 2016. It has been developed as a front-line service that offers advice in different areas, such as legal, psychosocial and employment. In a way, it provides information and guidance on issues of basic administrative procedures to be followed having filed an asylum application and support in finding pro bono lawyers.[69]

In social respects, the organisation provides guidance and support related to settling in Quebec in terms of such important issues as education, housing and the world of work. For example, helping to find housing, enrolling children in schools, processing financial aid, referring people to community organisations specialising in housing, support in finding a job or to theatre groups. Regarding the provision of accommodation, PRAIDA collaborates with YMCA residences,[70] where asylum seekers can be referred to. Financial aid is also provided to families with dependent children and can be given in the form of train tickets or food stamps. PRAIDA also provides psychosocial services for asylum seekers in Quebec and referrals to specialised services where appropriate.

In spite of the fact that this program's name suggests it is only for asylum seekers, it also deals with those whose applications have been denied and are in the process of filing an appeal. According to an interview we held during our visit, this service has 46 social workers, eight nurses, 19 people in administrative roles, two project managers, an advisor in charge of managing agreements and one co-ordinator. Most of the staff are public workers. In 2019, it served around 30,000 people.

On 27th February 2020, launched a new program of support and integration with special emphasis on personalised support. On paper, it is a comprehensive plan that aims to provide guidance and support throughout the process to the applicant so that they feel accompanied in a more personalised way during the process of reception and inclusion, from their arrival to full self-sufficiency. It remains to be seen how it will be implemented and what its results will be, given that it has just been introduced.[71]

68. PRAIDA: https://www.ciussswestcentral.ca/about-us/media/praida/

69. In the case of Quebec, the Provincial Government offers free legal advice in order to process the application. However, organisations point out that the number of lawyers who offer this service is minimal and they are so poorly paid that it is almost impossible to get their services. https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/asylum-seeker.html

70. The YMCA is a service focused on young people where several leisure and sports activities, language learning course, among others, are held. Collaboration with PRAIDA is limited to the management of temporary reception centres, as will be seen below.

71. Accompagnement et de soutien à l'integration Program, 2019-2020. Available at: https://services.immigration-quebec.gouv.qc.ca/publications/fr/partenaires/NOR_accompagnement_soutien_integration_2019-2021.pdf

4.2 Access to social assistance

People arriving in Canada with fewer resources are guaranteed help for the first twelve months. PRAIDA has the capacity to provide these so-called "last resort" grants. They are calculated according to the social security schedules of each province to assist people without resources. These grants are awarded after PRAIDA social workers assess whether they meet the requirements or not. In order to receive it, a bank account needs to be opened. Grants range from $669 for a single person to $1,239 for a family of four.[72] In addition, pre-assessment grants are offered to cover transport costs and tickets are given to go to a food bank or charities. Solidarity companies have agreements with PRAIDA whereby they offer meals (lunch and dinner) to asylum seekers who do not have resources. These types of proposals are encouraged because people who use them feel less stigmatised and they go to places where everyone else goes.

4.3 Accommodation

As for accommodation, once asylum seekers arrive in Quebec and have no place to stay, they are referred to a YMCA residence,[73] by means of an agreement with PRAIDA, to offer emergency accommodation and PRAIDA social workers give direct support to those people. YMCA currently has two residences: *YMCA Résidence* with 638 places and La Royal Victoria with a capacity of 900. During 2017 and 2018, PRAIDA arranged and managed 4 residences in order to provide access to the large number of arrivals along the US border. The service is designed as a place of transition for newcomers who do not have financial resources. Although the stay is designed to be very short (15 days), in practice, people usually stay for an average of one month and a half to two months. Asylum seekers can stay in the residence halls until they receive their first social benefits cheque and once they have that, they must go and find an apartment to rent.

That is why the search for accommodation begins almost from the moment of arrival at the centre. With the collaboration of specialised organisations[74] that go to the residence halls for a few hours, applicants start to look exhaustively for a place to live. The difficulties of accessing housing in Montreal are increasing, which means that people in general but especially migrants are driven out to the suburbs and often live in filthy conditions, which can eventually have an impact on their health.[75]

In fact, **one of Quebec's outstanding challenges is regionalisation**. Even though Quebec's territory is virtually impenetrable, the centralisation of all services in the city make it very difficult for both refugees and asylum seekers to move to another part of the province where they would have more chance of finding accommodation. In the Province of Quebec, 80% of asylum seekers and 50% of those who have recently obtained refugee status live in Montreal.[76] This has made it increasingly difficult to access housing that is close to the services that asylum seekers need.

While they are at the residence halls, other activi-

72. This information was found in a dossier which was given to us by the TCRI during our visit to their offices in Montreal.

73. Further information about the YMCA: https://www.ymcaquebec.org/en/Community-Programs/Housing-Services

74. List of organisations that collaborate with PRAIDA and MIFI to look for accommodation for asylum seekers: https://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/asylum-seeker.html

75. https://santemontreal.qc.ca/fileadmin/fichiers/professionnels/DRSP/sujets-a-z/Inegalite_sociale_de_sante_ISS/Rap-Portrait_demandeurs_asile_Mtl.pdf

76. https://santemontreal.qc.ca/en/public/news/news/portrait-refugee-claimants-refugees-and-migrants-with-precarious-status-vulnerable-newcomers/

ties taking place are language learning workshops and information workshops on the city's resources. One of the most interesting activities is the creation of a group of women by women residents, which aims to foster a space where these women can be the focus and put an end to their isolation. In this group, various activities are carried out based on the needs expressed.

These activities are very similar to those set up in reception facilities for people seeking international protection in Spain.

4.4 Access to work permits

Access to the labour market is one of the most important aspects in terms of indicating integration within host societies. The challenges facing refugees and asylum seekers are many: a lack of experience in the Canadian labour market, language barriers, difficulty in recognising their qualifications and the lack of a social network that would make it easier to find work contacts. For this reason, the government of Quebec offers the possibility of employment advice for asylum seekers in local offices.[77]

One of the most interesting aspects of the Canadian asylum system is that **resettled refugees can start working immediately upon arrival in the country**. Asylum seekers, once the application has been formalised, can apply for a work permit.

In 2017, the Federal Government received 18,109 job applications from people coming from Quebec. The waiting period for the permits was three months but the Federal Government set up a unit dedicated exclusively to managing work permits so that the time was reduced to a maximum of 22 days.[78]

Obtaining a work permit almost immediately allows for minimal dependence on State help and encourages self-sufficiency from the outset. In 2019, the Integrated Health and Social Services University Network (CIUSSS) published a study that portrayed the reality of asylum seekers, refugees and "immigrants with a precarious status".[79] It reveals the difference in employment rates between refugees (recognised in Canada or resettled between public and private sponsorship) and Montreal citizens. While the former have an employment rate of 50%, the latter have one of 73%.

4.5 Access to health care

Difficulties in accessing healthcare is **a major challenge for Quebec and Canada in general**.

Those who arrive as asylum seekers have access to a public program that gives them federal health coverage (PFSI),[80] which is designed to provide basic medical coverage for a limited period of time until asylum applicants and some resettled (privately) people get access to the same provincial coverage as the rest of permanent residents in the Province where they settle. In order to access provincial coverage in Quebec (RAMQ), which is more comprehensive than Federal coverage, there is a grace period of about 3 months.

77. Information about the services offered at the offices: https://www.mess.gouv.qc.ca/services-en-ligne/centres-locaux-emploi/localisateur/

78. https://ici.radio-canada.ca/nouvelle/1099634/verif-demandeurs-asile-permis-travail-migrants-reduction-delais-attente

79. Immigrants with a precarious status are understood by the public administration in Quebec and social organisations to be those migrants who have been left without documentation and remain with an irregular status in the province.

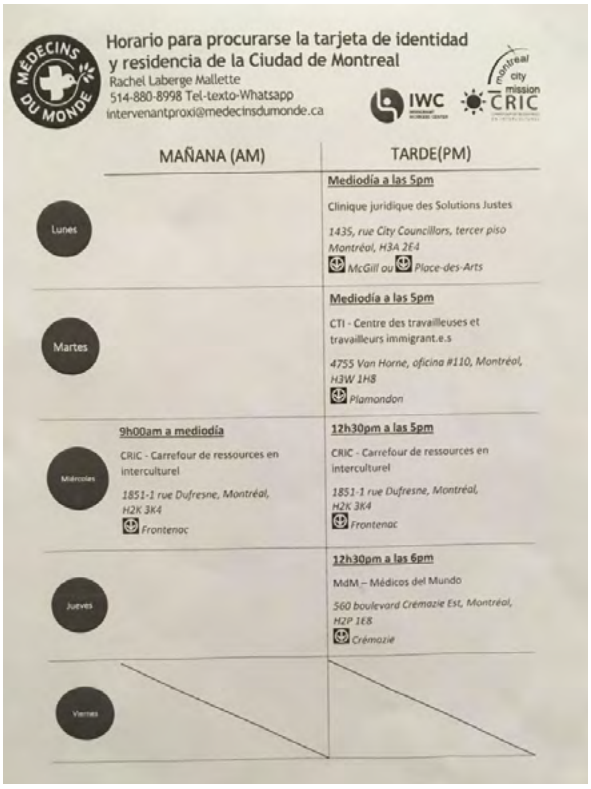
80. Further information about the Federal health coverage PFSI: https://www.cic.gc.ca/francais/centre-aide/reponse.asp?qnum=1272&top=33

There are several medical centres attached to this program that applicants can go to for free and then the Federal Government, through a private company *Medavie Blue Cross*,[81] reimburses the costs to the clinics.

The real situation, according to our meeting with *Médecins du Monde Canadà*, is that the service offered by this coverage is highly precarious. Even though there are clinics and staff assigned by the agreement, the reality is that asylum seekers have access to very few resources and centres. The main reason is that many clinics want to be paid upfront or save on the government reimbursement paperwork and have stopped attending them. The consequences for asylum seekers are serious as they are forced to go to certain clinics that do not provide all services and in the face of serious illness, they are left without any health care.

To address this shortcoming, the organisation *Médecins du Monde* has a centre where they care for all types of people in a vulnerable situation. They have started a mobile clinic project in Montreal in order to approach those who do not have a home and are on the street as well as those whose applications have been denied and do not have any health care coverage. Accordingly, they have a collaboration agreement with the Office of Integration for Newcomers of Montreal (BINAM) in which the aforementioned are provided with an identity card and residence in Montreal and allows those who have migrated to Montreal access to all services that the neighbourhoods offer for free. Although the Montreal City Council has very few powers in this area, this initiative allows asylum seekers as well as those who do not have any status, i.e. people in an irregular administrative situation, to access certain services such as public libraries, civic centre activities as well as emergency medical care provided by *Médicins du Monde.*

Information sheet with timetable for applying for a Montreal ID card and residence.



Source: CCAR, February 2020, Montreal

4.6 Access to education and language learning

In Quebec, education is free for refugees, those recognised under international protection, asylum seekers and those whose application has been denied.

Regarding primary and secondary education, the law requires attendance from the age of six to sixteen. In order to be able to enroll a child in a school, parents must apply for admission to the school board in their district. If they are private schools, they regulate the registration procedures themselves.[82]

81. Further information about the Federal health coverage PFSI: https://www.cic.gc.ca/francais/centre-aide/reponse.asp?qnum=1272&top=33.

82. Access by immigrants and refugees to social measures in Quebec. A Guide for Community Stakeholders (2017). Available at: http://www.servicesjuridiques.org/wp-content/uploads/Guide.2017.FR_.Web_.pdf

However, in order to pursue post-secondary education, they need to obtain a Certificate of Acceptance from Quebec.

Under the *Charte de la langue francaise*, classes will be held in French at all stages of education, with a few exceptions.

For this reason, with respect to language learning, the Quebec government via MIFI promotes a policy to encourage French as a language for almost all categories of migrants from July 2019.[83] Prior to that, depending on the category, the person had access to some courses or others. Language studies can be carried out either in the Canadian territory by means of free courses or with the possibility of being funded or by agreements that the Ministry has with language schools abroad, to promote migrants to already come with a certain level of the language.

Legally recognised refugees can take both full-time intensive courses and part-time courses, while asylum seekers can only take part-time courses.

An important point to keep in mind is that applicants are not covered by childcare services, unlike other categories of migrants, and as a result, migrant women bear the weight of such tasks and have difficulty attending class. In other words, there is gender discrimination, something which is condemned by NGOs.

83. For further information about Francisation policies, consult https://www.immigration-quebec.gouv.qc.ca/fr/langue-francaise/index.html

5. CONCLUSIONS

In accordance with the above report based on our visit to study the Quebec model of decentralised powers in the matter of asylum and refuge, the following conclusions can be drawn, both in terms of good practices and main challenges which need addressing:

The increase in irregular arrivals at unofficial borders has led to the collapse of the asylum system in Canada, in particular in Quebec. The migratory pressure received at Roxham Road since 2017 has caused tension with the Federal Government, linked to the demand for more money and the lowering of resettlement quotas.

The current flaws in the timelines of resolutions and the accumulation of pending applications show that the asylum system within the territory was not prepared to receive so many border claims.

Faced with the increase in pending applications and the extension of waiting periods, the government has tried to react by hiring more staff for the RPD with the aim of relieving the piling up of applications. In addition, new divisions were created in order to speed up procedures. This is the case of the halted applications for work permits, whereby a division was created merely to be responsible for its management

The transparency of the institutions in providing information at all stages of the asylum application process and waiting periods is also remarkable.

Resettlement programs as instruments of international protection are the most interesting point to consider and replicate when looking for legal and safe channels which do not put people's lives at risk.

Collective sponsorship is understood to be complementary to government sponsorship of refugees and an added value, which defines the collective identity of citizens in Quebec. Nonetheless, in fact, more people come by means of private sponsorship programs. However, the slow pace of the process is frustrating and the financial demands on people without resources means that they cannot sponsor their relatives. Administrative arrangement on both levels government (federal and provincial) do not allow for streamlining the procedures.

The fabric of organised society is a great resource as it facilitates access to most resources via services provided by entities and associations.

While there have been improvements in recent years, two of the most important challenges are detention sine die to which some asylum seekers are arbitrarily subjected to and the shortcomings of the health care system, which is extremely flawed in providing services to asylum seekers.

If we take the economic aspect into account, the model for welcoming asylum seekers and refugees in Quebec is one based on total employment, with an unemployment rate of only 4.8%. The possibility of getting a work permit almost automatically allows for complete self-sufficiency of the person in a short time, given the high demand for work in the province.

6. RECOMMENDATIONS FOR PUBLIC AUTHORITIES

In line with the previous conclusions made regarding the asylum and refuge system in Quebec, the following recommendations for good practices are put forward to the public authorities of the Spanish State and its various territorial levels with powers regarding this matter:

- Adopt a State Resettlement Plan, in prior agreement with the Autonomous Communities, which creates a response to commitment in the matter of international protection and respect for human rights. Additionally, to encourage the arrival of refugees via safe channels, such as resettlement.

- Encourage legal and safe routes; enable the possibility of applying for asylum in embassies and consulates abroad as well as effectively considering the issuing of humanitarian visas.

- Research the feasibility of collective resettlement channels, where committed citizens are co-responsible for the reception and inclusion of a person as in Canada's model of collective sponsorship, especially when it comes to family members. This should always be understood to be complementary to government resettlement in order to avoid creating a two-speed system of protection.

- Modify legislation making it possible to obtain a work permit during the first month of stay in the country, which allows for more self-sufficiency and less dependence on social assistance.

- Establish appropriate standards for providing information on the status of an application. Create Divisions that resolve doubts about the process and the resolution of files to promote transparency throughout the process for asylum seekers.

- Encourage regular training programs on human rights for all public agents involved, both inside the country and at the borders.

- Design and execute a Comprehensive Catalan Program for the inclusion of asylum seekers from Catalonia complementary to the State Program, to respond to those cases left out of protection. This should be drawn up together with the municipalities and various entities specialised in the matter. This program should take into account the socio-economic factors of the environment as well as place special emphasis on considering the individual needs of people, by means of individual work plans for each person from the beginning to their total self-sufficiency. By comprehensive, we mean that areas such as socio-education, employment, training, language learning and the environment should be addressed. Undeniably, there must be accountability mechanisms. Good municipal practices are currently being carried out in Sabadell, Sant Boi and Barcelona (*Nausica* Program), which could be a good starting point for developing this program.

- Strengthen regular dialogue between public institutions and leading non-governmental organisations in the field of migration and migrant organisations when seeking joint solutions to the challenges posed by the forced displacement we experience. Not only from a consultative point of view but also from joint work and execution between institutions and the third sector.

- Establish agreements within the framework of a Comprehensive Catalan Program for inclusion with different entities throughout the territory to provide support and advice services for asylum seekers and refugees.

- At the municipal level, extend the proposal for identity and residence cards, such as the neighbourhood card in the case of Barcelona, and allow most municipal services and benefits to be accessed through it.

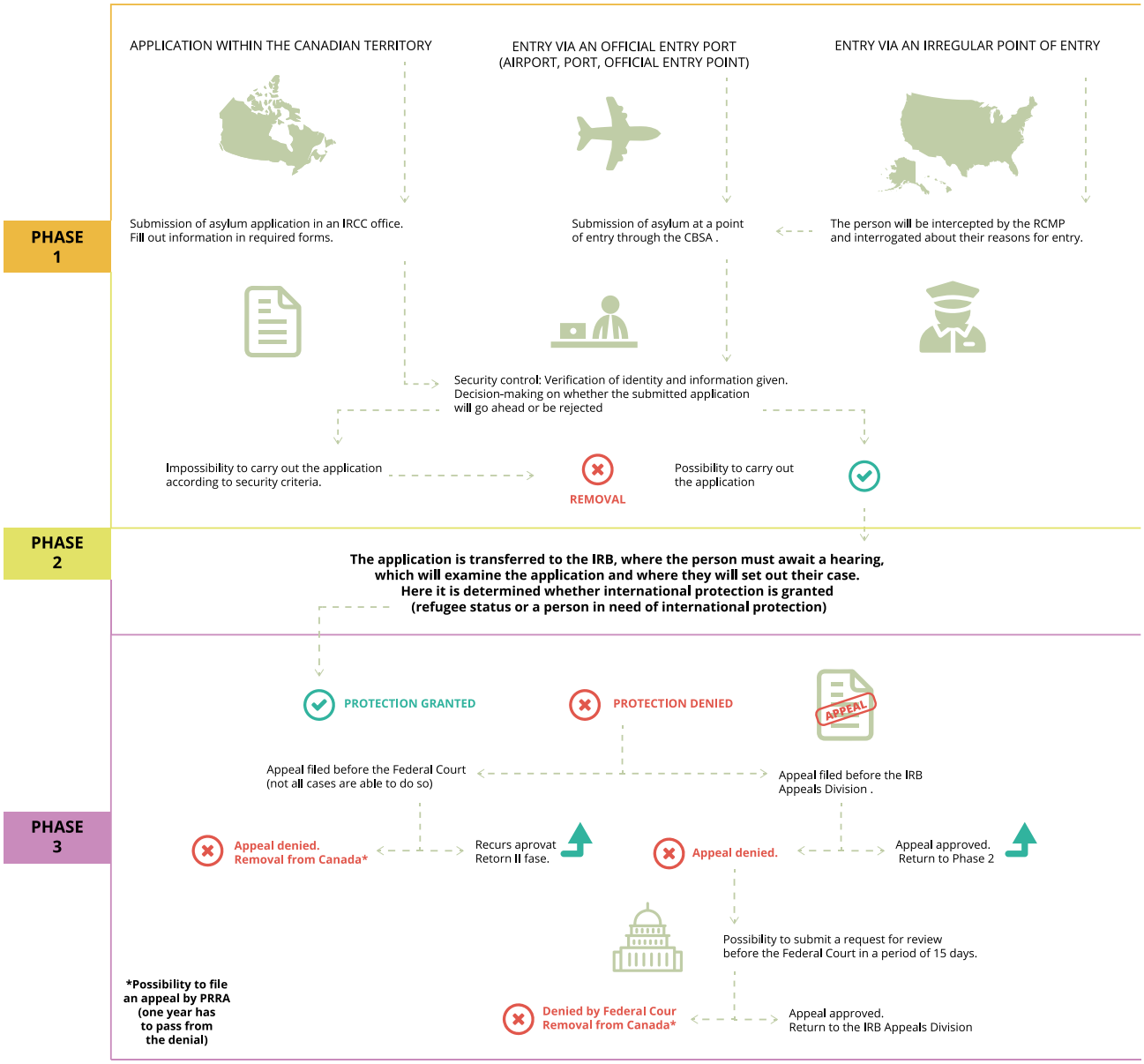
7. ANNEX I

Table 4. Access to services according to administrative situation in Quebec.

	REFUGEE	ASYLUM SEEKER	PRRA APPLICANTS
Administrative situation	Permanent residence	Temporary residence conditional on the resolution of the asylum application	Temporary residence conditional on the resolution of the PRRA
Access to health care	RAMQ (Coverage in Quebec)	PFSI (Federal Coverage)	PFSI (Federal Coverage)
Access to work permit	**Automatic work permit** on arrival in Canada	**Need to apply** for a work and study permit **(free)**	**Need to apply** for work and study permit **(paying)**
Access to social benefits and legal advice	• Access to social benefits: If resettled **via government sponsorship**: immediate If resettled **via private sponsorship**: can be obtained after the first year • Legal advice.	• Access to social benefits. • Legal advice.	• Possibility of access to social benefits under discretionary criteria. • Extremely limited legal advice.
Financial aid for families	Access to family subsidies	**No** access to family subsidies	**No** access to family subsidies
Access to kindergarten	Access to subsidised daycare centres	**No** access to subsidised daycare	**No** access to subsidised daycare

8. ANNEX II

Diagram of the asylum application process



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Note: Canada periodically updates the official numbers of asylum applications on the IRCC website, which means that for some periods of time, the totals do not match those shown in the IRB database, which are updated less frequently. Having consulted the ministerial team in charge of statistical data by email, we have used the IRCC totals in the report. The figures given are also subject to small changes depending on the updates made by the IRCC.

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