



REFUGEE CLAIMANTS IN ALBERTA

POLICY RECOMMENDATIONS FOR THE MINISTRY OF JUSTICE

2019 FEBRUARY

BACKGROUND

The province of Alberta has seen a sharp increase in the number of individuals seeking asylum over the past few years. Between 2011 and 2015, there was an average of 725 refugee claimants arriving annually in Alberta. In 2016 the number jumped to 1205 and continued to rise to 1730 claims in 2017. 2018 saw an unprecedented number of claims with 1760 individuals seeking asylum in the province ([Government of Canada](#)). While these figures demonstrate a significant increase in refugee claimants, they fail to comprehensively capture the complexities of migration within Alberta and Canada at large, as many Service Provider Organizations (SPOs) in the province have reported receiving an influx of secondary migrants from other provinces who are also refugee claimants. Anecdotally, these trends are consistent with the experiences of SPOs in Alberta, as reported in *[Refugee Claimants: Alberta at a Glance](#)*.

Once individuals file a claim, they must wait for a hearing with the Immigration and Refugee Board (IRB) to determine whether they are eligible for official refugee status. IRB policy postulates that an asylum hearing should typically take place within 60 days. However, with 65 000 pending claims, in conjunction with a lack of financial resources, the current average wait time for an IRB hearing is 21 months, but many cases have extended across several years ([The Canadian Press](#)). While the IRB has recently implemented a fast-track processing pathway to alleviate some pressure ([Global News](#)), an immense amount of claims remain pending ([Immigration and Refugee Board of Canada](#)). Moreover, while a claim is being processed, refugee claimants have limited access to services such as education, social assistance, emergency housing, health, and legal aid. This interim period leaves refugee claimants in an especially vulnerable position that is exacerbated by the current lack of systemic support available during this time. Furthermore, while 70% of refugee claimants will eventually become permanent residents ([CBC](#)), the lack of initial support for this population concurrently impedes long-term settlement and integration outcomes while imparting irrevocable trauma and hardship.



Immigration, Refugees and Citizenship Canada (IRCC) acts as the primary funder for the settlement and integration sector in Alberta, however, refugee claimants are ineligible to receive IRCC-funded services. Despite funding restrictions, 46% of SPOs across the province continue to serve refugee claimants according to the 2018 *Alberta Settlement and Integration Sector Survey*. Up until December 2018, Alberta Labour provided limited funding for refugee claimants to seven organizations across six municipalities (Government of Alberta). This funding was available through Alberta Labour's 2017-18 Community Integration stream to provide services to refugee claimants and other IRCC ineligible clients, such as naturalized citizens. However, this Alberta Labour funding has reached completion, creating an especially vulnerable situation for refugee claimants across the province.

Ultimately, the persistent lack of funding and supports for refugee claimants violates basic human rights and hinders integration into broader Canadian society, while also straining the capacity of service providers. These current policies are antithetical to Canadian multiculturalism and serve to systemically disadvantage refugee claimants vis-à-vis other newcomers to Canada. Furthermore, it is in the interest of the Albertan economy, and broader society, to seek to amend these policies to achieve a more equitable and mutually beneficial settlement and integration pathway for refugee claimants.

POLICY RECOMMENDATIONS FOR THE MINISTRY OF JUSTICE

1) To increase the staff capacity of Legal Aid Alberta to better align with the growing population of refugee claimants in Alberta

Currently, Legal Aid Alberta only has two lawyers in charge of immigration matters. As refugee claimants generally lack the funds for personal legal services, they rely heavily on Legal Aid Alberta for guidance. This guidance is generally needed in four areas:

- Processing claims
- Applying for work permits
- Claims appeal support
- Employment related abuses

As the number of refugee claimants in the province has increased three fold in the province over the last eight years, Legal Aid Alberta currently lacks the capacity to meet these needs



2) Improve information on and accessibility to Legal Aid for refugee claimants and the organizations that serve this population

Knowledge mobilization has the ability to affect refugee claimants in two meaningful ways. Firstly, improved information to Legal Aid providers in terms of service eligibility criteria will improve refugee claimants' access to necessary services. Currently, many service providers are reporting that refugee claimants are being turned away from Legal Aid services due to ineligibility.

Secondly, improved knowledge mobilization within the settlement and integration sector, in terms of resources and access will improve the ability of those vulnerable populations in accessing the services they need. In this regard, AAISA can play a role in disseminating information through its network of settlement agency members.

CONCLUSION

As a diverse, cosmopolitan, and progressive province, it is imperative that the Ministry of Justice undertake immediate steps to implement these recommendations as a conduit to creating a more inclusive, welcoming, and prosperous province. Moreover, the aforementioned recommendations will act to realize the objectives outlined under *Alberta's Settlement and Integration Program: Guidelines for 2018-19 and beyond* (Government of Alberta) by acting to better address "major barriers ... that will have the most impact on Alberta's settlement system" and to "fund services that do not duplicate existing resources provided by federal or other provincial programming" (Government of Alberta). Through these first steps, not only will refugee claimants benefit, Alberta's social and economic fabric will be strengthened.