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HALIFAX

More than 18 months after 174 East Indians, mainly Sikhs, appeared in the early-morning fog in a Nova Scotia fishing village, the controversial would-be refugees are still waiting to find out whether they can stay in Canada.

Ironically, their chances of becoming Canadian citizens will be determined by a new screening process provoked, in part, by their attempt to enter Canada with no identification and circumvent normal immigration procedures.

They arrived in the tiny fishing village of Charlesville on a foggy July morning in 1987 after spending 20 days in squalid conditions travelling from Europe on the freighter *Amelie*.

Some of them spent nearly a month in a makeshift detention centre on a Canadian Forces base in Halifax as officials from the Department of Employment and Immigration tried to figure out what to do with them.

Politicians such as Halifax Mayor Ronald Wallace and Nova Scotia Premier John Buchanan echoed a widespread public feeling and called for them to be sent back to their native India. The House of Commons held an emergency session to deal with immigration legislation.

Many Nova Scotians, however, did open their hearts. The 200 people of Charlesville gave them food, and a refugee-assistance group in Halifax offered legal advice and publicly condemned politicians for prejudging the case.

By mid-August, all the would-be refugees had left Halifax, sponsored by groups and individuals in Vancouver and Toronto.

The people, who say they suffer persecution in India, have made formal requests to the federal Department of Employment and Immigration to be considered refugees. They are part of a group of 85,000 would-be immigrants waiting for their cases to be handled.

The legislation the politicians were in such a hurry to deal with in August, 1987, became law on Jan. 1.

The new regulations make it more difficult for a boatload of refugees to enter Canada as the East Indians did, and as 155 Tamils from Sri Lanka did a year earlier. A decision on whether future claimants can apply for landed-immigrant status as refugees can be rendered in as little as three days from their arrival. If a would-be refugee is rejected because the claim of persecution in his home country is not credible or because he already has immigrant status elsewhere, the tribunal, made up of an Immigration Department adjudicator and a member of the Immigration and Refugee Board, can order the person out of Canada within 72 hours.

## THE NEW



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The would-be refugee can also be detained because of a lack of identification or a refusal to co-operate with immigration officials. The East Indians had destroyed all their identification before jumping off the freighter.

If a claim is accepted, then the case will be heard by two members of the refugee board.

Under the old system, all a would-be refugee had to do to stay in Canada, at least temporarily, was to request status as a refugee, triggering a process of hearings and appeals that could take several years.

"The Sikhs obviously would not have the opportunity to travel to British Columbia or Toronto now," Halifax immigration lawyer Davies Bagambiire said in an interview.

He said there is a concern that would-be refugees will not have access to a full board hearing and can be sent back to the country they left on the basis of a preliminary appraisal before the merits of the case have been heard.

Nine of the Sikhs were held in Halifax for several weeks while rumors that they had been involved in criminal activity were investigated. The rumors were ultimately found to be false.

William Marks, director of immigration in Halifax, said the new system allows for a fair hearing before two independent individuals.

He said the long delays in dealing with the Sikhs showed that the old immigration legislation was too cumbersome and time-consuming.

"People who were real, true refugees weren't able to get here as quickly as people who just jumped on a boat or a plane," he said.

The East Coast of Canada gained the reputation of being a haven for refugees after the landing of the Sikhs and that of the Tamils off the coast of Newfoundland in 1986. But Mr. Marks said the backlog of refugee claims in Halifax is only 110 of the the 85,000 claimants across the country. He said most of the Halifax cases are stowaways or people fleeing ships in the harbor.

He added that the new legislation calls for much stiffer penalties for those who illegally bring immigrants to Canada. The *Amelie's* captain, Rolf Nygren, was fined \$5,000 and sentenced to a year in jail. Under the new legislation, the maximum penalty is a \$500,000 fine and 10 years in jail.

While remembering the hassles with the media, the medical problems of some of the East Indians and the slow process of dealing with their claims, Mr. Marks still marvels at what they endured to get here.

"I find it shocking that people would go to that extreme to come to Canada," he said. "To put themselves in the hold of a boat for 20 days in deplorable conditions... what must drive people to seek haven in Canada that they will risk their lives to get here?"

One of a series