"HONK IF YOU HATE GYPSIES"[1] AND BOGUS REFUGEES: THE UNWELCOME HISTORY OF ROMA REFUGEES FROM EUROPE WHO SOUGHT ASYLUM IN CANADA BETWEEN 1990 AND 2013

GINA CSANYI-ROBAH

"The blatant and pervasive injustices stemming from the top echelon of Canada's government toward the European Roma refugees was counterbalanced by an equally huge dose of Canadian love that manifested in countless ways. It was this support that ultimately sustained my struggle to help thousands of people from my community.[2]" –Gina Csanyi-Robah

Gina Csanyi-Robah is the Executive Director of the Canadian Romani Alliance and teacher for the Vancouver School Board. A Canadian born granddaughter of Roma refugees from Hungary who fled during the 1956 Hungarian Revolution, she began her work as an educator and a Romani rights activist 20 years ago. In 2012, Gina was the Executive Director of the Roma Community Centre in Toronto when she testified in Ottawa to both a Canadian Parliamentary Committee and the Canadian Senate Committee Social Affairs, Science, and Technology regarding the systemic discrimination experienced by Roma Refugee Claimants in Canada, as well as the prejudicial reforms to national immigration policy that directly impacted Roma refugees from Europe.

Her dedicated work on behalf of her community earned her the Queen Elizabeth Diamond Jubilee Medal in 2012, as well as the Canadian Association of Refugee Lawyers 2012 Advocacy Award. Also, in 2012, she designed a public education program called "Hate Can Kill" which earned an award nomination from the Canadian Race Relations Foundation. In 2013, Gina was invited to join the Canadian delegation to the International Holocaust Remembrance Alliance to serve on the Committee of the Roma Genocide. The following year, Gina was invited by the Office of the Human Rights Commissioner to speak at the United Nations in Geneva, Switzerland on April 8, 2014, in honour of the UN's first International Roma Day commemoration. In August 2020, after many years of advocacy and public education by the Canadian Romani community, the Government of Canada officially recognized the Roma Genocide during the Holocaust of WWII. Gina has been a contributor to anthologies, books, and articles.

It has been a long, hard, challenging road for the Romani diaspora originating in Northwestern India beginning in the 11th century. Those roads, often a result of forced migration, brought us Roma people through the Silk Road through Persia, the Middle East and North Africa before entering Europe through either Turkey or Spain in the 14th century. We are currently the largest minority on the European continent with approximately 12 million people.[3] Our history in Europe includes many atrocities including centuries of enslavement and genocide, most recently during the Holocaust when at least a million Roma perished.

Despite widespread documentation of serious human rights abuses, the Roma people from Europe who sought asylum in Canada between the years 1990 – 2013, experienced tremendous hardship resulting from racism and discrimination by individuals, socially, and the Canadian institutions. Thankfully, there is now general knowledge about the endemic discrimination experienced by Roma people in Europe, as reflected in the 2021 high acceptance rates for Roma refugee claimants at the Canadian Immigration and Refugee Board (Czech Republic 75%; Hungary 91%; Romania 72%; and Slovakia 100%)[4] at the Immigration Refugee Board of Canada.

Fortunately, it is quite clear that Canadian immigration officials are aware and willing to acknowledge the endemic discrimination toward the Roma minority in Europe, including in Hungary. Recent NGO reports from Europe have continued to document the prevalence of systemic discrimination. According to a 2021 report, Roma in Hungary: The Challenges of Discrimination, "research in recent years has shown that Roma in Hungary suffer substantial disadvantages in all areas of their daily life".[5]

> **"It has been a long, hard, challenging road for the Romani diaspora originating in Northwestern India beginning in the 11th century."**

THE HISTORICAL IMPACT OF CANADIAN IMMIGRATION POLICIES ON THE ROMA REFUGEE CLAIMANTS

CANADIAN POLITICIAN INCITES ANTI-ROMA RACISM

The Canadian federal government has had a long history of institutionalized discrimination against the Roma community. Shortly after the fall of the Iron Curtain in 1989, which signaled the end of Soviet occupation in Hungary and much of Central Europe, Hungarian Romani refugee claimants in the post-Soviet period arrived in Canada, with approximately 9,500 refugee claims made between 1998 and 2002. At first, recognition rates in these cases were very high: around 70% of the approximately 200 Hungarian refugee claims.[6]

In 1992, there was an appalling article in the Toronto Star which shared a very negative perception of the 'Gypsies' coming from Europe.

A Toronto area politician, Gordon Chong, had been quoted in the tabloid Toronto Sun as stating that when he was growing up in Toronto he saw "Gypsies running brothels, where the men would stand outside calling in men to have sex with their wives and daughters." Ronald Lee, co-founder

of the Roma Community Centre in Toronto, approached the then Toronto Mayor, Barbara Hall, and she called a Council meeting, demanding that Alderman Chong apologize or resign. After three calls for an apology, or a vote for his dismissal, he apologized. Ronald Lee called the Toronto Sun asking for a retraction, explaining that what Chong had described were fortune-telling establishments. The newspaper refused.[7] The negative perception of 'Gypsies' inevitably caused damage at the Immigration Refugee Board and acceptance rates plummeted.

Later, a group of local skinheads demonstrated in front of the Lido Motel in Toronto where Czech-Roma refugees were temporarily housed. They carried signs stating: "Canada is not a trash can" and "Honk if you hate Gypsies."[8] The local Roma community in Toronto, with the support of Bernie Farber, the Canadian Jewish Congress CEO, held these hate mongers responsible for making criminal, hate crime reports that successfully brought the neo-Nazi skinheads to court.

By 1998, thousands of Roma people were again coming from Hungary and the Czech Republic to seek asylum in Canada and most had successful claims until the Canadian government directly intervened into the independent decision making process of the Immigration Refugee Board. In 1998, the IRB accepted an overwhelming majority of Roma claimants. The next year, however, less than 10 percent of the Hungarian Roma cases were approved due to the discriminatory action of the government that took place in late 1998 when senior IRB officials took the unprecedented step of crafting a lead case decision based on the claims of only four Hungarian Roma refugee claimants.

At some point it was decided to conduct a "test case" to examine the overall situation of Roma in Hungary, which would then be used in deciding other Hungarian Roma cases. From the testimonies of these "experts" establishing the "lead case" the adjudicators concluded that while discrimination is common, actual persecution of Roma in Hungary is rare, and that the situation is steadily improving. The inevitably negative decision led to an immediate and dramatic decrease in positive decisions. The Hungarian Roma acceptance rate of 70%, in 1998, plummeted to 16% for the whole of 1999, and to just 8% in the two quarters that followed the Lead Case decision.[9]

In a 2019 Walrus article entitled, *No Refuge: For Challenging a Policy that Discriminated Against Certain Refugees, a Federal Employee's Career was Ruined*, former Immigration Refugee Board judge, Lloyd Fournier, reflects upon the pressure to deny Hungarian Roma refugee claims back in 2003 during the period of the discriminatory "lead case" immigration policy. According to the article, Fournier said, "I was called into a presiding member's office and told that he had heard through the grapevine that I was going to make a decision that might not be good for me,". He was warned that his decision would be watched and that a positive ruling "would not be very well received by the board." Fournier's positive ruling for a Hungarian Roma refugee claimant had horrible repercussions for him, as he was attacked by the government for ignoring the "lead case".[10]

On March 1, 2004, just a month after Fournier formally delivered his Roma ruling, the Justice Department went to the Federal Court of Canada to have the decision quashed. It was an extraordinary

move by Ottawa to try to undo an IRB member's positive ruling and to interfere directly with a refugee determination process.

In 2005, a Toronto lawyer, Rocco Galati, successfully challenged the IRB "lead case" decision. He claimed that it was institutionalized discrimination and won in a federal court of appeal in April 2006. Galati argued that the lead case method "demonstrates institutional bias." This distortion of normal procedures, he says, is being visited on the Roma because "they are the most marginalized, non-represented and alienated racial group. The government figured they'd have an easy time picking on them."[11]

According to a 2006 Osgood Law School Article, "No Refuge: Hungarian Romani Refugee Claimants in Canada", the "Federal Court of Appeal found it reasonable to believe that, through the lead case, the Immigration Refugee Board was attempting to manufacture a negative precedent that would reduce recognition rates and discourage Hungarian Romani refugee claimants from coming to Canada."[12]

ROMA DECLARED "BOGUS REFUGEES": SYSTEMIC DISCRIMINATION–PART 2

Beginning in 2007, as the Canadian government was working toward solidifying the Canada-Europe Free Trade Agreement (CETA), the Immigration Policy toward Hungary changed, and once again the travel visa was no longer required for people from Hungary and the Czech Republic. The EU had made it clear that for CETA to be ratified, there could be no travel restrictions for EU member states.

Beginning in 2009, approximately 13,000 Hungarian Roma sought refuge in Canada until the federal government created a very unwelcoming environment and eventually changed their federal immigration and refugee policy in 2012. In 2007 and 2008, thousands of Czech Roma once again sought asylum in Canada when there was a huge resurgence of neo-Nazi violence toward Roma in the Czech Republic. The acceptance rate at the Immigration Refugee Board was 80%! Once political interference into the Immigration Refugee Board began, and Hungarian Roma asylum seekers were unjustly labeled as "bogus refugees" by the then Canadian Immigration Minister, Jason Kenney, the acceptance rate quickly fell sharply to zero. It remained at zero for 4 straight months, and then slowly began to climb back up to 12% where it remained for the next few years as the Canadian public was bombarded by negative messages about the Roma refugees.

According to Kenney, Roma refugee claimants came to Canada to commit crime, collect welfare, and receive free healthcare. He fanned the flames of negative Gypsy stereotypes and the plan worked very well. Hungarian Roma found themselves in such an unwelcoming, discriminatory climate in society and in institutions. Being labelled as bogus claimants, or fraudsters, wanting to take advantage of Canada, resulted in many people of Roma ethnicity becoming subjects of suspicion in their neighbourhoods, workplaces, schools, and when accessing social services or medical care. Many told me directly that they felt that they were receiving the same hatred that they were fleeing from in Hungary. Canada became a frightening place for these refugees. Many of them became so disheartened, by the discrimination from the Canadian

Federal Government, as well as by the serious negligent legal representation that thousands received, that they gave up on their asylum claims.

To make matters worse, many of those who returned to Hungary are living in a nightmare situation, which in many ways is worse than the one they left. They continue to be targets of human rights abuse, forced evictions from homes, and racially motivated violence, but now they also endure harassment for being considered traitors to Hungary.

Then former Minister of Immigration, Jason Kenney, continued to insist that Roma were "bogus refugees". He made an impromptu attendance at a roundtable discussion at the Roma Community Centre on October 29, 2011 while I was the Executive Director. The meeting I organized was held at the request of local officials of Citizenship and Immigration Canada. At the meeting, Minister Kenney had the opportunity to hear first hand testimony from Hungarian Roma refugee claimants who shared stories of the torment and attacks they experienced in their village by neo-Nazi extremists in Hungary, and the horror that they had endured prior to coming to Canada. Disappointingly, despite these heart wrenching stories he heard, Minister Kenney ended the meeting still insisting that Roma were "bogus refugees".

The fanning of negative "Gypsy" stereotypes became commonplace by the Immigration Minister. Kenney continued to very publicly iterate that Hungarian Romani refugee claimants were criminals and were coming to Canada to take advantage of social programs. According to Minister Kenney, Hungarian claimants come to Canada not because they "need our protection" but rather "to benefit from the generosity of Canada's social welfare system." He also told a Senate Committee that Hungarian refugee claimants come to Canada because of programs such as the GST rebate, the Child Tax Benefit, welfare, public housing, and health care. As he put it, "There is a wide series of benefits that people can obtain, which appears to be a significant factor in that migration."[13]

The largest number of deportations of Roma refugees was in 2012. The experience of 2011 and 2012 was devastating to the Roma community in Canada. The mass deportations of Roma seeking asylum in this country tore the fabric of the community. They had fled harsh treatment in Hungary, and now did not have the protection of the rule of law in Canada.

In April 2012, at a time when there was a UN Universal Periodic Review of Canada, I wrote a submission to the United Nations High Commission for Human Rights about the unfair treatment Roma refugees were receiving from the Immigration Minister, Jason Kenney. It was entitled "Delegitimizing Roma Refugees in Canada". I wrote extensively about the discrimination experienced by Roma asylum seekers. The Canadian government not only characterized them as 'bogus refugees' for all Canadians, but Minister Kenney went as far as to appear on Hungarian public television in an interview where I heard and watched him reassure Hungarians that he knew that Hungary was a good, safe country. Rather than acknowledge the plethora of well-documented evidence pointing to abuse of Roma in Hungary by the State, Kenney went on to state that he fully

supports the Hungarian government and is aware that these are "bogus refugee" claims.

Moreover, Immigration Minister Kenney took his prejudiced views and discriminatory actions toward Hungarian Roma refugees to the next level by erecting Canadian billboards in one of the main cities in Hungary that many of the refugee claimants came from. The clear message is that you will be deported! This was an unprecedented move by Canadian immigration officials. The Canadian Civil Liberties Association rang alarm bells. In a 2012 Toronto Star article entitled, "Roma Refugees: Canadian Billboards in Hungary Warn of Deportation" stated, "Since last week, the Canadian government has erected six billboards in Hungary's fourth largest city, proclaiming: 'Those people who make a claim without sound reasons will be processed faster and removed faster.'"[14]

As well, the Citizenship Immigration Minister encouraged overt racism with Canada Border Services Agency officers at Toronto's Pearson Airport where most of the Hungarian Refugee Claims were made. CBSA depicted the Roma people in such a negative, racist view. It described the Hungarian refugee claimants as criminals and fraudsters. "Not only did government officials assert that Hungarian Romani refugee claimants were fraudsters who came to Canada to abuse welfare and other social programs, they also issued warnings about risks of criminality."[15]

DESIGNATED "SAFE COUNTRIES" - CHANGING CANADA'S IMMIGRATION REFUGEE SYSTEM: SYSTEMIC DISCRIMINATION–PART 3

In 2012, Citizenship and Immigration Canada reformed the refugee determination system in Canada to deter Roma refugees from coming to Canada. It would become a two-tier system with a list of designated "safe countries". The refugees from the "safe designated countries of origin (DCO)" would have differential treatment resulting in a more challenging time to obtain a successful asylum claim. "Ultimately, the measure selected by the government to, among other things, deter the arrival of Hungarian Romani refugee claimants was to reform Canada's refugee determination system. The new system, which came into effect in December 2012, purportedly aims to discourage unfounded refugee claims by speeding up the process and by limiting the procedural and substantive rights."[16]

In response to this differential treatment, I wrote to the United Nations, did countless public talks, and raised the issue in the media. In a *Toronto Star* article, *Why the Roma are Fleeing Hungary and Why Canada is Shunning Them*, I was quoted as saying, "Would-be refugees from those countries would have only 15 days to file a personal information form outlining their claim instead of the current 30 days. And they would have to prepare for a hearing in 30 days, instead of the several months they now have. It's setting people up for failure right from the get-go. There's just no way… you can get supporting documentation like medical and police reports in that time. You must order these from these countries. Try to get it from the U.S. and it'll take you more than six weeks. Now you want it in less than 15 days from Hungary? Come on. Do you think these people are going to get any co-operation from Hungary, where people say Roma are giving their country a bad name?"[17]

As a final remedy for this institutional discrimination toward my community, I went to the federal government. In May and June of 2012, I was the first Canadian Romani to testify in front of a Parliamentary Committee, and the Canadian Senate, regarding Romani asylum seekers and the unfair treatment they were receiving from the Immigration Minister Jason Kenney, particularly in the forthcoming changes to immigration policy that would establish a list of "designated safe" countries and a two-tier asylum system.

INTERDICTION – ROMA BEING PREVENTED TO BOARD PLANES TO CANADA -SYSTEMIC DISCRIMINATION–PART 5

Since 2013, since the inception of the Electronic Travel Authorization (ETA), which is required to enter Canada, I have received at least 100 reports of Hungarian and Czech Roma not being allowed to board airplanes to Canada. This interception at airports when boarding planes is a clear example of racial profiling, is yet another example of discrimination from the Canadian government toward Roma people.

In a 2017 *Toronto Star* article, *Roma Say They're Being Barred from Flights to Canada*, a Toronto immigration and settlement worker, Paul St. Clair, who has helped the Roma refugee community for over 20 years, said, "The interdiction is happening everywhere. I have had 50 Roma families in Toronto coming to us in the last six months, asking me what to do about it, how they can help their relatives come to visit.While advocates including St. Clair agree that many Roma, who were once known as Gypsies, may intend to come to Canada for asylum, they say Canada cannot stop legitimate refugees from traveling and accessing its asylum system if they have the proper documentation to visit the country and solid grounds to support their need for Canada's protection.[19]

> **"Hopefully, the Roma community will be able to live without the shadow of negative "Gypsy" stereotypes and systemic discrimination continuing to plague us."**

A CBC news report, "Roma Refugees Victims of Systemic Discrimination in Canada" shared that Canada still has some distance to go to fully embrace respect for the human rights of those seeking refuge from hatred, racism and xenophobia. "The country must do better."[20]

Hopefully, the Roma community will be able to live without the shadow of negative "Gypsy" stereotypes and systemic discrimination continuing to plague us. It impacts all of us Canadians when this one seemingly acceptable form of racism continues to linger and exemplifies the injustice that we collectively seek to eliminate.

REFERENCES

1. CNN World News, *Canadian skinheads take aim at Gypsy immigrants* http://edition.cnn.com/WORLD/9708/27/canada.gypsies.skinheads/, August 27, 1997.

2. Cynthia Levine-Rasky 2016, *Writing the Rom: Histories, Policies and Communities in Canada*, Fernwood Pub., Black Point, Nova Scotia.

3. Konstantina Mirtzani, *Romani: Europe's Largest Ethnic Minority, their Marginalization and The Way Forward* (https://www.thenewfederalist.eu/romani-europe-s-largest-ethnic-minority-their-marginalization-and-the-way?), May, 16 2021.

4. Sean Rehaag, *2021 Refugee Claim Data and IRB Member Recognition Rates*, Outcomes by Country and Board member (https://refugeelab.ca/refugee-claim-data-2021/).

5. Minority Rights group International, Roma in Hungary: The Challenges of Discrimination, (https://minorityrights.org/publications/roma-hungary/), March 1, 2021.

6. Sean Rehaag, Julianna Beaudoin, Jennifer Danch: *No Refuge: Hungarian Romani Refugee Claimants in Canada*, Osgoode Hall Law School of York University, Digital Commons. Legal Studies Research Paper Series Research Paper No. 12,Vol. 11/ Issue. 03/ (2015).

7. Ronald Lee, *The Roma Civil Rights Movement in Canada and the USA*, (https://www.romarchive.eu/en/roma-civil-rights-movement/roma-civil-rights-movement-canada-and-usa/)

8. CNN World News, *Canadian skinheads take aim at Gypsy immigrants*, http://edition.cnn.com/WORLD/9708/27/canada.gypsies.skinheads/, August 27, 1997.

9. Judith Kopácsi, Hungarian Freedom Press, *Hungarian Roma refugees in Canada*, (https://hungarianfreepress.com/2017/08/25/hungarian-roma-refugees-in-canada-the-lead-case-its-aftermath-and-the-future-parts-2-3/), August 25, 2017.

10. Andrew Mitrovica: *No Refuge*, The Walrus, (https://thewalrus.ca/no-refuge/), October 12, 2007

11. Noreen Farooqui, *Roma get no refuge: Are feds setting up blocks they wouldn't dare impose on others?*, *Now Magazine*, (https://nowtoronto.com/roma-get-no-refuge) November 24, 2005.

12. Sean Rehaag, Julianna Beaudoin, Jennifer Danch: "No Refuge: Hungarian Romani Refugee Claimants in Canada", Osgoode Hall Law School of York University, Digital Commons. Legal Studies Research Paper Series Research Paper No. 12, Vol. 11/ Issue. 03/ (2015), pg. 16.

13. Ibid.

14. Nicholas Keung, *Toronto Star*, *Roma refugees: Canadian billboards in Hungary warn of deportation* (https://www.thestar.com/news/canada/2013/01/25/roma_refugees_canadian_billboards_in_hungary_warn_of_deportation.html) February 1, 2013

15. Sean Rehaag, Julianna Beaudoin, Jennifer Danch: *No Refuge: Hungarian Romani Refugee Claimants in Canada*, Osgoode Hall Law School of York University, Digital Commons. Legal Studies Research Paper Series Research Paper No. 12, Vol. 11/ Issue. 03/ (2015), pg.20

16. Ibid.

17. Rick Westhead, *Why the Roma are fleeing Hungary and why Canada is shunning them*, *The Toronto Star*, https://www.thestar.com/news/world/2012/10/13/why_the_roma_are_fleeing_hungary_and_why_canada_is_shunning_them.html), October 13, 2012.

18. Nicholas Keung, *Roma say they're being barred from flights to Canada*, *The Toronto Star*, https://www.thestar.com/news/immigration/2017/05/06/roma-say-theyre-being-barred-from-flights-to-canada, May 6, 2017

19. Ibid.

20. Maureen Brosnahan, *Roma refugees victims of systemic discrimination in Canada, new report finds*, CBC News, https://www.cbc.ca/news/canada/roma-refugees-victims-of-systemic-discrimination-in-canada-new-report-finds-1.3018837, April 02, 2015