WHAT HAS HUMAN RIGHTS DISCOURSE MEANT TO CANADIAN IMMIGRATION AND REFUGEE POLICY?

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"Ever since the war, efforts have been made by groups and individuals to get refugees into Canada but we have fought all along to protect ourselves against the admission of such stateless persons without passports, for the reason that coming out of the maelstrom of war, some of them are liable to go on the rocks and when they become public charges, we have to keep them for the balance of their lives." – F.C. Blair, Director, Immigration Branch, 1938

"As human beings we should do our best to provide as much sanctuary as we can for those people who can get away. I say we should do that because these people are human and deserve that consideration, and because we are human and ought to act in that way." – Stanley Knowles, MP, House of Commons, 9 July 1943

Separated by a mere five years, these two statements reveal much about the historic contradictions of the Canadian approach in dealing with refugee crises. In fact, remove the dates and these statements would not seem out of place in the current Canadian divide over the global refugee crisis in which there are more than 60 million refugees fleeing war, persecution, and danger. This is a number that surpasses the number of displaced persons at the end of the Second World War, when 120,000+ refugees made their way to Canada between 1947 and 1953 thanks to contract labour schemes or government, family or church group sponsorships. Make no mistake, the selection criteria were guided by racial and political bias, along with a heavy dose of economic self-interest.

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Of all the elements of Canada's immigration policy, those relating to the admission of refugees have been the most controversial and the most criticized. But for much of Canadian immigration history, neither politicians nor public officials made any distinction between immigrants and refugees. It was not until the passage of the 1976 *Immigration Act* that refugees constituted an admissible class for resettlement. Until that time, special refugee admission schemes were made possible only with the passage of orders-in-council which suspended normal immigration regulations and permitted relaxed criteria for screening. Ministerial permits also achieved the same thing. As a result, in the post-WWII period, Canada would see refugees arrive from around the world, such as 165,000 Eastern European displaced persons, 38,000 Hungarian 1956 refugees, 11,000 Czechs and Slovaks in 1968, 7,000 Uganda Asians in the early 1970s and over 6,000 Chileans in the period from 1973–1976.

This paper proposes to explore the ways in which concerned citizens approached the state to argue for humane, more open, and fair reform to discriminatory and selective immigration policy. I'm going to feature two case studies: the reception of Hungarian refugees over the course of late 1956 and 1957 and the reception of Chilean refugees from 1973 to 1976. It will highlight how concerned Canadians lobbied the state to live up to human rights ideals and modify discriminatory immigration policy in post-WWII Canada. While the Hungarian refugees were fleeing a Communist state and welcomed as refugees seeking democracy, Chilean refugees fleeing a fascist state were viewed with suspicion. To varying degrees, these cases highlight how citizen activism around immigration issues evolved over the course of the mid-20th century, and how the state and social justice ideals clashed then as they do now.

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With the first news of the Hungarian revolution in Canada in early November 1956, Prime Minister Louis St. Laurent and his cabinet met to determine the nature of Canadian relief efforts. It was clear that, according to one of many memoranda on the subject, those in attendance were aware that "unless the West gives some expression of its solidarity with and sympathy for the Hungarians, we will have lost the last remnants of our prestige in all of Eastern Europe."[1] To that end, the prime minister and his cabinet considered their options, chief among which was the idea of giving monetary aid that would be administered by the Canadian Red Cross (CRC) for aid to refugees outside of Hungary. A grant of $100,000 to the CRC was subsequently approved at the meeting, representing one of the first transnational links in the early stages of the Hungarian refugee crisis. Later, Lester B. Pearson, Secretary of State for External Affairs, recommended an additional offer of $800,000 to be made available to the CRC to provide relief including, "to the extent practical and economical, of appropriate supplies of Canadian origin." In his lengthy memo to Cabinet, Pearson justified

the increase in monetary aid to the CRC by noting the importance of aid from Western countries "on humanitarian as well as political grounds," and noted that providing substantial emergency relief would serve as a replacement for military intervention.[2]

Shortly thereafter, the Minister of Immigration, J. W. Pickersgill, met with ethnic organizations representing not only Hungarian groups, but also individuals from other Eastern European countries. Days later at a meeting hosted by the International Institute of Metropolitan Toronto, Department of Citizenship and Immigration officials met again with the Canadian-Hungarian Federation, and also with church, voluntary, and social groups. Another meeting took place on 22 November with representatives from many of the same organizations. What emerged from these meetings is a clear indication of the shared goals between the federal government and voluntary organizations, initially that all parties were interested in securing adequate reception for Hungarian refugees.[3]

Historically, such cooperation between voluntary agencies and the state on matters relating to refugee and immigration reception was not uncommon, especially in the immediate post-war period, for reasons that were mutually beneficial. In the early days of the refugee crisis, the CRC engaged in its customary fundraising initiatives when faced with a humanitarian emergency. The Canadian Red Cross Hungarian Relief Fund, launched in cooperation with the Canadian Hungarian Federation, eventually raised over $500,000 from citizen Canadians for relief in Hungary.[4]

In response to pressure from within and without government circles on 26 November in the House of Commons Pickersgill went much further in committing his government to the reception of Hungarian refugees. In a speech that has been referred to as the "Magna Carta for the movement of Hungarian refugees," Pickersgill reiterated his government's commitment in giving priority to applications from Hungarian refugees, that any responsible individual or organization in Canada was free to sponsor immigrants, that arrangements would be made for those refugees requiring medical treatment, and that refugees would be given assisted passage to Canada.[5]

That this was an overwhelmingly positive refugee crisis situation is clear. Over the course of the period from 1956–1958, some 38,000 refugees from Hungary made their way to Canada. Gerald Dirks has noted that "the unqualified success of the Hungarian resettlement program for Canada acted as a useful precedent when in subsequent years, individuals and groups urged the Government to embark upon other humanitarian schemes aimed at relieving the plight of a portion of the world's refugees."[6]

Fast-forward some 20 years later and in 1973 over 7,000 Chilean and other Latin American refugees were admitted to Canada after the violent overthrow of Salvador Allende's democratically elected Socialist-Communist government. Chilean and non-Chilean supporters of the old regime then fled the oppression directed against them by Chile's new military ruler, General Pinochet, in the wake of the coup. Although Canada took the refugees in, it did so grudgingly—at least initially. Despite pressure from Amnesty International, church, labour, and Latino groups, the government was

slow to react, not wanting to antagonize Chile's new administration and the United States, which had condemned Chile's slide into economic chaos under Allende.

In the aftermath of the 1973 *coup d'état* Canadians, especially members of the Protestant and Catholic Churches of Canada, called on the Canadian government to denounce the human rights abuses and grant asylum to Chilean refugees located both inside Chile and in neighbouring Argentina. Robert Andras, the Minister of Immigration and External Affairs Minister Mitchell Sharp remained reluctant to do so. At the urging of Canadian Ambassador to Chile Andrew Ross, the Canadian government recognized the Pinochet junta on September 29, 1973, on the ground that it was the only authority in the country. This decision was not well received by refugee advocates.[7] Many, including the churches, questioned whether the Canadian government was displeased to see the Allende government fall. For their part, Andras and Sharp feared that among the refugees were terrorists, communists, and other subversives. Only after considerable outcry from various civil society groups did they go back on this position and begin the process by which Canada would take in more than 4,500 Chilean refugees by the end of 1976.

Concern for the refugees was receiving little traction in Parliament by the governing Liberal Party, so conversations about a fact-finding mission to Chile began in the spring of 1976. The Inter-Church Committee on Chile agreed to sponsor a fact-finding visit by three Canadian Members of Parliament to the three countries of the so-called southern cone of Latin America. Several other Canadian organizations, including Amnesty International, Oxfam Canada and the Canadian Catholic Organization for Development and Peace supported the effort. The purpose of their mission was two-fold: to undertake an observation and evaluation of the situation of refugees and Canadian response to their needs; and to observe the general situation of human rights in the countries visited.

The federal government painted the Chilean refugees as subversives and dangerous to Canada. This was certainly out-of-step with the views of the Canadian population, many of whom by way of various organizations were urging the government to accept the refugees, as they had done in the past in other crises. The government was also out-of-step with the efforts of other nations, including Holland and Sweden, who were treating the Chilean refugees outside the normal flow of immigrants. For their part, the three MPs recommended in their report that standards for the definition and admission of refugees be clearly set out in legislation or at least in explicit regulations. Along with their report's recommendation that a separate and suitable application form for refugees be prepared, the MPs recommended that all UN accredited refugees be considered as refugees for the purposes of Canadian immigration. As of the report's publication in November 1976, while Canada accepted the United Nation's definition of a refugee, it did not accept the UN determination or assessment of who is a bona fide refugee. Indeed, Canadian immigration officers were known to reject a high number of refugees registered by the UNHCR.[8]

That there was considerable friction between NGOs, church groups and refugee organizations and the federal government is clear in the case of

the Chilean refugees. Numerous agencies called for the UN Protocol definition of refugees to be incorporated into the new act. Many hoped that this would prevent a repetition of Canada's unresponsive attitude to the Chilean refugee crisis. It must be stated that this positive reaction was not unanimous. The January 14, 1974 edition of the Toronto Star carried a story and photo of a small group of demonstrators parading in front of the Walker House Hotel where a group of recently arrived Chileans were being temporarily housed. Carrying placards bearing statements such as "Death to the Red Pest", "No More Marxists – FLQ was enough", and "Keep Marxist Gangsters Out of Canada", they claimed to be "objecting to Canadian tax money being spent on 'riff raff'".

As can be seen with the Chilean refugee situation, and perhaps not surprisingly, the relationship between the voluntary agencies and federal government was never quite the same after the Hungarian crisis. In the decades that followed, many of the organizations cited herein have remained heavily involved in the resettlement process; however, they have increasingly taken on the role of opponent, rather than partner. If nothing else, it proved that the combination of international and national pressure could lead, at least under certain circumstances, to more humane Canadian immigration and refugee policies, even if only temporarily.

On the other hand, advocates of the Chilean refugees were not pleased with Ottawa's handling of the crisis. The slow response led many to become increasingly suspicious of Ottawa's commitment to refugees. The response to the crisis helped to foster the perception that the federal government was far more willing to accommodate refugees fleeing communist regimes on the left than those escaping fascist regimes on the right. This was made abundantly clear by the late 1970s, as Canada's response to the boat people of Vietnam fleeing a leftist government was in significantly marked contrast to that which was extended and continued to be extended to victims of right-wing regimes such as that in Chile.

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We let fear and racism guide us for much of our history dealing with immigration but eventually campaigns that featured social justice and human rights principles prompted change. We, both the federal government and the Canadian people, didn't let fear guide us when we accepted 38,000 Hungarians in the mid-1950s. Concerns over potential Communist sympathies (remember that this was the height of the Cold War) were overridden by Canadians' enthusiasm to help these refugees. Fear and security issues emerged as an impediment in the case of Chilean refugees in the 1970s, which would again place the federal government in opposition to Canadian supporters.

Does history repeat itself? The Canadian government's approach to Afghan refugees versus refugees from Ukraine seem to indicate so. Not unlike the Chilean refugees, Afghan refugees are subject to significant degrees of security scrutiny and

delays, while Ukrainian refugees do not experience those multiple layers of inspection. Some Afghans, particularly those who served or supported the Canadian forces, believe something is amiss. Four men who deployed with the Canadian military in Afghanistan filed a complaint with the Canadian Human Rights Tribunal, accusing the federal government of discrimination over the difference between immigration programs for Afghans and Ukrainians, both trying to flee violence and persecution in their home countries.[9]

REFERENCES

1. Michael D. Stevenson, ed., *Documents on Canadian External Relations*, vol. 23: 1955-1956, Part II (Ottawa: Minister of Public Works and Government Services, 2004): 461.

2. Ibid., 474, 477.

3. Library and Archives Canada (LAC), Department of Citizenship and I mmigration (DCI), vol. 117, file 3-24-34-1, vol. 1, Report of Meeting Convened with the Hon. J. W. Pickersgill and Ethnic Representatives from Countries behind the Iron Curtain, 13 November 1956; International Institute of Metropolitan Toronto, Minutes of Meeting, 19 November 1956; Minutes of an Informal Meeting Held at the Office of the Citizenship Branch, Department of Citizenship and Immigration, 22 November 1956.

4. "Red Cross Directs Drive to Provide Aid to Hungary," *Globe and Mail*, 6 November 1956; "Hungarian Fund Goes Over Top; Total at $512,071," *Globe and Mail*, 11 February 1957.

5. Canada, House of Commons, *Debates*, 26 November 1956.

6. Gerald Dirks, "Canada and Immigration: International and Domestic Considerations in the Decade Preceding the 1956 Hungarian Exodus," in Robert H. Keyserlingk, ed., *Breaking Ground: The 1956 Hungarian Refugee Movement to Canada* (Toronto: York Lanes Press, 1993): 11.

7. Andrew S. Thompson, *In Defence of Principles: NGOs and Human Rights in Canada* (Vancouver: UBC Press, 2010): 22.

8. Andrew Brewin, Louis Duclos, and David MacDonald, *One Gigantic Prison: Report of the Fact-Finding Mission to Chile, Argentina and Uruguay* (Toronto: Inter-Church Committee on Chile, November 1976): 12-15.

9. Stephanie Levitz, "Why doesn't Canada treat Afghan refugees like Ukrainians? Because they aren't 'white and Christian' complaint alleges," *Toronto Star*, February 3, 2023.