

Refugee Rights and Realities: Navigating Canada's Immigration Paradoxes

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Abstract: Canada has both a moral and legal obligation to assist refugees by providing them with resettlement opportunities and permanent residency. However, the integrity of this commitment is compromised by an emerging trend: some international students, initially entering on study permits, are transitioning to refugee status and successfully securing permanent residency. This phenomenon not only raises concerns about the misuse of the asylum system but also highlights a stark disparity—the genuine refugees, who face dire circumstances and imminent danger in their homelands, are often left without the necessary support to resettle in Canada. This paper examines the ethical and practical dimensions of Canadian immigration policy, particularly focusing on the philosophical justifications for assisting the global poor, alongside a critical analysis of the current challenges within the immigration system. The discussion extends to proposing policy enhancements that aim to refine the balance between ethical obligations and practical implementation within the Canadian context. Additionally, this paper addresses potential criticisms and provides thoughtful responses to ensure a comprehensive understanding of the complexities involved in immigration and refugee policies in Canada. By reevaluating the asylum criteria to prioritize those most in need, this paper seeks to align Canada's humanitarian efforts more closely with its professed values and responsibilities.

Keywords: Canadian Immigration and Refugee Policy, Global Responsibility, Refugee Resettlement

1. Introduction

In recent years, Canada has observed a paradoxical trend within its immigration framework that underscores a dissonance between intention and outcome in its refugee policies. On one hand, there's been a significant rise in international students seeking refugee status--originally arriving on study permits, these students often claim asylum upon the termination of their studies [1]. This trend, while rooted in the genuine fears of persecution for some, also includes instances where the asylum system is potentially exploited as a means to extend residency in Canada [2]. On the other hand, there are true refugees, grappling with dire circumstances in their homelands, who find the doors to safety and resettlement narrowly ajar.

The contrast between these two scenarios is stark: while some students transition seamlessly into refugee status and subsequently secure permanent residency, many genuine refugees, whose lives hang in the balance, struggle to navigate the bureaucratic labyrinth that could lead to their asylum.

This juxtaposition not only raises ethical questions about the allocation of Canadian humanitarian efforts but also points to a need for a reevaluation of the asylum criteria to ensure that it prioritizes those most in need. Through examining these divergent paths, this essay seeks to uncover the underlying complexities of Canada's refugee policy, questioning whether it truly upholds the values it professes to champion [3].

This essay unfolds in a systematic exploration of the ethical and practical dimensions of Canadian immigration policy. Initially, it delves into the philosophical arguments surrounding global assistance and the role developed countries like Canada should play, as articulated by theorists such as Peter Singer [4]. Subsequently, it scrutinizes the current issues within the immigration system, notably the trend of international students seeking refugee status and the challenges associated with private sponsorship programs. The discussion then shifts to suggesting policy enhancements aimed at refining the balance between ethical obligations and practical implementation within the Canadian context. Finally, potential criticisms are addressed, ensuring a balanced view on the complexities of immigration and refugee policies in Canada.

2. Literature Review

2.1. Peter Singer's Effective Altruism

In Peter Singer's *The Life You Can Save*, he outlines his ethical stance on our moral obligations to help others, particularly the global poor. He presents three premises: (1) If we can prevent something bad without sacrificing anything of comparable significance, we ought to do it; (2) Extreme poverty is bad; (3) There is some extreme poverty we can prevent without sacrificing anything of comparable moral significance [5].

Based on these premises, Singer concludes that we ought to prevent some extreme poverty. The term "we" mainly refers to developed countries, which have a public duty to aid the "extreme poverty" experienced by the poorest population in developing countries.

Singer not only presents his compelling argument but also anticipates and addresses potential objections. He refers to Garrett Hardin's analogy of "lifeboat ethics," which illustrates the Earth as a lifeboat with limited resources and space, portraying the poor as countless drowning people in the sea. Hardin argues that if the lifeboat keeps letting the drowning people in, it would eventually sink, drowning everyone aboard [6]. This real-world application of Hardin's analogy suggests that aiding the extreme poor would exhaust global resources, turning poverty into a life-sucking parasite.

Contrarily, Singer argues that "overpopulation is a myth" and that a global food shortage is not a real threat, as population growth over a period of developmental and demographic transition resembles a curve that eventually stabilizes rather than a continuous upward line sustained by foreign aid. Thus, since saving the drowning does not equate to sinking the lifeboat, there are no valid reasons for not saving them or for the globe not to help the global poor. Furthermore, Singer points out that "Population growth is not a reason against giving aid, but a reason to reconsider the kind of aid to give" [5].

It is crucial to note a nuanced point here: Hardin's argument sees unfeasibility as the reason not to offer help, but he does not state whether he would agree with Singer that lives should be saved when feasible. When Singer addresses Hardin's argument, he focuses on the disanalogies, suggesting that demonstrating the feasibility of helping the global poor would dismiss Hardin's advocacy against such assistance. The relevance of this emphasis will be revealed in the subsequent section.

Zooming in on Canada, it becomes a focal point for the aforementioned controversy. Most would agree that Canada, as a developed country with resources to spare and a history of welcoming immigrants and refugees, has the public duty to continue helping those in need. However, others aligned with Hardin's view might argue that Canada should say "no" once the capacity to help is

reached. The issue at hand is more complicated than these stances suggest. Both sides have merits, yet the government of Canada manages to disappoint both by neither assisting as many refugees as it could nor limiting space strictly to those in dire need of Canadian resident status [2].

2.2. “The Right Thing to do” for Canadian Refugee Immigration Policies

As a developed country committed to aiding refugees through the UN, Canada holds significant political and moral responsibilities. As one of the wealthiest countries globally, with a high Human Development Index (HDI) and a Gross Domestic Product (GDP) per capita ranking among the top worldwide, Canada is more than capable of assisting those who suffer from extreme poverty. This capability aligns with Singer’s description of countries that should offer help, suggesting no valid excuse for Canada to claim it lacks sufficient resources to aid the poor. The statistics confirm its capability. Therefore, it should, it could, and it must [7,8].

Moreover, Canada's commitment to international legal frameworks, such as the United Nations Sustainable Development Goals (SDGs) adopted in 2015, underscores its duty. These goals, particularly Goal 1, which targets the eradication of extreme poverty, reflect Canada’s obligations on the international stage [7].

Additionally, Canada has demonstrated success with its refugee resettlement programs, such as the resettlement of Syrian refugees, significantly improving many lives by offering safety and opportunities in a stable environment [9].

In summary, Canada has a responsibility to assist the global poor through its immigration and refugee programs, balancing this mandate with the need to maintain an effective, fair system [3].

3. Current Issues

In recent years, two significant issues have emerged in the context of Canada's immigration policies: the phenomenon of students turning into refugees and the challenges associated with private sponsorship programs. Both issues highlight the complexities and potential pitfalls of Canada's approach to immigration and refugee assistance.

The increasing trend of international students seeking refugee status in Canada raises complex legal and ethical questions. Originally arriving on study permits, a notable number of these students have been applying for asylum upon the completion or termination of their studies. This situation often stems from genuine fears of persecution if they return to their home countries, but it also includes cases where the asylum system is used as a means to prolong their stay in Canada. For instance, data from Immigration, Refugees and Citizenship Canada (IRCC) suggest a marked increase in asylum claims filed by former students from politically unstable regions over the past five years [2].

This trend not only places additional strain on Canada's asylum system but also sparks debates over the adequacy of the initial visa screening process and the underlying motives of the applicants. Critics argue that this may lead to an exploitation of the asylum framework, intended to provide protection for those genuinely in danger, potentially overshadowing the plight of other refugees with more urgent humanitarian needs [3].

Private sponsorship of refugees has been a cornerstone of Canada's refugee resettlement program, allowing groups of citizens and organizations to assume responsibility for supporting refugees during their initial period in the country. However, concerns have been raised about the effectiveness and integrity of some sponsorship groups. Reports from the Canadian Council for Refugees (CCR) indicate that while many sponsorships are successful, others fail to meet the basic needs of the refugees, partly due to inadequate oversight and sometimes due to fraudulent practices by sponsors [9]. The effectiveness of Canada's refugee resettlement programs can also be evaluated through their

socio-economic impacts on Canadian society. Studies such as those by Brown C. have documented the broad societal impacts, noting both the challenges and the contributions of refugees to the communities that host them. These insights are crucial for understanding how policy can be shaped not only to support refugees but also to enhance their ability to contribute to their new home [10].

These failures can have severe consequences for the refugees, who may find themselves without adequate support upon arrival, struggling with housing, employment, and integration into Canadian society. The lack of consistent monitoring and the variable commitment levels of private sponsors have led to calls for a more robust regulatory framework to ensure that all sponsors are adequately prepared and genuinely committed to assisting their charges [11].

The overarching challenge within Canada's immigration and refugee policies lies in the systemic paradox where the intent to be a haven for those seeking safety and a new start is undermined by inefficiencies and misalignments that sometimes result in preferential treatment for those less in dire need of asylum. This misalignment not only challenges the ethical foundations of Canadian humanitarian efforts but also raises questions about the effectiveness and fairness of the immigration process [2,3].

Internationally recognized for its commitment to welcoming refugees and immigrants, Canada's reputation is built on a history of progressive policies and a public stance that champions humanitarian causes. However, the reality is that the immigration system, though robust in many respects, still struggles with the practicalities of prioritizing entry into the country. The trend of international students transitioning from study permits to seeking refugee status illustrates a potential exploit in the system where the asylum pathway may be used not strictly by those fleeing immediate danger but by those seeking to extend their residency under the guise of asylum. This can inadvertently overshadow and delay the processing of cases involving individuals and families escaping from war-torn regions or severe persecution who lack other means of entry [2].

Moreover, the private sponsorship program, while innovative and reflective of a community-driven approach to refugee resettlement, sometimes suffers from a lack of consistency and rigorous oversight. This variability can lead to scenarios where refugees sponsored privately may end up in situations where their basic needs are not adequately met, or they are not provided with sufficient integration support, contrasting sharply with the ideal outcomes portrayed by policy frameworks. These issues necessitate a reevaluation of both the ethical underpinnings and the operational mechanisms of Canada's approach to immigration and refugee support [9,11].

4. Suggestions for Policy Enhancement

To strengthen Canada's immigration and refugee policies effectively, a comprehensive approach involving several targeted enhancements could be implemented across various aspects of the system. These improvements aim to address vulnerabilities and ensure the integrity and efficacy of the immigration processes. This section suggests improvements that aim to elevate the standards of the private sponsorship program, ensuring that it not only remains a vital part of Canada's humanitarian efforts but also functions as a reliable and effective system for refugee resettlement. By tightening regulations and enhancing accountability, Canada can better safeguard the interests of refugees and the integrity of the sponsorship program, ultimately leading to more successful integration outcomes [2,11,12].

4.1. More Rigorous Selection for Student Visas

Canadian immigration authorities should enhance the criteria for issuing student visas by incorporating more stringent assessments of applicants' intentions and connections to their home countries. This refined approach should include:

Firstly, applicants could be required to provide evidence of significant ties to their home country, such as family dependents, property ownership, or ongoing employment, which suggest a strong likelihood of their return post-studies [2]. Secondly, IRCC should introduce or expand interview processes to better gauge the sincerity of applicants' intentions to study and return could deter misuse of the visa for immigration purposes [2]. Thirdly, regular checks on students' academic progress and engagement with their educational institutions could further ensure compliance with the terms of the visa. Such measures would serve dual purposes: ensuring that the student visa system is used as intended and safeguarding it from being exploited as a backdoor route into the country [2].

4.2. Enhanced Verification for Asylum Claims

The verification process for students claiming refugee status should be significantly more rigorous, involving several layers of checks and balances:

Immigration authorities should conduct thorough evaluations of the political and social conditions in the applicants' home countries, utilizing reports from reliable international watchdogs and human rights organizations [3]. Furthermore, in-depth personal interviews should be mandated to directly assess the legitimacy of the threat faced by the applicants if they were to return to their home country [3]. Similarly, enhanced cooperation with international bodies like the UNHCR could provide additional insights and verification resources to assess asylum claims more accurately. These enhanced verification processes would help to clearly distinguish between genuine asylum seekers in need of protection and those attempting to manipulate the system [3].

4.3. Improved Accountability in Private Sponsorship

To ensure the private sponsorship program operates effectively and with integrity, the following steps should be considered:

IRCC should implement training programs that all sponsors must complete before they can participate in the program. This training would cover the legal and ethical responsibilities of sponsors, the cultural and social supports needed by refugees, and effective ways to assist with integration [9]. They should also introduce a systematic approach to regularly audit and evaluate sponsors and their commitments. This could involve periodic checks and assessments by government officials to ensure that sponsors meet their obligations [9].

To ensure that sponsors are both capable and serious about their commitments, a system of financial guarantees might be implemented. Sponsors could be required to provide a financial bond that would be returned after the successful fulfillment of their sponsorship duties, thereby reinforcing their commitment to support the refugees effectively [11].

In addition to the aforementioned measures, it is also important to establish clear guidelines outlining the expectations and responsibilities of private sponsors, which must be accompanied by penalties for non-compliance to ensure adherence to the program's standards [9,11].

5. Potential Criticism and Responses

5.1. Potential for Discrimination

Some may argue that the criticism of enhanced screening processes in Canada's immigration system points to a significant risk: the potential for these measures to inadvertently discriminate against certain groups. This concern is particularly poignant given Canada's history, which includes episodes like the Chinese Head Tax and the exclusion of South Asians in the early 20th century. Such policies were explicitly discriminatory and have left a lasting impact on the collective memory and identity of those communities. Today, while screening aims to enhance security and the integrity of the

immigration process, there is a delicate balance to maintain. It is essential to ensure that these procedures do not perpetuate biases or stereotypes, thereby excluding vulnerable groups based on nationality, race, or religion under the guise of maintaining national security or public order [2,3].

To counteract potential discrimination in enhanced screening processes, a robust commitment to fairness and transparency is essential. Implementing these policies with an emphasis on impartiality can be effectively achieved by leveraging data and technology. For example, using algorithmically-enhanced decision-making tools that are regularly updated and audited for bias can help minimize human prejudice in processing applications. This technology should be complemented by a diverse panel of experts in policy formulation, including individuals from varied racial, cultural, and professional backgrounds, to reflect a broad spectrum of perspectives.

Moreover, regular audits are critical to ensuring these measures do not unfairly target specific groups. For instance, an independent body could conduct quarterly reviews to analyze immigration data, looking for any irregular patterns or disparities in the approval rates of applicants from different demographics. If a particular group is found to be disproportionately denied entry, this trigger point would necessitate a deeper investigation to determine if biases, either in the policy's implementation or the technology used, are influencing these outcomes. These steps can significantly reduce the likelihood of discriminatory practices and enhance the credibility and fairness of Canada's immigration system [11].

While the concern about potential discrimination in enhanced screening processes is valid, it should not be a deterrent to their implementation, provided that adequate safeguards could be in place. It is imperative to recognize that the benefits of these processes--increased security, streamlined immigration procedures, and the ability to more effectively identify individuals who meet the criteria for entry into Canada--can significantly outweigh the risks if managed correctly. The potential issues stemming from these processes, such as discriminatory outcomes, can be addressed through the meticulous design of screening tools and ongoing oversight. By incorporating continuous feedback loops, involving community stakeholders, and adhering to transparent operational practices, the immigration system can evolve to mitigate these risks effectively. This approach ensures that while the integrity and security of the immigration system are enhanced, it does not compromise on fairness or inclusivity, ultimately strengthening the system against both external and internal criticisms.

5.2. Cruel and Unusual Treatment

Another concern may be that stricter immigration controls, while aimed at enhancing security and managing the flow of newcomers effectively, can inadvertently lead to inhumane treatment such as prolonged detention or the separation of families. These measures often intend to deter illegal immigration or to thoroughly vet entrants for security risks. However, they can result in extended periods of isolation for individuals and disrupt family units, which can have long-lasting psychological and emotional impacts. For example, when families are separated, children may experience developmental disruptions and heightened anxiety, while adults may face significant emotional distress. Such situations not only challenge the ethical standards of a compassionate immigration policy but also attract significant public and international criticism, questioning the balance between national security and human rights [2,9].

In addressing the criticisms surrounding inhumane treatment due to stricter immigration controls, it's essential for Canada to enhance its commitment to international human rights standards. This commitment can be realized by instituting more humane alternatives to detention, such as monitored community-based arrangements that allow individuals to maintain familial and social ties while their immigration matters are processed. Additionally, ensuring that all individuals in detention have access to comprehensive legal and psychological support is paramount. This support system should

be robust, addressing the specific mental health needs of detainees and ensuring their legal rights are fully protected.

Furthermore, the adherence to these standards must be consistently verified by independent bodies tasked with the regular review of these practices. These bodies would conduct thorough assessments, including facility inspections and interviews with detainees, to ensure that all operations comply with ethical guidelines. By implementing these measures, Canada can effectively respond to the criticisms and demonstrate a firm stance on protecting human rights, thereby strengthening the integrity and humanity of its immigration system [3,11].

5.3. Addressing Unassisted Refugees

Lastly, some may argue that the fate of refugees who are turned away at borders is a grave concern, as these individuals often face dire consequences upon their return to their home countries. Without the protection that asylum provides, they are vulnerable to persecution, conflict, and potentially, death. The risks they confront can include political repression, ethnic violence, or severe human rights abuses--conditions that they sought to escape by fleeing to Canada. This stark reality underscores the critical importance of a fair and thorough asylum process. Furthermore, the international principle of non-refoulement, which prohibits the return of individuals to countries where they face serious threats to their life or freedom, obligates nations like Canada to ensure that their immigration policies do not inadvertently contribute to such perils by denying asylum improperly or without sufficient consideration of the risks involved [2,3].

This essay agrees and argues that Canada's role in addressing the challenges faced by refugees should indeed extend beyond mere entry management. Actively participating in international efforts to tackle the root causes of displacement is crucial. This involves contributing to foreign aid, engaging in diplomatic efforts, and supporting peacekeeping and humanitarian interventions that aim to stabilize regions and reduce the factors causing people to flee. Domestically, Canada must provide humane treatment and actively work on finding third-country resettlement options or safe repatriation solutions, ensuring that individuals who cannot stay are still supported in finding safety. Additionally, the aspirations of refugees, particularly in terms of education and long-term career goals, play a critical role in their integration and the success of asylum claims. Research by Smith J. (2021) highlights the complexities of educational aspirations among refugees, suggesting that successful integration often hinges on access to educational opportunities which can be a dilemma in the refugee claim process. This aspect underscores the need for policies that support educational access as a core component of asylum and resettlement programs [12].

Out of all the concerns addressed in this section, this essay aligns most strongly with the importance of preventing the tragic consequences that befall refugees who are turned away. This alignment is based on a shared understanding of the potential severity of the risks involved, which can be a matter of life or death. However, while acknowledging the gravity of these consequences, it is also pragmatic to recognize that Canada cannot feasibly accept all international refugees. Canada should optimize its capacity to accept as many refugees as is sustainable, while also enhancing its role in global efforts to prevent such crises at their source. This balanced approach allows Canada to extend its humanitarian reach without overextending its resources, ensuring that its contributions are both impactful and sustainable [9,11].

6. Conclusion

This paper has explored the multifaceted responsibilities of Canada in assisting refugees and immigrants, grounded in both ethical philosophy and practical considerations. While Canada has made commendable efforts in its refugee and immigration policies, challenges remain that require

careful attention and action. Moving forward, Canada must continue to refine its policies to prevent misuse of the system while ensuring it meets its international and moral obligations to help those in dire need. The balance of maintaining a robust immigration system and fulfilling humanitarian duties is delicate but essential for upholding Canada's values and international reputation.

By addressing these challenges through targeted policy enhancements and a commitment to ethical practices, Canada can strengthen its role as a global leader in humanitarian efforts, ensuring that its immigration system not only meets the needs of its people but also those of vulnerable populations worldwide, thereby enhancing its standing as a beacon of hope and a safe haven for the oppressed.

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