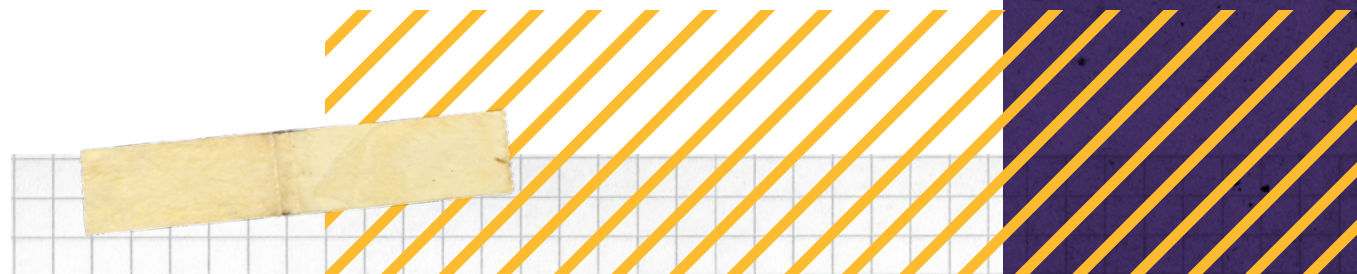


RIGHT OF ASYLUM

The right of asylum means that people who are in danger in their country can seek refuge in another country in order to be protected from the ill-treatment they have received, or would receive, in their country of origin.

In the 20th century, two world wars led to the exodus of millions of people who were internally displaced or fled to neighbouring countries, such as civilians fleeing an area before the invasion by an enemy country (like the people of Belgium, the Netherlands, Luxembourg and northern France before the advance of the German armed forces in 1940). The genocides carried out in the first half of the century, especially that against the Armenians in 1915-1916 and that against the Jews (Holocaust) from 1933 to 1945, also led to the flight of people directly targeted and stigmatized by totalitarian governments. At the end of World War II, facing the humanitarian crises associated with population displacements and the large number of refugee camps established to house the survivors, the United Nations (UN) was created to keep world peace. The UN would go on to adopt concrete measures to assist people and implement a legal framework for the right of asylum.



Various human rights are recognized in the *Universal Declaration of Human Rights* signed at the UN on December 10, 1948, including everyone's "right to seek and to enjoy in other countries asylum from persecution" (Article 14). In 1950, the office of the United Nations High Commissioner for Refugees (UNHCR) was created. Its mission is to provide refugees and asylum seekers with assistance and to take charge of people displaced within their own countries as a result, for example, of civil war. However, the *Geneva Convention*, adopted on July 28, 1951, is the key reference text on this subject. It affirms that those who have a well-founded fear of being persecuted for these five reasons of race,¹ religion, nationality, membership in a particular social group, or political opinion may be granted refugee status when they find themselves outside the country of their nationality and cannot or, because of this fear, will not ask for protection from that country.

WHO CAN APPLY FOR REFUGEE STATUS ?

Any asylum seekers claiming that they are being persecuted for one of the five reasons given in the previous paragraph must demonstrate that the persecution is personal. This means that the simple fact of belonging to an ethnic, religious or social group is not enough to obtain protection. However, if the asylum seekers demonstrate that they are being targeted by a persecutor, even without a reason, they are entitled to protection.

The concept of belonging to a social group needs to be clarified. It applies mainly to people who fear persecution because of their gender (for example, forced marriage or female circumcision) or because of their sexual orientation (in some countries, homosexuality is a criminal offence for which the penalty is imprisonment or even death).

LIMITS OF THIS PROTECTION

Those who have committed serious criminal offence, such as war crimes, are not eligible for international protection.

¹ The concept of "race" must be understood as a social construct that, although it has no basis in biology, continues to define the diversity of certain people. For more information, see the Racism information sheet.

CANADA'S POSITION

The right of asylum stems partly from the international commitments made by Canada, a signatory of the *Geneva Convention*, and partly from its *Immigration and Refugee Protection Act*. Refugee matters are handled by Immigration, Refugees and Citizenship Canada (IRCC) and by the Immigration and Refugee Board of Canada (IRB). The IRB is Canada's largest independent administrative tribunal, and one of its roles is to determine if an asylum seeker can obtain refugee status. The Canadian asylum system recognizes two categories of "refugees:"

1. **resettled refugees who, while living in international refugee camps, have been selected and sponsored by the Canadian government to settle in Canada**
2. **people who have fled their country to come to Canada and who request asylum; after their applications are examined, they may or may not be granted refugee status**

The list of "safe countries" includes all countries deemed to respect human rights and offering the protection of the State. When an asylum seeker arrives from one of these countries, Canada examines the request for asylum using an accelerated process. Any asylum seeker coming from a country on the list has the right to a hearing before the IRB within a maximum of 45 days after the application is made, versus 60 days for seekers coming from other countries.

It should be noted that, on the other hand, asylum requests are exceptionally processed on an accelerated basis to directly grant refugee status to nationals of certain countries, including Syria, without a hearing.

For more information:

Complete text of the Convention relating to the Status of Refugees: website of the United Nations Office of the High Commissioner for Human Rights:

<http://>

Immigration and Refugee Protection Act:

<http://>

Immigration and Refugee Board of Canada website:

<http://>