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THE CANADIAN SOUTHEAST ASIA REFUGEE HISTORICAL
RESEARCH PROJECT: HEARTS OF FREEDOM

LITERATURE REVIEW PAPERS

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THE CANADIAN SOUTHEAST ASIA REFUGEE HISTORICAL
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Before the Sun Comes Up: The Making of Canadian Refugee Policy Amidst the Refugee Crisis in Southeast Asia, 1975-1980

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Abstract

In 1975, the fall of the governments of South Vietnam, Cambodia and Laos led to the largest scale refugee crisis the world had seen since World War Two. Canada's response involved the resettlement of over 70,000 refugees displaced from the region, the majority of whom were selected for resettlement between 1979-1980. Putting these numbers into the context of Canada's approach to refugee policy from the end of WWII to the immigration Act of 1976, this paper explores Canada's response to the Southeast Asian refugee crisis within the context of its emerging refugee policy. Focusing on the many individual actors who made this unprecedented resettlement project a reality, it also highlights the role of both private and public actors in the making of public policy.

Contents

Bibliography: pg. 42

Introduction

In 1986, the people of Canada were presented with the Nansen Refugee Award by the United Nations High Commissioner for Refugees (UNHCR). Normally given to an individual, government or organization, the Commissioner Jean-Pierre Hocke made note of the anomaly during his announcement of the winner:

> It is somewhat unusual to honor an entire people with the award. However, given the size and diversity of Canada, and bearing in mind the outstanding achievements attained in favor of refugees at the national and provincial levels, by individuals as well as groups, organizations and authorities belonging to a broad political, linguistic, cultural, social and religious spectrum, it would have been unfair to single out one individual or group as opposed to another.[1]

While the spokesman for the UNHCR at the time, Leon Davico, cited examples of Canadian leadership in refugee matters dating back to the foundation of the United Nations in 1947[2], it was clear to its recipients that the Nansen Award had everything to do with Canada's response to the refugee crisis in Southeast Asia between 1979-1980.

Indeed, the events that unfolded in Canada during those years can best be described as a rare, extended honeymoon between public opinion and political will. This marriage saw the country launch its now renowned private sponsorship program, which, in tandem with the government's refugee program, resettled a stunning 60,049 refugees from Cambodia, Laos and Vietnam between 1979-1980 alone. When combined with the close to 10,000 refugees the government had resettled when the crisis first began, the numbers tell of the resettlement of almost 70,000 new Canadians from Cambodia, Laos and Vietnam between 1975-1980 (Table 1).

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[1] Quoted in John Parry, "All Canadians share U.N. refugee honor." The Toronto Star, 7 October, 1986, A5.
[2] Parry, A5.

The extant literature has explored the phenomenon from a variety of perspectives, including refugee adaptation to life in Canada[3], the politics and policy that made the movement,[4] case studies of specific events within the larger story of the refugee crisis,[5] as well as an impressive collection of novels by Montrealer Kim Thúy.[6] Less scholarship, however, has explored the topic within the history of Canadian refugee policy in general, and yet it was that evolution which gave the Canadian nation the law-based capacity to move such an unprecedented number of refugees in such a short time.[7] This paper sets out to add to this field by creating a composite history of Canada's approach to refugees from the end of the Second World War until the 1976 Immigration Act, which for the first time in the country's history gave a legislative and regulatory framework for an official refugee policy. Subsequently, it explores Canada's response to the Southeast Asian refugee crisis within the context of its emerging refugee policy, focusing on the many individual actors within Canada's immigration system who made the movement in 1979-1980, and the private sponsorship program, a reality. In conclusion,

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[3] See for instance Morton Beiser, "Sponsorship and Resettlement Success," *Journal of International Migration and Integration* 4, no. 4 (December 1, 2003): 203-215; Morton Beiser, Strangers at the Gate: the "Boat People's" First Ten Years in Canada, (Toronto: University of Toronto Press, 1999); Louis-Jacques Dorais, Kwok B. Chan, and Doreen Marie Indra, *Ten Years Later: Indochinese Communities in Canada* (Montréal: Canadian Asian Studies Association, 1998); Louis-Jacques Dorais, "Refugee Adaptation and Community Structure: The Indochinese in Quebec City, Canada." *International Migration Review* 25 (October 1, 1991): 551–573; and Feng Hou, "The Resettlement of Vietnamese Refugees across Canada over Three Decades," *Working Paper for United Nations University World Institute for Development Economics Research* 188 (2017).

[4] See Howard Adelman, *Canada and the Indochinese Refugees*, (Regina: L.A. Weigl Educational Associates Ltd., 1982); Michael J. Molloy, Peter Duschinksy, Kurt F. Jensen and Robert J. Shalka, *Running on Empty: Canada and the Indochinese Refugees, 1975-1980* (Montreal and Kingston: McGill-Queen's UP, 2017) and Felicity Somerset, "Indochinese Refugees in Canada: Government Policy and Public Response," *Journal of Ethnic and Migration Studies* 10.1 (June 1, 1982): 106–114.

[5] See for instance Dara Marcus, "The Hai Hong Incident: One Boat's Effect on Canada's Policy towards Indochinese Refugees," Unpublished. Retrieved from http://cihs-shic.ca/wp-content/uploads/2013/10/Marcus_IMRC_Submission.pdf and William Janzen, "The 1979 MCC Canada Master Agreement for the Sponsorship of Refugees," *Journal of Mennonite Studies,* 24 (2006) 212-213.

[6] See Kim Thúy's complete work here: https://www.penguinrandomhouse.ca/authors/2204371/kim-thuy

[7] Molloy, et al., and Somerset are important contributions to this line of inquiry.

the paper briefly surveys the Comprehensive Plan of Action which brought the 'Boat People'[8]

phenomenon to a close.

While working on this project, I was fortunate to be supervised by Mike Molloy, the then

Coordinator of Immigration and Manpower's Indochinese Refugee Task Force. Before

beginning to write, I sat down with Mike to get a sense of the scope that was required, and I was

greeted with countless anecdotes which did more to situate me within the history than any of the

scholarly works I had consulted. The story that remained with me most, however, was the

picture Mike painted of the immigration officials as they struggled to meet the gruelling daily

quotas that the 1979-80 movement demanded. According to Mike, they lived by three rules of

thumb: 1) that there be no empty seats on a plane; 2) that families be kept together regardless of

the circumstances and 3) that to allow the packed aircrafts to become airborne, planes had to

coordinate with the jet streams and take off before the sun came up.[9]

Put into the context of my research, Mike's anecdote reminded me of just how many

individual actions it took to accomplish what remains to date Canada's largest resettlement in

such a short time frame. As such, this paper is the story of those individuals who spearheaded

Canada's refugee policy in order to accomplish such a feat. It is also a call for us as citizens to

find inspiration in the possibility of individual action effecting policy change, with the hope that

we will all work harder to create policy that is truly responsive to the current realities of refugees

around the world. Indeed, in 2019, the UNHCR reported the highest levels of displacement on

record in our world's history, with a total of 70.8 million forcibly displaced people around the

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[8] Different terminology has been employed over the years to describe the Cambodian, Laotian and Vietnamese refugees who fled their countries after the fall of Saigon in 1975. From the Boat People, which fails to accurately describe all those refugees who escaped by land, to the Indochinese, which defines the refugees' identity through French colonial eyes, it seems more appropriate to simply use their country of origin as a descriptor.

[9] In conversation with Michael J. Molloy, October 7, 2019.

world, including 41.3 million internally displaced individuals and 25.9 million Convention

refugees.[10] Of these Convention refugees[11], less than 1% will be referred for permanent

resettlement to a third-country.[12] Clearly, the time for action is now.

Part One: The Evolution of Canada's Refugee Policy, 1945-1976

The 1950s: The Post-War Years

On May 1, 1947, Prime Minister Mackenzie King addressed the House of Commons with

these words:

> The Policy of the government is to foster the growth of the population of Canada
> by the encouragement of immigration. The government will seek by legislation, regulations and
> vigorous administration to ensure the careful selection and permanent settlement of such numbers
> of immigrants as can advantageously be absorbed in our national economy (…). There will, I am
> sure, be general agreement with the view that the people of Canada do not wish, as a result of
> mass immigration, to make a fundamental alteration in the character of our population.[13]

The most frequently cited speech in a review of post-WWII immigration policy[14], King's words

sum up the government's approach to immigration during the period - that it be economically

self-serving and racially selective. As no law-based, official refugee policy existed in Canada

until the implementation of the 1976 Immigration Act, this approach applied not only to

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[10] UNHCR, "Figures at a Glance," retrieved from https://www.unhcr.org/figures-at-a-glance.html

[11] The UNHCR defines a convention refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." See UNHCR, "Convention and Protocol Relating to the Status of Refugees," retrieved from https://www.unhcr.org/3b66c2aa10

[12] Patti Tamara Lenard, "Resettling Refugees: Is Private Sponsorship a Just Way Forward?" *Journal of Global Ethics* 12.3 (September 1, 2016): 300–310.

[13] Quoted in Peter Li, *Destination Canada: Immigration Debates and Issues* (Toronto: Oxford UP, 2003) 22-23.

[14] Aside from Li, see for instance Christopher G Anderson, *Canadian Liberalism and the Politics of Border Control, 1867-1967* (Vancouver and Toronto: UBC Press, 2012) 134; Donald Avery, *Reluctant Hosts: Canada's Response to Immigrant Workers, 1896-1994* (Toronto: McClelland and Stewart, 1995) 171; Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern,* 2nd ed. (Kingston and Montreal: McGill-Queen's UP, 1998) 92-93: Vic Satzwich, *The Incorporation of Foreign Labour: Farm Labour Migration to Canada since 1945* (London and New York: Routledge, 1991) 123.

economic migrants, but to individuals fleeing war, famine and persecution as well. Indeed, during the Holocaust, Canada had one of the worst records in the world in terms of assisting Jewish refugees, bringing in only 5,000 between 1933 and 1945. Further, the Canadian state continued to pursue a restrictive resettlement policy for Jews even after the war ended, right up until the founding of Israel in 1948.[15]

Scholars have further shown that even when Canada did accept refugees after the war, such as the 4,500 war veterans who refused to be repatriated to a newly Communist Poland, it did so more with an eye to labour shortages on Canadian farms than in response to the plight of those from the war-ravaged continent.[16] As a senior official in the Department of External Affairs stated at the time:

> It has occurred to me that we might be in a position to kill two or three birds with one stone by agreeing to take demobilized Polish soldiers – man for man – for the German prisoners of war we would be returning to Britain. This way, we would be getting a supply of heavy labour of the type I understand to be in considerable demand.[17]

By 1947, however, it was more than just labour shortages that were influencing Canada's response to the Displaced Peoples (DPs) of Europe. With over 30 million people displaced in Europe by the end of the war, pressure from religious and community groups advocating for the reunification of families was steadily increasing. Further, post-war Canada was keen to create a greater profile for itself on the international stage, and the 1946 creation of the International Refugee Organization (IRO) by the US and its Western Allies gave it just that opportunity. Forming the Canadian Government Immigration Mission, Canada joined the IRO in occupied

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[15] Abella and Troper, xx.

[16] Gerald Dirks, *Canada's Refugee Policy: Opportunism or Indifference?* (Montreal and Kingston: McGill-Queen's UP, 1977) 254 and Michael J. Molloy and Laura Madokoro, "Effecting Change: Civil Servants and Refugee Policy in 1970s Canada," *Refuge*, 33.1 (2017): 53.

[17] Quoted in Dirks, 141.

Germany and Austria, as well as the Canadian Christian Committee for Refugees in a handful of other countries in Europe, and by the end of 1951 had resettled more than163,000 DPs.[18]

It was also in 1951, however, that Canada declined to ratify the United Nations Convention Relating to the Status of Refugees. Interestingly, during the drafting of the Convention, Canada was seen to be a leader in its creation, with the Canadian chairman Leslie Chance reporting "we have been regarded throughout as taking a forward attitude."[19] Nonetheless, Cabinet refused to ratify the Convention. As way of explanation, then Secretary of State for External Affairs Lester B. Pearson announced the government was concerned that the Convention would give refugees "the right to be represented in the hearing of his appeal against deportation" and, further, that the Convention would "grant rights to communists or to other persons who believed in the destruction of fundamental human rights and freedoms."[20] Without the Convention guiding Canadian policy, therefore, the fate of refugees seeking resettlement in Canada remained a matter of ministerial discretion unless, as we saw with the DPs in Europe, public, political and economic interests combined to pressure the government's hand.

Such was the case with the Hungarian uprising in 1956. The considerable media coverage of the revolution brought the brutality of its repression into Canadian living rooms. This translated into an engaged Canadian public who called for their government to provide a home for those whom they viewed as Hungary's *freedom fighters*.[21] Further, as was the case with the DPs of Europe, countless religious organizations and community groups also lent their voice to

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[18] Geoffrey Cameron, "The Political Origins of Refugee Resettlement Policy: Insights from the Policy Process in Canada,1938-1951," Unpublished (2014) Retrieved from http://imrc.ca/wp-content/uploads/2015/01/Cameron-GunnAward-2014.pdf; Molloy and Madokoro.

[19] As quoted in Christopher Anderson, "Restricting Rights, Losing Control: The Politics of Control over Asylum Seekers in Liberal Democratic States – Lessons from the Canadian Case, 1951-1989," *Canadian Journal of Political Science*, 43.4 (2010): 945.

[20] Quoted in Anderson, 2010, 945.

[21] Dirks, 190-191; Molloy and Madokoro, 54.

the effort. The government was not convinced, however, and fears over Soviet infiltrators and characterizations of "non *bona fide* refugees" who were "members of the Hebrew race" were seen as sticking points.[22] Louis St. Laurent's Liberal government, however, with its eye on the following year's election, dwindling popularity in the polls, and sustained pressure from across the country, was finally moved to action and on November 28th of that year, the announcement was made in Parliament to implement a large refugee admission program for the Hungarians.

Shortly after the announcement, Immigration Minister Jack Pickersgill flew to Vienna himself to put the policy into place. Before leaving, Pickersgill received approval from Cabinet to take "on the spot" decisions regarding the way in which the policy would be structured and administered.[23] Armed with such a flexible mandate, Pickersgill created a program that was unprecedented in nature, setting aside the traditional selection tools of his ministry, including security checks and medical screening, to bring 37,000 Hungarians to Canada by the end of 1957.[24] This program is now recognized as laying the foundation for Canada's reactions to future refugee crises, creating an understanding amongst policy makers and the public alike that Canada had the ability to resettle large numbers of people quickly when public opinion and political will coalesced.[25]

The 1960s: Changing Values, Changing Nation

As can be seen, Canada's refugee policy in the post-war years consisted of ad hoc measures that were put into place based on the confluence of economics, politics and public opinion. By the end of the 1950s, however, the rise of a rights-based discourse within

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[22] Molloy and Madokoro, 54.
[23] Dirks, 199-200; Molloy and Madokoro, 54.
[24] Dirks, 200.
[25] Molloy, et al., 18.

Parliament, which argued for an expansionist approach to immigration policy that would focus on procedural fairness and non-discrimination, began to make headway. Indeed, by the 1960s values were changing right across the country and the world, and Canada's racially based, Eurocentric approach to immigration and refugee policy was becoming less and less aligned with how the country both viewed itself and wished itself to be seen.[26] Further, this race-based approach clearly contradicted the Canadian Bill of Rights. Passed by John Diefenbaker's government at the beginning of the decade, the Bill reflected the development of a human rights culture around the globe, enshrining Canada's take on the issue into law.[27] The Bill, however, did nothing in terms of Canada's approach to immigration until then Immigration Minister, Ellen Fairclough, pressed Diefenbaker to bring the two policies in line with one another. The outcome was Fairclough's 1962 Immigration Regulations which saw the removal of the most overtly race-based discrimination from Canada's immigration policy.[28] With no system put in place to carry the changes out, or any public announcement to celebrate the policy shift, however, many immigration officials believed that the politicians wanted them to carry on as before.[29]

Indeed, the government was not yet clear on where the public stood on the changes, and so released the 1966 *White Paper on Immigration* to test the waters. Among many initiatives, the *White Paper* committed to the establishment of an immigration admissions policy that was free from discrimination on the grounds of race, religion or ethnicity. Further, the *Paper* proposed both the introduction of a refugee determination process within Canada's borders, as well as the ratification of the 1951 UN Refugee Convention. As Immigration official E.P. Beasley noted in

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[26] Anderson, 2010, 945.

[27] Molloy, et al., 19 and Phil Triadafilopoulos, "Dismantling White Canada: Race, Rights and the Origins of the Points System," Conference Paper (cited with author's permission), 3, retrieved from https://www.cpsa-acsp.ca/papers-2007/Triadafilopoulos.pdf

[28] Molloy, et al., 19.

[29] In conversation with Michael J. Molloy, 24 January, 2020.

1966, in reference to the need for a clear refugee policy, Canada had "become a country of first asylum," and, thus, "the time may have come to set forth in legislation machinery and a methodology for determining these individual cases more precisely and more fairly."[30] While it was becoming clear Canada was no longer able to keep an arms-length strategy in terms of refugee matters, or to continue to make decisions regarding asylum seekers on an ad hoc basis, it would still be a decade before Canada would create a law-based policy for refugees.

Changes to the Immigration Regulations, however, were made in 1967 and, reflecting the proposals in the *White Paper* and the public's reaction to them, the points system was introduced. Heralded as abolishing racial discriminations from the policy, the points system was created to select applicants based on their economic potential rather than their genetic origins. Assessing among other criteria such as educational background, language ability in English and/or French, and labour market potential, the points system was the structure through which Canada's newly-announced policy of universality would be governed.[31] Research has demonstrated, however, that while points systems may expel racial bias on paper, these policies continues to reproduce racial hierarchies in more subtle ways, while also disadvantaging women who are more likely to have had to set-aside educational and career opportunities due to the gendered demands of domestic labour.[32]

Nonetheless, the introduction of the points system saw Canada's immigration network quickly expanded outside of Europe to include Africa, Asia, the Caribbean, Latin American and the Middle East. Indeed, within a year of the passing of the 1976 Regulations, Canadian officials

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[30] Quoted in Anderson, 2010, 946.

[31] Triadafilopoulos, 3.

[32] See for instance Antje Ellermann, "Discrimination in Migration and Citizenship," *Journal of Ethnic and Migration Studies* (2019): 1-17 and Stuart Tannock, "Points of Prejudice: Education-Based Discrimination in Canada's Immigration System," *Antipode* 43.4 (September 2011): 1330–1356.

were interviewing applicants in over a hundred different countries around the globe, using the points system and the family reunification guidelines to fulfill this new policy of "universality."[33] These changes meant that whereas before 1967 immigrants from Asia, the Caribbean and Latin America hardly came in enough numbers to be registered statistically, by 1977 they were making up over 50% of Canada's total influx. The 1967 changes to Canada's Immigration Regulations were clearly transformational and, as Political Scientist Phil Triadafilopoulos notes, these changes "shattered the foundations of white Canada" and created the conditions for Canada's development into one of the most culturally diverse countries in the world.[34]

The 1970s: Refugees find a Place in the Law

Refugees, however, were not covered under the 1967 Regulations, and thus their selection continued to be controlled by the traditional racist, Eurocentric processes. This began to change in 1966 when Pierre Trudeau's Liberal government created the Department of Manpower and Immigration and mandated it with the responsibility of processing refugees without "discrimination by race, country or religion".[35] Further, in 1969, Canada finally ratified the UN Refugee Convention and its 1967 Protocol which saw the Convention, like Canada, widen its scope to refugees outside of Europe.

In response, on July 27th, 1970 Manpower and Immigration minister Allen MacEachen set out in a Memorandum to Cabinet the framework for a new refugee policy for Canada to "admit refugees who have good prospects of settlement in Canada without regard to geographic

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[33] Molloy, et al., 19.
[34] Triadafilopoulos, 2.
[35] Molloy and Madokoro, 55.

origin."[36] Here MacEachen outlined three main components of this new policy: First, that

Canada adopt the UN Convention's definition of a refugee and its 1967 Protocol, thereby no

longer confining selection to Europe. Second, that officials use the points system to determine a

claimant's likelihood of successful settlement, with the caveat that discretion be used in favour

of claimants, given the extra support they would receive upon arrival:

> The selection of refugees be made on the basis of norms of assessment set out in the
> Immigration Regulations on the understanding that examining officers have the discretion
> under Sections 32(4) and 33(5) of Immigration Regulations, to admit
> Refugees who are considered capable of successful settlement in Canada notwithstanding
> their inability to meet these norms (…) In forming their opinion, examining officers will
> take into full account special assistance available to refugees from governments and from
> reliable private sources such as immigrant aid societies or voluntary agencies.[37]

Finally, the Memo laid down the basis for the introduction of an Oppressed Minority policy

which allowed for the selection of people who were still in their home countries, and thus were

not covered under the Convention definition of refugees.[38]

The Immigration Department translated MacEachen's memo into a set of directives for

immigration officials that would therefore "govern the admission of refugees to Canada and their

status in Canada."[39] Released to officials in January of 1971, these directives are now considered

the beginning of a formal Canadian refugee policy. Importantly, the Oppressed Minority policy

gave Canada the ability to respond to refugees still in their countries of origin, specifically in

Uganda, Chile and Argentina in the 1970s. Those responses varied greatly, however, and

Canada's seemingly weak reaction to Chileans in particular has been pointed to as an example of

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[36] Allan MacEachen, Minister of Manpower and Immigration, Memorandum to Cabinet, "Selection of
Refugees for Resettlement in Canada," (27 July, 1970) 1; Molloy and Madokoro, 55.
[37] MacEachen, 2.
[38] MacEachen, 2.
[39] Manpower and Immigration, Operations Memorandum to all Holders of the Immigration Manual,
"Refugees," No. 17 (revised), January 2, 1971, p. 1.

bias, where the political ideology of refugees, and the greater international politics surrounding these crises, influence Canada's responses.[40] Nonetheless, the changes that came about with regard to refugee selection as a result of the 1970 Cabinet decision and the 1971 directives, permanently changed the face of Canadian refugee policy. This fact would be highlighted a few years later in the way Canada was able to respond when the refugee crisis in Southeast Asia exploded.

When Saigon fell in 1975, and Canadian immigration officials became immersed in yet-another major refugee resettlement effort within a decade, it became clear that the country needed a much more refined refugee policy than the aforementioned Cabinet directives. Further, while the Immigration Regulations had been radically amended in 1967, its main bones were still those of the 1952 Act, when Mackenzie King was making speeches about keeping Canada's immigrants as white as their predecessors. It was not only refugee policy that needed to be written, therefore, but a new Immigration Act as well. After much media attention and debate over the Ministry's publication of its Green Paper in 1974, whose tone was decidedly anti-immigration,[41] a joint committee of the Senate and the House of Commons was struck to evaluate the Green Paper and the public's response. The result was a final report which became the foundation for Canada's new Immigration Act.[42] Tabled in 1976, the Act was so different from its predecessor that it took two years to design the systems that would allow for its implementation.[43]

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[40] See for instance Suha Diab, "Fear and (in)security: The Canadian Government's Response to the Chilean Refugees," *Refuge* 31. 2 (December 22, 2015): 51–61 and Dirks.

[41] See for instance Anderson, 2010 and Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 2000).

[42] Kelley and Trebilcock, 377.

[43] Molloy, et al., 21.

One of the Act's objectives was "to fulfill Canada's international legal obligations with respect to refugees and to uphold its humanitarian tradition with respect to the displaced and persecuted."[44] The new Act, therefore, broke ground by producing a legislative and regulatory framework within which Canada could establish an official, law based, refugee resettlement policy for the first time ever. Kirk Bell, then director general of recruitment and selection for Manpower and Immigration, was tasked with this undertaking. In response, Bell established the Refugee Policy Division (REFPOL) whose purpose became not only to implement the refugee provisions in the 1976 Act, but to further

> generate options on emerging refugee issues; provide policy guidance to refugee operations; liaise with advocacy groups and communities; oversee the Interdepartmental Committee on Refugee Determination; and spearhead the Immigration Department's relations with the implementation of the refugee program, the intergovernmental Committee on European Migration, and international humanitarian NGOs.[45]

This was no small task, and both the refugee provisions in the 1976 Act, as well as the way in which REFPOL implemented those provisions and managed its department, paved the way for Canada's unprecedented response to the refugee crisis in Southeast Asia in 1979.

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[44] Quoted in Anderson, 2010, 946; Kelly and Trebilcock, 395; Molloy and Madokoro, 57.
[45] Molloy and Madokoro, 57.

1975-78: The First Wave

In less than a month in the spring of 1975, the communist regimes of North Vietnam, the Khmer Rouge and the Pathet Lao crushed the governments of South Vietnam, Cambodia and Laos respectively. What followed was the largest scale refugee crisis the world had seen since World War Two. For the Canadian government it was clear by the beginning of April 1975 that both Saigon's fall was imminent and, further, that it would not maintain diplomatic relations with the new order. After receiving requests from the US State Department to participate in a multilateral response to resettle refugees, many of whom had already fled, Canada's role in the final days of South Vietnam, and those that followed, transformed from one centred on politics and economics to one focused on humanitarian assistance.[46] Indeed, in that same month, Canada agreed to the request from the effective lobbying of Vietnamese students studying in Canada to not only allow them to apply for permanent residence, but to have their family members resettled with them.[47] Further, on May 1, in response to another request from the United States, Canada agreed to admit refugees from Cambodia as well.[48]

In this way, in 1975 Canada resettled over 4,000 family-sponsored refugees, as well as 2,000 Convention refugees from camps in the United States and a further 1,000 Convention refugees from camps in Southeast Asia. Over the next few years Canada continued to aid the United States in clearing the refugee camps in Southeast Asia, bringing in another 2,000 refugees between 1976-1978.[49] None of this, of course, would have been possible without the policy

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[46] Molloy, et al., 25-26.
[47] Cambodians in the country at the time were also given the right to apply for permanent residence.
[48] For reasons that are not clear, Laotians were not included at that time.
[49] Molloy, et al., 26.

framework Cabinet established after Canada's 1969 ratification of the UN Convention. Further, immigration officials on the ground were given a degree of discretion that enabled them to stretch the boundaries of the family sponsorship rules to process as many refugees as quotas allowed.[50]

1979-80: The Second Wave

These efforts, however, would not even come close to what Canada would manage between 1979-80, when Manpower and Immigration would resettle a stunning 60,049 refugees in the span of two years.[51] In terms of policy, it was the refugee provisions in the 1976 Immigration Act that set the stage for the production of such a robust and responsive refugee program. Further, the Canadian officials in charge of drafting and executing Canada's refugee policies were, given the events of the previous decade, seasoned in refugee movements to the extent that they were largely able to bridge the oft-cited divide between effective policy on paper and that in practice. A prime example of this is their use of the refugee provisions in Section 6(2) of the '76 Act which gave grounds for the admission not only to Convention refugees, but also allowed for the creation of designated classes of people. This was an acknowledgement of the limitations of the Convention in some cases, such as when individuals were in need of protection but remained in their country of origin, a point MacEachen's Oppressed Minority policy had dealt with in the preceding years, or for those individuals who were displaced for reasons other than persecution. Officials used Section 6 (2) to create four separate classes which would be written into Canadian refugee policy:

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[50] Molloy, et al., 67.
[51] Molloy, et al., 186.

1) The Convention Refugee Seeking Resettlement Class (CR): Convention refugees must be outside of their country of origin and demonstrated a capacity for successful resettlement in the absence of a durable solution elsewhere;

2) The Political Prisoner and Oppressed Persons Designated Class: This class was designed to allow Canada to resettle people who were not CRs because they were still in their countries of origin, but they nonetheless needed to flee;

3) The Self-Exiled Person Designated Class: This class was to resettle individuals who had either escaped the Soviet Bloc or had been permitted to depart, but were subsequently stripped of their citizenship when they failed to return home;

4) The Indochinese Designated Class: This class was created to set aside the need to establish persecution in the case of any Vietnamese, Cambodian or Laotian who had fled their homes. The thinking here was two-fold: 1) Regardless of the reason for fleeing, large numbers of refugees had to be resettled as quickly as possible or the Southeast Asian asylum countries would cease to accept any more; 2) Given the scale of the refugee movement, there simply was not enough time to establish a clear foundation of fear of persecution for every single individual needing to be resettled.[52]

The Designated Classes came into effect in November of 1978, and while their foundation effected refugees in countries around the world, the greatest and most immediate impact was on people fleeing the Communist regimes of Cambodia, Laos and Vietnam. With this new class, officials did not have to determine if individuals were a Convention refugee or had enough points to be resettled in Canada. Rather, they simply needed to determine their country of origin and whether or not they had a good chance of successfully resettling in Canada, taking into consideration the extra support they would receive on the ground once they arrived, and perhaps most importantly, that they would also be eligible to be privately sponsored under Canada's new private refugee sponsorship program.[53]

In this way, the Indochinese Designated Class placed a tool in the hands of immigration officials that was "precisely targeted, robust and flexible,"[54] and its introduction enabled officials

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[52] Molloy, et al., 66.
[53] Molloy, et al., 67-69.
[54] Molloy, et al., 80.

to whittle their interview times down from forty-five minutes per person to a mere twelve.[55] This efficacy in processing saw officials meeting the demanding quota of processing eighty refugees per day, a number which, when combined, would result in Canada's ability to resettling the aforementioned 60,000 refugees between 1979 and 1980 alone. Further, the Indochinese Designated Class would continue to be used in the coming years to resettle tens of thousands of more refugees from Cambodia, Laos and Vietnam, and would only be retired in 1989 when the Comprehensive Plan of Action required that the Convention guidelines be reinstated for individuals fleeing those countries.[56]

1978: The Creation of Canada's Private Sponsorship Program

While the Indochinese Designated Class was the tool that allowed for the processing of an unprecedented number of refugees in such a short time, it was the creation of Canada's Private Sponsorship Program that gave the government the ability to admit such high numbers. Canada had used ad-hoc versions of a private sponsorship program since before World War Two; however, when a large influx of immigration from Britain coincided with the Hungarian refugee crisis and an economic recession in 1957, the state closed the doors on the option.[57] Interestingly, given the popular understanding of its inception, the pressure to re-instate such a program came not from citizens concerned about the refugee crisis in Southeast Asia, but rather from those angry and frustrated with the state's reaction, or lack thereof, to the plight of Chilean refugees after the overthrow of Allende's Socialist government. This frustration saw the development of a large and well-organized collective who actively lobbied the government to do

[55] In conversation with Michael J. Molloy, January 7th, 2020
[56] Molloy, et al., 69.
[57] Molloy, et al., 69.

more on the refugee front, thus keeping the controversy surrounding Canada's Chilean policy in the news, and consequently, on the desks of officials in Ottawa.[58] In response, Ottawa concluded that the reintroduction of a refugee sponsorship option for the public was the best way to transfer criticism of its policies into a direct action that would simultaneously satisfy its critics without creating a burden in terms of refugee resettlement that the state was unwilling to bear.[59]

As with the Designated Classes, the 1976 Immigration Act had laid down the framework for the creation of a program that would allow people to privately sponsor Convention refugees or members of a Designate Class. This inclusion in the 1976 Act had come about after lobbying by the Jewish Immigrant Aid Society (JIAS), who between 1974-1976 was given permission to run a private sponsorship program for Soviet Jews. The program was so successful that JIAS lobbied to keep the opportunity for private sponsorship alive, perhaps most effectively by demonstrating to Ottawa that a program could function without any reliance on public funds.[60]

Indeed, when drafting what a private sponsorship policy could look like in 1978, the team tasked with its creation at Employment and Immigration, which was led by Kirk Bell, and included Mike Molloy, Linda Butler and Carla Thorlakson, cast an eye to JIAS's program.[61] Building on the program, Bell's team further assigned to sponsors the task of meeting refugees at the airport; arranging accommodations; suppling furniture; stocking pantries and wardrobes; organizing not only provincial health care but schooling and social insurance numbers; and providing access to appropriate counselling and other supports, as each case may warrant.[62] Before introducing the program to the public, however, Bell's team made the final suggestion

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[58] Molloy at al., 70.
[59] See Adelman and Molloy, et al.
[60] Adelman, 85 and Molloy, et al., 70-71.
[61] Molloy at al., 70.
[62] All of these requirements remain in the program as it exists today. See http://www.rstp.ca/en/.

that it first be tested on the private sponsorship of seventy-five Soviet Jewish families stranded in Italy that the Canadian chapter of B'nai B'rith had been requesting to undertake. Deputy Minister Jack Manion agreed, and the pilot program was launched.[63]

While JIAS eventually had to take over the resettlement duties from B'nai B'rith, the pilot project was, nonetheless, a success. Accordingly, in January of '78, Manion submitted a Memorandum to Minister of Immigration and Manpower, Bud Cullen, stating as much and proposing the establishment of a permanent program. Included in the request was Bell's team's blueprint for the program, "Sponsorship Provisions for Refugee and Humanitarian Cases." Cullen approved the request and the blueprint became the basis for Canada's new private sponsorship program. The program was initiated quickly, so that by April of that year immigration officials had already been dispatched across the country to promote it, garnering enough public support by the fall of '78 to get it off the ground.[64]

That the public were allowed to sponsor individuals who were either Convention Refugees or part of a Designated Class was central to the program. This allowed for great flexibility in terms of who could be sponsored. Further, with the introduction of the Indochinese Designated Class in November of '78, such flexibility set the stage for what would become, in the following two years, Canada's largest resettlement effort, within such a short time frame, to date. In addition, the program allowed for sponsors to be either formally incorporated organizations, known as Community-based Organizations or simply Groups of Five or more citizens/permanent residents who self-organized for the purpose of sponsorship. While both had to prove the financial capability and overall capacity to support their applicant(s) for a minimum

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[63] Molloy, et al., 71-72.
[64] Molloy, et al., 73-74.

of a year through in-depth applications, this flexibility in terms of who could undertake a sponsorship opened up the opportunity to the public in a way that had never been seen before.[65]

1979-1981: The Mennonite Central Committee and the Creation of Master Agreements

Certainly, the creation of these two classes of potential sponsors influenced Canada's ability to resettle an unprecedented number of people between 1979 and 1980; however, it was the way in which immigration officials engaged Canada's religious communities with the sponsorship program that truly made the difference. The idea here was that while Community-based Sponsors and Groups of Five's sponsorship suitability would need to be individually assessed by the government through an in-depth application process, the government could create 'Master Agreements' with large, national organizations, thereby automatically giving them and their constituents the ability to sponsor refugees without having to tie up time and resources on either end.

The first organization to sit down at the table with the government to work on an agreement was the Mennonite Central Committee of Canada (MCC). By 1979, when the MCC met with the government, it and its organizational predecessors already had a long history of private sponsorship within Canada. These roots date back to the 1920s when 21,000 Mennonites from the Soviet Union were brought to Canada under an agreement with the government that required existing Mennonite communities to pledge the newcomers would not become a burden on the state. Due to their further work sponsoring Mennonites after WWII and beyond, by 1979

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[65] Until recently, Canada was the only country in the world to have such a program. In the last 5-10 years, however, countries such as Argentina, Australia, Germany, Italy, Ireland, New Zealand and the UK have all explored the initiation of some form of community/private sponsorship policy. See Yazan Khalaileh, "Canadian Private Sponsorship of Refugees: A Focus on Sponsors' Perspectives," MA Thesis, Refugee Protection and Forced Migration Studies, University of London, 2018.

Canadian Mennonite communities had become known as extremely effective lobbyists when it came to the issue.[66] The fact that they were the first organization to sit down with the government was, therefore, no surprise and reports of the ensuing negotiations from both sides of the table were extremely positive. Indeed, Gordon Barnett who was negotiating on behalf of the Immigration Department noted of the outcome: "It may well be that had the first agreement not been negotiated with a group as openly altruistic and sincerely helpful as MCC, the National Sponsorship Agreements would have been less cooperative."[67] The result was indeed cooperative, and spelled out an agreement that, as Barnett explains:

> [H]ad the individual sponsoring groups provide the day-to-day hands on care,
> the national organizations (…) mitigate any unusual costs or difficulties
> and the Department (…) provide an overall structure that included language
> training and allowances and a willingness to take over from the sponsors any
> cases that were exceptionally costly or requiring unusual professional services.[68]

The Mennonite Master Agreement was signed on March 5th, 1979. Within the month, the Presbyterian Church of Canada, the Lutheran Church-Canada, and the Council of Christian Reformed Churches of Canada had also signed similar agreements, and by the end of the summer of 1979, twenty-eight more national church organizations and dioceses had come onboard.

In the following years, more churches would follow suit, so that by 1981 the Department would have Master Agreements with a total of 47 religious organizations. These Master Agreements had much to do with the overwhelming success of the launch of Canada's private sponsorship program; however, whether through Master Agreements, Community-based Sponsors or Groups of 5, the public still needed to get onboard and sign up for sponsorships. Public interest was apparent in specific ethnic, activist and religious communities across the

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[66] Janzen, 212-213.
[67] As quoted in Molloy, at al., 76-77.
[68] As quoted in Molloy, et al., 76.

country; yet, it was not until the images of refugees in peril at sea reached Canadian living rooms, while the international community sat in a deadlock over what to do, that the public began to be involved in greater numbers.[69]

1978: The Hai Hong Incident and the Introduction of a Sponsorship Culture in Canada

In the aftermath of the Communist take-over of South Vietnam, people anxious to leave the country had only one option; to do so via the sea. This was only open of course to those who had the money to pay for it. Likewise, the amount of each individual's savings defined both how seaworthy their vessel, and how experienced their captain at its helm. These facts meant that there were myriad media reports from the South China Sea of sinking boats carrying refugees. Further horrific stories surfaced of pirates boarding ships, looting, raping, and in some cases, murdering its passengers.[70] By 1978, more and more people were desperate to leave the country. On top of government oppression, the fall of that year had seen the worst flooding in the history of the county and the rice crop was 7.5 million tons short.[71] Indeed, in 1979, UNHCR reported at least 8,627 refugees had been rescued at sea that year, with a further 1,024 rescued in the beginning months of 1980.[72] There were no numbers, however, estimating how many people had perished.

It was within this context that the infamous *Hai Hong* set sail from Vietnam on October 24, 1978. Carrying roughly 2,500 Vietnamese refugees, the ship had previously been judged unseaworthy and sold for scrap metal. Rather than being demolished, however, the derelict

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[69] Molloy, et al., 79.
[70] Molloy, et al., 369.
[71] Molloy, et al., 94.
[72] Molloy, et al., 369.

freighter was instead engaged as a money-making venture for its Hong-Kong based captain and

crew. Indeed, the consortium had had previous financial success with such a scheme when they

sailed a ship of Vietnamese refugees to an uninhabited Indonesian island in August of that same

year.[73] Ultimately, the UNHCR took responsibility for the passengers and the captain and crew

made off to plan another venture.[74]

When the *Hai Hong* left port on October 24th, 1978, however, it did so with double the

number of passengers than originally planned. Each passenger, the majority of whom were

ethnic Chinese, had paid over $3,200 USD for a spot on the ship, two-thirds to the Vietnamese

government and one-third to the Hong Kong consortium. Sailing into the tail end of Typhoon

Rita, the ship was immediately blown off course and both its structures and engine were

subsequently damaged. It spent the next several days attempting landings in Indonesia, but the

officials there repeatedly denied them entry. Turned away, the damaged ship limped towards

Malaysia. When the same thing occurred there, it was clear the ship would not make it any

further. Dropping anchor, its captain, crew and passengers hoped the Malaysian officials would

reconsider. By this stage, the overcrowded *Hai Hong* had been at sea for seventeen days, and had

little in the way of food, water or medical supplies. Further, not meant as a passenger ship, the

freighter offered little shelter to its inhabitants and many onboard were in need of medical

attention. Adding to this increasing crisis was the Malaysian authorities' threat to tow the ship

out to international waters and leave it there.[75]

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[73] Interestingly, while much is known about the *Hai Hong* incident, less is known about Canada's involvement in the *Southern Cross*, as this ship was called. In fact, Canada's Ian Hamilton was the first international resettlement officer to reach the Indonesian island in 1978. Having previously secured the approval of Ottawa, Hamilton and his team processed 35 families, consisting of 81 individuals, for resettlement in Canada. See Molloy et al., 93-94.

[74] Marcus, 4.

[75] For a complete picture of the incident see Rene Pappone, *The Hai Hong: Profit, Tears and Joy*, Employment and Immigration Canada: Ottawa, 1982.

All of this was being steadily reported back to Canadians and both the media and the public in general began calling for the government to take action. Interestingly, most of those calls were not for Canada to accept the refugees. The country was in the midst of an economic downturn and racist ideas about the Vietnamese people being unable to settle in Canada's 'unforgiving cold' proliferated. Rather, Canadians pressured the government to somehow force Malaysia to take them in.[76] Upon hearing of Malaysia's intent, however, Minister Cullen stated that "Malaysia was calling our bluff, and heaven knows they have every right to, having accepted something in excess of 35,000 refugees."[77] It was clear the time had come for the international community to step up.

It was not, however, the Federal government that made the first move, but rather the province of Quebec who on November 15 declared it would accept 200 refugees from the *Hai Hong*, or 30% of whatever Canada could commit. This promise was possible under the newly negotiated Cullen-Couture Agreement, which gave the province jurisdiction over immigration matters in a bid to preserve its French language and culture.[78] Three days later, Ottawa followed suit and Minister Cullen announced that Canada would accept six hundred "boat people" for resettlement, including Quebec's commitment of 200. As the Minister noted at the time, it was Quebec making the first move that really put things in motion. Other countries also followed suit so that all the passengers of the freighter were eventually resettled.[79] Things certainly moved quickly after that as Ian Hamilton, who along with Dick Martin, Scott Mullen, and Florent Fortin, was one of only four immigration officials stationed in the area at the time, noted later:

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[76] See Marcus for an in-depth analysis of media accounts, editorials and opinion polls during the incident.

[77] Quoted in Marcus, 5.

[78] See Molloy et al., 98-99; and W. Courtland Robinson, *Terms of Refuge: The Indochinese Exodus and the International Response*, (London and New York: Zed Books, 1998): 138.

[79] Marcus, 9.

"All of sudden, there were these planes coming down from Canada before the first refugees had even been selected. It was unprecedented."[80]

Once the news spread that Canada would accept refugees from the freighter, offers of help poured into immigration service providers. Overloaded, the government announced that would be volunteers should turn their attention to the other Cambodian, Laotian, and Vietnamese refugees who were arriving in Canada each month and who needed support as well. Interestingly, once the government decided to resettle the refugees of the Hai Hong, public opinion seemed to change from a belief in helping the refugees outside of Canada to a desire to resettle more within the nation's borders. Further, sunny media portrayals of those who had already arrived spread a feel-good narrative about resettlement across the country.[81] Armed with this new desire to resettle refugees, and a much clearer sense of the crisis in the South China Sea, more and more individuals began to turn an eye to Canada's new private sponsorship program and explore the possibility of taking the task on.

1979: New Government, New Numbers

At the end of December 1978, Pierre Trudeau's Liberal Cabinet sat with two documents in front of them from Employment and Immigration. The first was asking for an additional 5,000 VCL refugees to be admitted in 1979, with the belief based on the public's response to the *Hai Hong* incident that the private sponsorship program would begin to gain more traction.[82] The second was a proposal for an Annual Refugee Plan which would wrap funding for refugee resettlement into the country's already established annual immigration levels plan, thereby ensuring that refugee resettlement was something the country was committed to on a yearly-

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[80] Quoted in Robinson, 138.
[81] Marcus, 12.
[82] Marcus, 12-13

basis.[83] As Mike Molloy, the co-creator of the Annual Refugee Plan with Ivan Timonin, explains, by 1978 refugee crises were no longer an anomaly, and there was "nothing unpredictable about the fact that the department was running five refugee resettlement programs simultaneously. It was now part of our business. The 1976 Act said so, and it had become part of our DNA."[84]

Cabinet approved both plans, along with a subsequent request from the new Conservative government to raise the number by 3,000 in June of 1979.[85] Still, 8,000 refugees was not nearly enough when compared to the 350,000 or more Laotian and Vietnamese refugees who languished in camps from Thailand to Hong Kong, or to the 500,000 Cambodians who were stuck at the Thai border. Not to mention were all of those countless others who were pushed back to sea or forced back by gunpoint to Pol Pot's Kampuchea.[86] In response, the new Employment and Immigration Minister Ron Atkey quickly set to work.

Interestingly, it was his predecessor that placed him on the path to what would ultimately change the tide of Canada's response to the Cambodian, Laotian and Vietnamese refugee crisis. The day after Atkey was sworn in, Cullen had a word with Atkey telling him that the Indochinese file was not only the most complex of the files he was handing over, but also the most critical. Further, Cullen pointed to the private sponsorship program as a potential solution. While noting that the program was not as of yet a success, Cullen suggested that perhaps, "a new government might do better."[87]

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[83] Along with providing for 5,000 Cambodian, Laotian and Vietnamese refugees, the Annual Refugee Fund was also slated to support the resettlement of 5,000 other refugees throughout 1979. See Molloy, et al., 109.
[84] In conversation with Michael J. Molloy, 22 January, 2020.
[85] Molloy and Madokoro, 58-59.
[86] Molloy, et al., 114 and W. Courtland Robinson, "The Comprehensive Plan of Action for Indochinese Refugees, 1989-1997: Sharing the Burden and Passing the Buck*," Journal of Refuge Studies*, 17.3 (2004) 319.
[87] Quoted in Ron Csillag, "Politician Ron Atkey Opened Canada's Doors to Boat People," The Globe and Mail (24 May 2017). Retrieved from https://www.theglobeandmail.com/news/politics/politician-ron-atkey-opened-canadas-doors-to-boat-people/article35108399/

Along with Atkey, key to the new government's engagement with the private program as a solution to the increasing refugee crisis in the Southeast Asia was the work of External Affairs minister Flora MacDonald. In fact, the first proposal to introduce a target for private sponsorship came from a joint External Affairs and Canada Employment and Immigration Commission submission to Cabinet on June 18 to raise the 1979 government commitment from 5,000 to 8,000 and adding a target of 2,000 privately sponsored refugees and 2,000 refugees through the family reunification stream, thus bringing the new total up to 12,000.[88]

The media and the public quickly reacted, however, calling the move "a drop in the bucket,"[89] and stating that in "dark times of trouble, we are, most of us, refugees or the children of refugees. It's time to remember that."[90] The public, for its part, were stepping up efforts of their own, and from Operation Lifeline in Toronto, Project 4000 in Ottawa and Save the Boat People in Montreal, Canadians were demonstrating to their leaders that they were ready and willing to back up these words with hard work and real outcomes.[91]

It was at that time that both Atkey and MacDonald had experiences that would tip the balance in favour of Canada taking a radical approach to the increasing Southeast Asian refugee crisis. MacDonald, for her part, was in Tokyo at the G7 Economic Summit between June 28-29. There, the G7 leaders collectively released a statement declaring that the refugee crisis "constitutes a threat to the peace and stability of Southeast Asia. Given the tragedy and suffering which are taking place, the problem calls for an immediate and major response."[92] Of course, as is often the case with international summits and the resulting rhetoric, the countries involved do

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[88] Molly et al., 116.
[89] From the Montreal Gazette, 22 June, 1979, as quoted in Molloy, et al., 116.
[90] From the Globe and Mail, 28 June, 1979, as quoted in Molloy, et al., 116.
[91] Adelman, 86.
[92] Quoted in Molloy, et al., 118.

not normally follow up their words with adequate actions. Out of the seven countries involved, it was only the United States which left the Summit with a commitment to increase its intake quotas. While not making a commitment in situ, MacDonald nevertheless returned from Tokyo with a steely resolve that Canada would do its share when it came to the issue.[93]

While MacDonald was in Tokyo, two historians were at work on what would become the seminal account of Canada's appalling treatment towards Jews in need of asylum during World War Two. Watching the media coverage of the refugee crisis and hearing familiar racist refrains, Irving Abella and Harold Troper packed up a copy of their preliminary findings and sent them to Minister Atkey with the note: "We hope Canada will not be found wanting in this refugee crisis the way it was in the last."[94] It was not Atkey who first received it, however, but rather, his Deputy Minister Jack Manion, who, after reading it, brought it straight to Atkey with the words: "This should not be you."[95] Atkey later credited the work with giving him the resolve to be bold in terms of the refugee crisis,[96] a boldness which, when coupled with that of MacDonald's and the fulsome support of PM Joe Clarke, translated into the proposal to raise Canada's Southeast Asian refugee target to 50,000 during the 1979-1980 fiscal year. The government, however, could not meet these numbers on its own, and an incentivizing one-for-one provision was approved by Cabinet on July 18, announcing to Canadians that for each refugee they privately sponsored, the government would respond in kind, up to a maximum of 21,000 individuals each.[97]

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[93] Molloy, et al., 119.
[94] Irving Abella and Harold Troper, *None is Too Many: Canada and the Jews of Europe, 1933-1945* (Toronto: University of Toronto Press, 2012), xvi.
[95] Quoted in Csillag.
[96] Abella and Troper, xvi.
[97] Molloy, et al., 119-120.

In total, the work that began in the Ministry of Immigration and Employment to implement the refugee provisions of the 1976 Immigration Act, coupled with the tireless lobbying of refugee advocates as well as the success of the Master Agreements; the Clarke government's one-for-one provision; and the continuous media portrayals of the horrific plight Cambodian, Laotians and Vietnamese refugees were facing in the South China Sea produced 5,456 private sponsorship applications in 1979, a number which translated into the resettlement of 29,269 refugees by the Canadian public. This number, when combined with the government assisted and familial sponsored refugees, and the additional pledge of a further 10,000 refugees by the Trudeau government after its election in 1980, led to a stunning 60,049 by the end of that year. This brought the total number of Southeast Asian refugees resettled in Canada between 1975-80 to over 70,000.[98]

This rare honeymoon between public sentiment and political will, however, did not last. In many ways, it was the victim of its own success, with the exciting arrival of so many refugees stoking an anti-immigrant sentiment that had been quietly smoldering in the preceding years. While these opinions had been apparent in letters to the editor and national surveys throughout the crisis, it was the full-page ads taken out by the right-wing lobby group the National Citizens' Coalition (NCC) in newspapers across the country that really shone a light on the anti-immigrant rhetoric that was circulating. The ads made incendiary and unfounded claims about the economic and social strife that would follow the admission of so many refugees, while also printing bogus numbers about how many family members each refugee would end up sponsoring. In a terrific example of the power of social capital, however, the NCC's media campaign came to an abrupt end due to the work of Howard Adelman and Joseph Wong from

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[98] Molloy, et al., 79.

Operation Lifeline. Naming their effort Operation Intellectual Kneecapping, the pair approached

an individual they knew who funded the NCC. Agreeing with Adelman and Wong that the ads

were racist, the individual quickly called a number of other NCC financiers, all of whom

committed to stop the flow of money unless the NCC stopped their campaign. Needless to say,

the campaign ended immediately.[99]

The effects of anti-refugee rhetoric, however, even before the NCC's ads, had already

showed up in the polls, and as such, policy decisions as well. Unfortunately, this culminated in

the government's announcement that it was backing away from its portion of the commitment of

50,000 refugees by removing one government sponsored refugee for each privately sponsored

refugee the public committed to above the public's initial 21,000.[100] While the government

argued the money saved would go to support victims of the Cambodian famine, the damage had

been done and the trust between the government and the private sponsorship groups had been

broken. Interestingly, when Clarke's minority government was defeated on a budget bill a

month later, and Trudeau's Liberal were re-elected at the beginning of 1980, the new

Immigration Minister Lloyd Axworthy wasted no time in upping the government's commitment

to resettlement by 10,000 government assisted refugees. Unfortunately, this openness to

accepting large group movements of Southeast Asian refugees did not persist, and when, at the

end of 1980, the UNHCR asked Canada to consider resettling another 30,000 refugees, the

government quickly declined.[101]

[99] Molloy, et al., 150-151.
[100] Molloy, et al., 455.
[101] Molloy, et al., 456.

Part Three: The Comprehensive Plan of Action and the Return to the Convention, 1988-1997

1987-1989: The Suspension of the Orderly Departure Programme and a Renewed Rise in Asylum Seekers in Southeast Asia

While the major movement of Southeast Asian refugees to Canada had come to a close, the influx of refugees into countries of first asylum had not. Although the numbers initially declined so that by 1986 refugee officials believed the crisis might reach a natural conclusion, a combination of factors sent the numbers skyrocketing again in the following years. Foremost was Vietnam's suspension in 1987 of the Orderly Departure Programme (ODP). The ODP was developed during a 1979 Conference on Indo-Chinese refugees in Geneva. Signed by the UNHCR and Vietnam, the Memorandum of Understanding saw Vietnam agree to the authorized exit of their citizens, as long as they did not have military obligations; were not on trial; were not deemed irreplaceable in the field of production; or understood to possess state secrets. To be granted exit, individuals' names would also need to appear on the lists of receiving countries willing to accept them. In turn, with the signing of the ODP, Southeast Asian states agreed not to push back asylum seekers to sea.[102]

The suspension of the ODP, along with the release of large numbers of people from re-education camps and the continued instability in Vietnam which, among many things, saw the collapse of state-owned companies meant that between 1988-89 the number of Vietnamese seeking asylum rose dramatically by 84%. This indicated that the number of refugees landing in Southeast Asian states and Hong Kong officially outnumbered settlement offers from Western

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[102] See Judith Kumin, "Orderly Departure from Vietnam: Cold War Anomaly or Humanitarian Innovation?" *Refugee Survey Quarterly*, 27. 1 (2008): 104-117.

nations.[103] At the same time, Hong Kong and the Southeast Asian asylum countries were

becoming increasingly frustrated with the length of time it was taking the west to resettle

refugees. In response, the Association of Southeast Asian Nations (ASEAN) made the following

statement regarding their concerns:

> The ASEAN Foreign Ministers are seriously concerned about the continued
> outflow of refugees, displaced persons and illegal immigrants from Indo-China and
> the problems this poses for the ASEAN countries. The Foreign Ministers note with
> particular concern the large increase in the number of Vietnamese boat people coming
> into the ASEAN region over the past year. The Foreign Ministers are of the view that
> the structures, premises and assumptions of the past are no longer capable of dealing
> with the Vietnamese boat people problem. The Foreign Ministers agree that a new
> comprehensive program of action is needed.[104]

ASEAN's next step was to push for an international conference to resolve the issue.

Adding to these tactics, countries in the association began pushing boats filled with refugees

back out to sea. Reports of hundreds of deaths, however, along with others of people stranded on

deserted islands with no provisions, failed to have the same impact as those from the decade

before. Further, more and more narratives, both from the receiving nations as well as the

international community began employing the term illegal aliens when describing the refugees, a

characterization that no doubt supported a further culture of inaction.[105] It was within this

climate that demographer Michael Teitelbaum's thesis regarding 'tragic choices' in refugee

policy began to loom large for the UNHCR, "the apparent reality that explicit or implicit promise

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[103] Sten A. Bronee, "The History of the Comprehensive Plan of Action," *International Journal of Refugee Law* 5(4), 1993; 536; Sara E. Davies, "Realistic yet Humanitarian? The Comprehensive Plan of Action and Refugee Policy in Southeast Asia," *International Relations of the Asia-Pacific* 8.2 (May 2008): 193-194; Michael J. Molloy, "How Canada Defined the Indochinese Refugees," Unpublished, 13.

[104] Quoted in Davies, 194.

[105] The employment of the term illegal alien or illegal immigrant has often been used to paint certain refugees as illegitimate. This ill-informed terminology is almost always engaged when refugees arrive to Canada via the sea. See for instance, Alex Neve and Tiisetso Russell, "Hysteria and Discrimination: Canada's Harsh Response to Refugees and Migrants Who Arrive by Sea," *University of New Brunswick Law Journal* 62, January 1, 2011 and James Hathaway, Audrey Macklin and Lorne Waldman, "Is None Still Too Many? Asylum Seekers on Boats, Then and Now, Here and There" (2 December 2010), retrieved from https://www.law.utoronto.ca/news/none-still-too-many-asylum-seekers-boats-then-and-now-here-and-there.

of admission as refugees stimulates its own refugee flows (…). To guarantee admission to a high-wage economy to successful boat people is an invitation to them to risk their lives in boats."[106]

1989-1997: The Comprehensive Plan of Action and the Closing of the Southeast Asian Refugee Camps

In response, the UNHCR engaged the source countries, asylum countries, resettlement countries and donors in a series of meeting regarding the issue between 1988 and 1989, the results of which was the creation of the Comprehensive Plan of Action (CPA) in June of 1989.[107] The CPA's stated purpose was six-fold:

- To prevent organized clandestine departures;
- To encourage and promote regular departure procedures and migration programs;
- To maintain guarantees of first asylum;
- To establish region-wide consistent refugee status determination procedures;
- To continue resettlement of refugees, long-stayers as well as those newly determined to be refugees and;
- To repatriate rejected asylum seekers.[108]

In short, the CPA's intent was to create a "deterrent measure to facilitate the return of those determined by the authorities not to be refugees."[109] In practice this meant that the CPA halted the use of *prima facie* status from Laotian and Vietnamese refugees,[110] thereby reinstating the Convention definition and thus a policy of compulsory screening, the subsequent separation

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[106] Quoted in Molloy, "How Canada Defined the Indochinese Refugees," Unpublished, 12. See also Robinson, 1998, 160-161.

[107] For a comprehensive account of the CPA in the context of international refugee law see Sara Davies, *Legitimizing Rejection: International Refugee Law in Southeast Asia*. (Leiden and Boston: Martinus Nijhoff) 2007.

[108] Bronee, 540.

[109] Davis, 2008, 200.

[110] The CPA only applied to Laotian and Vietnamese refugees, as Cambodians were considered to be Displaced Persons.

between those deemed 'legitimate' and those seen as 'illegitimate,' and either voluntary or forced repatriation of the latter.

On paper the CPA stated that the UNHCR would provide humanitarian assistance to the refugees and countries of first asylum, and that extensive monitoring procedures would be established in the countries of origin to protect those who were repatriated. To this end, the CPA has often been positioned as succeeding in walking a fine balance between a necessary practicality and humanitarian aid.[111] Problematic, however, is the fact that the UNHCR embarked on a refugee resettlement program with ASEAN when only one of its countries, the Philippines, was a signatory to the UN's 1951 convention and its 1967 Protocol. Reports of corruption, bribery and coerced prostitution, therefore, in the desperation of refugees to be determined as 'legitimate,' are hardly surprising.[112] As Nguyen Dinh Thang, director of the Boat People SOS Committee in Washington, DC, stated in regard to the administration of the CPA:

> Corruption was only part of the problem. There was also an acute lack of competent interpreters, lack of adequate training for UNHCR legal consultants, incompetent screening officials, inadequate understanding of Vietnamese country conditions, overly brief interviews – the average was 20 minutes – relying extensively on yes-no questions, no legal representation or assistance in the appeals stage, no reason for denial given except in the Philippines, no access to one's own record to review or correct possible errors. All of these procedural flaws compounded the problems of corruption. UNHCR was not in control of these procedures and it was unwilling to exercise its mandate sufficiently to correct these flaws. The Vietnamese call this '*xo*', the lottery.[113]

Indeed, in March of 1992, when the UNHCR convened a meeting in Manila on the subject of screening, the rates of acceptance fluctuated dramatically between the countries of first asylum. Where Malaysia was reporting 32% refugee designation rate, Indonesia reported 3% and Hong Kong 7%. In response, the UNHCR instituted new guidelines on screening, however, the

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[111] For the different stances taken in the literature see Davies, 2008 and Robinson, 2004.
[112] Robinson, 207-208.
[113] Quoted in Robinson, 1998, 208.

numbers continued to demonstrate that the required change was not occurring.[114] Regardless of what the numbers were communicating, by 1995, the UNHCR nonetheless declared themselves satisfied with the status determination process:

> While the procedures were far from perfect, there were safeguards built in to ensure those with a valid claim to refugee status were 'screened in'. UNHCR is satisfied that it was given adequate access by the authorities concerned to monitor the screening procedure and application of criteria, and assess the merits of the cases. UNHCR is also satisfied that its views on a case, particularly those which favour the screening-in of a case, were generally accepted by the authorities, or failing that, UNHCR was able to exercise its mandate, which it used on behalf of about 1,600.[115]

The CPA would continue for 7 years after its inception, and the pressure inflicted on the refugees would continue to grow as both the UNHCR and the asylum countries attempted to clear the camps. For the UNHCR's part, the agency decided to cut most of what it termed 'stay factors' in the camps. This included reduced access to medical and counselling services; curtailing freedom of movement within the camps; banning income-making activities; reducing employment opportunities; limiting remittances; and shockingly, discontinuing all educational opportunities above the primary level.[116] As the ASEAN countries got closer and closer to the UNHCR's June 30, 1996 deadline where it would cease funding for the processing of 'boat people', the forced repatriations became more aggressive, with reports of violence, including at least one death, making its way to the international media.[117] When both Indonesia and Thailand were unable to meet the June deadline, the countries continued to empty the camps on their own, refusing the UNHCR access. It is still unclear as to the level of coercion and human rights abuses which subsequently took place.[118]

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[114] Robinson, 2004, 328.
[115] Quoted in Robinson, 1998, 208.
[116] Robinson, 1998, 218.
[117] Robinson, 1998, 221.
[118] Davies, Robinson, 1998 and 2004.

The CPA officially ceased its operations on Jun 30, 1997 when Hong Kong was transferred back from British to Chinese rule. In total, only about 28% of Vietnamese asylum-seekers who applied for refugee status under the CPA were successful, a number which was closer to 49% for Laotians.[119] The remaining people were, in most cases, either repatriated voluntarily or forcibly. In this way, the CPA was successful in accomplishing what it set out to do; however, the human rights abuses that the CPA's implementation and administration generated should warn future international resettlement efforts of the human cost of such a perceived 'success'.

Conclusions

This paper explores the history of Canadian refugee policy from the end of WWII to the creation of the country's ground-breaking Private Sponsorship Program in the midst of the Southeast Asian refugee crisis in the 1970s. The subsequent resettlement of over 70,000 refugees from Cambodia, Laos and Vietnam between 1975-80 remains the largest Canadian refugee resettlement effort in such a short timeframe to date. Importantly, the majority of the extant literature describes the phenomenon only up until 1980, and yet between 1981 and 1997 Canada resettled another approximately 74,610 refugees from Cambodia, Vietnam and Laos (Table 2). These numbers mean that between 1975-1997 Canada resettled approximately 143,729 refugees from these countries, and yet because the latter group was not a part of the much-publicized initial push, the numbers and the corresponding individuals who made their way to Canada during those years are not included as part of the same narrative. For a complete understanding, therefore, of Canada's response to refugees from Cambodia, Laos and Vietnam, from the of

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[119] For the Vietnamese statistics see Robinson, 2004, 328 and for the Laotians ones see Robinson, 1998, 223.

Saigon to the Comprehensive Plan of Action, these individuals and their stories, as well as the immigration mechanisms which settled them, need to be told.

But what of the experiences of these new permanent residents once they arrived in Canada? As noted in the introduction, a number of works have explored the topic. The most recent is a thirty-year overview of the economic outcomes of Vietnamese Canadians who arrived between 1979-80. Through analyses of the 1981, 1991 and 2001 censuses, along with the 2011 National Household Survey, author Feng Hou concludes that while Vietnamese refugees arrived in Canada with little human capital, they quickly had higher employment rates and demonstrated faster improvement in economic status in comparison to other immigrants who arrived at the same time. In this way, within 20 years of arrival, Vietnamese refugees had largely closed the earning gap between themselves and other immigrants. Interestingly, Hou demonstrates how childhood Vietnamese refugees who went on to post-secondary education were much more likely to complete a university degree than other childhood immigrants and their Canadian-born counterparts, and yet they also had a higher high-school drop-out rate as compared to the same groups.[120] A similar phenomenon has been found in the United States, pointing to a rich area of study which clearly deserves more attention.

While not as recent, the most in-depth look at the topic comes from Morton Beiser, Professor Emeritus of Cultural Pluralism and Health at the University of Toronto. For his monograph, *Strangers at our Gates*, Beiser undertook a ten-year study of 1,300 'Boat People' who were admitted to Canada between 1979 and 1981. Based on both quantitative and qualitative results, Beiser found that after ten years the majority of the new Canadians were

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[120] Hou, Feng. "The Resettlement of Vietnamese Refugees across Canada over Three Decades." United Nations University Working Paper, 2017. Retrieved from https://www.wider.unu.edu/sites/default/files/Publications/Working-paper/PDF/wp2017-188.pdf

"successfully settled", with 86% of them employed, speaking some level of English and reporting to be in good health. Further, the group Beiser followed also reported lower rates of unemployment, depression, substance abuse and use of social services than national averages. Importantly, Beiser also points to the complexities of characterizing what makes for successful resettlement:

> [D]efining a phenomenon by its absence rather than its substance (…) does not work in science. Calling all refugees who do not develop health problems, who do not use welfare, and who manage to stay out of trouble well adjusted is inadequate because it conveys only the boundaries rather than the essence of good adaptation. The determinants of success are more than the absences of stresses that create failure: they are phenomena well worth studying in their own right.[121]

Clearly there is more work to be done in this area, most importantly from viewpoint of the refugees themselves.

This paper was not meant as an evaluation, and I have not attempted to organize it within an overall argument. If I had, however, it would be to make the point that in a world that seems, once again, to be increasingly engaged in racist rhetoric, we must look to our history not just for what we have done wrong, but also where opportunity lies to do right. While this paper does not imply that Canada's response to the refugee crisis was perfect, nor that there is nothing to criticize in its private sponsorship program, it does tell the story of people, the public and politicians alike, joining together across a nation to open their borders, and in many cases their homes, to an unprecedented number of people who were in desperate need, continents away.

We recently saw a similar effort grip the country when an image went viral of the tiny body of Alan Kurdi washed up on the Turkish shoreline, a victim of the Syrian Civil War and a world that has not responded adequately to the subsequent humanitarian crisis. As in the 1970s

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[121] Morton, Beiser. *Strangers at the Gate the "Boat People's" First Ten Years in Canada*. Toronto: University of Toronto Press, 1999, 47.

after the plight of the *Hai Hong* was televised around the world, the public and politicians in Canada reacted. Deploying private sponsorships, public sponsorships and a program which blends the two, the country resettled 25,000 Syrians between January 1, 2015 and May 10, 2016.[122] By January 2017, that number had risen to over 40,000.[123] Current estimates now put the number at 62,000 Syrian refugees becoming Canadian permanent residents since 2015.

Like in the 1970s, however, there was a public will to do more and yet would-be sponsors were met with long wait-times, competition for highly sought-after sponsorship spots and often overwhelming barriers to accessing correct and comprehensive instructions about how to complete the complex process successfully.[124] While intensely powerful, public will created through images such as those of Alan and the beleaguered passengers of the *Hai Hong* is also fleeting. It is with hope, therefore, that as the crisis of unprecedented numbers of refugees across the globe continues to rise, that we as a country strive towards a system that becomes capable not only of supporting the desire of all those Canadians who wish to sponsor refugees, but also which looks for ways to expand our government-assisted refugee policy so that Canada may use its privileged position of political stability and economic wealth to give more global citizens the ability to lay down roots and build futures.

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[122] Statistics Canada, Syrian Refugees who resettled in Canada 2015 and 2016. Retrieved from https://www150.statcan.gc.ca/n1/pub/75-006-x/2019001/article/00001-eng.htm

[123] Immigration, Refugees and Citizenship Canada, "#Welcome Refugees: Key Figures," retrieved from https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees/key-figures.html

[124] See for instance Immigration, Refugee and Citizenship Canada, "Privately Sponsored Refugee User Research and Ideation," Ottawa: Government of Canada, 2020 and Khalaileh, 2018.

Table 1

Cambodian, Laotian and Vietnamese Refugees by Admission Category, 1975-1980

Year	Total	GAR	RSR	PSR
1975-78*	9,060	~ 5,000	~ 4,000	0
1979-80	60,049	25,978	1,790	32,281
Grand Total	69,109	~ 30,978	~ 5,790	32,281

* For reasons that are not clear, Laotians were not included at this time

Abbreviations	
GAR	Government Assisted Refugee
RSR	Relative Sponsored Refugee
PSR	Privately Sponsored Refugee

Source: Employment and Immigration Canada, "Indochinese Refugees: The Canadian Response, 1979 and 1980" (Ottawa: Department of Supply and Services, 1982) & Molloy, et al.

Table 2

Admissions of Permanent Residents by Select Special Program Code and Landing Year, 1980 – 1997

Special Program Code	1981	1982	1983	1984	1985	1986	1987	1988	1989
KRP	0	--	--	--	0	0	0	0	0
KRS	--	0	40	10	5	0	0	0	0
KRU	0	0	0	0	0	0	0	0	0
LIT	0	0	0	--	0	0	0	0	0
RAS	0	0	0	0	--	0	85	130	90
SBE	6,405	3,840	2,925	3,460	4,135	3,890	3,960	4,460	6,060
TOR	2,410	1,790	2,130	2,470	1,945	2,115	1,620	1,940	2,370
UAM	35	35	45	25	25	15	35	25	40
VNP	0	--	--	30	--	--	0	0	0
Total	**8,855**	**5,670**	**5,140**	**6,000**	**6,115**	**6,025**	**5,700**	**6,550**	**8,565**

Special Program Code	1990	1991	1992	1993	1994	1995	1996	1997	Grand Total 1981-1997
KRP	0	0	0	0	0	0	0	0	5
KRS	0	--	0	0	0	0	0	0	60
KRU	0	0	0	0	0	0	0	0	--
LIT	0	--	0	0	0	0	0	0	5
RAS	35	--	--	0	0	0	0	0	345
SBE	5,105	2,745	1,835	1,490	1,075	185	60	30	51,660
TOR	1,180	1,120	125	390	345	180	35	20	22,185
UAM	10	15	--	5	0	0	--	0	305
VNP	0	0	0	0	0	0	0	0	45
Total	**6,330**	**3,885**	**1,965**	**1,885**	**1,415**	**365**	**95**	**50**	**74,610**

Please note that all values between 0 and 5 are shown as "--". This is done to prevent individuals from being identified when IRCC data is compiled and compared to other publicly available statistics. All other values are rounded to the closest multiple of 5 for the same reason; as a result of rounding, data may not sum to the totals indicated.

Abbreviations	
KRP	Cambodian Relatives Sponsored or Nominated
KRS	Cambodian Refugee, Other
KRU	Cambodian Refugee Evacuated by USA
LIT	Laotians in Thailand
RAS	Indochinese Rescue at Sea
SBE	Indochinese Small Boat Escapees
TOR	Thailand Overland Refugees
UAM	Unaccompanied Minors, Indochinese
VNP	Vietnamese Relatives Sponsored or Nominated

* There have been no admissions under special program VPH - Vietnamese in the Philippines between 1981 and 1997

Source: A large debt is owed to Michael John McCormick and his team at IRCC for compiling these statistics for the purposes of this paper. Data request tracking number: CDO-20-015

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