

Post-Communism Romani Migration to Canada

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The article discusses issues raised by the recent migration of Romani refugee claimants to Canada from the Czech Republic and Hungary. The article provides a historical overview of Romani migration to Canada before outlining the public and government reactions to the 1997 arrival of the Czech Roma and the subsequent arrival of the Hungarian Roma. The processing of the asylum application of the two groups are detailed, and the differences between the reception of them examined. In particular, the article analyses the power of the rhetoric employed by the media, the Gypsy stereotype, entrenched racism, influential organisations and individuals from the refugee's home country, and assesses the impact of these factors on the interpretation of the validity of asylum claims and the framing of immigration policy.

Introduction

Although there have been Roma in Canada since the 1890s, most mainstream Canadians have been unaware of their existence. Canadian immigration was also unaware of the existence of earlier Romani arrivals, admitting them along with other immigrants from their countries of origin or among general refugees from Communism. However, since 1997, Romani refugees to Canada have received a great deal of attention in the media, and Canadian Immigration has treated them differently to previous Romani immigrants and refugees. The reasons for this are the subject of this article. The Romani migration to Canada serves as a background for the central points of this article, which discusses the interaction of media presentation, public opinion, and immigration policy in the case of the Romani refugees from the Czech Republic. The final section discusses the current situation of the Hungarian Roma refugee claimants in Canada, pointing out how it differs from that of Romani refugees from the Czech Republic.

The recent migration of Romani refugee claimants to Canada from the Czech Republic and Hungary is discussed in this article with the aim of showing that while Romani migration to Canada is nothing new, this migration differs from

previous ones in that the immigrants have publicly identified themselves as Roma, and this has resulted in their being given a different reception. The Gypsy stereotype, media sensationalism and public fear of refugees has combined to make things more difficult for these Roma. While this article focuses mainly on Canadian policy toward, and treatment of, the Roma refugees, it also offers occasional comparisons with the situation in other target countries. Furthermore, it shows that, just as in other countries, economic and political relations between Canada and the refugee-producing countries affect policy toward refugees.

Historical overview of Romani migration to Canada

(1) Early Romani migrations

Romani migration to Canada began in the last decade of the 19th century as part of the mass migration of Vlach Roma from eastern Europe and the Balkans to the United States, Central and South America and Canada. These earliest Vlach Romani immigrants entered Canada as a small group and were lost among the large number of non-Romani homesteaders from eastern Europe who came to Canada in the late 19th and early 20th centuries, as the result of a Canadian government scheme to settle the prairie provinces. This original group of Vlach Roma was soon joined by another group that trekked up to Canada from Argentina via Mexico and the United States.¹ These two groups were later joined by more Vlach Romani immigrants from the United States (US) and Europe, until World War I when immigration from Europe to Canada was suspended. There is no indication that these original Romani immigrants to Canada were identified specifically as Roma by the Canadian Immigration authorities. Canadian Immigration has always listed immigrants by nationality and not by ethnic identity.²

The second historical group of Romani immigrants to Canada came from Britain and was beginning to become established in Canada by the second decade of the 20th century. These British-Romani Travellers³ arrived with British passports and had commonplace British surnames. They were identified as British immigrants rather than 'Gypsies' by Canadian Immigration officials. Prior to World War I, some Romani families of Sinti⁴ and Romungere⁵ also arrived in Canada from Germany and the Austro-Hungarian Empire. During the war they were incarcerated in camps in Canada as enemy aliens along with non-Romani immigrants from their former countries; their horses, wagons and goods were confiscated and after the war most of them returned to their former countries or migrated to the United States.⁶

In the interwar period, Romani immigration continued from Britain and the US. Immigration from the rest of Europe was insignificant. With the advent of mechanisation, Roma and Romanichels³ became less visible in the rural areas as they joined the carnivals which travelled mainly by train across Canada and the US. By the time World War II broke out, Canadian Vlach Roma, like their American counterparts, were beginning to settle in the towns and cities. Romanichels continued to travel but with cars, trucks and house trailers and both groups

became invisible to the Canadian public. Roma in Canada, like Roma in the United States, were able to disappear into the urban centres where they became invisible in these cosmopolitan environments. This soon resulted in the widespread myth of their non-existence among the American and Canadian public in general.⁷ The Vlach Roma became chameleons, following the Romani adage of: *Rom le Romensa tai Gazhó le Gazhensa*—Romani among fellow Roma and a *Gadjo*⁸ among non-Roma.

(2) Refugees from Communism

The third large group of Roma to migrate to Canada was composed of sedentary Hungarian Romungere who arrived as refugees, lost among the mass of non-Romani Hungarian refugees fleeing the Soviet invasion of 1956. These original Romungere refugees later sponsored relatives and spouses once they became Canadian citizens and developed a viable community in Canada. After the establishment of Communist governments in eastern Europe and the Balkans, anyone from a Communist country could theoretically apply for refugee status in Canada and Roma simply entered as Poles, Romanians, Hungarians, Bulgarians and Yugoslavs among the non-Romani refugees from their former countries. There was no need for them to claim refugee status as Roma.

Recent migrations – Roma as refugees from democracy

(1) Changes with the end of Communism: claiming status as Roma

When the Communist governments of eastern Europe fell, the citizens of these countries could no longer request Convention-refugee status in Canada as refugees fleeing Communism. Some of these countries, like the Czech Republic, Poland and Hungary, were hailed by the Canadian media as outstanding examples of new democracies. Other formerly Communist countries, the former Yugoslavia for example, continued to produce refugees because of the break-up of the state. Ethnic and religious refugees continued to be accepted because of ethnic cleansing, persecution and other reasons. Roma who were now forced to flee these former Communist countries because of systemic discrimination and the rise of neo-Nazi groups, fear of skinhead violence, ethnic cleansing and overt persecution at the hands of governments and the police, were now also forced to make a claim based on their Romani ethnicity when they applied for asylum in other countries.⁹ Roma who fled to western Europe soon found that these countries were reluctant to accept many Roma.¹⁰ Some countries like Britain, the Netherlands and Sweden did accept Convention-refugees but Roma were not the preferred claimants and were often deported.¹¹

Some Roma from the former Communist countries learned that they could claim Convention-refugee status in Canada and a trickle of Roma from many countries began to arrive here. This now created a problem for the Canadian Immigration Department: Roma claiming to be victims of ethnic persecution were a new group of refugees and the conditions they were fleeing were unfamiliar to Canadian Immigration officials. Persecution of a minority group on ethnic

grounds is, however, a valid reason for a refugee claim and as long as the numbers of Roma refugees remained low, Canadian Immigration processed their cases individually while they slowly gathered background information on the conditions of Roma in the countries the refugees were fleeing.¹²

(2) *Czech Roma refugees and the influence of the media on immigration policy*

As long as the numbers of Romani refugee claimants remained insignificant in relation to the total number of all Convention-refugee claimants, and no public attention was focused on the matter, the Immigration and Refugee Board (IRB) could simply deal with the individual cases, as they are obliged to do under the Convention, without having to consider such matters as the implications for the country of origin, and public reaction based on the 'gypsy' stereotype. In effect, a small handful of Romani applicants for Convention-refugee status were accepted for processing, because, as yet, nobody apart from their lawyers, the IRB judges,¹³ and refugee claims officers¹⁴ were aware of this 'trickle'.¹⁵ However, the 'secret' was spreading through the Romani grapevine and more and more Roma started arriving in Canada.

(a) *The beginnings of the influx*

The prelude to the influx of Czech-Romani refugees began in 1996 when a total of roughly 150 Czech Romani claimants¹⁶ arrived in Vancouver between early autumn and Christmas after being told they were not welcome in Canada by officials of Canadian Immigration when they landed in Montreal.¹⁷ At this time, the Czech Republic and Hungary were the only two former Communist countries whose citizens did not need a visa to travel to Canada. Czech Roma were thus able to enter Canada and apply for Convention-refugee status. While this small influx of Czech Roma received a lot of local publicity in the Vancouver area, mainly because of the involvement of Julia Lovell, a young Romani activist, it did not make national headlines. The Vancouver media seemed mostly interested in creating a hometown celebrity out of Julia Lovell, because of her devoted efforts to help the Roma refugees find shelter, clothing, furniture and other help after their arrival.¹⁸ Unfortunately, this media coverage alerted certain hate-mongers to the arrival of 'gypsies' in Canada which resulted in anonymous telephone threats on Julia Lovell's life, followed by an incident where unknown persons spray-painted swastikas and Nazi slogans all over her van.¹⁹

On 6 August 1997 a documentary entitled *Na Vlastní Oči* (In Your Own Eyes) was aired in the Czech Republic by the private channel TV Nova. This had been filmed in the Toronto area in the summer of 1997 for the Current Affairs section of TV Nova and consisted of interviews with a few Czech Romani refugee claimants and their Canadian immigration lawyer. The Czech journalists ignored the obstacles facing refugees and gave an overly optimistic picture of the carefree life led by Romani asylum seekers. It suggested to prospective Romani refugees that all their problems would be over when they arrived in Canada. This triggered a mass migration of those Czech Roma who could afford the flight from the Czech Republic to Canada.

In all, about 1,500 Czech-Romani claimants tried to obtain refugee status in Canada between August 1997, after the TV Nova documentary was aired, and October 8 1997, when the visa restriction for Czech nationals was re-imposed, effectively ending the migration.²⁰ These claimants were mostly the better-educated middle-class élite who had small businesses or assets they could sell to raise money for the trip. Many were members of Romská Občanská Iniciativa (ROI).²¹ The exact number who actually attempted to migrate will probably never be known since some returned before or immediately after making a claim, others were persuaded to go back by immigration officials at Pearson International Airport in Toronto when they first arrived,²² and an unknown number was even removed from the carrier airlines in Germany *en route* to Canada.²³ The figure of 1,500 released by Canadian Immigration is for Czech nationals, not Roma, but it can be assumed that very few non-Romani Czech nationals were seeking refugee status in Canada since the Czech Republic was considered to be a democracy and non-Romani Czechs had little reason to be seeking Convention-refugee status in Canada or anywhere else. Canada receives on average about 20,000 claims a year from people seeking refugee status. Of these, roughly half are accepted. In 1997 Canada fell short of its projected refugee target by 25%. The 1,500 Czech-Romani claimants represented only 6% of all Convention-refugee claimants who arrived in Canada in 1997, hardly an 'invasion'.²⁴

(b) *The media creates a 'Gypsy Invasion'*

To the Canadian media, however, these 1,500 Romani claimants did represent a 'Gypsy invasion'. During this period, fourteen major Canadian media outlets ran ninety-one stories about the arrival of 'gypsy' refugees describing their arrival in such journalistic terms as 'influx', 'flood', 'surge', and 'tide'.²⁵ They were accused of creating a 'burden' for the taxpayers, a 'strain' or 'drain' on the economy and of 'swamping' the Toronto shelter system and denying space to Canadians in dire need of temporary accommodation.²⁶ They were also described as having come to Canada to 'sponge off the welfare system' and worst of all, they were accused of being a 'group of criminals'.²⁷ All of this was unfounded and is an example of the media targeting a group of controversial refugees, typical of the historical racism in the Canadian media towards a new group of refugees.²⁸

Whatever information these reports had to offer about Roma, their origins, culture and history, it had nothing at all to do with the Czech Roma. In the internet age, the reporters seem to have taken their source material on Roma from the pages of Victorian novels as they wrote about horses and caravans, horse trading, fortune telling, nomadic tribes, dancing bears, pick pocketing and all the other trappings of the Gypsy stereotype. Interspersed with this stereotypical, romantic mythology were reports from police departments and criminologists in Canada and the US which dealt with accusations of petty urban crime among American and Canadian-born 'Gypsies' and 'Gypsy-type criminals', none of which had the remotest connection with the Czech Romani refugees and most of which had nothing to do with any authentic North American Romani group.²⁹

Canadian media cartoonists, who have a long history of lampooning targeted

ethnic groups,³⁰ also drew from stereotypes, showing long lines of now obsolete English Romani caravans blocking the Ontario section of the Trans-Canada highway.³¹ Unknown to the media was the fact that most of these ex-Slovakian Roma, who had left their rural settlements in Slovakia to find work in industrialised Czech part of the former Czechoslovakia under Communism, were from Romani groups that had been sedentary for over 300 years.³² They had, in fact, become an urbanised sub-proletariat after they had relocated in the industrialised areas of the Czech-speaking regions either by choice or under the Communist Assimilation Plan of 1958 which was designed to break up the Slovak Romani rural communities and relocate the Roma among the urban Czechs as the first phase of a programme aimed at total assimilation.³³ These so-called 'Czech Gypsies' were actually Slovakian Roma, most of whom were not even citizens of the Czech Republic when they left for Canada.³⁴ Journalists did not address these issues in their media reports.

The media in Canada has a long history of victim-blaming, refugee-bashing and periodically targeting various groups.³⁵ The fault, however, seems to lie more with certain reporters and editors looking for attention-grabbing stories and headlines which they believe will sell papers, than with the policy of the media in general. Even during the height of this media Gypsy bashing, a few writers were able to publish some positive material and there were also many letters to editors which were sympathetic to the Roma.³⁶ On 20 October 1997, the Canadian Broadcasting Corporation (CBC) broadcast a documentary report produced by Joe Schlessinger entitled *Refugees From Democracy*: an hour-long, in-depth coverage of the Czech Roma, their persecution and the xenophobic, venomous attitude of most non-Romani Czechs towards them. All the Czech citizens interviewed in this documentary made negative comments about Roma but a few stated they did know 'one Roma who was not like the rest'.³⁷ The Czech Minister of Justice was also interviewed and clearly stated that the crime ratio among Czech Roma was the same as that for the general Czech population. He also pointed out that most Czechs erroneously believe Roma commit more crimes than Czechs because Romani criminals are identified ethnically in the media. It is surprising that even this nationally-aired documentary did not deter the Canadian media from labelling the Czech-Romani refugees as criminals nor get across the fact that Czech Roma were a sedentary and urbanised sub-proletariat rather than a nomadic group.

(c) *The backlash*

In the opinion of many immigration lawyers and activists in Toronto, Canadian Immigration was influenced by these predominantly negative media reports and badgered by members of Federal parliament, which in its turn was responding to the demands of its irate electorate for the removal of the 'criminal gypsies'. The accusations of criminality were taken seriously and a criminal check was imposed on all Czech Roma entering Canada from August 1997.³⁸ Many were questioned for as long as seven hours after landing in Toronto, Montreal and

Vancouver by immigration officials.³⁹ The claims of the Czech Roma were delayed for weeks while these criminal checks were being conducted from the Canadian embassy in Prague.⁴⁰ This had never been done with any other group of refugees prior to the arrival of the Roma.⁴¹ These criminal checks conducted by Canadian Immigration were declared illegal and a violation of the (Canadian) Charter of Rights.⁴² If a specific refugee claimant, from anywhere, is suspected of having links to a terrorist organisation or of having committed a war crime or a serious criminal offence, it is the Royal Canadian Mounted Police (RCMP) that conducts the investigation, not an official of Canadian Immigration based in Prague. All immigrants and sponsored relatives coming into Canada must provide police clearances from their countries of origin as part of the paperwork required by the bureaucrats but in the case of Convention-refugees, many are fleeing countries where their persecutors often are the secret police or death squads and this police clearance is difficult or impossible to obtain. The usual policy for Convention-refugee applicants, whose criminal background is unknown, is to allow them to enter Canada as Convention-refugee claimants and then do the paperwork and investigations if required while they are being processed within Canada.

Despite the concerns expressed by the media, no significant criminal records were discovered among the Czech Roma refugees.⁴³ The most common conviction recorded was *vráčka* in Czech, an offence without an equivalent under Canadian law, according to Canadian criminal lawyers who reviewed the Czech criminal code, but somewhere between disturbing the peace and simple assault under Canadian law.⁴⁴ In almost all cases it involved altercations following ethnic slurs or insults between Roma and non-Roma in bars or other public places where the police usually charged the Roma and released the non-Roma.⁴⁵ One Czech Romani woman had her claim delayed from August 1997 until the summer of 1998 because of a criminal record under Communism which listed stealing a bar of chocolate when she was five-years old.⁴⁶ Under Canadian law, crimes committed as a minor do not appear on a person's criminal record and adult criminal records only list convictions. It was finally revealed that the 40% of the 100 Czech Roma investigated with alleged criminal records included 'people that have been arrested by the police without any charges being laid', according to a top official in the Canadian Immigration Department in Ottawa.⁴⁷

(d) *Sensationalist journalism fuels the hysteria*

One side-effect of these criminal checks was that the *Toronto Sun*, a daily tabloid which has been criticised for its presentation of a single, prejudiced view of the world on issues relating to immigration and racial and ethnic communities,⁴⁸ was able to publish information gleaned from these police checks. In one case a Romani man, charged with sex crimes but never convicted, was labelled the Gypsy 'Beast'.⁴⁹ How this confidential information from Canadian Immigration managed to get into a daily tabloid was never questioned at the time and has yet to be explained.

One of the results of negative media reports was a skinhead demonstration on

26 August 1997, outside the Lido Motel in Scarborough where about fifty of the Czech-Romani refugees were being housed. A group of a reported twenty-four people⁵⁰ carrying signs saying: 'Honk If You Hate Gypsies' and 'Canada Is Not A Trash Can', demonstrated in front of the Lido Motel closely watched by parked police cars. The organiser of this group, Walter John Froeblich, told the press that the demonstrators were not part of an organised group,⁵¹ saying: 'We're just skinheads from all over the place uniting to fight Gypsies. Forty-seven per cent of the Gypsies coming here are pickpockets or criminals. We don't want this stuff in Canada.'⁵² It would seem more than a coincidence that this spurious figure of 47%⁵³ had appeared in an article in the *Toronto Sun*.⁵⁴ Walter Froeblich and six other skinheads including two minors were identified, then later arrested and charged under the Hate Crimes Law for wilful promotion of hatred. Their trials are still ongoing except for Froeblich who pleaded guilty, received a three-month conditional suspended sentence and was ordered to write a letter of apology to the Roma.

(e) *Official reception by Czech Canadians*

The editor of the Toronto ethnic Czech newspaper, *Nový Dómov*, was interviewed on CBC National Television News in August 1997. She denounced the Roma as 'bums' and warned her fellow Canadians that they were 'only coming to Canada to sit and drink beer in their apartments until they received their next welfare cheque'. Her opinion was an example of the same racism that Czech Roma were attempting to escape by leaving the Czech Republic. In September 1997 the Czech and Slovak Association of Canada, an immigrant-aid group which operated on government grants and which had done excellent work to help integrate non-Roma refugees from the former Czechoslovakia during the Communist era, sent a formal letter to Lucienne Robillard, then Canadian Federal Minister of Citizenship and Immigration, protesting the idea that Canada should accept Roma refugees from the Czech republic.⁵⁵ The letter stated that racism and persecution of Roma were illegal in the Czech Republic. Like Václav Havel and other members of the current Czech government, who have also emphasised this point, the letter failed to publicly acknowledge the substantial evidence that the government is unable to enforce these laws and truly protect the lives of Roma in the Czech Republic.

Watchdog organisations like Helsinki Watch, the European Roma Rights Center (ERRC) and the US State Department have disclosed that at least thirty-two Roma have been murdered in racist attacks in the Czech Republic since the Velvet Revolution, while Paul Polansky, the American professor who revealed the existence of the Czech-run concentration camps for Roma at Lety near Pisek in Bohemia and Hodonin in Moravia, gives the figure of murdered Roma as fifty since the Velvet Revolution.⁵⁶ He has also stated that the number of Roma assaulted by skinheads is over ten times this number and runs at a rate of about twenty attacks a month.⁵⁷ The fact that the Czech Republic is unable to guarantee the life and safety of its Roma citizens and to impose realistic sentences on the perpetrators of this ethnically-motivated violence was completely overlooked.⁵⁸ Moreover Czech law differentiates between 'racially-motivated murders' and

'ordinary homicides' where no witnesses can be found to testify that the accused actually used ethnic slurs while committing the crime. These ordinary murders are not listed as racially-motivated murders of Roma.⁵⁹ Some Czech Romani refugees also gave oral accounts to this author of Romani children who were being chased by skinheads and accidentally ran in front of a moving vehicle and were either killed or severely injured. They also maintained that some elderly Roma who were menaced or attacked by skinheads suffered heart attacks and later died in hospital.

(f) *Media acceptance of Roma vs. Gypsy*

Until recently, most people working in equity and access programs tended to see 'gypsies' as just any dropout from mainstream society who conformed to the stereotype of what erroneous source material or long-outdated factual accounts they had read about 'gypsies'.⁶⁰ As a result of the publicity surrounding the arrival of the Czech Roma refugees, interviews with members of RCAC and other activist and civil rights organisations who have been promoting the use of 'Roma', many Toronto journalists have *now* come to use the term 'Roma', previously unknown in Canada, and have come to know and understand the truth about the refugees. In the Greater Toronto Area, the term 'Roma' has now replaced 'gypsy' in the majority of articles dealing with Romani refugees. In 1998, the National Film Board of Canada (NFB) produced a documentary entitled *Opré Roma* (Stand up Roma) featuring Julia Lovell and her colleagues in the Western Canadian Romani Alliance, members of RCAC and Romani refugees from the Czech Republic and elsewhere.⁶¹ This use of the term Roma has diverted the media from relying on the stereotypical, published material on 'gypsies' as background material for reports on Romani refugees, thus forcing journalists to make use of the Internet and has entrenched Roma as an ethnic term on a par with other groups of ethnic refugees such as Kurds, Tamils or Somalis. All of these ethnic groups were unknown to most Canadian journalists until refugees from these groups began arriving to claim Convention-refugee status. Use of the term Roma has also facilitated the inclusion of the Romani people in equity and access programs as a legitimate ethnic minority.

(3) *The IRB and its activities concerning the Czech Roma*

In September 1997, faced with the sudden arrival of the Czech Romani refugees, the Immigration and Refugee Board (IRB) became apprehensive that unscrupulous non-Roma might try to enter Canada passing as Romani Convention-refugee claimants. They therefore intended to produce a questionnaire for IRB judges to verify Romani ethnicity, and research was being carried out to compile country-condition reports on the Roma. These packages are provided to the IRB judges who preside over refugee hearings to assist them in learning about the conditions in the home country of the claimant and to determine if the claimant is really of the ethnicity he/she claims to be.⁶²

In September 1997 the Roma Community & Advocacy Centre (RCAC) was just coming into being with the help of Patricia Ritter, a Toronto-based immigration

lawyer who had worked with many Romani refugee claimants in the past. She and the author of this article were invited to an informal meeting with representatives of the IRB to discuss the situation of the Czech Romani refugees. The IRB had also been in contact with Dr. Ian Hancock, Professor of English and Linguistics at the University of Texas at Austin and then Head of the UN Presidium of the International Romani Union (IRU) and the main representative of the IRU to the United Nations Children's Fund (UNICEF). What the IRB hoped to create with the help of the RCAC, and that of Dr. Hancock, was a sort of Romani identification kit for judges who knew nothing of Roma except what appeared in the country conditions package. The IRB researchers had read about American Vlach Roma, the sub-group of Roma most written about by anthropologists, 'Gypsy lorists'⁶³ and other self-proclaimed 'experts' on Roma. They were interested in such esoteric aspects of Vlach Romani culture as the code of ritual cleanliness, their taboos concerning childbirth, the *kris-Romani* (internal justice mechanism),⁶⁴ skirt-tossing and other exotic aspects of this highly traditional Romani culture.

Unfortunately, as RCAC pointed out, the Romungere Roma from the Czech Republic, who were the majority of the Czech Romani refugees, did not follow this culture, nor did the Czech Sinti refugees, while the Czech Vlach Roma were a minority group. It was also pointed out that there were Romani refugees coming, albeit in small numbers, from Rumania, Bulgaria, Poland, Hungary, the former Soviet Union and the former Yugoslavia. It would thus be impossible, RCAC told them, to make such a kit since all of these Roma groups followed differing degrees of traditional Romani culture and there was no universal or homogeneous culture. Even knowledge of Romani would not be effective since individual Romani refugees might not speak Romani or might be likely to come from groups of Roma who had lost the use of Romani. Even those who spoke Romani would not all speak the same dialect.

The IRB then decided to host an information seminar on 17 October 1997 in Toronto. The invited panel was to consist of Dr. Ian Hancock who would discuss Roma identity in central and eastern Europe; Claude Cahm, Research Coordinator, European Roma Rights Center (ERRC), Budapest; Radhoune Nouicer, Liaison Officer, UN High Commissioner for Refugees (UNHCR), Prague; and Yvan Jobin, Department of Foreign Affairs and International Trade, Ottawa, who would debate the issue of protection relating to Roma from the Czech Republic. This seminar was video-conferenced to IRB offices in Vancouver, Montreal, Calgary and Ottawa, all of which had Czech Romani refugees currently in their systems. The seminar was a success in that it established that the Roma were a composite Indian group that had left India in the 11th century, that they were being persecuted in almost all the former Communist countries of eastern Europe and that persecution in the Czech Republic was such that many Czech Roma could have a valid reason to seek Convention-refugee status in Canada. When the visa restriction was re-imposed on 8 October 1997, the Czech Roma issue was resolved as far as Canadian Immigration was concerned. The move effectively prevented more Roma arriving in Canada - as they were unable to obtain visas - which in turn enabled the applications of those already in Canada to be processed. This decision did not take

into account the fact that Czech Romani families were now divided. In many cases, men had come to Canada alone hoping to find work, save money and bring their wives, children or elderly parents later. In other cases, man and wife had arrived in Canada leaving their children with relatives to be brought over once the parents were established. Since nobody knew how long the processing from Convention-refugee claimant to landed immigrant might take, around 600 Czech Romani claimants⁶⁵ returned to the Czech Republic rather than be separated from their families. The Czech Roma who remained began to move slowly through the system by December 1997 when their hearings began to be scheduled. In 1998 the IRB made positive decisions on 738 refugee claims from citizens of the Czech Republic and rejected seventy-eight, thus giving an acceptance rate of 89.4%.⁶⁶ These numbers refer to family claims, not to the number of people accepted, which cannot be accurately calculated because statistics on the size of refugee families are not available. The total of all Czech nationals accepted as Convention-refugees between August 1997 and 14 April 1998 was reported as 96%.⁶⁷ Of those cases denied a few have successfully appealed,⁶⁸ including the case of a Romani man and his family who were originally denied asylum because the IRB judges ruled he was too dark to be a Rom and was probably 'Pakistani or Turkish'.⁶⁹

By late summer 1998 many Czech Roma claimants were being given expedited hearings with only one judge and no Refugee Claims Officer (RCO) which often lasted only half an hour compared to the all-day sessions previously held for Roma. Normally, there are two adjudicators and an RCO at regular hearings for all Convention-refugee applicants from all countries. But when a considerable number of refugees from a given country are given hearings, the IRB establishes a good picture of the country conditions which does not need to be re-established at every hearing, for a familiarity with the country conditions means that a particular group of refugees can then be considered generally to have a valid claim for refugee status, as happened earlier with non-Romani refugees from Bosnia. The IRB then sees no need for lengthy hearings and when a particular refugee presents a convincing Personal Information Form (PIF), he or she is often given an expedited hearing to help clear the backlog of refugee claimants and allow more time for the more difficult cases which require a lengthy hearing. By accepting between 85 and 95% of all Czech-Romani Convention-refugee claimants,⁷⁰ Canada clearly indicates that it believes Czech Romani refugees to have a valid claim for Convention-refugee status based on ethnic persecution in the Czech Republic.

(4) *Round two - Canadian Immigration vs. the Hungarian Roma*

While the IRB had been busy processing the Czech Roma, more and more Roma from Hungary had been arriving in Canada. In 1994, ten Hungarian nationals applied for refugee status in Canada. In 1995, the figure was thirty-eight. It rose to sixty-four in 1996 and then to 300 in 1997. In 1998 it soared to 972 and the figures for 1999, not yet released, are likely to be much higher.⁷¹ There are an estimated 3,000 Hungarian Roma currently in the refugee system, most of them in the Greater Toronto Area and more are arriving almost daily despite efforts to

prevent them from boarding flights to Canada as tourists or to browbeat them into returning once they arrive at a Canadian airport.⁷² The Canadian government has decided this flow must be stopped but seems reluctant simply to re-impose the visa requirement for Hungary as was done to stop the influx of Czech Roma. On the other hand, it does not want to accept large numbers of Hungarian Roma as Convention-refugees since there is no way of predicting how many might come and for how long.

(a) *Stalling for time by delaying tactics*

Most of the Hungarian Romani claimants had their decisions deferred or simply were not called for hearings while Canadian Immigration ruminated over the dilemma of the growing number of Hungarian Romani refugees. In the meantime the claimants have been housed in motels in south-western Ontario between Toronto and the American border, far from the services and government offices they need. The reason given for this by the Metro Shelters officials is that the shelters in the Greater Toronto Area are full. Without a car, the only way to commute between these outlying towns and Toronto is by public transportation which is sporadic and unreliable. Refugees unable to speak English often get lost in this system. There is a desperate shortage of Hungarian interpreters and of social services in these areas and the refugees soon become demoralised with the endless waiting and constant rumours of possible mass deportation to Hungary. However, they are housed in motels, free to come and go during the daytime and are not placed in detention as they are in some countries.⁷³

(b) *The whitewashing of Hungary*

By the autumn of 1998, Canadian Immigration had arrived at a solution. It was decided to hold two trial cases and to invite a panel of Hungarian 'experts' on Roma to testify about country conditions in Hungary. Canadian Immigration picked two of the weakest claims possible and scheduled these for hearings at the IRB.⁷⁴ The Hungarian 'experts' on Roma, whose participation was entirely funded by the Canadian government, were Jenő Kaltenbach, Parliamentary Commissioner (Ombudsman) for National and Ethnic Minority Rights in Hungary; Lipót Hóltzl, Deputy Secretary of State at the Hungarian Ministry of Justice; Florián Farkas, President of the Hungarian Romani organisation *Lungo Drom* and President of the National Gypsy Minority Self Government, and András Btró, journalist, then Chair of the Board of the ERRC, Chair of *NEKI (Legal Defence Bureau for National and Ethnic Minorities)*, Chair of the Board of the *Otherness Foundation (Másság Alapítvány)* and former director of various other non-governmental organisations. Also invited to participate as witnesses for Counsel were Orest Subtelny, Professor of history and political science at York University, Toronto, a specialist in national-minority relations in central and eastern Europe and the countries of the former Soviet Union, and Dr. Ian Hancock.

Since Kaltenbach and Hóltzl are non-Romani members of the Hungarian government they could hardly do less than deliver the government's line, and Farkas, an assimilated Roma, is dependent on the Hungarian government for his

position and his salary.⁷⁵ While in Toronto, he claimed to be too busy to meet with members of RCAC or representatives of the Hungarian Roma. Btró is not a Roma and his knowledge of the persecution of Roma is that of an outside observer. His testimony, though a little more positive than that of the other three witnesses, was not sufficient to sway the IRB judges in the two test cases.⁷⁶ This delegation from the Hungarian government admitted that while there is widespread discrimination and instances of persecution in Hungary, laws are in place to protect minorities. The consensus of the IRB adjudicators, Vlad Bubrin and Barbara Berger, after hearing their testimony, was that 'the claimants faced discrimination, but not severe enough to be considered persecution and require refugee protection'.

However, one might ask if references to Hungarian statistics showing that every year fewer Roma are being murdered, beaten, burned out of their homes, refused jobs or service in restaurants mean that Roma are protected.⁷⁷ In effect, the laws designed to protect minorities in Hungary are there to protect the Romanian, Schwabian (German) and Slovak minorities who have powerful infrastructures. Roma are theoretically included but lacking such an infrastructure, a business community or an educated elite, they have no means to enforce these laws for their own protection. The testimony of Professors Subtelny and Hancock was rejected on the grounds that their knowledge of the situation was not first hand since they did not reside in Hungary. In reality, Hancock's knowledge of conditions in which Roma live in Hungary and elsewhere is far beyond that of Btró, Kaltenbach and Hóltzl.⁷⁸ With such a stacked deck, the Hungarian Romani claimants in both cases were denied Convention-refugee status and these decisions were promptly appealed.

Since then, this testimony and the findings have been published and distributed to IRB judges as: 'Issue Paper, Roma In Hungary: Views of Several Specialists'.⁷⁹ This 'template decision' is now being used by many IRB judges to refuse further Hungarian Romani refugee claimants and has resulted in a rate of acceptance for Hungarian Romani refugees of less than 12% of cases heard as compared to the 89% acceptance rate for Czech Roma.⁸⁰ This is the first time that the refugee division of the IRB has used such lead cases as precedents for future trials⁸¹ and, according to the Toronto immigration lawyer who is currently appealing the test cases at the Federal Court of Appeals, the entire process is illegal. To begin with, the claimants did not have the finances to bring their own witnesses from Hungary, and Canadian Immigration refused to pay for their flights. According to Jack Martin, executive director of the Refugee Lawyers Association of Ontario, the test cases are illegal because refugee claimants who will be affected by this decision should have been given the chance to cross-examine the witnesses from Hungary.⁸²

This author and lawyers who have been working with the Czech Romani refugees have found that the reasons given by Hungarian Romani Convention-refugee claimants in their personal identification forms as to why they feel they were forced to leave Hungary are no different from those of the Czech Roma and

echo the smaller number of Roma refugees from Rumania, Bulgaria, Poland, Bosnia, Kosovo and other regions of the former Yugoslavia. Official Hungarian reports reveal that Hungarian restaurant owners are being taken to court by Roma for refusing to serve them while Hungarian Romani refugees in Canada have police reports in Hungarian revealing that their homes were burned down by unknown arsonists. A widow declares that her Romani husband was murdered in a billiard hall by a Hungarian and nobody was arrested for the crime, which is confirmed by her adult daughter. A Romani student has a hospital report stating he was blinded in one eye after a skinhead attack. We must either believe that these Hungarian Romani refugees are lying and the supporting documents are forgeries, or that unlike the Czech Republic where the foreign and even the Czech press reported racist murders and other violence against Czech Roma, there is censorship in the Hungarian media and the reports are not being published in the foreign press. In the opinion of activists in Toronto, the latter is the case. Almost every young Vlach Romani female refugee from Hungary arrived with short hair. When asked why young Hungarian Romani women cut their hair, they replied that it is a survival mechanism against neo-Nazis and skinheads since they assume Romani girls traditionally wear their hair long. These young women also said they wore jeans instead of traditional Romani skirts in Hungary to help them pass for Hungarians.⁶³

(c) *Judgement contested*

In autumn 1999 Hungarian Romani leader József Krasznai, Vice President for Fejér county in the Hungarian Roma Parliament, a national non-governmental organisation (NGO), whose members are elected only by Roma, and which has only consultative status with the Hungarian government, made two visits to Toronto. On his second visit, he testified on behalf of a Toronto immigration lawyer at an IRB hearing for a Hungarian Romani claimant. He challenged the Issue Paper and gave a much more accurate picture of the persecution and systemic discrimination of Roma in Hungary. This was taped and has since been circulated among immigration lawyers representing Hungarian Romani clients. In January 2000, at the request of a Toronto immigration lawyer, the Canadian Federal Court of Appeals agreed to review the Issue Paper and the test cases in March 2000. Potentially, the Issue Paper based on the testimony of the Hungarian government's 'experts' will be disallowed and in future hearings involving Hungarian Romani refugees, each case will be judged on its own merit and not on the precedents of the two negative test cases. It is to be hoped that the persecution of the Roma in the former Communist countries will eventually be resolved not by forcing them to become refugees but by condemnation and sanctions imposed by the United Nations against those countries which are currently persecuting their Romani minorities with impunity.

Conclusion

The history of Romani migration to Canada has shown that the only times that Roma have faced opposition when they tried to emigrate to Canada have been when they have been publicly identified as Roma. The initial public reaction to the

arrival of the Czech Roma was negative because there exists a Gypsy stereotype in the mind of the Canadian public, and the media, in its search for a sensational story, activated this stereotype and played to public fears. We have shown that there is entrenched racism in Canada, in the form of hate groups, widespread stereotyping and ignorance about the Roma, and a history of discrimination based on race in immigration policy. The media reaction to the Czech Roma refugee claimants alarmed the public, who put pressure on government officials, with the result that Czech Roma refugees were made to undergo a criminal check, which was not required for any other group of refugees, and eventually, to stop the flow of refugees, the visa requirement was re-imposed on all Czech visitors to Canada. The reactions of the media to the Czech Roma influx illustrated the nature of the Romani stereotype in Canada. It is remarkable that these stereotyped images seem to have been accepted without question and allowed to influence immigration policy. It is also apparent that it is difficult for Canada to accept refugees from countries that it believes are democracies and with which it would like to maintain good relations. The Czech Romani refugees who have been accepted proved that it is possible, despite obstacles, for recent Roma refugees to integrate into Canadian society like their predecessors in previous eras. However, the situation of the Hungarian Roma refugees in Canada is yet to be resolved. Although Canadian immigration did eventually become convinced that country conditions in the Czech Republic warranted consideration of the applicants for refugee status, and most have now been accepted as Convention refugees, that has not, so far, been the result for their Hungarian counterparts. It is to be hoped that Canadian immigration will thoroughly review and consider the true conditions for Roma in Hungary before making their decision about the future of these refugee claimants.

- 1 John Tylor Lyon, 'A Picturesque Lot', *The Beaver*, Magazine of Canada's National History Society, October/November 1998. Also from oral history recorded in the 1960s by the author from Waso Russel Demitro and Ball Stokes who were teenagers and present at the events described in 1908.
- 2 Canada has institutionalised racism and certain racial and ethnic groups were at times singled out, for instance the Chinese, the Japanese, the East Indians and the Jews. See 'Racism in Canadian History' in Frances Henry et al., eds., *The Colour of Democracy. Racism in Canadian Society*, Toronto, 1995.
- 3 The British Romani immigrants comprised three separate groups, the *Romanichels* or English Romani, the *Magnins* or Scottish Travellers and the Irish Travellers called *Minceir* in Britain and *Pavies* in Canada and the US.
- 4 The *Sinti* are a Romani group who historically lived in the German states and Austria but who can now be found in many countries of Europe and by migration, in Canada, the US and Australia.
- 5 *Romungere* is a name for a large group of Roma who live especially in Hungary, the Czech Republic and Slovakia.
- 6 Oral history recorded by this author.
- 7 For an account of the urbanisation and subsequent invisibility of Canadian and American Vlach Roma, see Rena Gropper, *Gypsies In The City. Culture Patterns and Survival*, Princeton, New Jersey, The Darwin Press, 1975.

- 8 *Gadji*: non-Roma, the masculine singular is *Gadjo* and the feminine singular is *Gadji*.
- 9 Under Communism, ethnic and racial minorities were protected and persecution by fellow citizens was illegal. The new democracies could not prevent the latent hostility of the general population towards Roma from manifesting itself as systemic discrimination nor the violent persecution by neo-Nazis, skinheads and other supremacist groups.
- 10 See especially Mark and Matthew Braham, 'Romani Migrations and EU Enlargement' and Claude Cahm and Peter Vermeersch, 'The Group Expulsion of Slovak Roma by the Belgian government' in this special issue of *Cambridge Review of International Affairs*.
- 11 The recent deportation of Slovak Roma from Finland and their current problems in Britain are two examples of how Romani refugees are unwelcome as a group.
- 12 In 1996/97, most of these refugee cases were deferred, that is, the cases were heard but judgement was deferred until later to give Canadian Immigration officials time to amass documentation on the persecution of Roma in the countries of origin.
- 13 The official term here is 'adjudicators', however the term 'judges' is used more frequently.
- 14 Refugee claims officers (RCOs) are civil servants who work for the Immigration and Refugee Board. Their role is to attend hearings to check that the written submission the refugee claimant has presented is confirmed verbally during the hearing and to weed out any inconsistencies in testimony or evidence.
- 15 The total number of Czech Romani Convention-refugee claimants in 1996 was 189. Adrienne Tanner, 'Gypsies under attack', *The Ottawa Citizen*, 25 August 1997, p. A4
- 16 The exact total is difficult to assess at any given time since some arrived in Vancouver and then transferred their claims to Toronto so as to join relatives while others arrived in Toronto and then went to Vancouver.
- 17 Hadani Ditmars, 'Nomads' Land', *The Georgia Straight*, Vancouver, 5-12 June 1997, p. 15.
- 18 Ditmars, 'Nomads' Land', pp. 15-17.
- 19 Statement by Julia Lovell in the Canadian National Film Board (NFB) Documentary *Ojre Roma*.
- 20 The exact number of Czech Romani refugees is difficult to determine since the figures released by Canadian Immigration refer to number of cases filed, not the number of individuals in each claim. Each claim includes a principal applicant and his or her dependents.
- 21 A national Romani political party in the Czech Republic.
- 22 'Gypsies urged to go home, says immigration lawyer', *The Halifax Daily News*, 19 August 1997, p. 7.
- 23 Report from Socialist Solidarity (Czech Republic), 'Stop the harassment of Gypsies', *Socialist Worker*, Toronto, 30 August 1997, p. 4. There are also numerous unpublished accounts by Czech Romani refugees in Canada who witnessed this during their flight to Canada at stopovers in Germany and Hungary.
- 24 Statistics Canada, 'Immigration Overview 1997 – facts & figures', p. 3.
- 25 Todd Ferguson, 'None is Still Too Many', *The Media*, Roma Refugees and the Canadian Response, term paper, Montreal, 1999, pp. 10-11.
- 26 Ferguson, 'None is Still Too Many', p. 11.
- 27 Ferguson, 'None is Still Too Many', pp. 15-16.
- 28 'Racism in the Media' in Frances Henry *et al.*, *The Colour of Democracy*.
- 29 These crime reports can be found on the Internet by entering 'Gypsies + crime' into a search engine. See also Gay F. Boughourian and José A. Alcántara, 'Gypsy Fortune-Tellers and Your

- Community', *The Police Chief* June 1975, pp. 71-74; Jack Morris, *The Master Criminals Among The Gypsies*, Loomis, California, The Palmer Press, 1994; Detective S.M Haines, 'The Travelers', Report submitted to the Dallas Police Department, a recent but undated internal police document; Dennis Marlock and John Dowling, *License to Steal, Traveling Con Artists: Their Games, Their Rules & Your Money*, Prime Video Productions L.C., 1997; Terry Getsay, 'Gypsies: The People and their criminal propensity', *Spotlite*, Part 1, May/June, 1981, Part 2, July/August, 1981, Part 3, January/February 1982.
- 30 Frances Henry *et al.*, *The Colour of Democracy*, pp. 240-1
- 31 The carved and painted Romani caravan appeared in England just after the middle of the 19th century and was an adaptation of the English showman's wagon. This type of house wagon was never used by Romani groups in continental Europe. Nomadic eastern European Roma used much simpler and much less ornate wagons based on or adapted from local wagon types. See John Thompson, *Making Model Gypsy Caravans*, Fleet, Hampshire, John Thompson, 1978.
- 32 Milena Hubschmannová, 'Economic Stratification and Interaction: Roma, an Ethnic Jati in East Slovakia' in Diane Tong, ed., *Gypsies: An Interdisciplinary Reader*, New York and London, Garland Publishing, Inc., 1998, p. 23.
- 33 Will Guy, 'Ways of looking at Roma: The case of Czechoslovakia' in Diane Tong, ed., *Gypsies: An Interdisciplinary Reader*, p. 26.
- 34 'From Exclusion to Expulsion: The Czech Republic's "New Foreigners": Part 1: Judicial Expulsion', a special report prepared by The Articles Project of The Tolerance Foundation, Prague, November 1996. Ina Zoon, *Report on The Czech Citizenship Law: The effect of the citizenship law on the Czech Republic's Roma community*, Prague, Tolerance Foundation, 1994.
- 35 'Racism in Canadian History' and 'Racism in the Media' in Frances Henry *et al.*, *The Colour of Democracy*, Chapter 3.
- 36 Ronald Lee, 'To be a Gypsy is to know historic, fatal persecution', *The Vancouver Sun*, 10 September 1997, p. A15 and 'Crime myths still follow the Gypsies', *The Toronto Star*, 29 September 1997, p. A 15; Peter Worthington, 'Gypsies given a bum rap', *The Toronto Sun*, 28 August 1997, p. 11; Allan Thompson, 'Gypsy refugee policy called discriminatory', *The Toronto Star*, 23 August 1997; Alan Freeman, 'Hypocrisy seen in Canadian visa order', *The Globe and Mail*, 18 October 1997.
- 37 As early as 1991, a poll taken by the Time Mirror Center for the People and the Press revealed that more than 90% of those surveyed in Czechoslovakia had unfavourable opinions of Roma. See Matthew C. Vito, Cox News Service, 'The Gypsies: Threatened again in Europe', *Insight section – Austin American-Statesman*, Austin, Texas, 1 December 1991, p. 3.
- 38 Tom Godfrey, 'Gypsy tales double Czeched', *The Toronto Sun*, 22 August 1997, p. 4.
- 39 Tom Godfrey, 'Gypsy tales double Czeched': News in a quote from Toronto immigration lawyer, George Kubec, who represented a large number of Czech-Romani refugees.
- 40 Tom Godfrey, 'Gypsy tales double Czeched'.
- 41 This fact is known to Canadian immigration lawyers and civil rights activists in Toronto.
- 42 Statement by David Matas, Chair of the Canadian Bar Association – Immigration Law Section. Ref., see Allan Thompson, 'Gypsy refugee policy called discriminatory. Also Adrienne Tanner, 'Gypsies Under Attack'.

- 43 89% of refugee claims from Czech nationals were accepted, most of which would have been Roma. This indicates that they were not a criminal group. The 11% reportedly refused were not all refused for holding criminal records. In most cases, they were unable to prove sufficient personal persecution to warrant acceptance or could not prove Romani ethnicity.
- 44 Convention-refugee claimants can be excluded for conviction of a crime which would carry a sentence of ten years or more under Canadian law and for crimes against humanity. According to Canadian lawyers who have studied Czech criminal law, convictions for *mrarka* were roughly equivalent to a conviction for disturbing the peace or brawling under Canadian law which normally results in a fine, a suspended sentence with or without a fine or a few weeks or months in jail at most.
- 45 Testimony of Czech-Romani refugees in Canada.
- 46 Personal communication with the refugee claimant and her family.
- 47 Adrienne Tanner, 'Gypsies under attack'.
- 48 Frances Henry *et al.*, *The Colour of Democracy*, p. 240.
- 49 Tom Godfrey, 'Deport violent refugee: Police', *The Toronto Star*, 12 September 1997, and Thane Burnett and Dave Rider, 'Gypsy: I'm not a beast', *The Toronto Star*, 13 September 1997.
- 50 Jim Wilkes, 'Gypsies face racist protest', *The Toronto Star*, 27 August 1997.
- 51 Jim Wilkes, 'Gypsies face racist protest'.
- 52 This figure of 47% refers to an article in *The Toronto Star*, 23 August 1997, 'Gypsy refugee policy called "discriminatory"', p. A 22. The figure of 40% was quoted by Pierre Bourget, Director General of Enforcement at Canadian Immigration in Ottawa, regarding a random sample of 100 adult Czech-Romani Convention-refugee claimants by Canadian Immigration in Prague. 40% were found to have criminal records but Bourget did not state in the article what these crimes were nor if any of the conviction were serious enough to warrant excluding the refugees from proceeding with a Convention refugee claim.
- 53 The figure quoted by the media was 40%. See Todd Ferguson, 'None Is Still Too Many: The Media, Roma Refugees and the Canadian Response'.
- 54 Tom Godfrey, 'Gypsy Tales Double Czeched'.
- 55 Lila Sarick, 'Warning letter shocks Gypsy immigrants', *The Globe and Mail*, Toronto, 26 September 1997.
- 56 'Freedom main lure for Czech Gypsies', *The Calgary Herald*, 14 August 1997, p. A6.
- 57 Paul J. Polansky, 'The Plight Of Czech Gypsies In The Holocaust And Today', from Csaba Polony, ed., *Left Curve*, no. 22, Oakland, Left Curve Publications, 1998, pp. 35-55 and Paul J. Polansky, *Dvakrát Tmí Samým – Living Through It Twice*, Prague, 1998, published by the author. Many Czech Romani refugees in Canada have stated that many of these assaults went unreported because the police seldom followed them up and often berated the Roma, detained them or chased them out of the police station. They also said that in many instances, the skinheads and neo-Nazis have relatives in the police force who protect them from prosecution.
- 58 The conditions for acceptance of Convention-refugees to Canada is based on 'those who have left their country and cannot return because of a well-founded fear of persecution for reasons of race, religion, nationality, group membership, or political opinion'. Czech Romani refugees had to prove this was the case in the Czech Republic by giving their personal stories in item 37 of the Personal Information Form (PIF) submitted to the IRB hearing.
- 59 This has appeared in many Internet reports and translations from *The Prague Post*.
- 60 This author's conclusion after three years of working with equity and access programmes dealing with Romani refugees in the Toronto area and elsewhere in Canada.
- 61 *Opré Romá*, a National Film Board of Canada documentary, released September 1999.
- 62 Although Canadian Immigration is responsible for admitting the refugee claimants, processing their forms, incarcerating them for infractions and deporting them if necessary, their hearings are held at an IRB court. The IRB adjudicators are not government employees or civil servants but are appointed by the Privy Council of the federal government after being nominated by a member of parliament. They are assigned to the Convention Refugee Determination Division (CRDD). Alternatively, judges can be assigned to the Appeals Division which deals with Convention-refugee appeals. They can serve three terms of two, five or seven years in office and their judgements should be impartial since they are not employees of the federal government, even though their salaries are paid by Ottawa. They hear the claimants' cases and each case must be judged impartially and on its own merit. There are usually two judges and one refugee claims officer (RCO – see above). The claimant is represented by a lawyer and in most refugee cases the costs are covered by legal aid. Should the refugee be refused, he or she has the right of one appeal either to Canadian Immigration or to the federal court. However, appeals are not always covered by legal aid. If the appeal fails, the refugee is deported unless the lawyer can successfully file a Post-Determination Humanitarian and Compassionate Appeal, which succeeds in perhaps 2% of cases, according to most immigration lawyers. Canadian Immigration and the IRB also demand that all documents in a foreign language relevant to the claim be translated into English and notarised or certified as a true and proper translation at the claimant's expense. Convention-refugee claimants who are accepted at an IRB hearing then become accepted Convention refugees. They must then apply for landed immigrant status for which there is a fee of \$500 per adult in the family and \$100 for each minor child. This can take a year or more and when they are accepted in principle, they must then pay \$950 landing fee per adult in the family. Once they are landed, they can then apply for Canadian citizenship.
- 63 The Gypsy Lore Society is a scholarly body founded in 1888 in Britain but now defunct. There is an American Chapter which holds annual conferences and publishes a newsletter and a journal. The term Gypsy lore refers to the members of the Gypsy Lore Society who research various aspects of Romani culture in order to publish books, papers and articles.
- 64 For a detailed account of this group and the Kris Romani see Ronald Lee, 'Rom-Vlach Gypsies & Kris Romani', *The American Journal of Comparative Law*, University of California at Berkeley, vol. 45, no. 2, Spring 1997.
- 65 Tom Godfrey, 'Gypsies Granted Asylum', *The Toronto Star*, 14 April 1998, p. 4.
- 66 Lila Sarick, 'Roma decision seen as flawed', *The Globe and Mail*, Toronto, 5 February, p. A5.
- 67 Tom Godfrey, 'Gypsies Granted Asylum'.
- 68 There are no published sources for refugee cases which have been successfully appealed. This author has been involved in several cases himself, and RCAC as an organisation has also been involved with helping refugees make successful appeals. On average, according to immigration lawyers, two out of five appeals are successful.
- 69 Andrew Duffy, 'Skin colour not a test of ethnicity: Judge rules', *The Ottawa Citizen*, 24 September 1999.
- 70 The percentages and the numbers quoted varied according to the time period the statistics are based on. The lowest acceptance rate published was 85% and the highest was 95%. My