

In Focus: Sanctuary and the “Free Lulu” Campaign

Teacher Resource

Learning Objectives

- To introduce students to important elements of Canadian refugee law
- To raise student awareness of a grassroots campaign in support of a family of Roma refugee claimants in Toronto
- To introduce students to the legal practice and context of sanctuary
- To give students opportunities to develop their advocacy skills

Materials

- Copies of the *Student Handout* portion of the resource, as needed
- Smart board or white board and markers
- Computer and data projector
- Others, such as materials for writing letters, depending upon activities selected

Teaching and Learning Strategies

1. Introduction – What is a Refugee

Tell students that they will be learning about refugee law in Canada and studying one family that has been in the news. In open discussion, ask the group what they know about similarities and differences between immigrants and refugees, recording key points on a blackboard or smart board. Depending upon learning goals for the class, allow for more or less exploratory conversation.

Suggested teacher prompts:

- How many of us came here from another country or have family members who did?
- What are some reasons people might leave their home country to come to Canada?
- Can anyone say what the difference is between a person who is a refugee and a person who is an immigrant?
- Can anyone remember hearing about refugees in the news? What did you hear?
- Has anyone ever felt that their safety was at risk because of living in Canada?

- What are some positive and/or negative ways in which immigrants and refugees are talked about in the media?

Clarify that while both likely come to Canada to pursue a better life, refugees are people who are fearful about staying in their home countries because of serious and urgent threats to their lives, health and well-being or security. The term "refugee", comes from the word "refuge", which means "shelter or protection", and a refugee is someone seeking the protection of another government because of threats in the country they have left from which their own government cannot or will not protect them.

Further definitions as outlined by Canada's Ministry of Citizenship and Immigration are provided as Appendix A.

2. Background Information

This section comprises the Student Handout portion of the resource. It will provide students with contextual information to improve their understanding of the refugee process in general and the particular case of Jozsef Pusuma, Timea Daroczi and their daughter Viktoria. Headings a) and b) can be read independently or aloud, while headings c-e could be presented in class in the same way or as the product of independent student research, depending on learning goals for the class. In particular, heading e) may be of interest to classes hoping to learn more about the legal context of refugee claims today.

Section Notes

- Between 2009 and 2012, thousands of Roma fled ethnic persecution in Hungary and other parts of Europe to file refugee claims in Canada and elsewhere. Many immigration lawyers, academics and other social commentators have argued that the changes to the *Immigration and Refugee Protection Act*, discussed below, were a direct attempt by the government to discourage claims made by Hungarian Roma and Mexicans, and to ensure that more of these claims would be abandoned or rejected.
- At the end of this section, Show the CBC news story from April 8, 2014, posted at <http://www.cbc.ca/news/canada/toronto/roma-family-living-in-toronto-church-exhausted-from-living-in-exile-1.2602063>. Check for understanding by asking for reactions and questions, recording notable ones on the blackboard/smart board.
- None
- Sanctuary is a fascinating, but complex legal and social practice. More detailed information is available at http://sanctuarycanada.ca/?resources:the_legal_implications_of_offering_sanctuary
- None

3. Take Action

These activities give students the opportunity to put their knowledge into practice in a variety of ways and are suggested for use either during or outside of class time.

- a) Visit freelulu.ca and follow the prompts there to participate in their letter-writing campaign. Write a letter of support to Lulu or her family offering words of support, or one to a politician calling for them to be permitted to remain in Canada on humanitarian grounds.
- b) Visit the Canadian Sanctuary Network (www.sanctuary.ca) to learn more about how and why sanctuary is offered and what the experience is like for the person seeking shelter and the community providing it. More detailed information about the legal context of sanctuary is available there at http://sanctuarycanada.ca/?resources:the_legal_implications_of_offering_sanctuary
- c) Identify relevant laws in news coverage.
- d) Write a brief article for a school newsletter or newspaper.
- e) Search the internet for reliable news stories concerning Bill C-31. Note three new things learned and whether the legislation is presented in a positive or a negative light. Suggest two reasons for this portrayal.
- f) Plan an awareness-raising campaign for other high-school students.
- g) Read articles about this or similar cases on line, and compare the comments made in the comments section to the myths about refugees that have been identified by the Canadian Association of Refugee Lawyers (C.A.R.L): <http://carl-acaadr.ca/challenging-the-myths>.
- h) Research other instances of refugees taking sanctuary, in Canada or elsewhere in the world, noting similarities and differences between those cases and this one.
- i) Visit the Canadian Council for Refugees' website at <https://ccrweb.ca/en/subject-tags/mexico>. Select a newspaper article about Mexican refugees in Canada posted there and review it, noting similarities and differences between Mexico and Hungary as sources of Canadian refugee claims.

FURTHER/SUGGESTED READING

http://www.huffingtonpost.ca/avrum-rosensweig/roma-toronto_b_4938423.html

<http://www.cbc.ca/news/canada/toronto/roma-family-living-in-toronto-church-exhausted-from-living-in-exile-1.2602063>

http://www.thestar.com/news/immigration/2014/03/18/toronto_lawyer_faces_18_complaints_from_refugees.html

http://www.thestar.com/opinion/commentary/2014/04/21/canada_should_do_the_right_thing_for_the_pusuma_family.html

http://sanctuarycanada.ca/?resources:links_to_news_articles_on_sanctuary

CBC Interview with past Director of Toronto Roma Community Centre Gina Csanyi-Robah:

<https://www.youtube.com/watch?v=hZbMBh4kvHc>

<https://ccrweb.ca/files/whatsnew2013en.pdf>

<https://ccrweb.ca/en/youth/youth-network-campaigns>

Appendix A

Defining Refugees in Canada¹

Canada offers refugee protection to people in Canada who fear persecution and who are unwilling or unable to return to their home country.

Convention refugee

Convention refugees are people who are outside their home country or the country where they normally live, and who are unwilling to return because of a well-founded fear of persecution based on:

- race;
- religion;
- political opinion;
- nationality; or
- membership in a particular social group, such as women or people of a particular sexual orientation.

Person in need of protection

A person in need of protection is a person in Canada whose removal to their home country or country where they normally live would subject them personally to:

- a danger of torture;
- a risk to their life; or
- a risk of cruel and unusual treatment or punishment.

Eligibility

Some people are not eligible to claim refugee protection in Canada. Officers will decide whether a claim is eligible for referral to the Immigration and Refugee Board of Canada (IRB), an independent administrative tribunal that makes decisions on immigration and refugee matters. The IRB decides who is a Convention refugee or a person in need of protection.

A refugee claim may not be eligible for referral to the IRB if the claimant:

- Has been recognized as a Convention refugee by another country to which the person can return;
- Has already been granted protected person status in Canada;
- Arrived via the Canada-United States border;
- Is not admissible to Canada on security grounds, or because of criminal activity or human rights violations;
- Made a previous refugee claim that was found to be ineligible for referral to the IRB;
- Made a previous refugee claim that was rejected by the IRB; or
- Abandoned or withdrew a previous refugee claim.

¹ Ministry of Citizenship and Immigration (2012).

In Focus: Sanctuary and the “Free Lulu” Campaign

Student Handout



INTRODUCTION

In this resource you will learn about a Roma family who came to Canada seeking refugee status after facing political violence in their home, Hungary. After their refugee claim was rejected, they sought refuge in a Toronto church to avoid deportation back to Hungary. As of May 2014, they have been inside the church for more than two years.

IN FOCUS

a) Who are the Roma People²?

The Roma are an ethnic group living in many parts of the world, but they are concentrated in Europe. It is estimated that there are between 7 and 15 million Roma currently living in Europe. While the Roma are culturally and religiously diverse, they share a common ancestry, language (*Romani*), heritage and history. The Roma originated in Northern India. Because they had brown skin, Europeans believed they originated in Egypt. This is where the term “Gypsy” comes from, but this term is now understood to be inaccurate and racist.

The history of the Roma in Europe is one of severe, racist and often violent persecution. They have been imprisoned, harassed, mistrusted, denied access to economic opportunities and education, enslaved and are still frequently the targets of hate crimes, in many countries. They were singled out for extermination by the Nazis under Adolf Hitler, and are subjected to Neo-Nazi violence, hatred and persecution today.

b) Who are Jozsef Pusuma, Timea Daroczi and Viktoria (Lulu)³?

They are a Roma family from Hungary – Jozsef and Timea are married and Viktoria (whose nickname is “Lulu”) is their six-year old daughter. In Hungary, both Jozsef and Timea were political and human rights

² <http://romaministries.com/who-are-the-roma/>

³ <http://freelulu.ca/about/family-story/>

activists fighting for the rights of Roma people. Jozsef worked as a hate crimes investigator for a Hungarian politician.

Their political work attracted negative attention from people and organizations that oppose recognizing the rights of the Roma and other minority groups. Before they fled to Canada, they were subjected to serious harassment and threats of violence and even death. In July 2009, something happened that made them fear for their lives and Viktoria's life. They were attacked and injured by four members of the Hungarian Guard, an extremist White power organization in Hungary that holds racist, anti-Semitic and homophobic political views. Following this, the family fled Hungary to apply as refugees in Canada. They arrived in Toronto in September 2009 and filed a refugee claim.

[Meet Jozsef, Timea and Viktoria \("Lulu"\) – Video](#)

c) What happened with their refugee claim⁴?

About a year and a half after arriving, the family had a hearing at the Immigration and Refugee Board. The purpose of the hearing was to determine whether they were in need of Canada's protection. The outcome of that hearing would decide whether they would be permitted to remain in Canada or forced to return to Hungary.

Mr. Pusuma brought a letter with him written by the politician he worked for in Hungary. His employer, Viktoria Mohacsi, was a member of Parliament of the European Union. This letter confirmed that Mr. Pusuma had been her employee and that he worked to promote the rights of the Roma people. They also had a video with them that confirmed their human rights work. Both of these items would have helped to prove that the family was at a higher risk for violence than other people in Hungary because of their political work.

Unfortunately, the lawyer they had hired to help them get ready for the hearing made serious mistakes, and did not follow the correct procedures for having either of these items introduced into evidence. As a result their claim was rejected and they were eventually ordered to be deported back to Hungary.

Since then, there have been allegations that this lawyer made similar errors and mishandled the claims of many more Hungarian Roma refugee claimants. He was investigated by the Law Society of Upper Canada (LSUC), the organization that regulates lawyers in Ontario. After taking two years to find that there was evidence of his misconduct, he is now facing disciplinary action by the LSUC.

Under current laws, the family is not allowed to remain in Canada while waiting for the case against this lawyer to finish because they have already been ordered deported. If they go back to Hungary, they fear they will again be victims of racist political violence.

As a result, the family became desperate. Fortunately, they were offered sanctuary in a Toronto church in the winter of 2012. Lulu was four years old at the time, and she is now six⁵. She has been inside the church for more than two years.

⁴http://www.thestar.com/news/world/2012/10/14/failed_refugee_claimants_find_sanctuary_in_toronto_churches.html

⁵ As of May, 2014.

d) *What is sanctuary⁶?*

Sanctuary is a practice that has been practiced by many religious communities since ancient times. It involves providing shelter and the necessities of life to a person or people who are in danger of being subjected to hardships, usually at the hands of a government. Usually this means the people in danger stay inside a place of worship like a church or a mosque.

Religious organizations see this as humanitarian work which is done out of respect for the dignity of human beings and out of a moral duty to protect people from what they view as unjust legal action. Normally, for a congregation to consider offering sanctuary, this injustice must pose the most severe of risks to the people seeking shelter. While other kinds of help might be offered to people facing less serious difficulties, sanctuary is usually associated with the risk of arbitrary detention, torture or death for people with no real legal options remaining.

Offering sanctuary means a long-term commitment on the part of both the people seeking it and the community sheltering them. It also takes a great deal of resources, including financial, professional, medical, emotional and legal support, and it often includes providing not just the necessities of everyday life, but also support to resolve the legal issue at hand. Often, the ability to make a plan for how to eventually leave sanctuary can determine whether it can be offered in a given case.

Most importantly, **sanctuary is not a legal solution**. There is no law in Canada that prevents the state from entering a space being used as sanctuary and removing people to face legal action like deportation. Instead, it is voluntarily respected by the state out of respect for religious institutions and concern that to violate a sacred space would reflect poorly on a government. As a result, sanctuary can be seen as a form of **civil disobedience**, in which a religious community knowingly breaks the law on moral grounds or for reasons of conscience.

Offering sanctuary can mean risks for everyone involved. In this case, Lulu does not go to school, and her family does not leave the church, out of fear of being apprehended by immigration authorities if they go outside. Individual members of the congregation might also be targeted by people who are opposed to offering sanctuary to refugees. As well, they may be uncomfortable about being in conflict with the government, because they are technically supporting breaking a law.

Finally, religious institutions risk losing their charitable tax status if they are perceived as doing some kinds of political work. This could make it difficult for them to maintain the financial resources needed to provide spiritual guidance to their communities.

e) *What was Bill C-31?*

While these circumstances are challenging for Lulu and her family, changes to the process for refugee claimants that came into effect after they made their claim have made the process even more difficult. In December of 2012, Bill C-31 (also known as the *Protecting Canada's Immigration System Act*) introduced a number of extensive changes to the *Immigration and Refugee Protection Act*. These included:

⁶ See <http://sanctuarycanada.ca/?welcome>

- a. The creation of **Designated Countries of Origin (DCOs)**: This is a list of countries that the government determined to be “safe”, based on factors, like the presence of what appear to be democratic state institutions or a strong free market economy. Claims from these countries are processed more quickly, meaning that:
- rejected claimants do not have access to an appeal; and
 - rejected claimants are subject to a faster removal process.

Some people argue that this system is unfair to refugees from DCO countries, because they do not have time to properly prepare their claims and gather all the evidence they need from their home country. It has also been argued that it may be dangerous to assume that an entire country is “safe” or “unsafe” for everyone who lives there⁷; countries that appear peaceful and safe may still pose risks of discrimination and violence against certain minority groups. Hungary has been on the DCO list since it was created in December of 2012.

- b. Before December 15, 2012, failed refugee claimants were automatically entitled to a Pre-Removal Risk Assessment. This was an application that gave failed claimants a final chance to show that they were at risk in their country before being deported. This application can be very important for showing risk because conditions can rapidly change, and new evidence of risks can emerge that are specific to a given claimant.

In addition, failed claimants could apply at any time to stay in Canada on “Humanitarian and Compassionate” (H and C) grounds. This application would examine the kinds of hardship the person would face in their countries of origin, how well they were established in Canada, and the best interests of any children involved in the matter.

Under the new system, however, failed refugee claimants must wait a full year before they can file either of these applications. In the time in between immigration officials are required to remove failed claimants. This can force failed claimants into hiding until this one-year period is up. If they are deported in the meantime, however, claimants are denied the opportunity to file either of these two applications.

Almost all of the other failed claimants/families that complained against the same lawyer the Pusuma family complained about have already been deported from Canada. The changes to the law to make removal of failed claimants even faster mean that justice is denied to people in the Pusumas’ situation.

TAKE ACTION

See your teacher for suggestions about ways to follow up, to support this family or to learn more about many aspects of this story. www.freelulu.ca is an excellent place to begin.

⁷ Amnesty International has made this point specifically in reference to the *Protecting Canada’s Immigration System Act*.