

Reforms introduce new challenges for gay refugees

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Lesbian, gay, bisexual, and transgender claimants could lose out under a plan to speed up the refugee determination process, according to a leading immigration lawyer.



Event organizer Milé Komlen, immigration lawyer Michael Battista, Lisa Gore of the 519 Community Centre, and Sam Laredo of the Immigration and Refugee Board of Canada at the LSUC pride panel. Photo: Gail J. Cohen

Michael Battista, a partner at Jordan Battista LLP who often deals with refugee claims based on the grounds of sexual orientation and gender identity, said plans to cut wait times for a hearing at the refugee protection division of the Immigration and Refugee Board to just 90 days from around 18 months will make it even more difficult for claimants to prove their case and get proper representation.

The changes are being implemented as part of the Balanced Refugee Reform Act that went into law in June 2010.

The new legislation also introduces a new interview to gather information to take place within 15 days of the asylum claim to replace a written form that could previously be returned within 28 days.

"My fear is the quality of decision-making will be undermined, and that's a real challenge for us," Battista told an audience at the Law Society of Upper Canada on June 23.

"Refugee decision-makers are constantly and relentlessly under pressure to deliver faster and faster decisions. There's nothing wrong with speed, except at a certain point you get a bit concerned about the quality of