

THE PROVINCE

Immigration lawyer fears bias against 174 migrants

By ROGER TAYLOR
Staff Reporter

Well-known Halifax immigration lawyer Davies Bagambiire says the methods employed by the federal government in processing the cases of the 174 illegal immigrants from East Asia indicates a racial bias against people of color.

In an interview Wednesday, Mr. Bagambiire said although he is reluctant to lay a charge of outright racism against the government, he said it appears immigration officials are proceeding in a way which suggests they may be subconsciously making decisions with race playing a factor.

He said he believes the group of Tamil refugees from Sri Lanka that arrived in Newfoundland last summer were treated more liberally than their Indian counterparts who walked ashore in Charlesville July 12.

But Mr. Bagambiire, who does not represent any of the 174 illegal migrants, points out that from his experience both groups have been treated

differently than illegal immigrants from eastern Europe.

"Usually people arriving from eastern Europe are not detained for such a long period, and that is why it is increasingly difficult to believe that race is not a factor," he said.

Beside the racism issue, Mr. Bagambiire said he is concerned that the rules set down for dealing with illegal immigration are not being properly followed by the federal government.

Many of the migrants have been detained for longer than the prescribed 48 hours before being presented before a case adjudicator, he said.

"There has also been speculation in the media that the Canadian government has been in touch with the Indian government and has disclosed the names of the people who have landed in this country. If this is true, it is a real gross irregularity. Part of the international convention dealing with immigration is... absolute confidentiality."

Many Canadians have the erroneous belief that illegal immigrants do

not have any rights under Canadian law, Mr. Bagambiire said, adding that the law very specifically protects individual rights whether the person is in this country legally or not.

The only justifiable reason the Canadian government would have for holding the Indians for such a long period is a concern for the security of the Canadian government, "...if not, then these people have the right to be out."