

Political refugee or 'China's biggest criminal'
Lai Changxing and his fight to stay in Canada

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Lai Changxing, named by Chinese officials as 'China's biggest criminal', is a short, jovial, sharp-eyed individual. He was born in 1958 southern Fujian (Minnan), the home region of many of the overseas Chinese in Southeast Asia and North America, and, in the pre-war era, one of the bastions of China's economic growth.

Lai was born in to a peasant family, a very ordinary family with no political connections. He had little if any education, and grew up to become what is affectionately referred to in Chinese as a '*tubaozi*' 土包子 – earth dumpling or yokel. The greatest asset that he had going for him was his age - he came into adulthood just as China abandoned Maoist ideology and entered the age of economic reform. Like many young men, he left his village and moved south to the port city of Xiamen. In spite of his lack of natal advantages, he made an enormous fortune in the free-wheeling 1980s.

Lai was the founder of the Yuanhua Group in Xiamen. Much of the group's financial success was based on smuggling (principally cars, petroleum and cigarettes), a practice that relied heavily on bribing willing officials. In the 1980s and 1990s, and to some extent still today, the Chinese government used very high import tariffs to protect domestic producers, and reinforced the tariff system by only permitting government-affiliated companies to handle imports. The only way round the tariffs was smuggling – and smuggling depended on finding compliant officials willing to take money to look the other way as smuggled goods entered the country.

Lai was the epitome of the new breed of Chinese entrepreneurs, the winners in China's rush to embrace 'socialism with Chinese characteristics' –i.e. unfettered capitalism. Lai must have had exceptional charisma and talent, qualities that allowed him

to come out on top in an intensely competitive world. His achievement was made all the more spectacular because he is virtually illiterate.¹

While his empire flourished, Lai was one of the biggest men in Xiamen, and he spread his wealth around. He built ostentatious new buildings in Xiamen, most famous the Red House, where he entertained the officials he was bribing, or hopes to bribe, with startling largesse.²

For one birthday party he let two hundred 'important guests' leave with a goodie bag of RMB 10,000³ in cash each. Such occasions were many. For those uninterested in money, Lai found female seducers, feast and couple suites to be just as suites lethal. In the famed "Red Chamber" [Red House]⁴, a sumptuous seven floor palace of discos and saunas, Lai entertained his important guests with lavish and sultry beauties.

Lai was a local hero in Xiamen. He played up to the Minnan admiration for bold, swash-buckling men who pay little attention to laws, rules and regulations. He knew how to appeal not only to corrupt officials, but also to the local people. He was generous to his family members (many of whom worked for him) and to his native place. He looked after Xiamen too, buying a football team for the city from Guangdong.

As his success grew in Fujian, Lai began to extend his operations to Hong Kong. In the early 1990s he and the Yuanhua Group were promoted in the official Chinese media as symbols of the new Chinese economy, where talent, energy and good ideas were enough to bring terrific profits. But in the late 1990s things started to go wrong. Lai's habit of bribing officials put him on the wrong side of the Beijing government.

¹ Lai is still a rather mysterious character. Even the very energetic journalist Oliver August was not able to find very much about Lai's character, or explain his enormous success. See Oliver August, *Inside the Red Mansion: on the trail of China's most wanted man*. New York: Houghton Mifflin, 2007.

² Sun Yan, *Corruption and Market in Contemporary China*. (Ithaca: Cornell University Press, 2004), p.139

³ Approximately \$1,500 Canadian at the time.

⁴ The name is a reference to the great novel by Cao Xuejin, *The Dream of the Red Chamber* 红楼梦

Corruption is the most unpopular, even hated aspect of life in contemporary China; the public complains constantly of official corruption 贪污, 腐败, which makes almost any transactions with officialdom difficult and expensive. To show its concern for the people the government periodically launches campaigns against corruption. There is a certain degree of cynicism in interpretations of these campaigns; the assumption is that almost all officials are corrupt, and therefore vulnerable to arrest should they lose out in the complex political battles within the government and Communist Party. Anti-corruption campaigns are usually interpreted as political battles masquerading as anti-corruption drives.⁵ Some of Lai's major official contacts in Xiamen and Beijing were caught up in the new anti-corruption campaign, and Lai was in danger himself, by association. In 1999, on purchased Hong Kong documents, he and his family fled to Canada, where he has been fighting ever since for refugee status, or, after he failed to get that in 2002, the right to remain in Canada.

Lai has made assiduous and expensive use of the Canadian legal system. He has changed lawyers, and is now represented by one of Canada's leading human rights lawyers, David Matas.⁶ Lai has appealed frequently and creatively to various courts, and has managed to stay on long past his original refugee application failed, past several deadlines for his deportation. While he is going through these legal processes, the Canadian government had not been able to respond to Beijing's frequent and often strident demands to have 'China's biggest criminal' back and before the Chinese criminal justice system. The Canadian government did, however, oppose Lai's original application for refugee status, in 2002, and collected evidence against him in Xiamen.

⁵ Sun, pp.1-25, on the growth of corruption in the reform era.

⁶ David Matas has a long and honourable record for defending victims of discrimination, in Canada and abroad. He has been active in criticizing the Beijing government's treatment of Falungong.

Lai's continuing presence in Canada raises several issues for Canada: the question of Canada's political relations with China; problems within the refugee system; immigrant criminals; and the attitudes of Chinese Canadians towards China.

Canada/China relations

Lai Changxing's case has been a major irritant in Canada/China relations; the degree of irritation is not constant but depends very much on who is in power in Ottawa. Lai's case was most problematic to Liberal governments under Jean Chretien and Paul Martin were anxious to have foster good relations with China, with the aim of developing trade. Chretien led a number of Team Canada delegations to China, in to drum up trade.⁷

The current level of threat to Canada-China relations is lower, since the Conservative government appears to have little interest in warm relations with China. Over the past year and a half, government policy has varied from indifference (no official visits in either direction) to outright criticism, notably over the case of Huseyin Celil, in 2007. Celil, a Uighur who was admitted to Canada as a refugee in 2001 and became a Canadian citizen, was arrested on a visit to Uzbekistan, and shipped to Xinjiang, where he was tried and sentenced to fifteen years in jail on terrorism charges. He was treated by the Chinese courts as a Chinese citizen, and denied access to Canadian consular officials.⁸

Rather to the surprise of liberals and human rights activists in China, the Conservative government has taken a much stronger stand on human rights in China than

⁷ Canada's trade deficit with China keeps growing. In 2005 Canadian exports were worth \$6,598,000,000 on total trade of \$36,075,000,000, in 2006 \$7,183,000,000 on total trade of \$41,669,000,000.

⁸ This is in contravention of China's citizenship laws, which do not recognize dual citizenship. When a Chinese citizen taken a second citizenship, that person is assumed to have abandoned Chinese citizenship.

its predecessors. Prime Minister Stephen Harper met the Dalai Lama on his visit to Canada in 2007, something his Liberal predecessors as prime minister had refused to do. China has retaliated against Canada by delaying the implementation of approved destination status for Chinese tourists, and by refusing to meet senior Canadian officials to discuss bilateral issues. The ranking Department of Foreign Affairs official Leonard Edwards was unable to meet any senior Chinese officials during a visit in November, 2007.⁹

Over the years China has made frequent representations to Canada over the Lai case, some of them angry, some conciliatory, all fruitless. Canada has not been able to convince China that the legal process is separate from political and diplomatic processes, and that Canada would be unable to deport Lai while his case is still before the courts. In China the legal system is subservient to the political and governmental, making it hard for China to accept what their officials see as Canadian recalcitrance and willingness to harbour criminals.

The slide in the warmth of bilateral relations is real, but there are many other reasons for this – Tibet, human rights, the trade imbalance, the persecution of Falungong. For the moment Lai’s case is out of the headlines.

Refugee claimants and deportation of failed claimants from Canada

Lai’s case is deeply embroiled with Canada’s refugee process. It is not an exaggeration to say that he has taken the system to its limits.

One of the cardinal elements of Canada’s immigration policy is to welcome refugees. The rule of thumb has been to allow about ten percent of the annual immigrant

⁹ Mr. Edwards is the father of rising singer-song writer, Kathleen Edwards.

intake to be made up of refugees. Refugees have to meet the United Nations' criteria: people who "owing to a 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 their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country." Some of the successful refugee claimants are selected abroad, in refugee camps, but many make refugee claims only when they land in Canada. Refugee claimants are almost by definition forced to enter Canada without a visa, and often without proper documentation; people in flight have no time or opportunity to get a passport or to go through the regular visa process.

Once a claim has been made, claimants start through the lengthy and complex process of getting permanent status in Canada. Their claims go first to Citizenship and Immigration Canada, and then for adjudication to the Immigration and Refugee Board, an organisation staffed by a combination of career civil servants and appointed board members.

The initial processing takes on average a year, a period that may be followed by extensive appeal procedures if the application is unsuccessful. [See Appendix 1] Ultimately unsuccessful claimants may be asked to leave Canada voluntarily, or may be deported. But they may not be deported to countries where they may face torture or the death penalty. Even after all appeals have been exhausted, refugee claimants may also appeal to remain in Canada on compassionate grounds. These appeals often involve a media campaign. At the moment the man in the news is a failed claimant, Laibar Singh, a Sikh, who is fighting against being returned to India, on the grounds that he is paralysed and needs Canada's medical system, and that he might be persecuted in India. But although he has supporters in British Columbia's large Sikh community, it looks now as

if he will have to leave, given that the two threats he mentions are scarcely credible in India, where there are plenty of good hospitals and a working legal system.

It is sometimes difficult to remove failed refugee claimants from Canada. If their identity is uncertain, or if their country of origin refuses to take them, or if there is no third country that is willing to take them in, they may still stay in Canada, in a legal limbo.

In 2006 almost 23,000 claims for refugee status were made in Canada, 14% over the previous year; only 47% of the claims were approved.¹⁰ This acceptance rate suggests several possible interpretations. One is that the rate is appropriate, a reflection of a generous society. A second is that the rate is low, and that the fault is with the IRB, staffed in part by political appointees who may have little understanding of refugee issues; their decisions are unpredictable and even capricious. A third is that the figure is too high, and that there are loopholes in a generous and high-principled refugee policy that allow unscrupulous foreign criminals and undesirables to manipulate the system.

This third interpretation is a reprise of a long-running strand in Canadian history, opposition to immigration on the grounds of numbers and of potential criminality. It is a view that, since the late 19th century, has been particularly strong in British Columbia, where much of the hostility was aimed against people of Chinese origin.¹¹ At the moment these views are propounded only by a small number of fringe groups such as Immigration Watch Canada, who claim that the current refugee policy allows a high acceptance rate, and that the length and complexity of the application process is an invitation to people whose fear of the authorities in their own countries is based on their own criminal activities rather than the viciousness of the systems.

¹⁰ Citizenship and Immigration Canada, *Annual report to parliament on immigration*, 2007.

¹¹ W. Peter Ward, *White Canada Forever*. Kingston: Queen's University Press, 1972.

There is very little evidence that these fears are valid. The refugee policy recognises the principle of dual criminality, so that people who are charged in foreign countries with crimes that would be crimes here may be deported or extradited from Canada to the countries in which they are charged. But it is true that while people are going through the process of applying for refugee status, the length of the process may allow them to stay here for quite some time.

The concerns of the fringe groups speak to a fear that is much more general, that certain types of criminals (drug smugglers, human traffickers, terrorists) might come here and gain permanent status. This fear is present not only in Canada, but also in the USA, where there is a persistent chorus of agitated comment that Canada is the 'soft entrance' to the USA for terrorist – in spite of the fact that there is no evidence at all to support this view.

China has been for the past two decades one of the largest sources of refugee claimants. Claims have been made on the basis of political and religious persecution, on the one child per family policy, and on persecution of ethnic minorities in China – any one of which fitted UN definitions. The rate of refugee applications once gave rise to concerns that Canada's refugee system might be swamped by PRC applications. The rate of application has fallen off, however, and that concern has weakened.

Lai Changxing's case fits awkwardly in to the refugee system. His crimes, as listed in the charges against him in China involve smuggling cigarettes and gasoline. These are economic crimes that do not match the UN criteria for refugee claims. On the other hand he has not been accused of crimes that really bother Canada, drug smuggling or human trafficking. And even the PRC authorities have not accused him of terrorism.

So how can he claim refugee status – and continue to make major efforts to stay here after his claim has failed?

The answer has everything to do with the legal system in China. Canada only negotiates extradition treaties with countries whose legal system is transparent and functioning; the absence of an extradition treaty with a particular country is proof of Canadian perceptions of flaws and inadequacies in the second country's legal system. Another aspect of Canada's extradition policies is that Canada does not allow the deportation of accused people to countries that have the death sentence. There is no death sentence in Canada, and for this reason to people facing deportation from Canada who may face a death sentence are not usually deported.

China has addressed the issue of the death penalty for Mr. Lai in two ways. Zhu Rongji, the former premier, said (while still in office) that Lai deserved the death sentence several times over. Chinese legal authorities, however, have retreated from that position, and given Canada assurances that Lai will not face the death sentence. In a statement published by Xinhua (New China News Agency) in February, 2007, Gao Yisheng, from the CCP Central Commission for Discipline and Inspection, stated that Lai should have no fear in returning to China. He urged Lai to give himself up, 'not to stubbornly stick to the wrong course'.¹² Such assurances have seemed less convincing than Zhu's fulminations, given that fourteen people associated with Lai have already been executed, and his brother, who was not sentenced to death, has died mysteriously in prison.

Lai's case, and others, raise the issue of how the refugee system should deal with people accused of economic crimes. China has been increasingly concerned about the

¹² *Xinhua New Agency*, February 14th, 2007.

difficulty of getting people charged with economic crimes back from abroad. An example is the fears voiced in a report in the *China Daily* on September 26th, 2007 that campaigns against corruption would be vitiated if corrupt officials fled abroad, especially to countries with which China has no extradition treaty most western countries. There are now more than two hundred such people wanted in China for corruption. Many certainly would face the death penalty if they were returned to China. The eventual outcome of Lai Changxing's case will be a portent of what other economic criminals may expect.

bearings on

There are two twists to Lai's case. One, which complicated the case for a while, was that he came to Canada not from China but from Hong Kong. The Hong Kong authorities have now annulled his Hong Kong documents, since they were purchased illegally; their hope is that whatever happens, he will not be returned to Hong Kong, where he could only be an embarrassment. The second twist is that Chinese legal authorities seem to have botched their efforts to get Lai back, giving credence to the theory that they may not really want him back – if, as is likely, he has already arranged to have embarrassing details of his past connections in China published outside China should he be returned there. By botching the process, the Chinese authorities have made it difficult for Canada to remove him.

And a historical footnote. Over the past century Canada has given short and long-term sanctuary to several people whom the Chinese government of the day wished to get its hands on Sun Yat-sen, the Father of the Nation, who came here frequently; and Liang Qichao and Kang Youwei, the great late Qing reformers, who fled from certain death in China. In the late 1940s and early 1950s many people fled here as refugees from the new

Communist regime in China. And other refugees came here from Taiwan, these fleeing the repressive actions of the Guomindang government there. Many of them returned to Taiwan after the introduction of democracy there in the 1980s; several rose to leading positions there. Most recently Canada gave permanent residence to thousands of Chinese students after the June 4th crackdown in 1989. And two years ago Canada welcomed Lu Decheng, the young Hunanese who threw paint-filled eggs at the portrait of Chairman Mao on Tiananmen, in 1989.

Immigrant criminals

Lai's case has attracted attention beyond the possible criminality of refugee claimants, and on to the criminal pasts of regular immigrants.

To apply to be landed in Canada an immigrant needs to show a certificate of no criminal conviction. After they are landed, immigrants are made aware that committing a criminal act could lead to deportation. But the system is not watertight, and there is the possibility that Canada may inadvertently accept criminals as immigrants, that people in trouble with the law in their own countries may be able to get in to Canada if they produce false documentation, or if they come sponsored by a relative.¹³

Several such cases have already arisen with PRC immigrants, and there is a likelihood that there will be more, given the degree of corruption in China. Corruption is punished very severely in China, but, as noted above, charges of corruption usually only follow after an individual has got in to political trouble. The hint of political trouble is

¹³ Zhang Guotao, one of the early leaders of the Chinese Communist Party was admitted to Canada in the 1960s, at a time when he was considered a criminal both on the Mainland and Taiwan, as a dependent of his son. He lived out his life in one of Toronto's leafy suburbs, Don Mills.

often a spur to emigration – or to the decision to join relatives who have already moved to Canada.

Another problem particular to China is that there seems to be little difficulty in acquiring bogus documentation. China is an autocratic, bureaucratic state; the degree of control exercised by official agencies leads to different reactions. One is compliance. The others are one or other of a great range of ‘apparent’ compliance – one of which is the use of false documentation. The forging of documentation extends to the production of materials for immigration purposes, such as college and university degrees, certificates of language competence, and certificates of no criminal conviction.

A recent immigrant from the PRC, Gao Shan, resorted to dubious documentation. He has been accused of major embezzlement from the Bank of China in Heilongjiang. He immigrated to Canada in 2004 as the dependent of his wife, Li Xue. The PRC legal authorities want him back, to face trial. The Canadian authorities are not happy with him, and he was arrested in Vancouver just before the Lunar New Year in the spring of 2007, on the grounds that he had made false declarations when he applied to come here. (Gao was subsequently released, but spent the new year in detention). Making a false declaration, on and immigration or citizenship applications, is grounds for deportation.

There are several concerns about immigrants who have been convicted or accused of crimes abroad. One is that they should not be here at all, given that a criminal conviction makes a person ineligible to immigrate. A second is that they will launder the proceeds of their crime and corruption in Canada. For this reason there is unease about the purchase of houses or cars for cash. Another more tangential concern, in British Columbia, is that the proceeds of foreign crime may drive up house prices in Vancouver

though there are so many other pressures pushing up house prices that this is not a very convincing reason, except to people already hostile to immigrants.

Even so, cases like Gao's, where the purported crimes were committed abroad, worry Canadians far less than do crimes committed by immigrants who are here. A more compelling cause of concern is the fear of organised crime, especially with involvement in the drug worlds and in people smuggling. This is a murky world, often mentioned in the media, but seldom discussed except in general terms. The secrecy of the gang world makes it almost impossible even for the police to understand much of what is going on, since it is so difficult to get information from within the gangs.

There is even greater concern over people, citizens or immigrants, who carry on murderous battles whose roots are in their home lands from Canadian soil. More than twenty years after Sikh militants blew up an Air India flight, killing over three hundred people, the majority of them Canadians, there has still only been one serious conviction; the two men widely believed to have master-minded the bombings were acquitted in 2005 because of the refusal of other Sikhs to give evidence against them.

Community attitudes

Lai Changxing's case has been covered exhaustively in the Chinese language media in Canada.¹⁴ Every twist and turn of his campaign to stay in Canada is reported, along with sightings of Lai or his (ex)wife,¹⁵ and speculation about his future. Chinese Canadians are divided over Lai, and the divisions reflect some of the differences between the multiple

¹⁴ There are three Chinese-language dailies available in most major cities in Canada (Singtao 星岛, Mingpao 明报 and Shih-chieh Jih-pao 世界日报), plus TV and radio channels that broadcast in Mandarin and Cantonese.

¹⁵ Lai's wife has divorced him, and put the couples' apartment in her name.

communities of Chinese origin, which include the native born (土生), immigrants from Hong Kong, Taiwan, Southeast Asia – and increasingly, the Mainland. In 2005 the Mainland was the top source of immigrants to Canada, accounting for 42,000 of 262,000 immigrants. Most of these quite separate groups are critical of Lai, and feel he has given China a bad name.

The few people of Chinese origin in Canada who are not critical of Lai tend to be from southern Fujian (Minnan), Lai's home turf. He is seen by Chinese Canadians who trace their roots to Minnan as a local man made good, someone within the long Minnan tradition of piracy and smuggling, which goes back at least to the Ming Dynasty.¹⁶ These people, like many still in Minnan, recognise that Lai helped to bring great prosperity to Xiamen. They tend to find him amusing, and tell frequent stories of how crude and crass he is, but always with an affectionate tone.

There are complex issues of identity here. Chinese Canadians of various origins have concerned themselves with the Lai case – and in protesting his continued residence here – as a statement of their sense of Chinese identity. When the identity 'Chinese' is attached to Lai, there is a perceived need to denounce him, rather than dismiss him as someone from Fujian with whom other people of Chinese origin have few connections.

Some other Chinese Canadians follow the official Chinese line and denounce him as a criminal who deserves to be punished. Others feel that China's major problem at the moment is corruption, and that anyone who has been convicted of corruption should be shown no favour here.

¹⁶ Minnan's greatest hero is Zheng Chenggong, the Ming loyalists who established a foothold in southern Taiwan. Zheng came from a long line of pirates/privateers. He is known as a pirate under his Portuguese name Koxinga. See Diana Lary, "The uses of the past: history and legitimacy", in Andre Laliberte and Marc Lanteigne, eds, *The Chinese Party State in the 21st Century* (London: Routledge, 2008), pp. 130-144

For most Chinese Canadians the reaction is less to do with the crimes Lai is accused of than it is to do with his personality. They see him as an embarrassment to the Chinese people as a whole, as a reprobate and as a scoff-law. This is especially true of people from Hong Kong, who come from a law-abiding society in which crime and criminals are severely punished. The rule of law is one of the most cherished aspects of Hong Kong society, and there is little sympathy for people who seem to be scoffing the law. To these people, Mr. Lai is a scoff-law, and Canada is misguided in allowing him to stay.

Lai Changxing is not the only target of Chinese Canadian anger. There have been major campaigns in the Chinese language media against Gao Shan, complete with details of the property he has bought, presumably with ill-gotten gains. The standard theme is that he should take his dirty money and go elsewhere, preferably back to China for punishment.¹⁷

There is a related but much greater anger over what appears to be China's tit-for-tat response to the refusal of the Canadian government to hand over Lai – the case of Amanda Wei Zhao. Amanda Zhao, a young student from Beijing studying in Vancouver, was murdered in 2002. The Vancouver police investigation did not go swiftly, but eventually her boy friend, Li Ang, was accused of her murder; by then he was by then long gone, to China. His cousin Zhang Han was arrested in Vancouver shortly after the murder, charged as an accessory to murder, and imprisoned. But Li Ang remains free in Beijing, and in spite of repeated requests he has neither been charged nor sent back to

¹⁷ An intriguing aspect of Gao Shan is his name, which means 'high mountain' – a very unusual name, and possibly a pseudonym. The most famous Canadian in China is the entertainer Da Shan (big mountain), the stage name of Mark Rowswell.

Canada to face trial. Amanda's grieving parents have been taken to the hearts of many Chinese Canadians, and her case is covered regularly in the Chinese language media. Her parents and their supporters continue an active campaign to get justice for her.

Conclusion

So far the issue of Lai's presence in Canada has been less serious than had been anticipated, certainly, in terms of the refugee and immigration process, less serious than issues connected to those suspected or accused of terrorist activities and associations. There the problems have been maltreatment of innocent men (Maher Arar), the detention of Canadians in Guantanamo Bay, and the periodic arrests of suspects in Canada.

The Lai case has not been in the English-language headlines for some time. Even when it was, those Canadians who were aware of his case reacted in bemusement that Canada should have been chosen as the refuge for such a notorious criminal, a bemusement that is coupled with disbelief at the scale of his alleged crimes. The sums involved, in the tens of millions of dollars, are beyond the Canadian experience, where malfeasance tends to involve much smaller sums. A former prime minister, Brian Mulroney, has been pilloried recently for taking \$300,000 in cash, after he left office, from a German businessman – as opposed to the billions of dollars accrued by Lai Changxing. The size of Lai's criminal profits also goes far beyond the illegally acquired moneys held by the most famous convicted fraudster with Canadian connections. Lord Black of Crossharbour, formerly Conrad Black of Toronto, has just started to serve a sentence of six and a half years in a Florida jail. The fact that he had renounced his

Canadian citizenship in order to take a British peerage has been seen as an inadvertent act of patriotism.

Lai's case drags on and on. With the recent troubles over Tibet and the recurrent criticism of China's human rights record in the run-up to the Beijing Olympics, he may well be here for a long time to come.

Appendix 1*Immigration and Refugee Board, January, 2006.*

Division of responsibilities regarding refugee protection claims made in Canada			
Questions	IRB	CIC	Federal Court
To whom do persons have to apply for refugee protection status?	No	Yes	No
Who decides whether the claims should be sent to the IRB	No	Yes	No
Who hears and determines refugee protection claims?	Yes	No	No
Apart from the claimant, who can participate in the proceedings before the IRB?	No	Yes	No
If IRB grants refugee protection status, to whom may refugees apply for permanent resident status?	No	Yes	No
If the IRB rejects the refugee protection claim:			
1. To whom may failed refugee claimants apply for judicial review?	No	No	Yes
2. To whom may failed refugee claimants apply for their case to be reviewed on humanitarian and Compassionate grounds?	No	Yes	No

3. Who does the Pre-Removal Risk Assessment for failed claimants?	No	Yes	No
4. Who removes failed refugee claimants from Canada?	No	Yes	No