

Unprotected, Unrecognized

Canadian Immigration Policy and Violence Against Women, 2008-2013



**MIGRANT
MOTHERS
PROJECT**

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Whereas this report focuses on the Canadian state's treatment of people with precarious immigration status, we acknowledge that colonization, denial of sovereignty, exploitation of indigenous lands, and violence against indigenous peoples, contribute to a crisis in native communities across Canada. We offer support for the campaign to honour missing and murdered aboriginal women, girls and trans people, while working to build relationships of mutual respect and solidarity among immigrant and indigenous communities.

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ABOUT THE MIGRANT MOTHERS PROJECT

The Migrant Mothers Project (MMP) was launched in 2011, as a collaborative research project led by Rupaleem Bhuyan at the University of Toronto in partnership with a network of community stakeholders, legal clinics, community health centres, and grassroots women. The MMP examines how immigration policies contribute to the production of violence against women and creates barriers for women seeking safety and support.

Community Advisory Board

Mercedes Umaña (Women's Health in Women's Hands Community Health Centre) served as the community collaborator from 2011-2012. 7. Harmy Mendoza (Women Abuse Council of Toronto: WomenACT) served as the Community Collaborator from 2013-2014. The Community Advisory Board includes community members committed to immigrant rights, as well as service providers and legal advocates working in Toronto based community organizations:

Karin Baqi	South Asian Legal Clinic of Ontario
Sandra Cordero	Community Member
Rosa Delgado	Sistering
Olga Florean	Community Member
Isabelle Garcia	Community Member
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See www.migrantmothersproject.com for more details.

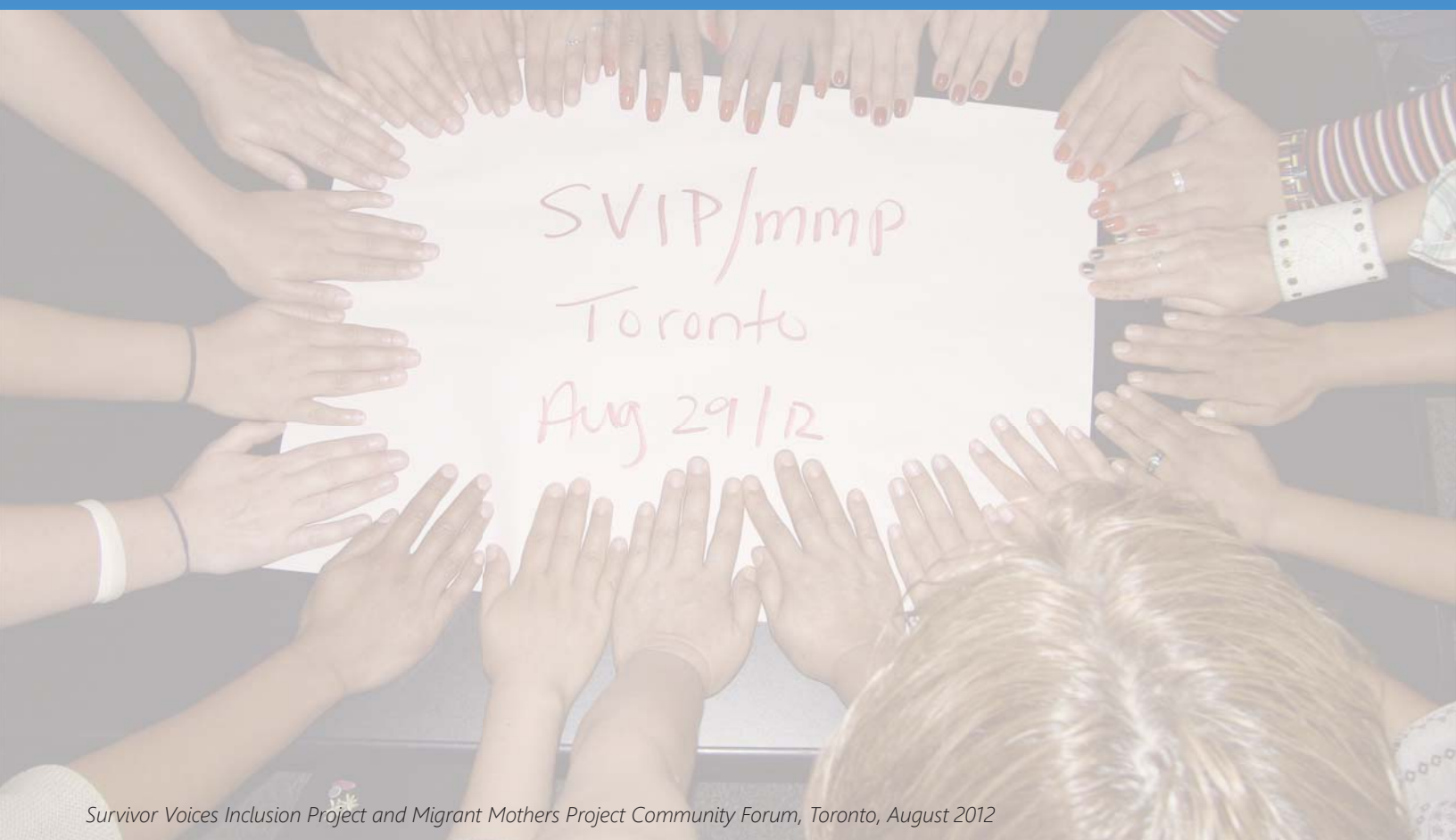


Worry Doll-Making, Nuestra Fortaleza (Our Strength), Solidarity Group, Toronto, 2012

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EXECUTIVE SUMMARY



Survivor Voices Inclusion Project and Migrant Mothers Project Community Forum, Toronto, August 2012

In 2013, The Migrant Mothers Project conducted research to understand how immigration and refugee policies impact the safety of immigrants who have a precarious status. Since 2008, the Canadian government has introduced an unprecedented number of legislative and regulatory changes that have impacted immigrants' and refugees' access to legal representation, access to social and health services, and pathways to permanent residence. We wanted to understand how immigration policy changes are impacting how community based organizations work with women with precarious immigration status, especially in cases where women are seeking safety from violence.

Over the past two decades, anti-violence against women advocates have grappled with intersecting oppressions that impact women's efforts to flee or recover from violence. When Linda MacLeod and Maria Shin were commissioned by Health Canada to study the service delivery needs of immigrant and refugee women, they emphasized that many immigrants and refugees who are abused are isolated due to language and cultural barriers, racism, the 'strangeness' of their environment and the power that their immigration sponsors held over them. Supporting refugee claimants, immigrants who were facing sponsorship breakdown, and developing programs to address language barriers, ethno-cultural differences, and queer and trans people in immigrant communities emerged as key concerns in anti-violence against women programs and services. More recently, organizations have identified immigration status as a pivotal factor that increases vulnerability to abuse and neglect .

Goals for this report

This report is a collaborative effort to develop feminist analyses of immigration and refugee policies and their impact on violence against women. In this report we focus on people who self-identify as women or who are identified by the state as women or female. We focus on the gendered dimensions of immigration policy to bring visibility to specific ways in which the Canadian state is complicit in producing gender inequality in the form of violence against racialized women, economic exclusion and marginality, family separation, and through detention and deportation. This report is geared towards people working in the violence against women “sector”, community-based organizations that serve immigrants and refugees, and grassroots community groups that are mobilizing their own resources to support immigrants with precarious status.

The primary goals of this report are to:

1. Develop a framework for understanding precarious immigration as part of the spectrum of violence against women (VAW)
2. Identify how recent immigration policies are impacting women’s rights and safety
3. Illustrate case examples of individual, community and policy advocacy taking place across Canada.

Our report focuses on immigration and refugee policies that were introduced between 2008-2013, a period which has been described as the most active in Canadian immigration policy development since

this country’s inception. This period also coincides with the period that Minister Jason Kenney served as the Minister of Immigration and Citizenship in Canada. During this time, the Canadian government introduced sweeping changes that:

- Increase employer control over temporary foreign workers;
- Restrict family sponsorship;
- Increase financial and social conditions on family sponsorship applications for spouses, children, parents, or grandparents;
- Limit immigrants and refugees’ access to health care, social assistance and legal services;
- Deny refugee protection to people coming from countries that are deemed “safe” by the Minister of Citizenship and Immigration; or who the Minister considers to be “irregular” because they arrived in a group of two or more;
- Criminalize immigrants, making it easier to detain and deport immigrants and refugees

According to Minister Jason Kenney, these policies fulfill Canada’s economic and political agenda, to ensure that only the “best and brightest” become full members of Canadian society, while securing Canada from the threat of “fraudsters”, “criminals” and “terrorists”. We argue that this policy agenda diminishes the rights of immigrants and refugees, while fuelling racism against immigrants and refugees.

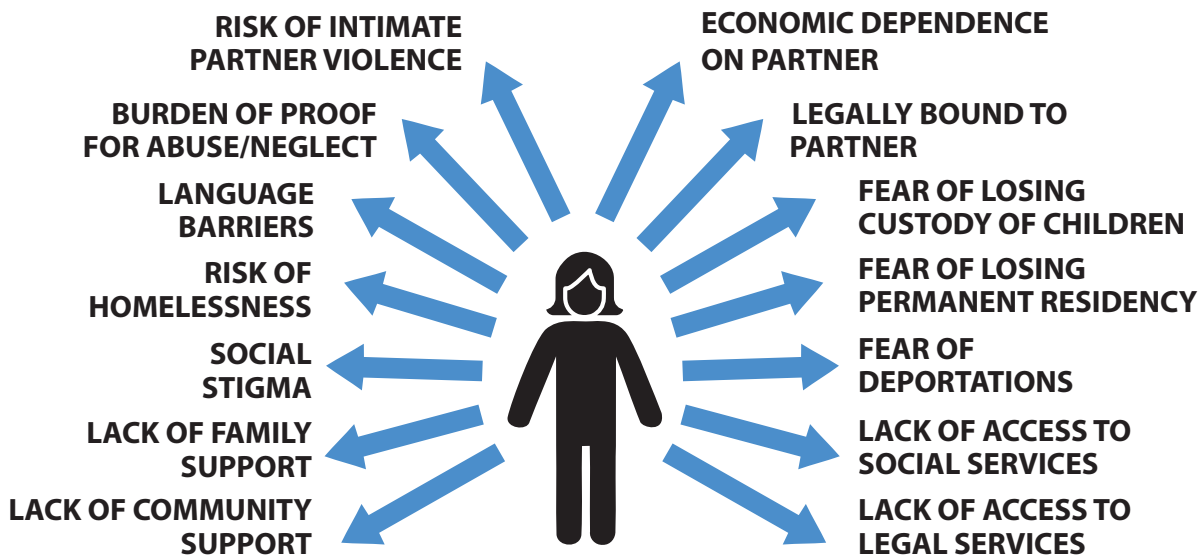
Immigration Policy and the Spectrum of Violence Against Women

Since the battered women's movement emerged in the 1970s, service providers have focused on emergency and transitional housing, income assistance, childcare and other forms of support for women and children fleeing abuse and neglect. These types of supports have been critical in assisting women who seek to leave abusive relationships and find ways to build lives free from violence. Many anti-violence against women programs, however, are structured to support permanent residents or citizens and thus pivot around women's eligibility for different forms of social assistance. People with a precarious immigration status—including temporary foreign workers, international students, sponsored spouses, and refugees whose claims are denied or dismissed—are denied access to many public benefits (e.g. health care, housing, income assistance, legal aid), and thus are often turned away from vital services.

For women who have faced violence, access to shelter, income support, and legal assistance can often be the difference between returning to an abusive situation and independence from a violent relationship. Additionally, there have been significant funding cuts and restructuring of social service and income assistance provided by federal, provincial, and municipal governments. Immigrant women also face the devastating threat of detention and deportation, which may result in separating families and being forced to return to dangerous circumstances in one's country of origin. This is further compounded for LGBTQ women who often face further isolation from their family and immigrant community.

This research sought to identify gaps in services for immigrants with precarious status, but also to document how the current political climate is impacting the capacity of anti-violence against women and immigrant service organizations to advocate for immigrant and women's rights.

VULNERABILITIES FOR MIGRANT WOMEN



Research Methods

This report is informed by research and community engagement activities that were conducted by the MMP with guidance from our Community Advisory Board. Our research activities involved analysis of federal and regional public policies and regulations issued between 2008-2013. We reviewed community-generated research and commentary on immigration policy changes that are available through the web, relevant list-serves and through a review of Canadian media coverage. We also conducted conversational interviews with 17 service providers, academics and policy makers working in different regions of Canada (e.g. Vancouver, Montreal, and Toronto).

Our community activities complement our research, through sharing preliminary findings and engaging in dialogue with communities around Ontario, Montreal and Vancouver to better understand the impact of immigration policy on front-line service delivery.

On June 5, 2014, we brought together service providers, legal advocates and activists across Canada to take part in a daylong symposium that tackled intersections between violence against women and precarious immigration status. This report shares highlights from our research and offers recommendations for organizational and policy advocacy.

Key Themes

Through our community forums and interviews, we learned that budgetary cuts to settlement services and a political climate that pressures organizations to refrain from advocacy, also detrimentally impact how organizations can respond to policy changes that are unfolding at a rapid pace.

Amidst the sense of crisis in immigrant serving organizations, we also learned about inspiring

community and grassroots campaigns that are advocating for and with immigrants and refugees. Campaigns to challenge cuts to the Interim Federal Health Program; opposition to the crack down on 'marriage fraud' and the new conditional permanent residence for sponsored spouses; and campaigns to protect temporary foreign workers from exploitation and abuse are unfolding in different regions of Canada. These grassroots campaigns have had some success in pushing local and provincial governments, and in some cases using the courts to pressure the federal government to ensure immigrant and refugees' rights.

Conclusion

This report covers only a snapshot of the advocacy efforts across Canada to improve policy and service delivery that addresses violence against women. We were unable to address several policy changes that were introduced in 2014, including: Bill C-24, the *Strengthening Canadian Citizenship Act*, Bill S-7, *Zero Tolerance for Barbaric Cultural Practices* that was tabled in November 2014; proposed changes to the Live-in-Caregiver program, due to be implemented November 30, 2014; and proposed cuts to social assistance for refugee claimants.

This rapid pace of policy development continues to take place without meaningful consultation from anti-violence against women advocates. We join the call for a National Action Plan on Violence Against Women, as put forward by the Canadian Network of Women's Shelters and Transition Houses (2013) that adheres to guidelines set out by the UN Convention on the Elimination of All Forms of Discrimination against Women and the UN Declaration on the elimination of violence against women. We hope this report contributes to dialogue and critical assessment of Canadian laws and policies towards upholding the rights for immigrant and refugee women in Canada.

Impact of Immigration Policy Changes on Rights and Access to Services

- Service providers in CIC funded organizations regularly turn away people who are not permanent residents or convention refugees;
- Changes to the Interim Federal Health Program impacted all groups of refugees, even those who are still eligible for health care under the new regulations; several provinces reinstated some access to health care using provincial resources (e.g. Alberta, Manitoba, Saskatchewan, Nova Scotia, Quebec and Ontario);
- Strict timelines for refugee claimants make it almost impossible for women to gather documentation to properly support their claims;
- Information sharing between CBSA and Ontario Works has led to some refugee claimants getting their social assistance cut as soon as they received a negative decision (even when they are still eligible for benefits). This can create undue hardships for refugee claimants who are going through the appeal process;
- Service providers are discriminating against immigrants/refugees, due to heightened suspicion and hysteria of immigrants abusing the system;
- Criminalization of immigrants is leading to racial profiling and increasing the threat of immigration enforcement. For example, applying for a refugee claim can now result in immediate detention;
- Permanent residence and citizenship are more difficult to access; both the eligibility and process is more onerous, more expensive, and excludes many people living in Canada;
- Applying for an exception to Conditional Permanent Residence (CPR) as a victim of abuse, neglect, or forced marriage is onerous and unsafe; the sponsored spouse carries the burden of proof and it is uncertain if victims seeking this option will gain permanent residence;
- Many spouses who are eligible to apply for the exception for CPR are discouraged by the complicated rules and choose to remain with their abusive spouse/partner;

Budgetary Cuts and Advocacy Chill

- Service providers (especially those working in CIC funded organizations), regularly turn away people who are not permanent residents or convention refugees;
- When service providers do support people with a precarious status, they are afraid or unable to exchange information about these cases for fear of jeopardizing their funding;
- Budgetary cuts, along with legal aid cuts in Ontario, have made it increasingly difficult to support women with precarious status who have complex legal issues (i.e. family law, immigration law, criminal justice law);
- CIC has been more stringent in prohibiting advocacy by organizations who sign contribution agreements with CIC;

Provincial and Regional Differences

- Settlement services that are located in community settings see a broad range of immigrants who have a precarious status (e.g. public library, primary or secondary schools, faith-based programs, community health centres and mobile clinics);
- Refugee claimants are more visible in the larger cities of Toronto, Montreal and Vancouver; whereas temporary foreign workers are more visible in rural regions of Ontario;
- Due to the closure of the Ottawa IRB Hearing office, refugee claimants in Ontario must travel longer distances for their hearing, increasing the financial burden of travel and lodging for refugees and their lawyers;
- Organizations in Windsor and the Niagara region are working with temporary foreign workers employed through the seasonal agricultural program and low-skilled program, but many organizations are not funded to support these communities;
- In Windsor, advocates reported that there is an increase in dangerous border crossings (i.e. Windsor train tunnel, Detroit river);
- The hostile anti-immigrant climate, in the wake of Quebec's Charter of Rights debates, has created new challenges for immigrants seeking service in Quebec;
- Strong partnerships between indigenous and immigrant community-based organizations in British Columbia could serve as a model for building solidarity across Canada.

Recommendations for Organization and Community Advocacy:

The following recommendations identify key areas for community organizations to develop policies and practices for working with immigrants with precarious status.

- Develop and implement access without fear policies by: not requiring women to disclose their immigration status when seeking services; ensuring that all referrals for services are screened to be safe for women with precarious status; when/if immigration status is disclosed, to safeguard this information and not disclose women's immigration status to anyone without a woman's expressed consent.
- Develop outreach to temporary foreign workers and women with a precarious status or nonstatus, including live-in-caregivers who are being abused by their employers to share information on worker's rights, identify needs, and advocate for better access to services.
- Develop and/or implement anti-racist and anti-oppressive policies and practices that address anti-immigrant attitudes among service providers and in professional networks; this would include language access policies and practices for women with limited English or French.
- Develop and/or strengthen advocacy networks to exchange up-to-date information on policy changes and to develop viable alternatives for women with precarious status to gain access to affordable housing, child care, and social assistance.
- Identify alternative funding to support programs and advocacy to address the needs of women who have a precarious immigration status.
- Exchange knowledge and information on the impact of immigration policies through tool-kits, webinars and in-person meetings.
- Work with existing networks (e.g. Canadian Council for Refugees, National Action Plan, YWCA Canada, Canadian Association of Refugee Lawyers) to strengthen attention to intersections between violence against women and precarious immigration status.
- Seek legal support to assist women to determine the best route for applying for permanent residence, through either a refugee claim or an H&C application.
- Document cases involving Conditional Permanent Residence and access to the "exceptions for victims of abuse, neglect and forced marriage" which may be used in a legal challenge.
- Develop media campaigns to inform the public and policy makers about the lived realities of living with precarious immigration status.

Recommendations for Policy Advocacy

The following recommendations lay out general goals for policy advocacy directed towards federal, provincial and municipal governments.

- Expand eligibility for CIC services (i.e. language classes, settlement services) to refugee claimants and temporary foreign workers.
- Abolish the two-year conditional status for sponsored spouses.
- Set up mechanisms for sponsored family members who are abused to apply for permanent residence independent from their sponsor.
- Grant temporary foreign workers permanent status upon entry to Canada.
- Abolish the live-in requirement for the Live-In-Caregiver program.
- Grant victims of human trafficking permanent residence in Canada.
- Call on the Immigration and Refugee Board to implement the guidelines for gender-based analysis for refugee determination.
- Call on the Immigration and Refugee Board to create and implement guidelines for LGBT refugee determination.
- Call upon the Privacy Commission to protect the privacy of people who are accessing social and health services; thus prohibiting information sharing about immigration status between different government organizations.
- Call upon municipal and provincial governments to implement access without fear policies for the police, public schools, and for health and social services such that all residents have access to services regardless of their status.

PART 1 : INTRODUCTION



Our Collective Strength, Toronto, November 2013

Immigration policy plays a complex role in the spectrum of violence against women, through determining who can enter Canada and what rights an individual can claim from the state. Because women are more likely to enter Canada as a dependent spouse, or on a “low-skilled” temporary work visa, immigration policies also place women in vulnerable situations where their sponsor (usually their spouse/partner or employer) has control over their immigration status. The threat of detention and deportation poses an additional danger for women, who fear being reported to immigration authorities should they seek help from the police or try to access services.

At the same time that immigration policies determine immigrants’ and refugee’s rights, non-for-profit organizations that receive federal or provincial funding also face limitations on who they can serve. In recent years, changes in immigration policy have made access to services even more stringent for immigrants and refugees, while also putting pressure on community organizations who take part in advocacy against these same policies.

Through developing a gender analysis of recent changes in Canadian immigration policy we aim to examine in what ways immigration policy differentially impacts upon the safety of women with a precarious immigration status; and what implications this political climate has for community based organizations who support immigrants and refugees in Canada. We also highlight diverse examples of community organizing and advocacy that are taking place across Canada, to expand immigrants’ rights and raise public consciousness.

Clarifying our Focus on Women with Precarious Immigration Status

We recognize gender as a fluid category in social practice that includes trans and non-gender conforming ways of being. In this report we focus on people who self-identify as women or who are identified by the state as women or female. We focus on the gendered dimensions of immigration policy to bring visibility to specific ways in which the Canadian state is complicit in producing gender inequality in the form of violence against racialized women, economic exclusion and marginality, family separation, and through detention and deportation.

In this report we also use the term “precarious immigration status” to reflect a range of designations in Canadian immigration policy for people who reside in Canada but lack the rights and security of citizenship. People with precarious status represent a diverse group that includes: temporary foreign workers, international students, sponsored spouses with conditional permanent residence, people who enter Canada on a visitor visa, people who are awaiting a decision on a refugee claim that they submitted inside Canada; and people who are “non-status”. Permanent residence in Canada has also become more “precarious”, with new laws that make it easier to deport refugees (i.e. who return to their home country) and permanent residents (i.e. who are deemed “criminal”).

At times we will use the term “immigrant rights” to refer broadly to the basic rights of all people who enter Canada with the intention of permanent settlement. We will also use specific terms recognized

by the Canadian government, in order to highlight the barriers to accessing services and pathways to permanent residence for people who have different types of immigration status.

While people with precarious status are not equally vulnerable, Goldring and colleagues (2010) note that precariousness is marked by the absence of rights that are associated with citizenship or permanent residence including:

- The right to leave and enter Canada
- The right to change employers or to work legally
- The right not to be dependent on a spouse or employer for one’s immigration status
- The right to social entitlement and safety-net programs including social security, housing, education, and healthcare.

The Royal Canadian Mounted Police (RCMP) estimates that up to 500,000 non-status people were living in Canada in 2012; that same year nearly 1 million were officially recognized by Citizenship and Immigration Canada (CIC) as having a temporary immigration status. This represents a significant proportion of people living in Canada (population 35 million) who lack basic economic, social and political rights associated with citizenship in a liberal democracy.

The growth in precarious migration is a global trend. In Canada, it raises concerns regarding the welfare and basic rights of those deemed worthy to work but unworthy to stay, despite ongoing contributions to Canada's economic growth (i.e. via sales taxes or by constituting sources of cheap labour). Many people with precarious status face the threat of detention and deportation, which includes the detention of children and separation of families. Immigrants who fail to meet the conditions of their employers, who flee an abusive partner or sponsor, whose asylum applications are denied or dismissed, or who are perceived to be criminals, are all at risk in the new Canadian immigration system.

How this report is organized

This report centers on the experiences of women who have precarious immigration status in Canada, many of whom come to Canada to seek refuge from violence and economic insecurity. This document includes four parts. Following this introduction, **Part 2** will discuss the political context of gender equality and the federal government's approach to gender based analysis. We then offer a framework that connects globalization to women's migration and precarious immigration status in Canada. In **Part 3**, we present a feminist analysis of recent changes in Canadian immigration policy and their impact on the safety of women with precarious status. We provide some background on the political context that has fuelled this period of policy change, with a focus on policies that were introduced between 2008 and 2013. **Part 4**, discusses the range of advocacy strategies and grassroots campaigns that are unfolding across Canada.

The analysis in this report is intended to contribute to the emerging grassroots and scholarly attention on intersections of violence against women and immigration policy in Canada. It is based on the perspectives shared by service providers, legal advocates, activists and immigrant women who took part in our community forums and interviews. We also reviewed related policy reports and academic literature, public policy documents issued by the Canadian government, and media coverage of immigration policy. We are grateful for the guidance and feedback that we received from members of our community advisory board, during the research process and in developing the analysis in this report.

There are notable limitations in how this report is organized. By focussing on recent changes in immigration policy, we do not fully address the complex intersections that impact immigrant and refugee women's safety including poverty and economic insecurity, unaffordable housing, the criminal justice response and enforcement violence for abused women (many of whom are also racialized), and human trafficking of women, girls and trans people. This report does call for a new vision for anti-violence against women frameworks in Canada; one that expands anti-violence against women advocacy to more fully address forms of violence that are emerging from the global shift towards temporary migration, including abuse from employers, the vulnerability of precarious immigration status, and the threat of detention and deportation.

PART 2 : GENDER ANALYSIS & CANADIAN IMMIGRATION



Our Collective Strength, Toronto, November 2013

The Status of Gender Equality in Canada

In this section we explore how the government currently conducts Gender-Based Analysis (GBA) to inform policy development for women's equality in Canada. We then propose a more comprehensive framework that takes into account precarious immigration status as a global and transnational phenomenon.

Synonymously used to delineate "gender mainstreaming", GBA refers to the policy instrument of the Canadian Federal Plan for gender equality. It is a tool that works within the existing institutional context (Mcnutt, 2010), as a process to inform policy-makers' decisions as they implement gender-sensitive perspectives.

Canada first adopted GBA as a policy approach in 1995, after signing onto the United Nations Beijing Platform for Action, which calls upon all member states to create internal mechanisms "to ensure that before policy decisions are taken, an analysis of their impact on women and men, respectively, is carried out" (Status of Women, 2013, ¶ 2). Consistent with other examples of "gender mainstreaming" in European countries, GBA unfolds from the assumption that gathering information on men and women separately is sufficient to inform policy development. In practice, GBA has led to a culture of "expert-bureaucrats" serving political interests within the Canadian government, over and beyond any investment in eradicating sexism and gender oppression (Patterson, 2010). Critics of GBA argue that gender equality is a meaningful possibility only if such relations of power which continue to reproduce inequity are destabilized. Meaningful structural redistribution of power can only occur through institutional changes in the policy process in itself and not by alterations to administrative practices and singular policy analysis, as GBA does (Mcnutt, 2010).

Another major drawback of gender mainstreaming is the continued focus on gender “as the primary axis of oppression” (Patterson, 2010, p. 399). While GBA+ indicates a nod towards different types of ‘women’, the overarching framework reproduces normative constructions of men and women while neglecting how interlocking factors produce vulnerability through a confluence of sexism, racism, classism, heterosexism and homophobia, xenophobia, and ableism, among other forms of oppression.

Political Context Shaping Advocacy for Immigrant Women

Since the late 1990s, the Canadian government has undermined women’s rights organizations. Through defunding advocacy and threatening to withhold federal contracts from community-based organizations, the government has sought to silence critique of public policies that detrimentally impact on women’s safety (Bonisteel & Green, 2005). The dissolution of progressive social justice organizations such as the National Action Committee, Intercede and the Sisters in Spirit Campaign (to name a few) exemplify the Canadian government’s efforts to silence opposition through withdrawing funding from activist organizations.

Political support for GBA has similarly waned since the 1990s, with a feminist backlash that has been cemented with the Conservative Party’s election in 2006. Later

that year, Prime Minister Harper and Minister Bev Oda (of the Status of Women’s Office) announced that women’s equality had been achieved in Canada. With this pronouncement they ushered in dramatic cuts to the Status of Women office.

Subsequent changes to the Women’s program included:

- Removing equality from the mandate of the Women’s Program
- Barring organizations who are funded through the program from advocacy and lobbying
- Eliminating funding for research
- Cutting 43% of its annual budget, resulting in the closure of 12 out of 16 offices

A full discussion of the rise and decline of the Status of Women Office is beyond the scope of this report. However, it is significant to acknowledge that since the Royal Commission on the Status of Women was first established in 1967, the Status of Women, along with its grassroots counterpart, the National Action Committee on the Status of Women, lobbied effectively for numerous policy changes related to: equal opportunity, family law, criminal justice response to violence against women, reproductive rights, women’s access to pensions, and efforts to establish universal child care. Removing equality from the mandate of the Status of Women, along with cutting resources for

research, signal the current government's disregard for women's rights and the role of the government to address gender inequality.

The CIC's annual gender-analysis reports similarly illustrate a limited concern and capacity to address inequality faced by immigrant women or immigrants with precarious status. For example, in 2013, CIC focussed their GBA+ report on the proportion of females who enter the country in the major immigration streams (i.e. family, economic, humanitarian), and to what extent women enter as the primary applicant versus the dependent spouse or partner (Citizenship and Immigration Canada, 2013b). CIC's report documents that women continue to be overrepresented in the family class; or as spouses and dependents of economic migrants. The report, however, pays little attention to the growth in temporary migration, nor to the Canadian state's role in producing insecurity among immigrants with precarious status.

Gender, Racial and Class Disparities in Canadian Immigration

Since the 1980s, the vast majority of immigrants have originated from regions of the world that were historically barred from Canada: Asia, Africa, the Caribbean and South America, contributing to marked shifts in Canada's demographic profile. In 2011, one in five people living in Canada were "foreign-born" (originated outside of Canada) and 19% of people

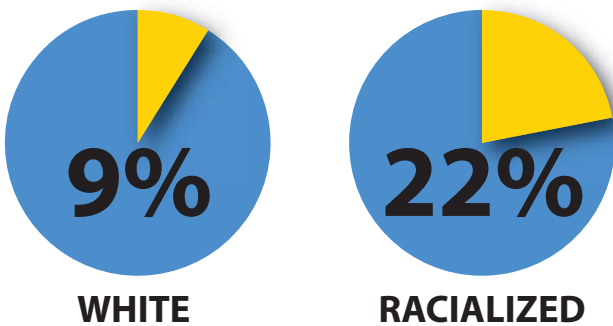
in Canada identified themselves as a visible minority (Statistics Canada, 2011). Data from Statistics Canada indicates that in 2010 and 2011, the Philippines became the largest source country for new permanent residents, followed by India and China (Chagnon, 2013). While the majority of immigrants continue to settle in the larger provinces of Ontario, Quebec, and British Columbia, a growing number are finding work opportunities in interior provinces.



1 IN 5 "FOREIGN BORN"
19% "VISIBLE MINORITY"

Racialized immigrants, however, have not fared well economically, despite higher levels of education and professional training. The poverty rate among racialized people (which includes indigenous and immigrant groups) is 22%, more than double the 9% poverty rate for white Canadians (Employment and Social Development Canada, 2013).

POVERTY RATES¹



Income inequality is particularly stark for racialized women, who earn on average 56 percent (\$25,204/year) as compared to the average salary for white men in Canada (\$45,327/year) (Galabuzi, Casipullai, & Go, 2012).



¹ Galabuzi, Caipullai, & Go, 2012

Contemporary dynamics of globalization fuel gender inequality by relying on migrant women to sustain local economies in their home countries as well as manage the labour and service demands of global cities. This has been referred to as the **“feminization of survival”**, where a myriad of “survival and profit-making activities involve the migration and trafficking of women” (Sassen, 2002, p. 258).

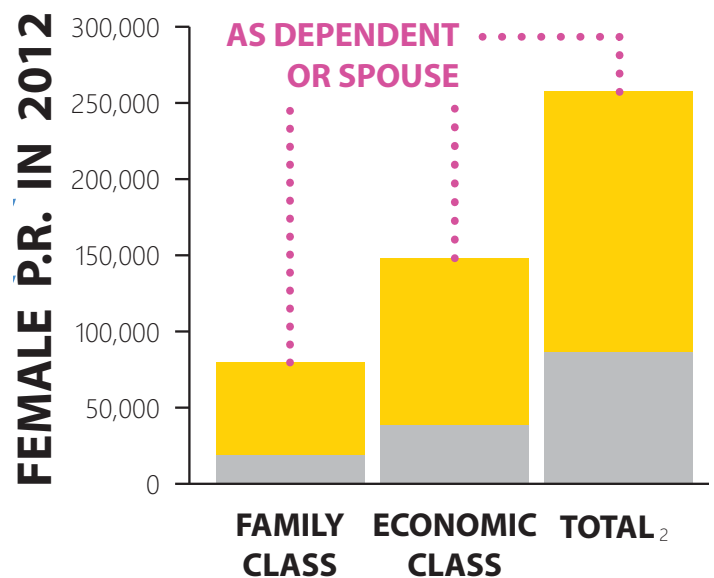
Canada’s growing reliance on temporary foreign workers and precarious migration is part of a global trend away from manufacturing and towards services, labour market flexibility and reliance on information-technology. To maintain its role as a key player in the global economy, Canada rewards the highly skilled migrants who support its economic growth with pathways to permanent residence. Migrants working in “low-skilled” occupations, in contrast, perform “precarious work” that is characterized by insecure contracts, employer dependence, and insufficient pay to support a household (Fudge & Owens, 2006); qualities that exacerbate gendered and racialized inequalities in Canada (Cranford, Vosko, and Zukewich, 2003).

The everyday reality of immigrants with precarious status is further complicated by anti-immigrant sentiments

perpetuated by the Canadian government. In recent years, Harper's government has referred to immigrants as "bogus", "fraudulent", "tricksters", "criminals" or "terrorist" threats as means to justify harsher border controls. For example, in 2013, Minister Kenney declared March to be "fraud prevention month" and announced new measures to crack down on "marriage fraud". Despite limited evidence of "marriage fraud", Kenney stated that this measure was necessary to "improve the integrity of Canada's immigration system". In a similar vein in 2014, the Canadian Border Services Agency set up a special unit in British Columbia, called "Project Guardian", to investigate misrepresentation and work violations in the Live-in-Caregiver program. In both cases, the Canadian government is mobilizing criminalizing rhetoric, to scrutinize immigrants who have a precarious status (i.e. sponsored spouses and live-in-caregivers), which are also programs where women are overrepresented.

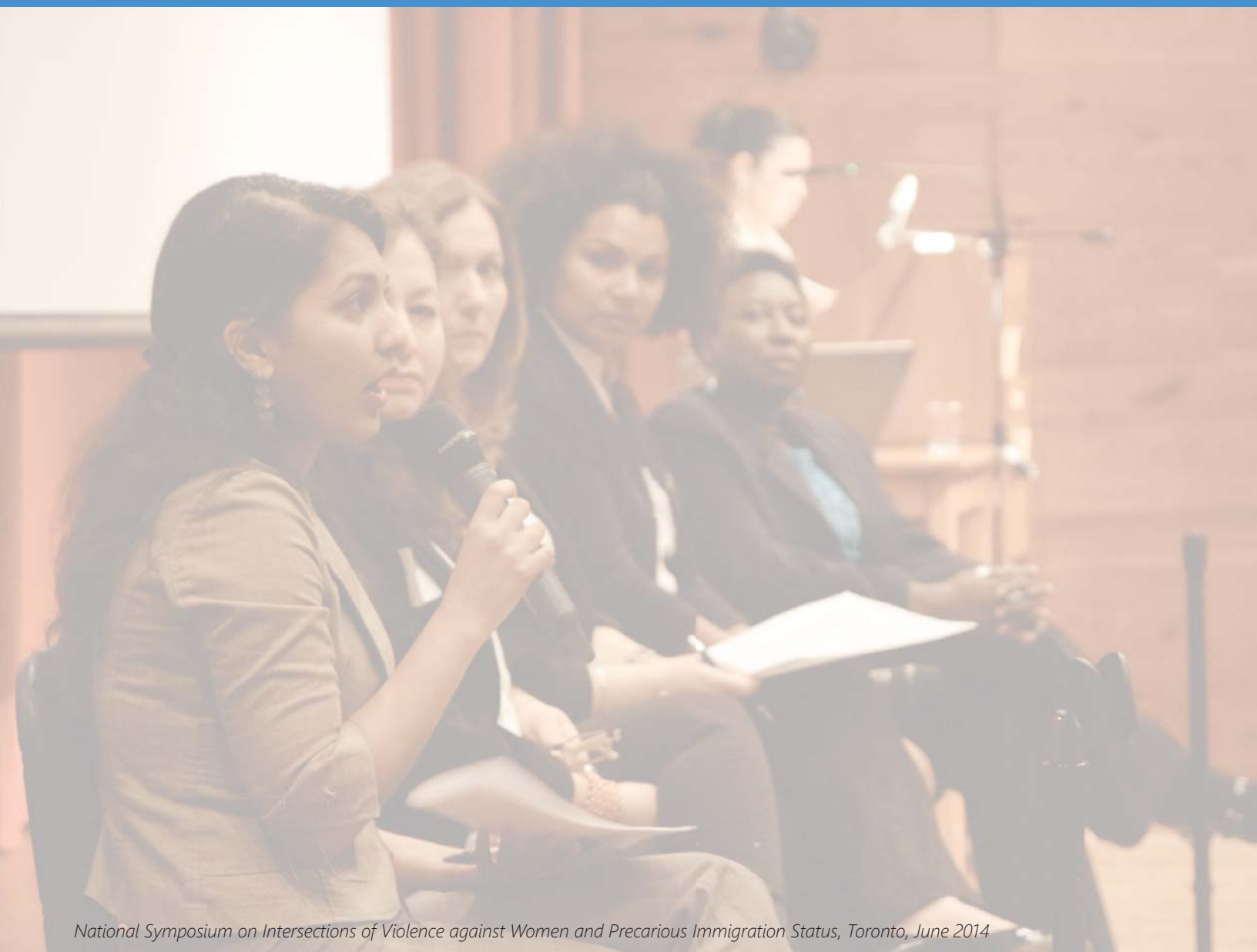
Attending to intersecting and interlocking oppressions that produce violence against immigrant women requires analyses of how patterns of migration are engendered, how immigrant populations are racialized, and how Canadian immigration policies produce vulnerabilities and dependencies that are easily exploited in situations where domestic violence

occurs (Bhuyan, Osborne, & Cruz, 2013). Considering the spectrum of violence against women, we seek to examine how immigration and refugee policies contribute to women's social risk for intimate-partner violence and thus represent a form of structural and symbolic violence.



² Citizenship and Immigration Canada, 2012.

PART 3 : CHANGES IN IMMIGRATION POLICY 2008-2013



National Symposium on Intersections of Violence against Women and Precarious Immigration Status, Toronto, June 2014

In this section we examine specific policy changes that increase vulnerability to different forms of violence and insecurity for women with precarious immigration status. We discuss gender, class, and racial disparities in Canadian immigration then report on the current political context that is fuelling rapid changes in immigration and refugee policy. Our analysis of policy changes focuses on the following themes: a) Canada's "modernized" approach to immigration & settlement, b) exploitation in the temporary foreign worker program, c) restricting pathways to permanent residence for refugees, d) limiting and privatizing family sponsorship, e) restricting access to healthcare and social assistance, and f) detention and deportation.

Pathways to Permanent Residence: There are three main “streams” for becoming a permanent resident in Canada: economic, the family class, and humanitarian. Regardless of the stream, women are more likely to gain permanent residence as dependent spouses or partners. In 2012, more than three quarters of immigrant women obtained their PR status as a spouse or partner: 74% of the women in the Economic Class and 76% of the 79,586 women who entered through the Family Class were dependent spouses or partners.

- **Economic Stream:** “Economic Immigrants” are permanent residents who were selected based on their level of education, occupation, age, and English or French proficiency. The majority of economic immigrants enter through the Federal Skilled Worker Program. In recent years, the government has created several new programs for investors, entrepreneurs, and skilled trades. New programs also include the Canadian Experience Class, and Provincial Nominee Programs. Most economic immigrants are male, although in recent years more women are entering through this stream. In 2012, female economic immigrants in “high-skilled” occupations accounted for 36% of all principal applicants, up from 25% in 2003.

Women who gained permanent residence through the Live-in-Caregiver (LIC) program are included in the “economic stream” and represented 13% of economic immigrants in 2012. Over 95% of economic immigrants from the LIC program are female, mostly from the Philippines.

- **Family Class Stream:** Canadian citizens and permanent residents may sponsor a spouse/partner, children, parents or grandparents for permanent residence through the “Family Class”. The sponsor must sign an “undertaking” contract with CIC to assume financial responsibility for the sponsored family member (3 years for spouse/partner and children; 20 years for parents & grandparents). The majority of Family Class entrants are female; in 2012, 36% of new permanent residents in the family class entered as a sponsored spouse.
- **Humanitarian Stream:** The Humanitarian Stream includes government-assisted refugees, privately sponsored refugees, refugee claimants and Humanitarian and Compassionate (H&C) applicants. In recent years there has been a steady increase in the proportion of women in the refugee and asylum stream, which reached a high of 50% in 2012 (Citizenship and Immigration Canada, 2013b).

Temporary Residents: Temporary residents have a visa that allows them to enter and reside in Canada for specific purposes. The main categories of temporary residents include: temporary foreign workers, international students, refugee claimants and people applying for an H&C application, business travelers and visitors.

- **Temporary foreign workers (TFW):** There are four TFW categories: high-skilled workers, Live-in-Caregiver program, seasonal agricultural workers, and the low-skill pilot program. In 2012, there were a total of 491,547 temporary foreign workers in Canada. 42% of TFWs in 2012 were female; 1/3 of female TFW work in low-skilled occupations (Citizenship and Immigration Canada, 2013a).
- **International Students:** Canada actively recruits international students for university and post-secondary education, but increasingly also at the secondary and primary level. In 2012, there were a total of 265,428 international students present on December 1st, 43% of who were female. The largest source countries for international students are China, India and Korea (Citizenship and Immigration Canada, 2013a).
- **Humanitarian:** CIC reported a total of 92,319 humanitarian applicants in 2012; 89,385 of these were refugee claimants. The top source countries for refugees in recent years were Mexico, China, Haiti, and Hungary. 43% of refugee claimants in 2012 were female.

A) Canada's Modern Approach to Immigration & Settlement

The Conservative government came to power in 2006, with the promise to “fix” Canada’s broken immigration system and improve the country’s standing in the competitive global market. After winning a majority government in 2008, Prime Minister Stephen Harper committed \$109 million to “modernize Canada’s immigration system” and implemented this vision through sweeping policy changes to temporary migration, family sponsorship, refugee determination and citizenship applications. This period of policy change has been characterized as unprecedented within Canadian history (Alboim & Cohl, 2012), amounting to a complete overhaul of Canada’s immigration and refugee determination systems.

Examples of Policy Changes that Impact Immigrant Women's Safety and Security:

2008, Budget Implementation Act. This budget bill amended the Immigration and Refugee Protection Act (IRPA) of 2002. As a result, the Minister became authorized to issue Ministerial Instructions to immigration officers, without legislative oversight.

2011, CIC introduces Parent and Grandparent Super Visa. This visa is a multi-year; multiple entry visa for parents and grandparents of Canadian citizens and permanent residents. This visa is unobtainable for many families due to high cost of required medical insurance for up to \$100,000 in coverage and minimum income restrictions.

2012, Protecting Canada's Immigration System Act (Bill C-31). Introduced several changes to refugee determination including: new basis of claim form, shorter timeframes to submit a refugee application, different protocols for refugees arriving from "safe" countries on the "designated country of origin"

2012, CIC introduces restrictions on spousal sponsorship. In the government's crackdown on 'marriage fraud', sponsored spouses and partners must now wait five years from the day they are granted PR status in Canada to be able to sponsor a new spouse or partner.

2012, CIC issues regulations for Conditional Permanent Residence for spouses and partners in relationships of two years or less and who have no children in common.

2013, Faster Removal of Foreign Criminals Act (Bill C-43). Denies access to Immigration Appeal Division for deportation orders made against permanent residents or Family Class members who have a six-month or longer jail sentence (regardless of if the resident has lived in Canada since childhood, has a singular conviction, or if they are rehabilitated and pose no further risk in Canada); Bars entry of foreign nationals who have committed offenses outside of Canada; Extends inadmissibility for permanent residents to individuals who have a family member who is deemed inadmissible on grounds of criminality

"We don't have any conferences anymore. We don't have any more trainings. It used to be that we kept in touch, had meetings...but now it's really essential. If we don't do that, we're going to die. I've been doing this for 7 years but I feel like I just started"

- Settlement Worker from the Niagara Region Community Forum , May 2013

The rapid pace of policy change could not take place without Amendments to the Immigration and Refugee Protection Act (IRPA) in 2008, which granted extensive decision making powers to the Minister of Immigration and Citizenship. New Ministerial powers include the ability to develop and reset immigration policies without having to go through parliament. Minister Jason Kenney, who served as Minister of Citizenship and Immigration from 2008 to 2013, issued eleven Ministerial Instructions (MIs)³ during his time in office, reconfiguring each category of Canadian immigration to fit the economic interests of Canadian employers. The Conservative government also introduced measures that increase temporary immigration and that criminalize, detain and swiftly deport immigrants.

As part of their "modern" approach to immigration, CIC also introduced several changes to settlement funding for community based organizations that work with immigrants and refugees. In 2011, CIC cut settlement funding by 5%, amounting to a \$53 million loss in 2011-2012 and an additional \$6 million in 2012-2013. The new Settlement Allocation Model, which is based on landing numbers, also shifted funding towards new immigrant destinations in the interior and away from historic destinations, like Ontario; Ontario's settlement sector lost \$70 million in 2011-2012 and an additional \$20 million in 2012-2013. Due to the combined reductions in funding, many settlement agencies in Ontario have either lost their funding or experienced funding cuts of up to 40% (OCASI, 2011).

3. A full list of Ministerial Instructions can be found at <http://www.cic.gc.ca/english/department/mi/>

The impact of funding cuts amidst the whirlwind of changes to immigration policy has destabilized many people working in immigration and refugee services. Hundreds of settlement workers have lost their jobs while many others have faced reduced wages, reduced work hours, and loss of benefits. A sense of fear and uncertainty continues to persist in the sector amidst increased demands for accountability and outcome-based reporting of the new "Modernized Approach" (OCASI, 2011).

Moreover, funding cuts to immigration settlement have taken place during a period when growing numbers of people entering Canada to live and work, enter on temporary visas and are thus ineligible for most "settlement" type programs. Eligibility for federally funded settlement services are limited to: new permanent residents (for two years): convention refugees, refugee claimants who are approved to apply for PR, new Canadian citizens, and live-in-caregivers who are eligible to apply for permanent residence. Some provinces have broader eligibility requirements that are open to immigrants with precarious status (i.e. temporary foreign workers, international students, nonstatus immigrants) but this funding is limited.

The combined effect of funding cuts, growth in the precarious status population, and sweeping changes in immigration policy have deeply impacted vulnerable populations across Canada, including racialized communities, women, and LGBT immigrants who are historically marginalized and over-represented among people living in poverty and in need of social and health services (OCASI, 2011a).

B) Exploitation in the Temporary Foreign Worker Program

In 2008, the number of temporary foreign workers (TFWs) entering Canada surpassed the number of permanent residents entering the country. Over the last decade alone, the number of TFWs tripled; in 2012 there were 338,221 TFWs working in Canada, nearly half of whom were women (Citizenship and Immigration Canada, 2013a). According to the recorded occupation skill levels, the proportion of women in “low-skilled” occupations (56%) is higher than their male counterparts (36%) (Citizenship and Immigration Canada, 2013a). There are four main temporary foreign work programs, each with different terms and rights:

- Seasonal Agricultural Worker Program (SAWP) or other Agricultural Worker Programs
- Live-In-Caregiver Program (LCP)
- Temporary Foreign Worker Program (TFWP) for high skilled occupations and;
- The Low-Skilled Pilot Program, for “low skilled” occupations.

Many of these programs began as temporary solutions for labour shortages, but have now been running for decades. These programs leave many workers vulnerable to exploitative wages and working conditions. Most migrant workers in “low-skilled” occupations do not have access to permanent residency or to essential services. Many workers get minimal benefits with no extended healthcare and often do not get paid overtime and are required to work long hours.

Furthermore, workers who pay income taxes and contribute to EI and CPP cannot access the benefits (Migrant Worker Health, 2014).

The LCP program is the only “low-skilled” temporary worker stream that provides a pathway to permanent residence and is considered a “success” by policy makers, who view it as a ‘template’ for other programs. The program, however, is shrinking and retention rates have been low. Only 50% of LCP’s who entered Canada between 2003-2005 were successful in gaining permanent residence by 2007 (Valiani, 2009). The number of people working in the LIC program peaked at 39,599 in 2009, this number was halved by 2012 (Citizenship and Immigration Canada, 2013b). LCP workers who were successful in gaining permanent residence also peaked in 2010 at 7,192 but also dropped in half to 3,520 in 2012.

Recent changes to the temporary foreign worker program have increased employer control over immigrant selection, eased the process for employers to fill jobs with temporary foreign workers, and restricted the rights of TFWs to remain in Canada.

Summary of Changes to the Temporary Foreign Worker Program (2008-2012):

- **2007:** Extended permits' length for low-skilled workers from one to two years.
- **2007:** Introduced an "Expedited Labour Market Opinion" in Alberta and British Columbia to accelerate the processing of LMO applications.
- **2007:** Expanded off-campus work permit options for international students.
- **2011:** Introduced the 4-in-4 out rule for TFWs in low-skilled occupations. After working for four years the worker must "wait outside Canada" for another four years before being eligible to return under the program.
- **2012:** Introduced a two-year ban for "ineligible employers" who have abused or exploited a TFW; TFWs working for an 'ineligible' employer will lose their status
- **2014:** Created a blacklist for abusive employers.

Limited Protection for Victims of Human Trafficking and Employer Abuse

Grassroots organizations led by migrant workers, immigrant rights groups and labour unions have called attention to the exploitative nature of the TFW programs, especially for those recruited into "low-skilled" occupations. Temporary foreign workers are also vulnerable to labour trafficking, which refers to instances in which employers have the means of controlling someone to believe they have no choice but to carry out a specific work or service (Canadian Council for Refugees, 2014).

Forms of exploitation that result in labour trafficking may include:

- Underpaid, not paid at all, or having wages deducted (i.e. for housing or transportation)
- Substandard housing
- Forced to work overtime (often without pay)
- Charged recruitment fees
- Manipulated into acquiring debt through loans, an advance in wages, or fraudulent fees
- Sold to different employers, recruiters or agents;
- Forced to take part in illegal activities
- Intimidated, threatened or harassed (included being sexually harassed)
- Physically or sexually assaulted
- Experiencing racism from employers or other employees

The Canadian government has taken limited steps to hold employers accountable and provide safety and justice for victims of human trafficking and workplace abuse. In 2006, the Temporary Resident Permit (TRP) for human trafficking victims was introduced. The TRP allows an individual to remain in Canada for up to 180 days, in order to testify against her trafficker/abuse. Changes in refugee policy, however, have negatively impacted the options for trafficking victims, to seek PR status in Canada through refugee claims or the H&C application (FCJ Refugee Centre, 2013).

New regulations were introduced in 2012, to penalize abusive employers who can now be issued a negative LMO and therefore barred by CIC from hiring TFW for two years. This measure was further extended in 2014, to blacklist abusive employers indefinitely.

While holding employers accountable is a step towards finding justice for TFWs, advocates reported several problems regarding the implementation of this policy (Adapted from Lim & Chin, 2014):

Limitations of the Temporary Resident Permit (TRP) for temporary foreign workers

- Lack of support for individuals who report to law enforcement and testify, which can lead to loss of wages/work and media attention
- TFWs hired by abusive employers would lose their jobs and as a result, their immigration status
- Length restrictions on the TRP (i.e. only issued for six months) make it insufficient for the completion of criminal legal proceedings for charged employers;
- Lack of labour standards places the onus of responsibility onto the victim for reporting abuse, without protections for the cases in which the report does not result in criminal charges;
- If TFW' complaints result in job losses and loss of immigration status, they may be deported and cannot seek justice against their employer's abuse;
- There is nothing to prevent employers issued a negative LMO from re-incorporating under a new name, thus enabling the new company to hire TFWs

The Live-In-Caregiver Program. One Step Forward, Two Steps Back.

Under pressure from grassroots groups, the Canadian government introduced several regulatory changes to the Live-in-Caregiver program (LCP) in 2010 and 2011. These were intended to ease the process of applying for permanent residence, to protect LCP workers from exploitation and abuse, and to shift responsibility to employers for covering recruitment costs.

Changes in Live-in-Caregiver Program

2010: Removed the requirement for a medical examination for workers in the Live-in-Caregiver program who are applying for permanent residence (live-in-caregivers already undergo a health care exam at the time of entering the program)

Extended the maximum time, from 3 to 4 years, that live-in-caregivers can accrue at least 3,900 hours of work in order to be eligible to apply for permanent residence (does not apply to live-in-caregivers in Quebec);

Allows the live-in-caregiver to accrue the requisite work hours from more than one employer;

2011: Allows live-in-caregivers to apply for an open work permit after they have completed the requisite 3,900 work hours to apply for permanent residence. Previously, workers had to wait until their application for permanent residence was

approved in principal, before they could apply for an open work permit and thus have the option to change employers;

2013: Introduced new regulations to verify if an employer is in compliance with their LMO.

Live-in-caregiver advocates recognize the policy improvements, but express frustration at the continued problems with the program.

For example, an advocate from PINAY Montreal, commented that by extending the time frame to accrue work hours from three to four years CIC was extending a "jail sentence" for live-in-caregivers who must live with their employer and delay family reunification while working in the program.

PINAY and other live-in-caregiver advocates were lobbying for open work permits, removing the live-in requirement, and access to permanent residence after entering Canada. While the extended timeframe gives many workers a better chance to be successful in gaining permanent residence, but does little to protect workers while they are accruing hours; advocates with PINAY argue that the policy change indirectly extends the length of time that a worker remains in a precarious status and must cohabit with their employer. Extending the time frame can also lead to longer

delays in family reunification for live-in-caregivers who cannot sponsor their children and/or spouse until they are permanent residents.

Provincial governments also play a role in protecting temporary foreign workers, as illustrated in Fay Faraday's (2014) report on the abuse of recruiters in the LCP program. In 2009, the Ontario government introduced the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), to prohibit recruiters and employers from saddling workers in the LCP with recruitment fees. Faraday's research with live-in-caregivers in Ontario documented the continued prevalence of abuse, despite the legal protections in federal and Ontario law, calling attention to inherent inequalities in the LCP and other temporary foreign worker programs.

Creating Pathways for Nonstatus with the 4-in-4 Out Rule

Legal experts and advocates warn that the number of undocumented migrants will likely multiply by thousands in 2015, when the first group of migrants impacted by the 4-in 4-out rule will reach their contracts limit and will no longer be eligible to work in Canada. This rule stipulates that TFWs in low-skilled occupations must leave the country following the completion of four years of employment. Workers will have no legal means to maintain employment and residence in Canada and many TFWs will not even

be able to leave the country due to incurring debts, limited savings, and pressures of family support back home.

TFW and the VAW Spectrum

Demographic shifts towards precarious migration require community-based organizations to address this growing yet marginalized population. Many TFWs face a serious gap in services from both, immigrant and violence against women organizations. TFWs are less likely to report violence to the police, to seek medical attention (fear or lack of access and insurance), and to be isolated from community or family support. TFWs are also less likely to have access to social or health services; settlement service providers, as recipients of CIC funds, are barred from working with most TFWs. There is a pressing need for both immigrant serving and anti-violence against women programs (i.e. shelters, crisis and counselling services, legal education and support), to develop programs and services that reach out to TFWs in their communities.

C) Restricting Pathways to Permanent Residence

The majority of people entering Canada, as temporary residents, will not have an option to apply for permanent residence. This includes temporary foreign workers in the “low-skilled” occupations, most international students, and humanitarian applicants whose applications are denied or dismissed. Recent policy changes also restrict access to permanent residence for refugee claimants, sponsored spouses, and sponsored parents and grandparents.

Changes Impacting Refugees and Humanitarian Arrivals

Changes to Canada’s refugee policy were introduced in 2012, through Bill C-31 and through regulatory changes to the Interim Federal Health Program. Bill C-31 created six categories of refugee claimants who are subject to different refugee determination processes, restrictions, and timelines. Changes included: withholding basic rights from refugee claimants by removing the right of appeal, denying health care coverage and work authorization, and by increasing the ‘proof’ requirements that people seeking so called ‘safe’ countries need to provide.

There are different paths for refugee claimants depending on if they submit their refugee claim at a port of entry or inland, if they come from a “designated country of origin (DCO)” (or safe country), or if they are designated by the CIC Minister as an “irregular arrival” (e.g. at the discretion of the CIC Minister).

Legislation

- BILL C-49 (2005) an Act to amend the Criminal Code (trafficking In persons)
- BILL C-31 (2012) an Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act

Ministerial Instructions


- Order Respecting the Interim Federal Health Program, 2012, P.C. 2012-433 2012-04-05

For more details see flow chart: <http://resources.iss.bc.ca/pdfs/pubs/Refugee-Claim-Flow-Chart-eng.pdf>.

“Irregular arrivals” or people from DCO countries are now subject to shorter claim processing timelines; they are prevented from appealing a failed refugee claim; and barred from filing humanitarian and compassionate (H & C) grounds applications for up to five year after their refugee claim has been denied or dismissed. People designated as “irregular arrivals” may also be placed in mandatory detention centres where they would have limited to no access to social and health services (Béchar & Elgersma, 2012).

Since the implementation of Bill C-31, there has been a 70% decrease in the number of new refugee claims submitted in Canada; Legal Aid Ontario reported a 50 - 60% reduction in legal aid certificate requests for refugee claims within the first quarter of 2013 (Legal Aid Ontario, 2014). Combined with funding cuts to legal aid, these changes have resulted in poor access to appropriate legal representation for many refugee claimants facing the risk of deportation, torture, and death.

70%
**DECREASE IN
 REFUGEE CLAIMS
 SINCE BILL C-31**



Refugee Policy Changes and VAW

In a joint press release from METRAC: Action on Violence, the Barbara Schlifer Clinic and LEAF: Women's Legal Education and Action Fund in Toronto, advocates raised several concerns regarding Bill C-31, particularly as hampering refugee claimants' ability to gather the necessary documentation to support their claim. According to Amanda Dale, Executive Director of the Barbara Schlifer Clinic, "these provisions fail to recognize that women may experience systemic

discrimination and unchecked gender-based violence in countries otherwise considered safe...We regularly work with women who have been abused, without state protect, in the home countries they fled, such as places like Portugal, St. Vincent and Mexico, to name a few. Under Bill C-31, they would likely be forced to return to that violence" (METRAC, Barbara Schlifer Clinic, & LEAF, 2012). Barbara Schlifer Clinic (2010) summarized concerns for victims of violence:

- Designated refugees may be detained for one year and denied the right to have their detention reviewed during detention;
- Women detained with their children will be disproportionately impacted;
- Designated refugees are not entitled to apply for PR status for up to five years;
- Women who had no choice but to flee alone will remain separated from their children for a minimum of five years;
- Many children will be left in the custody of an abusive parent during this time;
- Designated refugees will not be entitled to travel documents for at least five years; therefore, women separated from their children will not be entitled to reunite even briefly with family members abroad;
- The detention of any person, whether or not she is designated as an "irregular arrival", may be extended while the Minister investigates a "reasonable suspicion" of criminality, therefore the possibility of placing further power into the abusers' hands.

Creating a list of countries designated by the Minister as 'safe' is particularly concerning for individuals seeking refuge due to gender-related persecution.

DESIGNATED COUNTRIES OF ORIGIN (DCOs)

AUSTRALIA	HUNGARY	NEW ZEALAND
AUSTRIA	ICELAND	NORWAY
BELGIUM	IRELAND	POLAND
CHILE	ISRAEL	PORTUGAL
CROATIA	(EXCLUDES GAZA &	SLOVAK
CYPRUS	THE WEST BANK)	REPUBLIC
CZECH	ITALY	SLOVENIA
REPUBLIC	JAPAN	SOUTH KOREA
DENMARK	LATVIA	SPAIN
ESTONIA	LITHUANIA	SWEDEN
FINLAND	LUXEMBOURG	SWITZERLAND
FRANCE	MALTA	UNITED
GERMANY	MEXICO	KINGDOM
GREECE	NETHERLANDS	U.S.A.

Claimants from DCO countries have drastically shorter timelines, no access to the Refugee Appeal Division, no access to "stay of removal" for judicial review (i.e. to administratively delay deportation while waiting for the judicial review of a denied or dismissed refugee claim), and limited access to health and social services. Failed claimants are ineligible for a pre-removal risk assessment until 36 months have passed after the negative decision and are ineligible for a work permit for 180 days.

Impact of Bill C-31

- 1 SHORTER TIMELINES FOR PROCESSING CLAIMS**
- 2 NO APPEALS OF FAILED REFUGEE CLAIMS**
- 3 NO HUMANITARIAN AND COMPASSIONATE GROUNDS FOR UP TO 1 YEAR**

The list of DCO countries includes several countries (such as Hungary and Mexico) from which Canada has received a high volume of refugee claims in recent years, including claims from women seeking protection from gender related persecution. The following excerpt from an immigration lawyer in Toronto captures the specific challenges for women fleeing abuse:

The biggest impact we see for women is cases of fleeing partly because of domestic violence situation and lacking state protection. People don't usually talk about domestic violence. It's very difficult to get them to talk about it. Imagine a woman persecuted as a Roma who is also experiencing domestic violence. Mexico is a prime example for gender-based violence and violence based on sexual orientation. We've won those cases. [Bill C-31] is a huge backward step. It leaves women and children out in the cold" (Interview with Immigration Lawyer, July 2013).

Bill C-31 also restricts options available to women in the process of filing gender-based violence claims. All people who submit a refugee claim, must now wait one year after they receive a negative decision on their claim before they can file an H&C application except: a) if it would not be in the best interests of a child directly affected, or b) would put the life of the claimant or one of their dependents at risk because they would not be able to get the health or medical care that they need in their country. Designated foreign nationals must wait five years after a negative refugee decision before they can apply for file an H&C.

As a result, some advocates have shifted their approach in working with abused immigrant women to determine the most favourable route (i.e. refugee claim or H&C application) leading to PR.

Tight timelines, mandatory detentions, and lack of appeal for H & C applications are in violation of international conventions and represent a big step backwards vis-à-vis Canada's commitment to humanitarian and compassionate grounds for vulnerable groups of women and children. As one of our interviewed stakeholders stated: "Under international conventions, refugees have the right to arrive in any way they can" and should not suffer consequences for the way in which they arrive (Interview with Immigration Lawyer, July 2013).

Weighing the pros and cons of a refugee/ H&C application for women fleeing abuse:

- Claimants may have to wait three years to get a final result on their refugee determination; only if this option fails, will they be able to submit an H&C application;
- There are new H&C sections where claimants cannot rely on factors previously taken into account when determining a refugee claim;
- While H&Cs were historically used as a 'catch all', encompassing all dismissed claims, nowadays granting PR claims on H&C basis stands for an "extraordinary remedy";
- "Failed refugee claimants" are issued a deportation warrant, and may lose access to social assistance;
- Requiring "failed refugee claimants" to wait one year to submit an H&C claim forces people to live without a legal status, which impacts being eligible for authorized work, access to social assistance, and living with the threat of detention and deportation.

Conditional Permanent Residence (CPR) for Sponsored Spouses

In October 2012, Citizenship and Immigration Canada (CIC) introduced a two-year “conditional” permanent residence (PR) period for immigrants who are sponsored by their spouses or partners, despite nationwide opposition from women’s organizations and immigrant rights activists. Within weeks of the policy announcement, more than 80 organizations signed onto a joint statement prepared by the Canadian Council for Refugees, to oppose the conditional PR as an unnecessary and dangerous measure. According to the Canadian government, the Conditional PR was a necessary strategy to protect “the integrity of the Canadian state” from the threat of marriage fraud (Citizenship and Immigration Canada, 2012). Opposing groups countered that this policy would increase domestic violence of women by concentrating power in the hands of a sponsoring spouse or partner.

This new policy ignores that domestic violence remains a serious social and health issue in Canada, accounting for 12% of the annual violent crimes. Although rates of domestic violence in Canada have fallen, along with the rates of violent crimes in general, rates of intimate partner homicide against females rose each year between 2006 and 2010 (Perreault, 2011). Advocates argued that forcing sponsored immigrant women to reside with abusive spouses, disregards immigrants’ basic rights and the role that immigration policy plays in victimizing migrant women (Douglass, Go, & Blackstock, 2012).

The policy requiring conditional PR is one of many changes in Canada’s immigration policy that contributes

to an increase in the number of people falling into precarious immigration.

With little empirical data to support the extent of marriage fraud, the conditional PR erodes the rights of newcomers in Canada, as it disproportionately impacts immigrant women, by placing them under the control of both their spouse/partner and the Canadian government. CIC reported that 75% of all family class entrants were female spouses, thus up to 60,000 women could be impacted by the new conditions (Citizenship and Immigration Canada, 2013b). The new rules may also impact children born after the filing of the sponsorship application, and other family members of the conditional PR. If the sponsored person loses immigration status in Canada, deportation and separation from children and other family members may follow.

Studies of sponsorship breakdowns in Canada (i.e. when a family sponsoring relationship falls apart and jeopardizes the immigration status of the sponsored individual) have emphasized the inherent power imbalance in such relationships. This power imbalance fuels gender inequalities and has been shown to contribute to violence against immigrant women in the form of: controlling information related to one’s immigration status, empowering the sponsor to threaten deportation, fuelling fear of immigration consequences if seeking safety or support from service providers or the police (Alaggia, Regehr, & Rischynski, 2009; Merali, 2009).

Conditional PR

- These new measures affect spouses, common-law or conjugal partners who have been in relationship with their sponsor for two years or less and who have no children in common at the time of application.
- The two-year conditional period implies that PR status will depend on applicants' cohabitation in a conjugal relationship for this time duration.
- During the conditional period, residents may be subject to investigations or random assessments and at risk of removal if suspected of marriage fraud or if deemed non-compliant with the conditional PR.
- Two exceptions will waive the two year conditional period: 1) sponsor decease followed by a legitimacy determination of the relationship by a CIC officer and 2) in reported cases of spouse' abuse and neglect.
- All sponsored spouses, are barred from sponsoring a new spouse for five years after they first receive PR or conditional PR status.
- CIC already scrutinizes the legitimacy of relationships as part of typical sponsorship application. The two-year conditional period extends the surveillance period of sponsored spouses/partners by immigration authorities.

Conditional PR and Sponsorship Breakdown

- In case of relationship breakdowns prior to the two-year conditional period, the sponsored spouses could lose their immigration status.
- Sponsorship breakdown was already a concern for abused spouses/partners tied to their sponsor through the sponsorship agreement during the 3-year undertaking period. Conditional PR creates further burdens for abused or neglected spouses, now additionally fearing the loss of their immigration status.
- The exception for victims of abuse and neglect places the burden of proof on the spouse with conditional PR, in demonstrating that the relationship was legitimate and that there is abuse and neglect. However, abused spouses seeking safety (i.e. by going to a shelter or leaving their abusive partner) may be fearful to jeopardize their immigration status.

METRAC and other organizations have pointed out that fear, vulnerability, unfamiliarity with language and community services, and barriers to accurate legal information may lead sponsored spouses to stay in abusive households, jeopardizing the health and safety of themselves and their children.

Similar research in the United States and the United Kingdom has demonstrated that conditional status for immigrant spouses contributes to violence against women during an already challenging time when couples are adjusting to newly married life and face the general stressors of immigration settlement (Erez, Adelman, & Gregory, 2009; Raj & Silverman, 2003; Salcido & Adelman, 2004). It is not surprising that many immigrant women will rather endure an abusive relationship than risk losing their status and/or being deported. This risk is further intensified for those women who have limited access to family and community supports and services or women who fear losing custody of their children. Despite the public outcry and lack of credible evidence regarding “marriage fraud”, the new regulations were passed under the guise of protecting the Canadian immigration system.

Conditional PR and “Exceptions for Victims of Abuse and Neglect”

CIC hosted several consultations with the public and stakeholders at different levels of government and non-governmental organizations. Despite vocal opposition to the conditional PR, CIC moved forward with issuing the regulations in 2012. Concerns regarding family violence were acknowledged; therefore exceptions from the two-year conditional PR were issued for “victims of abuse or neglect”.

CIC initially defined abuse and neglect as a range of behaviours including: physical, sexual or emotional abuse; forced isolation or confinement, and financial abuse. Neglect refers to the failure to provide basic necessities including food, clothing, shelter or medical care. After consultation with advocates working on Forced Marriage, CIC issued new regulations in July 2014, which included ‘forced marriage’ as an exception to the conditional PR.

CIC set up a 1-800 Call Centre (1-888-242-2100) where individuals seeking an exception should call for information. As stated earlier, however, the burden of proof falls on the abused woman to provide evidence of abuse and demonstrate that she has kept her end of the bargain.

Many advocates in our community forums argued that these exceptions do not go far enough to protect women from abuses. More so, many sponsored women and service providers might not be aware of this exception or they might be met with poorly informed CIC staff when calling the 1-800 hotline.

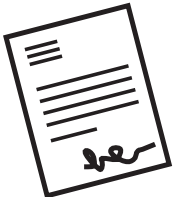
BURDEN OF PROOF STILL FALLS ON THE ABUSED WOMAN/SPOUSE



COURT DOCUMENTS



PHOTOS OF INJURIES



FAMILY/FRIEND AFFIDAVIT



LETTER FROM SERVICE
PROVIDER/DOCTOR



SWORN STATEMENT

Examples of accepted evidence that an abused immigrant must provide include:

- Court documents or protective orders;
- Letter or statement from a domestic abuse service organization, a family clinic, or a medical doctor;
- Sworn statement;
- Photos showing the victim with injuries;
- Affidavit from a friend or family member (Citizenship and Immigration Canada, 2014)

This issue is further complicated for women coming from countries where there is no state protection against domestic violence and there is a lack of trust of government and police. As Maryam Majedi, a program manager at the Surrey Women's Centre in B.C., explains, "immigrants and refugees can be especially at risk of domestic violence, and often don't know their rights or where to turn for help" (Lupick, 2013).

Conditional PR intersects with intimate partner violence, by empowering abusive sponsors to exert control over their migrant spouses through state policy. This regulation has the potential to impact thousands of immigrant women who enter Canada as dependent spouses each year.

D) Family Reunification or Separation?

Prior to the 1990s, family migration was the main source of all PRs entering Canada and thus contributed to strong community networks among immigrants from different parts of the world. Canada has since placed greater emphasis on “economic migrants” who are selected through the Federal Skilled Worker Program (FSWP) and more recently the provincial nominee programs and the Canadian Experience Class. Family class migration has subsequently declined and was further eroded through a series of regulatory and legislative changes restricting families from sponsoring parents, grandparents and children, particularly from: a) low-income families, b) “irregular arrivals”, and c) individuals deemed criminally inadmissible.

Restricting Family Sponsorship for Low-Income Families

Beginning in 2011, the Harper Government introduced a series of policy changes to limit family sponsorship for parents, grandparents and older children, while increasing the financial burden of families seeking to reunify with their parents and grandparents.

Restrictions on family reunification have direct impact on the safety and well being of immigrants, particularly immigrant women who are facing domestic violence. In her address at the 2014 National Symposium, Avvy Go noted, “the ability to sponsor, to bring your family over, is part of an important strategy for women to build their own network and support”. New financial

requirements for sponsoring a parent or grandparent, however, limit the capacity for immigrant women, especially racialized immigrants, from reunifying with their family members.

Since 2011, regulations for sponsoring parents and grandparents have shifted to more precarious immigration and limiting who can sponsor their parents and grandparents for permanent residence.

Parent, Grandparent & Child Sponsorship

- November 2011, CIC temporarily froze applications for parents and grandparents for a 24 month period (but still processed previously submitted applications);
- December 2011, CIC introduced the Super Visa for parents and grandparents—a multiple re-entry visa that can be renewed for two years at a time for up to 10 years. Sponsors must meet minimum income requirements (\$43,942 for a family of 4) and are required to purchase of a minimum of \$100,000 medical coverage for each sponsored parent/grandparent;
- May 2013, CIC reopened Family Class sponsorship for parents and grandparents with new regulations (see summary in next box)

- January 2014, CIC implemented a 5,000 cap/year on sponsorship applications for parents and grandparents; this cap for 2014 was reached in January.
- January 2014, CIC changed the definition of “dependent child”, from under 22 to 19 years; eliminates exception for children who are older than 22 but dependent on their parents while attending school full-time. Parents may still sponsor children who are older than 19, but unable to support themselves due to a physical or health condition.

Summary of Reforms to Family Class in 2013 (Adapted from (Neborak, 2013))

- Increases minimum necessary income (MNI) (by 30%)
- Lengthens period for demonstrating MNI from one year to three years
- New documentation requirements to prove MNI
- Making Super visa permanent
- Longer sponsorship undertaking, extended from 10 years to 20 years (during which time

the sponsor is financially responsible for repaying any social assistance benefits used by the parent or grandparent

- Lowered the maximum age for dependents, from 22 to 18 years (for all immigration programs); thus preventing families from immigrating together.
- Faster Removal of Foreign Criminals act, 2013—if any member of a family seeking permanent residents is deemed “criminally inadmissible”, the entire family is barred from immigrating to Canada.

In November 2011, CIC introduced a new Parent and Grandparent (PGP) Super Visa as part of their Action Plan for Faster Family Reunification to address the huge backlog and long delays in application processing. The Action Plan placed a two-year hold on new parent and grandparent sponsorship applications and introduced a ten-year multiple-entry Super Visa allowing continuous stays in Canada of up to two years at a time. While the Super Visa does permit families to bring parents and grandparents to Canada for longer stays, it also requires each elder to purchase a minimum of \$100,000 in medical coverage for each sponsored person. In 2013, CIC reopened sponsorship for parents and grandparents with new restrictions, including a cap of 5,000 per year for accepting new applications,

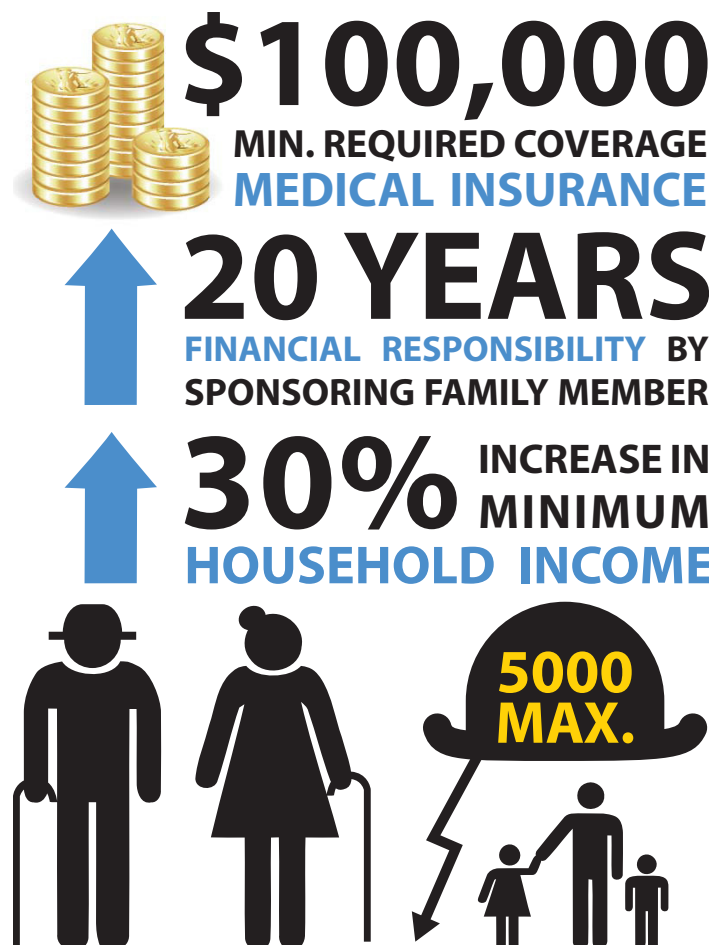
increased minimum income, and twice the period of sponsorship undertaking, from 10 to 20 years. The financial requirements of the Super Visa and the new sponsorship requirements make family reunification effectively out of reach for many Canadian families, but especially for women and racialized immigrants who are more likely to have lower household incomes (Neborak, 2013).

As the changing demographics of immigrants and the category profile of family class immigrants over the past 30 years indicates (CIC, March 2012), the majority are women and children from racialized communities facing multiple structural barriers in the Canadian labour market, poverty, and income inequality. This is particularly the case for refugees and live-in caregivers who face built-in restrictions to family reunification due to the prolonged period that they occupy precarious immigration status. For many of these individuals, family reunification has long been out of reach. Despite the fact that there have been recent policy changes enabling live-in caregivers to obtain permanent residency sooner and sponsor their family members, the new minimum income requirements would disqualify them from the sponsorship.

Family Separation for Refugee Claimants

New categories of refugees as “irregular arrivals” or “foreign nationals” impact refugees who are traveling with their children or who wish to reunify with their

children or spouse once their refugee application has been approved. Individuals designated as “foreign nationals” could be detained for a 6-month period upon arrival and would have their detention review within 14 days after initial detention with no access to the newly created Refugee Appeal Division (RAD).



“IRREGULAR ARRIVALS”

- 1 MANDATORY DETENTION**
- 2 LIMITED TO NO ACCESS TO SOCIAL/HEALTH SERVICES**
- 3 5-YEAR WAIT TO APPLY FOR PERMANENT RESIDENCY**
- 4 SEPARATION FROM FAMILY**

The detention provisions apply to persons 16 and over, younger children who arrive with designated foreign nationals could be placed in foster care while their parents and older siblings are being detained (or may be detained along with their families).

“Irregular arrivals” who are successful in gaining recognition as convention refugees, must still wait 5 years before they can apply for permanent residence, during which time they do not have access to travel documents and cannot apply for family reunification until they have permanent residence status.

Barring Family Sponsorship through the Foreign Criminal Act

One of the most far-reaching changes to immigrant rights in Canada took form in Bill C-43, Faster Removal of Foreign Criminal Act, 2012. Bill C-43 introduced several changes that impact permanent residents and Family Class migration. This legislation allows for the deportation of permanent residents who have been involved with the criminal justice system—with a sentence of six months or longer—without the right of appeal. This measure places hundreds of thousands of permanent residents living in Canada at risk for deportation, even for minor crimes or in cases where the resident entered Canada as a child and has lived their entire life in Canada.

Bill C-43 also introduced new limitations on family reunification when a family member has a history of involvement with the criminal justice system. Previously, individuals applying for permanent residence were still deemed admissible if a family member (i.e. spouse, child), who was not accompanying them, had a criminal record. Under the new regulations, permanent resident applicants are now inadmissible, if they have a family member who has a criminal record, whether or not the family member is accompanying them to Canada.

Furthermore, the inadmissibility provisions under IRPA as well as Bill C-43 are applicable to those entering Canada as well as permanent residents living in Canada. Therefore, family members of individuals deemed inadmissible on security grounds could also lose their permanent resident status based on these new provisions.

Faster Removal of Foreign Criminals Act (Bill C-43), Passed into law in 2013

(Adapted from The Canadian Bar Association, 2012)

- Denies access to Immigration Appeal Division for deportation orders made against permanent residents or Family Class members who have a six-month or longer jail sentence (regardless of if the resident has lived in Canada since childhood, has a singular conviction, or if they are rehabilitated and pose no further risk in Canada).
- Bars entry of foreign nationals who have committed offenses outside of Canada.
- Grants new authority for the Minister of CIC to deny entry to Canada on “public policy grounds.”
- Increases penalty for misrepresentation.
- Extends inadmissibility for permanent residents to individuals who have a family member who is deemed inadmissible on grounds of criminality.

In our consultation with community groups across Canada, we learned that inadmissibility on security grounds has particularly impacted women working in the Live-in-Caregiver program, who typically work on a temporary visa for several years before being eligible to apply for permanent residence. In cases when a spouse or child has a criminal conviction, the live-in-caregiver is also deemed inadmissible for permanent residence in Canada.

Restrictions on family reunification coupled with the long periods of family separation that are required by temporary foreign worker programs, threaten the fabric of Canadian society. When hundreds of thousands, if not millions of people living in Canada are prevented from establishing family and community networks, their safety, security and capacity to access basic rights associated with Canadian permanent residence and citizenship are compromised, forming a multi-tiered and inherently unequal Canada.

E) Restricting Refugees’ Access to Healthcare and Social Assistance

Key Facts

- Up to 500,000 people in Canada do not have health insurance.
- The Interim Federal Health Program (IFHP) was first created in 1957 and administered by Citizenship and Immigration Canada.
- In April 2012, IFHP was cut or reduced health care services for most refugees.
- Only Quebec provides full medical, diagnostic and hospital coverage to all refugee claimants.
- Ontario provides primary care and urgent hospital services to refugees denied health care by Ottawa. But it imposes a three-month wait. Other provinces have similar restrictions.

Access to Health Care

Refugee access to healthcare was significantly curtailed in April 2012, when Canadian government made substantive reductions to the Interim Federal Health Program (IFHP), denying a large number of refugees and claimants' access to supplemental and preventative health. Changes to IFHP complicated eligibility for different categories of immigrants and refugees, creating confusion and overall disenfranchisement of immigrants' access to health care. As a result, this policy change, which was geared to restrict access to refugee claimants, broadly impacted access to health care for refugees who have already had their refugee applications approved and have permanent residence in Canada.

Grassroots and community organizing across Canada, led by health care professionals and health care advocates raised public attention and successfully put pressure on provincial governments to extend provincial health care coverage to address the cuts in federal funding.

The gendered impacts of the IFHP cuts and the growth of uninsured (nonstatus) immigrants are most obvious in cases of pregnancy, access to prenatal care, childbirth, and access to postnatal care and supports. The lack of access to these services carries serious consequences not only for migrant women, but also for their children and families. Many refugee claimants, who are not aware of these policy changes, may assume that certain health care services would be provided when in reality the services have been discontinued. This puts health

care providers who want to provide services but are told not to in difficult situations.

As the following quote illustrates, health care providers are seeing the impacts of the fear of deportation and lack of access to services on migrant mothers with precarious status on a regular basis.

"Women who are pregnant are not accessing prenatal care. Lack of access is affecting their health as well as the health of their babies. Women in abusive relationships, experiencing violence and trauma are fearful to access services because of their precarious status. They fear they may get reported to authorities. They feel trapped and vulnerable. They fear deportation or further violence. We provide services to them regardless and reassure them that our services are delinked from status and other authorities. We have dedicated resources to provide care to uninsured individuals. We provide counselling services and social support services. We also have partnerships with legal clinics that can support women, for instance if they want to do sponsorship breakdown. We take a harm reduction approach recognizing that leaving an abusive relationship may not be an option and/or may take some time" (Maya, Service Provider, Interview with Community Health Centre Director, Toronto, July 25, 2013).

Furthermore, many refugees, particularly women fleeing war and violence have higher needs for health care services to address health conditions such as trauma, depression, and other chronic health conditions resulting from their experiences and lack of access to essential medical treatment in refugee camps.

Access to Social Assistance

Recent legislative changes have affected access to social assistance for refugee claimants, sponsored family members and mixed status families. Ontario has two primary social assistance programs: Ontario Works (OW) and Ontario Disability Support Program (ODSP). Immigrants with a temporary status or visitor visa in Canada are barred from these programs. Refugee claimants and nonstatus immigrants in Ontario may access social assistance, as long as they have not been issued a deportation warrant. Since 2012, CBSA has been more aggressive in exchanging information with OW/ODSP, as a result in many people with refugee claims in Ontario have lost their social assistance on the actual day or day after their refugee claim was denied or dismissed. In many instances, refugee claimants are unjustly cut-off from social assistance, even when they are still entitled to these benefits.

Case Example:

The Parkdale neighborhood of Toronto, hosts a large Roma population that has been portrayed in some public campaigns as fraudulent refugee applicants despite well-documented persecution in the Czech Republic and Hungary. Roma individuals who have had their refugee claims rejected are immediately cut from OW, losing their basic income and often their ability to pay for housing. Their situation can deteriorate quickly from there if the Canadian Border Services Agency (CBSA) learns that they are no longer in their residence of record, they risk receiving important Notices to Appear before CBSA, and be subsequently subject to immigration arrest warrants, and at risk of detention and deportation. The information sharing between CBSA and OW and ODSP has become a tool to quickly disenfranchise refugee claimants, leaving them financially and politically vulnerable in the wake of having their initial claims dismissed or denied (Comment shared by workshop facilitator, June 2014).

Social Assistance for Sponsored Family Members

Recent changes to the parent and grandparent sponsorship program have raised the minimum household income required to sponsor family members, capped the number of applications offered on a first-come first served basis, and has increased the financial undertaking from 10 to 20 years. This means that if the sponsored parent or grandparent accesses social assistance programs within 20 years of gaining permanent residency, the sponsor is required to pay it back. The Implications include exclusion of low-income families from family reunification and increased tensions within families based on financial responsibility.

F) Detention & Deportation

Detention and deportation represent the most extreme forms of state violence against immigrants; detained and deported immigrants are completely stripped of their rights with little access to adequate legal representation or social services to support them during their forced removal. Although rates of deportation are rising for all immigrants with precarious status, men are more likely to be detained than women.

A 2014 report from the United Nations human rights monitoring body condemned Canada for arbitrary and unjustified detentions of up to eight years. The UN ruling stated that “detention should be the last resort and permissible only for the shortest period of time. Alternatives to detention should be sought whenever possible” (Cited in End Immigration Detention, 2014b). Immigrant rights and advocacy groups have responded to increased instances of immigration detention with campaigns to promote public awareness and programs that offer services and support for detainees. Since 2013, 191 immigrants held in a maximum security prison in Lindsey, Ontario, on “administrative hold”, not criminal charges, have protested their unjust detentions through hunger strikes and boycotting their immigration hearings (End Immigration Detention, 2014a).

Key Facts⁴:

- Number of Migrants Detained FY 2008-2009: 14,362
- Number of Migrants Deported FY 2008-2009: 13,249
- Budget for Detention and Removals FY 2008-2009: \$85 million
- Annual Cost per Detainee FY 2008-2009: \$3,185
- Average Length of Detention: 24 days
- Percentage of Low-Risk Detainees in Max. Security Provincial Jails on April 22, 2010: 32%
- Number of Immigration Detainees on Nov. 8, 2013: 585
- Number of Minor Detainees FY 2011-2012: 285 (1-5 years-old: 75, 6-9 years-old: 67, 10-12 years-old: 55, 13-17 years-old: 92).
- Between 2004 and 2011, 82,000 people were in detention
- In 2012, 289 of detainees were children, many younger than 10 years old
- Since 2008, nearly 15,000 people are deported each year (40 people per day)
- \$53,775,000 in public money is spent on immigration detention each year

4. See http://toronto.nooneisillegal.org/sites/default/files/immigration_detention_v2_0.pdf

Canada is currently the only “western” nation with no limit on the length of immigrant detention. Unlike criminal sentences which have a specific period of incarceration, immigrants who are in violation of their immigration status in Canada may be detained for “administrative holds” for an indefinite period of time; this includes children who are accompanying their parents. In 2013, from 7,307 to 9,032 immigrants were detained in Canada, many of whom are held in maximum-security prisons (Hussan, 2014). Unlike many Western nations, Canada does not have a maximum length of detention. This is in direct contravention to international laws that prohibit arbitrary detention and mandate a “presumptive period” that limits the detention time pending a person’s removal, after which points that person must be released. The detention review mechanisms in place have also proven to be ineffective, as evidenced by the 13.9% release rate in the Ontario Region. As a result, many detainees are held indefinitely, spending years without being charged or receiving a proper trial (Hussan, 2014).

Despite the gender neutral language in immigration policy, there are distinct gendered effects of migration controls: male immigrants are detained more often than female immigrants and female immigrants are more likely regulated through their family relationships. Fearing detention, deportation, and losing their status, many precarious status women who face gender-based violence “choose” or are forced to stay in abusive relationships. In detention, women with children must choose between keeping

their children incarcerated with them or handing them over to a child welfare agency. Female detainees may also be denied some of the services available to male detainees. Ultimately, women spend more time in jail and detention than men and many are often victims of violence and abuse. Additionally, women who are held in provincial jails and detention centers are often victims of abuse by detention staff and officers.

Transgendered detainees also face additional challenges and are at risk of abuse or discrimination. The Ministry of Public Safety and Correctional Safety use migrant identification documents to determine the gender of detainees and if they should be held in facilities for men or women based on the stated. However, transgendered detainees and those who do not identify with a particular gender can be placed in a holding cell if authorities believe they risk being abused.

Access to resources and information also continues to be an issue for many detainees particularly those who are not native English or French speakers. Critical information can often get lost in translation, leaving many immigrants unaware of certain policies that can directly lead to longer detention times. Although a detainee’s lawyer, paralegal, accompanying member or social worker has the right to request an interpreter, interpreters are difficult to secure on short notice and often lead to delays and longer waiting periods before hearings.

Case Example: When Families are Detained

A pregnant woman arrived in Canada and was immediately put in detention. She was then placed in jail because one day “she refused to eat her food”. She was not given proper pre-natal care and shortly after she gave birth she was transferred to a detention center. The baby has been in jail the 8 months of his life. (Comment shared by workshop facilitator, June 2014).

The presence of children in detention facilities is also quite common. Children who are detained are called ‘guests’ or ‘accompanying members.’ Canadian Border Service Agency (CBSA) officers have been known to threaten placing the children of detainees with social services if they are not cooperating. Children are treated as “criminals” by the system, even if they are themselves Canadian citizens. Mothers are often forced to decide whether to keep their child with them in detention or have them placed in foster care.

Case Example: When Detention Leads to Death

On December 20, 2013, Lucia Vega Jiménez attempted suicide while in the custody of Canada Border Service Agency and then passed away eight days later. When news of this tragedy broke, there was an outcry among immigrant rights and anti-violence against women advocates at the lack of transparency and accountability in Canadian detention and immigration enforcement. News accounts reported that Jiménez, who was a 42-year old woman from Mexico, had previously had a refugee claim denied and was deported to Mexico a year earlier, but found her way back to Canada due to ongoing fears of an abusive partner in Mexico. A representative from the Mexican consulate, who had been in touch with Jiménez prior to her death, gave a statement that “she was fearful of going back to Mexico – not to the country, but specifically to some domestic situation that she might face.”

Lucia Vega Jiménez’s tragedy has gained attention because it is emblematic of violence in the lives of many migrant women who seek refuge in Canada, but whose claims of gender-related persecution are dismissed as private, not state violence, by both the Canadian government and in Jimenez’ case, her country of origin. In Feb. 2014, after pressure from migrant justice groups, a public coroners’ inquest was announced to investigate the death of Lucia Vega Jimenez.

PART 4: ADVOCACY STRATEGIES



National Symposium on Intersections of Violence against Women and Precarious Immigration Status, Toronto, June 2014

What does it mean to advocate for systemic change in a climate that is characterized by an “advocacy chill” among community-based organizations and immigrants who fear detention and deportation if they are visible in community mobilization?

Within the past ten years, there has been increasing public attention to the growth in non-status and temporary migration in Canada. Through grassroots and community mobilization, people across Canada are challenging state practices that exclude many immigrants from full participation in Canadian society. As a sector, anti-violence against women organizations and service providers working with immigrants across Canada have sought to broaden their programs and services to address the challenges faced by immigrants and refugees. This often includes attention to cultural differences, language barriers, and supporting immigrants and refugees to regularize their status and access legal services, health care and social services. The persistent advocacy chill, among non-governmental organizations, however, has limited capacity for community-based organizations, even when their organization’s mission calls for inclusive programs. In some cases, organizations are reluctant to exchange information about supporting immigrants with precarious status, fearing the loss of funding from federal contracts.

In the face of a challenging political climate, we heard many examples of advocacy at the grassroots level, but also within organizations, to connect women who have a precarious status to community resources and to advocate for policy change at different levels of government. While recognizing there are diverse ways for individuals and organizations to take part in systemic change, there were three main categories of advocacy that we identified:



Advocacy Framework:

- **Individual advocacy** to support immigrants to find safety and security
- **Public education and training** on changes in immigration policy and their impact on immigrants' rights and access to services and justice
- **Community and grassroots mobilization** directed to influence decision-makers in different levels of government.

In this section, we draw upon interviews and community forums to illustrate examples of advocacy strategies that are taking place across Canada.

Individual Advocacy

Most of the service providers we met with were actively supporting immigrants and their families to access services, seek legal support and to help them apply for permanent residence in Canada. Many service providers, however, are facing barriers to supporting immigrants who have a precarious status due to limited time, resources, or restrictions on who is eligible for their services. To overcome systemic barriers that impact service providers, there is a need to strengthen networks and for organizations to share how they are supporting people with precarious immigration status. Daniel, a settlement worker from Windsor shared that “when this doesn’t happen “It almost seems like we are fighting against each other inadvertently”.

Strategies from the Front-line and Management Perspective⁵

- *Do not share any information about our clients who have precarious immigration status (Settlement worker, Windsor)*
- *Look at the other identities that clients have (i.e. person living with AIDS) that may supersede precarious immigration status so that we can find resources for them (Health Worker, Kitchener-Waterloo)*
- *Network and exchange information with other agencies working with people with precarious immigration status so that we can advocate for clients more effectively (Settlement Services Manager, Kitchener-Waterloo)*
- *Learn about the new rules and policy changes so that we can help our clients navigate the system (Frontline Worker, Kitchener-Waterloo)*
- *Advocate at all levels (i.e. with other service providers, with hospitals and with CIC) (Frontline Worker, Windsor)*
- *Diversify funding to support organization's time and resources to best serve all clients, including those with precarious status (Settlement Sector Manager, Windsor)*
- *Address institutional racism and implement anti-racist policies and practices (Settlement Sector, Montreal)*

Public Education and Training on Changes in Immigration Policies

Grassroots initiatives and non-governmental organizations that have the capacity—and funding—for public education and advocacy are leading efforts to promote public education about immigration policy changes. These public education efforts have been integral to developing consciousness among service providers and immigrant communities about the impact of policy changes on immigrants' rights and to inform service providers about how to best support immigrants with precarious status.

With reduced funding, there has been a shift away from in-person, to online trainings and webinars. These are convenient and affordable ways to disseminate legal information, however, service providers who are in more rural parts of Ontario or who do not have the resources to attend trainings feel isolated and challenged to keep up with the many policy changes.

The bulk of legal and public education that we identified, also tended to focus on policy changes that impact populations that were already accessing VAW or immigrant settlement services (i.e. refugees, sponsored spouses, parents or grandparents); while less often addressing the more vulnerable groups including live-in-caregivers, temporary foreign workers and non-status immigrants.

⁵ Interview participants were given the option of choosing a pseudonym or using their actual name. Where people have chosen to remain anonymous, we have provided a pseudonym with a first name only. In cases where an interview participant chose to identify themselves, we have provided both their first and last name.

Examples of Public Education and Training

Ethno-Cultural Council of Calgary

- Report on “Families together/families apart: the social and economic impact of family separation and the changes to the family reunification program in Canada” (Feb, 2014) www.ecccalgary.com/wp-content/uploads/2011/02/ECCC-Families-Together-Families-Apart-2014-02-Final.pdf
- Report on “A guide to Canada’s Changing Immigration Policy” (May, 2013) www.ecccalgary.com/resources/immipoliguide

Your Legal Rights, Website on Legal Information in Ontario (A Project of CLEO)

- Refugee Rights Flow Chart www.refugee.cleo.on.ca/en/refugee-claim-flowchart
- Family Violence when a Woman is Sponsored by a Spouse or Partner www.cleo.on.ca/en/publications/famvio
- Criminal Charges in Canada and Your Immigration Status <http://yourlegalrights.on.ca/resource/76383>
- Changes to Refugee Health Care <http://yourlegalrights.on.ca/resource/85128>

Ending Violence: Association of British Columbia

- The Safety of Immigrant and Refugee, and Non-Status Women Project <http://endingviolence.org/prevention-programs/the-safety-of-immigrant-refugee-and-non-status-women-project/>

University of Ottawa Refugee Project offers training (in the Ottawa regions) and hosts online resources in English and French for refugee claimants and their advocates and lawyers. Their resources include:

- A hearing preparation form, with checklists to assist with gathering information to support a refugee claim;
- A Hearing Preparation Kit, geared towards community workers who are working with claimants who are preparing for their hearing;
- A ‘To-Do’ list for refugee claimants to help them gather evidence on their own: <http://yourlegalrights.on.ca/organization/university-ottawa-refugee-assistance-project-uorap>

Parkdale Legal Services:

- Geraldine Sadoway and Devina D’Silva published a webinar on the “Refugees’ Hearing Process.” www.knowledgex.camh.net/health_equity/immigrants_ethnoracial/Pages/RefugeesHearingProcess.aspx

METRAC: The Metropolitan Action Committee on Violence Against Women and Children

- Family Law Education for Women (FLEW) campaign provides webinars and online information about Family and Immigration law for Immigrant, Refugee and Non-status women in 13 languages, audio format, and a video in American Sign Language. www.onefamilylaw.ca

Community and Grassroots Organizing

Grassroots and community organizing ranges from member driven organizations that are led by and include people with precarious status, activists groups that target the racist policies of the Canadian government through mobilizing communities to challenge the racist underpinnings of the Canadian settler state, and specific campaigns that emerge as a response to policy changes. There are numerous community and grassroots campaigns that are putting pressure on municipal and provincial governments, and in some cases the federal government, to uphold rights and expand protection for people with precarious status.

The following list includes examples of campaigns in Ontario and around Canada that address access to health care and education; workers' rights; detention and deportation, and broad based campaigns that call for status for call.

Access to Health Care

Health for All (H4A) is a grassroots organization fighting for access to health services and universal health coverage, irrespective of immigration status. H4A is a multidisciplinary group of migrants, healthcare professionals, students, activists and allies who believe that health is a fundamental human right and a matter of social justice.

Canadian Doctors for Refugee Care have organized a National Day of Action on June 16th for the past three years. Events are organized across the country, including Montreal, Ottawa, Hamilton, London, Winnipeg, Saskatoon, Calgary, Edmonton, and Vancouver. Visit: www.doctorsforrefugeecare.ca

The Right to Healthcare Coalition in Ontario has been advocating for an end to the 3-month waiting period since 2011.

Access to Education

There are several community based advocacy groups in the Greater Toronto Area working on various initiatives to educate and raise awareness in the community.

The FCJ Refugee Centre's "Uprooted U: An Open Education Project for Uprooted Youth"

is a project that aims to give youth without access to post-secondary education an opportunity to build essential skills and gain knowledge in their chosen field.

The Network for Precarious Migrant and NonStatus Youth, funded by the Trillium Foundation is a project aims to establish a citywide network of stakeholders to better support precarious migrant and non-status youth.

Education Not Deportation, a campaign led by a coalition of teachers, students, union and community members organize to ensure that all students regardless of immigration status are able to access education in Toronto. They pressured the TDSB to adopt a Don't Ask, Don't Tell policy in 2007 – the first in Canada.

Many Toronto-based coalitions of community members also continue to work with the Ministry of Education, college and university staff and other stakeholders to create reports on access to Ontario post-secondary institutions for non-status and precarious-status migrants.

Worker's Rights

The First Ontario Alliance of Caregivers, a members-led organization advocating for the rights of caregivers held their first conference in Ottawa in September 2011. Over 200 caregivers attended the event and spoke to several members of parliament and to the Ministry. Caregivers shared their struggles as they waited for work permits from their lack of medical coverage and living in financial destitution and poverty. Less than 90 days later, 10,000 work permits were opened to TFWP.

PINAY: Filipino Women's Organization in Quebec/ Organization des femmes Philippines du Québec: Fighting against the stereotypical portrayal of women in the Filipino LCP as women without agency. They do advocacy work on behalf of women with precarious status: education work and campaigns around specific cases (i.e. LCP woman who was pregnant and was fired and enormous amount of spotlight on the issues). www.pinayquebec.blogspot.ca/

Caregivers Action Centre is a grassroots organization of live-in caregivers, former caregivers, newcomers and their supporters. They advocate and lobby for fair employment, immigration status and access to settlement services for live-in caregivers through self-organizing, research and education. www.caregiversactioncentre.org

Justicia for Migrant Workers (J4MW) is a volunteer run non-profit in Toronto and Vancouver that brings workers, activists, students and many others together to fight for migrant worker's rights, better working conditions, access to health care, and justice. www.justicia4migrantworkers.org

Worker's Rights (cont'd)

Migrant Workers Alliance for Change (MWAC) is comprised of various advocacy and community groups, unions, workers and community members, aimed at improving working conditions and fighting for better protections for live-in caregivers, seasonal agricultural workers and other temporary foreign workers. MWAC advocates for the rights and benefits of migrant workers in Canada and highlights the systematic discrimination and exploitation they experience. www.migrantworkersalliance.org

Status for All, Sanctuary Cities and Access without Fear

No One Is Illegal in Montreal, Ottawa, Toronto and Vancouver are a collective of grassroots groups that include activists, immigrants and refugees fighting for migrant rights and dignity. Major campaigns include: Education not deportation, Shelter Sanctuary Status, Status for All, Access without Fear, End Immigration Detention Now, Indigenous Solidarity. www.nooneisillegal.org

Solidarity City is a network of grassroots groups and organizations, working to ensure that city services are available, without fear of deportation, to all residents of cities in Canada. www.solidaritycity.net

Detention and Deportation:

Over the last few years, several initiatives promoted by both detainee and community advocates have attempted to highlight some of these issues:

Lindsay Hunger Strike: On Sept. 17th 2013, 191 migrants detained in Ontario's Central East Correctional Centre held a hunger strike to protest indefinite detention of migrants. One of the largest hunger strikes in Canadian history, detainees were protesting indefinite detention times by not refusing to go to detention hearings. Bill C-43 (Faster Removal of Foreign Criminals Act) removed the right to appeal to immigrants sentenced to 6 months or more of prison or community sentence. For more information visit: www.endimmigrationdetention.com

The Canadian Bar Association publicly condemned Bill C-43 calling this legislation's provisions "deeply flawed and not keeping with fundamental principles of our Canadian justice system." Visit: www.cba.org

The Canadian Association of Refugee Lawyers (CARL) testified before the House of Commons' Citizenship and Immigration Committee on the negative impact of removing the appeal rights of immigrants convicted of a crime. Visit: www.carl-acaadr.ca

No One is Illegal, a migrant rights group has been advocating for the rights of detainees and challenges the presumption period and detention reviews. Visit: www.nooneisillegal.org

July 16, 2014. The United Nations Working Group on Arbitrary Detention issues report condemning Canadian practice of lengthy detentions as arbitrary and unjust. www.endimmigrationdetention.com/2014/07/24/untocanada

CASE STUDY: Grassroots Organizing and Strategic Lobbying: PINAY Montreal⁶

During the past two decades the Live-in-Caregiver program has undergone a number of policy changes. Despite the fact that live-in-caregivers were initially considered professionals and were granted skilled immigrant visas to work in the health care system, by the 1990s, women with the same qualifications started to be granted temporary foreign worker visas and were given a number of conditions in order to be eligible for permanent residence in Canada. With the change in visa status also came changes in access to resources and protection under labour standards making live-in caregivers vulnerable to exploitation and abuse from their employers.

As a response to these changes, women began to self-organize across the country and invested their own time and resources in order to bring attention to the consequences of these changes (Olayta & Santos, 2014). PINAY Montreal was created by a group of Filipino women who noticed that there was a significant increase in the stories that they heard about women facing different kinds of abuse from their employers. These women developed a survey that provided them with demographic information about their membership and also gave their membership an opportunity to give input into the kinds of changes that they wanted to see. With the results of this survey, and with the help of Dr. Jill Hanley, they put together a report called Report of the Findings of a Community Based on the Work Conditions of Montreal Domestic Workers (Quebec, 2008). This report documented the immigration, working, health and safety conditions faced by domestic workers in Montreal. It portrayed a mixed situation for domestic workers. While it showed that many enjoy decent working, health and safety conditions, it also showed that there are a significant number who do not. PINAY Montreal took these findings and began to work to lobby the government to make changes. The route that they took was to address their issues through labour relations. And after more than a decade of advocacy and hard work, in the year 2003 they were successful in providing access to labour standards in Quebec for Live-In Caregivers. When describing their lobbying work, one member of PINAY Montreal said, “We visited the minister, made noise, and demanded that they change the policies. After many years, they finally listened”.

In Ontario, organizations such as the First Ontario Alliance of Caregivers Canada have worked for decades to bring attention to live-in-caregivers’ struggles and to create positive changes to their living and working conditions. They have noticed that due to the requirements of the Live-in-Caregiver program and the nature of their work, women are vulnerable to abuse and exploitation from their employers and they are often forced to live in poverty due to the long waits for their work permit (Olayta & Santos, 2014). In 2011, the First Ontario Alliance of Caregivers Canada hosted the First Ontario Caregivers Conference and invited members of the parliament “because we want them to hear first hand the stories of women who came together” (Olayta & Santos, 2014). As a result of this conference and strategic lobbying that targeted the Minister of Citizenship and Immigration Canada, advocates were able to secure a huge victory for thousands of live-in-caregivers; less than 90 days after the conference “there was a release of 10,000 plus open permits” (Olayta & Santos, 2014).

Several live-in-caregiver organizations and groups remain active across Canada; most are voluntary organizations that receive little to no funding. Members use many different avenues to advocate for change: letter writing, petition signing, physical protests and social media campaigns. This, they feel, has been integral to their success. They have not been limited to one form of protest but have instead used different tools to communicate their message.

6. More information about PINAY Montreal can be found on their website: <http://pinayquebec.blogspot.ca/>

CASE STUDY: Partnering with Local Government: YWCA Mothers Without Legal Status⁷

The YWCA Metro Vancouver is part of the largest network of women's shelters across Canada. Over the past decade, due to a number of cuts to the income assistance policies made by the provincial government in British Columbia, shelter staff saw an increased number of women with precarious immigration status accessing their shelters. Many of these women were entering these shelters after leaving abusive partners who were Canadian citizens or permanent residents and "who failed to sponsor them or cancelled their sponsorship mid-way through," (Rupert & Krish, 2014) leaving them with no income support and no means to support themselves and their children because of their immigration status.

Lisa Rupert, the director of housing of the YWCA Metro Vancouver, stated that by the year 2008, "it reached the point where there were so many women we were turning away who needed our support that we decided we needed to take this one and make this an advocacy issue" (Rupert & Krish, 2014). To address this issue YWCA Metro Vancouver led a research project called Mothers without Legal Status with support from BC Law Foundation. They decided to release the report as part of a campaign around International Women's Day in 2011, dedicating it to mothers without legal status. In addition, a booklet for service providers was also produced in order to ensure that women without legal immigration status could access accurate information when needed. Despite the fact that there were some initial challenges to their advocacy efforts, through "collaborative approaches between government, with other service providers, with media" (Rupert & Krish, 2014), the YWCA Metro Vancouver synthesized their original 21 recommendations into 4 key demands that focused on education, healthcare, income assistance and housing and launched a strong public awareness campaign.

The YWCA Metro Vancouver was not only able to get front-page coverage and the Vancouver Sun, but this media attention led to additional media coverage by CBC and connections with the international aid organization, UNICEF. In addition, they started to work together with different key stakeholders to address issues faced by mothers without legal status. Their greatest success was with the Ministry of Social Development. There was immediate pick up by social services and then social housing. The end result was that parents of Canadian children, who are non-status, could apply to receive income assistance and became eligible to apply to for subsidized housing. They also received support from the British Columbia School Superintendents Association, which recognized that barriers to accessing education for children without legal immigration status was a "communication issue with their front line staff"(Rupert & Krish, 2014). Through partnering with the BC Bar, women also received support throughout the H&C Application process. Although in general, only 5 % of all H&C applications are successful, all of the women that the YWCA Metro Vancouver has supported through the process thus far have received permanent residence. The YWCA Metro Vancouver learned important lessons through this campaign: you must have simple take-aways, this makes it tangible for both the media and the public; you must have good communication between stakeholders; there is often a disconnect between policies and the people who are implementing those policies. Education and communication are key! Next steps include networking with YWCAs across Canada to pursue similar policy development to support mothers without status, through policy advocacy in provinces across the country.

7. More information about this project can be found at: http://www.ywcavan.org/content/Mothers_Without_Legal_Status_Project/702

CASE STUDY: Building a Sanctuary City–Solidarity City Network Toronto⁸

The Solidarity City Network is a coalition of community based organizations and grassroots groups that came together in November 2012. The Network “organizes for access to services for all residents of Toronto, regardless of immigration status and demands status for all” (<http://solidaritycity.net/>). Since 2003, members of the Solidarity City Network have taken part in several grassroots campaigns (e.g. Don’t Ask Don’t Tell, Access without Fear, Education not Deportation, Shelter Sanctuary Status, Status for All) to advocate for the rights of undocumented residents and raise public awareness about the barriers that undocumented individuals face in the City of Toronto.⁷

Community organizing for undocumented immigrants in Toronto has centered on the principle of Don’t Ask Don’t Tell (DADT) and Access without Fear. DADT policies ensure that people who are undocumented or have a precarious immigration status will not be discriminated against when accessing services and their immigration status will not be shared with the police or immigration authorities. DADT policies also mandate that municipal and provincial funds and resources will not be used to enforce federal immigration laws.

The DADT Campaign was launched in 2004 by No One Is Illegal, to push for a DADT policy within the Toronto Police services. This campaign received tremendous community support, which led to the introduction of a partial DADT policy by the Toronto Police in 2006. When two undocumented children were detained in their school a few months later, there was a public outcry disapproving such action. The DADT campaign then turned their attention to the Toronto District School Board (TDSB), with students, teachers and community allies successfully pushing for a DADT policy which was passed by the TDSB in 2007, making the TDSB the first sanctuary zone in Canada (Chak, 2014).

While the introduction of DADT policies represented a community victory, in 2009 an undocumented woman was arrested in a Toronto area food bank. As a result, members of the network agreed that a more comprehensive approach was needed to ensure access to social and health services without fear of detention and deportation. Currently, over 80 community agencies have implemented a DADT policy in the City of Toronto alone.⁸

In 2012, the members of the Solidarity City Network came together to propose a motion for the City of Toronto to ensure access to city services for all residents of Toronto, regardless of their immigration status. In February of 2013, Toronto City Council voted to re-affirm their commitment to provide city services to all residents and to create strategies to ensure access without fear for undocumented people in Toronto. Social media has played a huge role throughout this campaign and it has also help to ensure that the City continues on its path to becoming a working Sanctuary City as well as inspiring and pushing for other cities to follow their lead.

The work of the Solidarity City Network continues to hold the City of Toronto accountable, while putting pressure on the provincial government to stop enforcing immigration laws with provincial funds.

8. More information about this campaign can be found at: From <http://solidaritycity.net/about-us/>

7. For more information please visit <http://solidaritycity.net/about-us/>

8. For more information please visit http://prezi.com/n9f4ta5d-_fp/history-of-awfsolidarity-city/

GLOSSARY OF IMMIGRATION TERMS

Basis of Claim Form (BOC): The Basis of Claim Form, previously known as Personal Information Form (PIF), is a document that must be filled out by refugee claimants in order for the Immigration and Refugee Board to determine if they are making a valid claim. During the court hearing, the information provided in the Form is corroborated with the claimant's testimony and if any discrepancies are found, the claim is denied.
<http://refugee.cleo.on.ca/en/what-basis-claim-form>
<http://www.cic.gc.ca/english/refugees/reform-irb.asp>

Conditional Permanent Residence: As of October 2012, sponsored spouses who have been in a relationship with their sponsor for two years or less and do not have children must remain in a conjugal relationship for two years in order to remain Permanent Residents. If during these two years, there is a relationship breakdown, the sponsored partner faces the risk of losing their permanent resident status. Sponsored spouses may apply for an Exception in cases where there is abuse, neglect, or forced marriage.
<http://ccrweb.ca/files/cprfrontlineen.pdf>

Designated Country of Origin (DCO): There are currently 27 Designated Countries of Origin countries that are deemed to be "safe" according to Canada's Immigration and Refugee Board. This policy was introduced with the purpose of reducing unfounded refugee claims from people who have available state protection and consequently reducing the costs associated with this.
<http://www.cic.gc.ca/english/department/media/backgrounders/2012/2012-11-30.asp>
<http://www.cic.gc.ca/english/refugees/reform-safe.asp>

Designated Foreign National (See Irregular Arrival): A person who is designated as a Designated Foreign National may be detained. The Minister of Public Safety and Emergency Preparedness may identify an individual or group of persons as Designated

Foreign Nationals in either of two ways: 1) the Minister has reasonable grounds to suspect that the individual or group's arrivals is associated with a criminal or terrorist organization or 2) the Minister determines that an investigation related to such a suspicion cannot be conducted in a timely manner.

Federal Skilled Worker Program (FSWP): "The Federal Skilled Worker Program (FSWP) supports Canada's objective to select higher-skilled immigrants based on their potential to become economically established in Canada and to assist employers to meet their skilled labour shortages."
http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/higher_skilled/arranged_offer/index.shtml

H & C Applications: The H&C application is an application made in Canada on Humanitarian and Compassionate Grounds by a person who cannot become permanent resident by any other means. Once the application is submitted, Citizenship and Immigration Canada assesses this person's eligibility by considering factors such as their and their family's establishment and ties to Canada. For more information on the H&C Application, please visit:
<http://www.cic.gc.ca/english/refugees/inside/h-and-c.asp>

Inadmissibility: Inadmissibility is when a person's permanent residence application is denied for one of the following reasons: national security, violation of human or international rights, criminal history or due to a particular health condition.
<http://refugee.cleo.on.ca/en/inadmissibility>

Interim Federal Health Program: The Interim Federal Health Program is a program that provides basic health care to persons such as refugee claimants, who are not eligible to receive treatment through their provincial or territorial health plans.

http://www.servicecanada.gc.ca/eng/goc/interim_health.shtml

Irregular Arrival (Also See Designated Foreign National): If the Minister of Public Safety has reasonable grounds to suspect human smuggling, trafficking, or terrorist activity, they may deem a group of people who enter Canada together as “irregular arrivals”. This makes the individuals “designated foreign nations” who may be subject to detention and deportation.

<http://refugee.cleo.on.ca/en/what-irregular-arrival>

Labour Market Opinion (LMO) Statistics: The Labour Market Opinion is a part of the application for a Temporary Foreign Worker work permit, in which the impact in the labor market of bringing a temporary foreign worker to Canada is assessed.

http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/lmo_statistics/index.shtml

Parent and Grandparent Super Visa: The Parent and Grandparent Super Visa was introduced in December 2011 with the purpose of permitting the parents and grandparents of citizens and permanent residents to visit Canada for a period of up to 2 years. Visa applicants must pay for qualify for and pay for private health insurance as a condition of their visa.

<http://www.cic.gc.ca/english/visit/supervisa.asp>

Person in Need of Protection: A person in need of protection is someone who faces persecution, is at risk of torture or cruel and unusual treatment in their home country. In order for this person to receive refugee protection he or she needs to demonstrate their legitimate fear and the inability of receiving protection in their home country.

<http://refugee.cleo.on.ca/en/person-need-protection>

Pre-Removal Risk Assessment (PRRA): The PRRA asks Immigration to consider new evidence of risk an

applicant would face if deported to her home country (risk of persecution under Geneva Convention, risk of torture, cruel and unusual punishment, or risk to life). A removal order will be stayed until a decision on the PRRA is reached. If the PRRA is accepted, an applicant will be given the status of “protected person” and will be able to apply for permanent residency.

Provincial Nominee Program (PNP): The Provincial Nominee Program is a program that permits provinces and territories to nominate people for permanent residence that they believe will have a positive impact in their labor markets.

<http://www.cic.gc.ca/english/pdf/pub/pnp-pcp-eng.pdf>

Refugee Claim: A person may apply to the Refugee Protection Division of the IRB from within Canada for refugee status. The IRB will decide if the person meets the UN definition of a Convention refugee or is a “person in need of protection”. A person must first apply to an Immigration officer at a port of entry; the officer will decide if the claim is “eligible to be referred” to the IRB. (MMP document)

Refugee Protection Hearing: A Refugee Protection Hearing is when a civil servant hears a claimant’s claim and determines whether or not to grant it or deny protection. The hearing is mandated by law to occur a maximum of 90 days after the initial interview for “normal” claimants, and 60 days after the interview for claimants from Countries of Designated Origin. (MMP document)

Safe Third Country Rule: Safe third country is an agreement between Canada and the United States, in which people must make a refugee claim in the first country they have landed, unless they qualify for an exception. <http://www.cbsa-asfc.gc.ca/agency-agence/stca-etps-eng.html>

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