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**State of Immigrant and Refugee Women`s Status in Canada - 2012**  
**A Joint Report**

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## Introduction

This joint report is a brief summary of some of the major developments in federal policy and practice as they impact on immigrant and refugee women in Canada, covering the five year period 2006-11.

According to the 2006 Census, the earning disparity between recent immigrants and Canadian-born workers increased during the two previous decades and also in recent years. This was despite the fact that recent immigrants tend to have higher levels of education and skills. Recent immigrant women earned 56 cents for each dollar earned by Canadian-born women<sup>i</sup>. Racialized women immigrants earn only 48.7 cents for every dollar non-racialized male immigrants earn<sup>ii</sup>.

The economic disadvantage of immigrant and refugee women, particularly racialized women, can make them more vulnerable to unintended and negative impacts of government legislation, policy and practice.

The report is an attempt to capture some of the major concerns regarding policy and practice developments. Part 1 of the report is organized in 7 categories in the areas of immigration, refugee protection, temporary migrant labour, citizenship and immigrant settlement. Part 2 includes a separate section on the trafficking of women.

The report was compiled jointly by the Canadian Council for Refugees (CCR), Ontario Council of Agencies Serving Immigrants (OCASI), Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCSALC) and Colour of Poverty Campaign.

## Part 1

Area	Positive	Negative
<b>Permanent Residence Fee</b>	<p><i>Right of Permanent Residence Fee reduced by half</i></p> <p>As globally, women are over-represented in the lower income groups, and immigrant women to Canada also earn lower income, as compared to immigrant men and Canadian born women, a lower RPRF will reduce the financial burden on immigrant women in particular</p>	
<b>Family Class Immigrants</b>		<p><i>Continued decline of family class immigrants from 70,512 in 2006 to 56,419 by end of 2011</i></p> <p>Women are still more likely to enter Canada under family class immigration than men. A lower level of family class immigration thus affects women disproportionately</p>

		<p><b><i>Moratorium on sponsorship of parents and grandparents</i></b>                  For many immigrant families, parents and grandparents play a role in assisting with childcare and thus allowing women to take up activities outside of home. Barring parents and grandparents from being sponsored negatively affects labour market participation by some immigrant women</p>
		<p><b><i>Definition of “bad faith” marriage changed so that officers can reject spousal sponsorship even when the marriage is proven to be genuine</i></b>                  Women still make up the majority of spousal sponsorship applicants. Fewer women will be able to enter Canada as a result of this and other measures</p>
		<p><b><i>Spouses and partners who have been in a relationship with their sponsor for two years or less at the time of the sponsorship application to be subject to a conditional status of two years or longer</i></b>                  If passed, this measure will further add to the power imbalance between the sponsor (most likely a man) and the sponsored spouse (most likely a woman) and will trap those sponsored women who are abused by their sponsor in the abusive relationship for fear of deportation. Even if there is an exemption for partners in situations of abuse or violence, the barriers of language, isolation and access to information, as well as the burden of proof of abuse, will make it extremely unlikely that women will apply for the exemption.</p>
<p><b>Temporary Foreign Worker Program</b></p>	<p><b><i>Two year bar on hiring TFW for any employer found to be in violation of regulations</i></b>                  This provision can protect workers from exploitation by employers. While this is a positive measure, the CIC website has not yet listed a single employer found to be ineligible, despite the many documented cases of employers violating regulations.</p>	<p><b><i>TFW can work in Canada for a total of only four years, and at the end of that period must wait another four years before reapplying for a work permit.</i></b>                  This measure effectively reinforces the temporary nature of the program, despite the fact that many of the jobs being filled by TFWs are long-term. Women (as well as men) are thus denied the right to access permanent</p>

		resident status in Canada, despite their contribution to the economy, and filling of long-term job vacancies.
<b>Live-in Caregivers</b>	<i>Live in Caregivers have up to four years (up from 3) from the date of their arrival in Canada to complete the employment requirement to be eligible for permanent residence.</i> The longer timeframe makes it less likely that they will have to remain with abusive or exploitative employers, for fear of not completing the requirements for permanent residence.	
	<i>Caregivers may choose between 24 months of employment or 3900 hours of authorized full time employment</i> This provision gives caregivers more flexibility in meeting the length of time required to qualify for permanent residence. It will allow caregivers to include overtime hours and apply soon for permanent residence.	<i>Live-in provision remains, making a care-giver vulnerable</i> Due to the nature of the work caregivers are typically isolated, working alone and virtually invisible to the outside world, making them vulnerable to abuse and exploitation. Women are particularly vulnerable to sexual abuse. Most caregivers are women.
	<i>Caregivers who apply for permanent residence and are approved as a member of the live in caregiver class are not required to undergo a second medical exam</i> This provision can address the challenges faced by a caregiver who might have contracted an illness or injury after arrival in Canada.	
	<i>Employers must submit a detailed and signed contract to HRSDC at the time of filing their LMO application for a Labour Market Opinion. In the past, the employer/ employee contract was only required to be submitted to the visa post</i> As the vast majority of the live-in caregivers are women, any measures that improve the working conditions of live-in caregivers will benefit women	
		<i>Close the door on nationals of moratoria countries at the US-Canada border, by eliminating the rule exempting them from the Safe Third Country Agreement.</i> US law and practice with respect to

		<p>refugees is very different. Asylum-seekers who are turned back at the border are at risk of detention, sometimes for months or years and face difficulty in getting the help they need. The US doesn’t always give protection to refugees who need it, including for women making gender-based claims.</p>
<p><b>Refugee Determination System – Bill C31</b></p>		<p><b><i>Reverse compromises reached with the opposition party under Bill C11 by, among others, taking away the right to appeal from claimants who came from “Designated Countries”, as well as barring all failed claimants from making an H&amp;C application within a year</i></b></p> <p>Even in “safe countries”, women as a group are more likely to face discrimination and even persecution. Further while discrimination faced by women in some countries may not rise to the level of persecution, but will constitute hardship under H&amp;C. Barring failed claimants from making H&amp;C applications will disadvantage women particularly</p>
		<p><b><i>Personal Information Form (PIF) is replaced by a Basis of Claim form which is due by the eligibility interview conducted by a public servant</i></b></p> <p>Refugee women who face gender based persecution may not know (or are reluctant) to identify the basis of their claim without legal advice.</p>
<p><b>Citizenship</b></p>		<p><b><i>Proposal to tighten up language requirement for citizenship test</i></b></p> <p>Immigrant women and other groups who face systemic barriers in participating in the labour market and accessing language training may have greater difficulties proving they have the needed language proficiency in order to become citizens</p>
<p><b>Immigrant Settlement</b></p>	<p><b><i>Increase in federal government funding for immigrant settlement</i></b></p> <p>Starting in 2005-06, federal government allocation for immigrant settlement nationally increased from</p>	<p><b><i>Funding cuts in 2011-12 and beyond</i></b></p> <p>In 2011, funding for the national settlement program (excluding Quebec) was cut by more than 5%. More cuts are expected for 2012-13</p>

	<p>approximately \$200 million to \$600 million in 2011, making it possible in many cases to address previously unmet settlement needs, including services for women.</p>	<p>and these will primarily have an impact on Ontario. The cuts had an impact on the stability of the immigrant and refugee-serving sector, on individual organizations, on some services and on sector workers, the majority being women.</p>
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<sup>i</sup> Statistics Canada. *Earnings and Incomes of Canadians Over the Past Quarter Century, 2006 Census: Findings*. 2009.

<sup>ii</sup> Block, Sheila and Galabuzi, Grace-Edward. *Canada’s Colour Coded Labour Market: The gap for racialized workers*. Wellesley Institute and Canadian Centre for Policy Alternatives. 2011. Toronto.

**Part 2**

**State of Immigrant and Refugee Women’s Status in Canada - 2012  
Trafficking in Persons**

Positive	Negative
<p>Immigration officers may grant victims of trafficking a Temporary Resident Permit (TRP) valid for up to 180 days to provide them with a reflection period.</p>	<p>TRP guidelines impose a burden of proof on the person who must convince an immigration officer that he/she is a victim of trafficking in persons. The mandatory involvement of law enforcement agencies deters trafficking survivors from applying for the TRP because of potential consequences.</p>
<p>A longer-term permit, valid for up to 3 years, can be issued to a victim of trafficking in cases where individual circumstances warrant, including if CIC considers it is not reasonably safe and possible for the victims to return to and to re-establish a life in the country of origin or last permanent residence.</p>	<p>To be eligible for a longer-term permit, the immigration officer will also consider factors that include whether the victims are needed, and willing, to assist authorities in an investigation and /or in criminal proceedings of a trafficking offence. This also discourages trafficked persons from applying for a TRP as they are vulnerable to retaliation by their traffickers or recruitment agents.</p>
	<p>Where the person already has a legal status, such as Temporary Foreign Worker, Live-in Caregiver, or visitor status, obtaining a TRP will result in them losing their status with no guarantee of extending their stay in Canada.</p>
<p>TRPs offer trafficked persons access to health care and social assistance through the Interim Federal Health Program (IFH) for the duration of the reflection period. They also allow trafficked persons to apply for a work permit exempting them from processing fees that are usually charged.</p>	<p>Coverage and protection is limited to individual victims and is not extended to family members both inside and outside Canada.</p>

	The majority of victims of trafficking are women and girls. Gender oppression forms part of the context that allows trafficking to occur. Under current TRP provisions protection measures do not provide guidelines that ensure sensitivity to the needs of women and girls.
	IRPA regulations s.245 (flight risk) and s.249 (special considerations for minor children) make reference to trafficking connection as a factor in favour of detention.
Bill C-268, an <i>Act to amend the Criminal Code</i> , establishes a minimum sentence of five years imprisonment for offences involving trafficking of persons under the age of eighteen years in Canada and a minimum of six years imprisonment for cases where there are aggravating factors.	
	Through Bill C-10, the <i>Safe Streets and Communities Act</i> , immigration officials have the power to deny a work permit to an applicant overseas, on the basis that the person might be vulnerable to abuse or exploitation in Canada. This primarily affects women. Visa officers will have the power to decide which women should be kept out of Canada for their own good. The bill proposes to address the problem of exploitation by excluding people, mostly women, from Canada.
Bill C-310, an <i>Act to amend the Criminal Code (trafficking in persons)</i> amends the Criminal Code to allow Canadian citizens or permanent residents to be prosecuted in Canada for trafficking in persons offences committed outside Canada. Amendment includes factors that the Court may consider when determining what constitutes exploitation.	No measures are identified to deal with cases where the person who committed an offence may be a former victim of trafficking.

The following are links to information on the above-mentioned positive and negative developments related to trafficking in persons instated in the last five years:

- Temporary Resident Permits (TRPs) and providing protection measures to trafficked persons:
  - “CCR Welcomes Emergency Protection Measure for Trafficked Persons,” Media Release, 11 May 2006. Canadian Council for Refugees. <http://ccrweb.ca/release11May06traff.htm>.
  - “Proposal to amend the Immigration and Refugee Protection Act,” Canadian Council for Refugees. <http://ccrweb.ca/en/proposal-legislative-amendment-protect-trafficked-persons>.

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- “Migrant Workers in Canada: Working in Situations with Significant Elements of Human Trafficking,” Office For Systemic Justice, Federation of Sisters of St. Joseph of Canada.  
<http://www.csj.london.on.ca/storage/OSJ%20Advocacy%20re%20Migrant%20Workers%20in%20Canada%202.pdf>.
  - “Fight Human Trafficking and Protect Basic Human Rights,” in Charting Prosperity: Practical Ideas for a Stronger Canada. Policy Insights 2011: Inclusion and protection. Maytree Foundation. <http://maytree.com/wp-content/uploads/2010/02/PolicyInsights2011PublicationScreenRes.pdf>.
  - Bill C-10, *Safe Streets and Communities Act*, Protecting Vulnerable Foreign Nationals against Trafficking, Abuse and Exploitation:
    - “CCR Comments on immigration amendments in C-10 (omnibus crime bill): trafficking in persons,” October 2011. Canadian Council for Refugees. <http://ccrweb.ca/en/comments-bill-c10-trafficking>.
    - “Projet de loi C-10 et la traite,” in Bulletin CATHII, Octobre 2011. Comité d’action contre la traite humaine interne et internationale (CATHII). [http://www.cathii.org/uploads/8/2/0/0/8200079/cathii\\_info\\_octobre\\_2011.pdf](http://www.cathii.org/uploads/8/2/0/0/8200079/cathii_info_octobre_2011.pdf).
    - “Differing Opinions on Omnibus Crime Bill,” 04 October 2011. Action Coalition on human trafficking - ACT Alberta. <http://www.actalberta.org/news/differing-opinions-on-ominbus-crime-bill/>.
  - Bill C-310, *Act to amend the Criminal Code (trafficking in persons)*:
    - “Projet de loi C-310,” in Bulletin CATHII, Octobre 2011. Comité d’action contre la traite humaine interne et internationale (CATHII). [http://www.cathii.org/uploads/8/2/0/0/8200079/cathii\\_info\\_octobre\\_2011.pdf](http://www.cathii.org/uploads/8/2/0/0/8200079/cathii_info_octobre_2011.pdf).