

CITIZENS FOR  
PUBLIC JUSTICE



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# Protecting the Vulnerable: A call to safeguard social assistance for refugee claimants

Submission to the Standing Committee on  
Citizenship and Immigration

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***Citizens for Public Justice*** seeks human flourishing and the integrity of creation as our faithful response to God's call for love and justice.

***We envision*** a world in which individuals, communities, societal institutions, and governments all contribute to and benefit from the common good.

***Our mission*** is to promote public justice in Canada by shaping key public policy debates through research and analysis, publishing, and public dialogue. CPJ encourages citizens, leaders in society, and governments to support policies and practices which reflect God's call for love, justice, and stewardship.

## Introduction

On behalf of Citizens for Public Justice's (CPJ) members across Canada, we wish to express our deep concern regarding sections 172 and 173 of the omnibus Budget Bill C-43. These sections seek to amend the *Federal-Provincial Fiscal Arrangements Act* to allow provinces to require a minimum period of residency for eligibility of social assistance. In this case, social assistance refers to programs that assist with providing for basic needs such as food, shelter, clothing and prescription drugs, as well as post-secondary education, early childhood development and early learning, and childcare.<sup>1</sup>

The provinces receive funding from the federal government for these services through the Canada Social Transfer. Under the current law, there is a national standard which prohibits provinces from imposing a minimum residency requirement at the risk of losing funding.<sup>2</sup> This stipulation is crucial for groups such as refugee claimants who often have no other source of income when they come to Canada and rely on these services to survive.

If this bill is passed, provinces would be allowed, without losing federal funding, to require a minimum period of residency in order for applicants to be eligible for social assistance. Should provinces choose to do so, those persons without permanent status in Canada will lose access to critical resources. Financial responsibility for these individuals will fall to charities, shelters, and churches that, according to CPJ's own research, are already underfunded and overburdened. Poverty and homelessness are guaranteed to increase, which will strain already scarce resources dedicated to combatting these issues.

Those who would be exempted from the residency requirement are:

- Canadian citizens
- Permanent residents
- Victims of human trafficking on a temporary resident permit
- **Accepted** refugees

Those who would lose access to these services are:

- Refugee **claimants** who are **waiting** for their claims to be decided
- **Unsuccessful** refugee claimants, whether or not they are appealing the decision. This includes those who **may not meet the legal test for refugee status** but **still face persecution and violence** in their home country
- Pre-Removal Risk Assessment applicants
- People who have **applied in Canada for permanent residence** and are **waiting** for processing
- People who have been allowed to stay in Canada on **humanitarian and compassionate grounds**
- **Temporary resident permit holders** who are not victims of human trafficking
- Victims of human trafficking who **do not have temporary resident permits**<sup>3</sup>

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<sup>1</sup> *Federal-Provincial Fiscal Arrangements Act*, R.S.C. 1985, s. 24.3 (3)

<sup>2</sup> *Federal-Provincial Fiscal Arrangements Act*, R.S.C. 1985, s. 25.1

<sup>3</sup> Income Security Advocacy Centre, (2014). *Federal budget will Restrict Refugee Claimant Access to Social Assistance*. Toronto: Income Security Advocacy Centre.

We recognize the importance of using the correct terminology. The government has so far been able to claim that it does not deny refugees access to social assistance, and this is true, but only for those refugees who have been accepted as such by the Immigration and Refugee Board. It is refugee *claimants* who are waiting for their case to be heard and those whose claims have been rejected who will be affected by this change. These groups will henceforth be referred to as “persons with non-permanent status.”

## **Our Mandate**

Citizens for Public Justice is a national organization of members inspired by faith to work for justice in Canadian public policy. As CPJ understands the teachings of Scripture, the role of government is to promote just relations between people within God’s creation, correct injustice in a way that restores relationships, and foster conditions that enhance the common good. This is based on the underlying principle that every person has a rightful claim to live in dignity, be respected by others and have access to the resources needed to participate fully in society. We believe that there should be a special focus on marginalized people because justice for the least powerful is a test of how well a society provides justice for all.

In line with this mandate, CPJ closely monitors the development of refugee policies and issues and frequently conducts research and awareness work in this area. We recently completed a report entitled “**Private Sponsorship and Public Policy**” which examined the disturbing trends of political barriers faced by sponsorship agreement holders when resettling refugees to Canada. While we promote respect for governing authorities, the inclusion of sections 172 and 173 in Bill C-43 further contributes to this trend that hinders the process of resettlement for refugees. As an organization that focuses on seeking justice for those most marginalized in Canadian society, we are deeply concerned about the impact this will have on an already disproportionately vulnerable population.

## **Implications for Persons with Non-Permanent Status**

In relation to Bill C-43, there are a number of implications for refugees and persons with non-permanent status that we would like to address.

Firstly, the government has expressed concern that persons with non-permanent status are unfairly receiving better quality social services than many Canadians,<sup>4</sup> yet at no point have refugee advocates suggested that these groups should have access to better services than Canadians. Rather, we have simply asked that they be given social assistance adequate to meet their needs. In fact, the level of social assistance currently provided to them by the federal government is no better than Canadians who receive provincial social

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<sup>4</sup> 41st Parliament, 2nd Session. (2014). *House of Commons Debates*, 147(137).

assistance.<sup>5</sup> While it is certainly important to continue working to ensure that the needs of Canadians are met, the fact that there are some Canadians who do not have the necessary assistance is no justification for withholding services from persons with non-permanent status.

Secondly, the government has frequently boasted that Canada resettles one in ten of all global refugees<sup>6</sup> and that Canada has “the most fair and generous immigration system in the world.”<sup>7</sup> What they decline to mention is that they seek to deny social assistance to individuals whose claims have not even been heard yet by the Immigration and Refugee Board as well as those who are appealing the Board’s decision, a right to which they are legally entitled. This process can take months or even years, and without social assistance, the repercussions will be severe. Adults in these circumstances may not be legally entitled to work in Canada, and even when they are, it can take a long time to find employment. Without social assistance, they will have no income during this time. If they manage to secure a job, they must then find a way to pay for childcare; without affordable childcare services, which would be less accessible under Bill C-43, many will be prevented from working.

Finally, we are disturbed by the lack of compassion conveyed by this proposed policy for people fleeing conflict, persecution, and all other types of horrific circumstances. Denial of social assistance at a time when they are most in need can compound the trauma they have already suffered. As Canadians, we pride ourselves on our welcoming and benevolent attitude towards newcomers. This policy is contrary to those Canadian values. Ultimately, no matter one’s political status, all human beings are deserving of a basic standard of living. The government has a responsibility to care for all those within its borders. It is not only a matter of law but a moral obligation.

It is important to note that there has been no indication that provinces are pushing for this legislation, so it is unclear why the federal government would leave these vulnerable groups open to such cuts. While provinces would not be required to impose minimum residency requirements, it will open the door to pressure to take this step.

### **Implications for Private Refugee Sponsors**

As our own research has shown, recent policy changes and cuts to refugee services have had a severe impact not only on persons with non-permanent status, but also to the organizations that sponsor them. According to CPJ’s report, “**Private Sponsorship and Public Policy**,” approximately 72% of Sponsorship Agreement Holders are churches or

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<sup>5</sup> Nerenberg, K. (2014). One MP resigns, two call out abusers, and a Minister slanders refugees. *Rabble.ca*. [online] Available at: <http://rabble.ca/blogs/bloggers/karl-nerenberg/2014/11/resignation-abuse-accusations-and-harper-government-keeps-slan>.

<sup>6</sup> 41st Parliament, 2nd Session. (2014). *House of Commons Debates*, 147(139).

<sup>7</sup> Bryden, J. (2014). Omnibus budget bill restricts refugee access to social assistance. *CBC News*. [online] Available at: <http://www.cbc.ca/news/politics/omnibus-budget-bill-restricts-refugee-access-to-social-assistance-1.2813994>.

church-connected groups. These groups in Canada have played a vital role in Canada's Private Sponsorship of Refugees (PSR) program since its inception in the late 1970s.

The vast majority of groups surveyed in the report expressed concern regarding wait times and processing delays (100%), lack of government consultation (92%), and changes to the age of dependency (88%). These barriers, and the increased financial liability that comes with them, are already limiting the ability of charitable organizations and churches to continue to sponsor refugees. As a result of the added liability from the cuts to the Interim Federal Health Program, for example, approximately one-third of church-connected sponsorship agreement holders report that their sponsoring groups have decreased or ended their involvement in the PSR program.

Like many of these recent changes, cuts to social assistance will increase the uncertainty that currently dominates the PSR program and add to the prospective burden on churches and church-connected sponsoring groups.

## **Recommendations**

We urge you to insist that sections 172 and 173 be removed in their entirety from Bill C-43 as a matter of public justice.

We believe that care for the poor and marginalized is a central calling of our faith, good government, and responsible citizenship. We ask you to carefully consider the human impact that a lack of social assistance would have on persons with non-permanent status who already have so little and have suffered so greatly. It is also crucial to consider the impact on those organizations that sponsor refugees in Canada. To allow these sections to remain in Bill C-43 would be contrary to Canadian values of ensuring basic standards of human decency and dignity.