



# Colour of Poverty

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## **Submissions to the Standing Committee on Citizenship and Immigration on Sections 172 and 173 of Bill C43, *Economic Action Plan 2014 Act, No. 2***

by

**Colour of Poverty/Colour of Change Network**

**November, 2014**

### **I. INTRODUCTION**

The **Colour of Poverty/Colour of Change Network (COPC)** is an Ontario-based provincial network of individuals and organizations working to build community capacity to address the growing racialization of poverty and the resulting increased levels of social exclusion and marginalization of racialized communities across Ontario. COPC works to build community-based capacity through which individuals, groups and organizations (especially those reflective of the affected racialized communities) can better develop effective shared action plans as well as creative coordinated strategies to best address the growing structural and systemic ethno-racial inequality across the province. COPC works in collaboration with mainstream institutions, anti-poverty and social justice advocacy groups, governments, the media and others to achieve our shared goals.

The COPC Steering Committee membership includes a number community-based organizations and an individual academic member (see Appendix A). COPC also maintains an active listserv to disseminate information on matters relating to racial equity and racial justice to over 13,000 individuals and organization across Ontario.

COPC thanks the Standing Committee on Citizenship and Immigration for granting it the opportunity to comment on sections 172 and 173 of Bill C-43, *A second Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures*.

It is the position of COPC that the amendments as proposed are discriminatory, illogical and contradict the Federal Government's stated commitment to poverty reduction. COPC is working in coalition with over 100 individuals and organizations across the country opposed to these amendments. We have endorsed an open letter calling on the Minister of Finance to withdraw these sections from Bill C-43 (see Appendix B).

## **II. PROPOSED AMENDMENTS ARE DISCRIMINATORY**

The proposed amendments purport to give provinces the power to impose minimum residency requirements on certain groups of individuals based on their immigration or refugee status.

In reality, the effect of the amendments is to deny refugee claimants access to the basic assistance they need to survive.

Refugees, by definition, are individuals who have to flee their home country due to serious risks to their life and/or risks of persecution. They often have to leave their families and their possessions behind when they arrive at our shore with little or no support. For many refugees social assistance may well be their only source of support when they first arrive in Canada.

While on its face, sections 172 and 173 are silent as to which groups of individuals will be excluded from receiving social assistance, the combined effect of the residency requirement and enumerated groups of individuals who are exempt makes it abundantly clear that the only and real targets of these provisions are refugee claimants.

As pointed out by groups such as the Income Security Advocacy Centre (ISAC) and the Canadian Council for Refugees (CCR), refugees are among the most vulnerable in our society and are at their most vulnerable when they first arrive in Canada as claimants. Yet these provisions, if implemented, will effectively render them ineligible for even the bare minimal amount of support they need for food and shelter.

These sections clearly are discriminatory towards refugees. But more importantly, they are also discriminatory because of the make up of the refugees who come to Canada today. According to statistics from Citizenship and Immigration Canada, the top ten source countries of refugees seeking asylum in Canada in 2012 were from the global south including many countries in Africa and Asia. The vast majority of asylum seekers are thus members of racialized communities who face additional barriers in Canadian society not only because of their status as refugee claimants but also their race. Among all refugees some are even more vulnerable than others: children, women fleeing gender based persecution, as well as refugees with post-traumatic stress disorder and/or other mental health challenges. They are the most likely to require social assistance support while awaiting the determination of their refugee claim.

By denying all refugee claimants access to social assistance, Bill C-43 will therefore have a disproportionate impact on refugees who are racialized, women, children, and people with mental health issues. Given the disproportionate impact of the Bill on the most vulnerable groups among refugees, the Bill violates various domestic and international human rights laws that prohibit discrimination on the grounds of race, gender, age and disability.

Groups such as Amnesty International have warned that Bill C-585 also violates Canada's obligations under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social, Economic and Cultural Rights (ICESCR) and the Convention relating to the Status of Refugees (Refugee Convention). Article 9 of the ICESCR provides that States Parties, including Canada, "recognize the right of everyone to social security, including social insurance," a right which should be available to all people, including non-nationals such as refugee claimants.

The Bill C-43 is also open to challenge under the *Canadian Charter of Rights and Freedoms* for violating section 12 (the right not to be subjected to any cruel and unusual treatment or punishment) and section 15 (equality right) of the *Charter*.

### **III. PROPOSED AMENDMENTS ARE ILLOGICAL**

Apart from our human rights concerns, COPC is opposed to sections 172 and 173 of Bill C-43 due to their apparent lack of logic.

#### ***Artificial distinction between refugees and refugee claimants***

As proposed, protected persons would still be eligible for social assistance regardless of their residency in a province. Yet as CCR has so clearly explained in their submissions on C-43, refugee claimants are in fact refugees, and many would eventually be accepted as protected persons by Canada. Thus, while the provisions are supposed to target refugees with unfounded claims, they in fact would similarly affect refugees with legitimate claims in the eyes of the Canadian refugee determination system.

#### ***Only some victims of human trafficking are exempt***

The provisions are also self-contradictory. For instance, section 173 of the Bill prohibits provinces from imposing residency requirements on certain groups of individuals including victims of human trafficking who hold a temporary resident permit. Yet a victim of human trafficking may arrive at the Canadian shore and apply for asylum, instead of applying for a temporary resident permit. He/she will be denied social assistance at the time he/she needs assistance the most. In fact, if victims of trafficking knew they would not be eligible for social assistance because they do not have a Temporary Resident Permit, they may not even come forward to seek help from the authority as they may lose the only source of basic housing/food they could get, namely, from the traffickers.

#### ***Giving provinces powers that they do not want***

While the Federal Government has suggested that these provisions were brought about as a result of conversations with Ontario, the Ontario Government has made it clear that they do not support these changes because of their serious human rights concerns.<sup>1</sup>

Based on their response to the federal changes to the Interim Federal Health (IFH) program, it is safe to say that most provinces will not exercise this new power granted to them to impose residency requirement, at least not on refugee claimants. The provinces' rejection of these provisions begs the question as to why they were being introduced in the first place. Moreover, if the intent of the Federal Government is to deny refugee claimants access to social assistance, the Government may likely not achieve that desired outcome.

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<sup>1</sup> Toronto Star: November 8, 2014 'Not Out Idea' Ontario Tells Ottawa over Controversial Welfare Restrictions. [http://www.thestar.com/news/immigration/2014/11/08/ottawa\\_points\\_finger\\_at\\_ontario\\_over\\_refugee\\_welfare\\_reform.html](http://www.thestar.com/news/immigration/2014/11/08/ottawa_points_finger_at_ontario_over_refugee_welfare_reform.html)

### *Questionable Cost Savings*

Alternatively, if these provisions are seen as cost cutting measures, there is no guarantee that there will be savings to be had. As many community groups have pointed out, denying refugee claimants the much needed social assistance will force many claimants into hunger and homelessness. They will likely end up in emergency homeless shelter and in food bank in order to seek basic shelter and food. As such, the limited amount of money saved from the social assistance coffer will disappear if one takes into account the total social costs, including the increased healthcare cost should some of these claimants end up in hospitals' emergency ward as they fall ill due to their lack of housing and food.

As such, if the goal is to save taxpayers' money, then the taxpayers are still on the hook one way or another.

If, on the other hand, the aim is to discourage individuals who do not need protection from coming to Canada, there is no evidence that it will in fact do so. Meanwhile all refugees will be painted with the same brush and be affected in the same way.

## **IV. THE FEDERAL GOVERNMENT'S ROLE IN POVERTY REDUCTION**

As sections 172 and 173 of Bill C-43 propose to amend the national standard for the Canada Social Transfer as contained in the *Federal-Provincial Fiscal Amendments Act*, it should therefore be understood in the context of the role of the Federal Government in maintaining the basic safety net for every person in Canada.

In 1989, the House of Commons unanimously resolved to eliminate child poverty by the year 2000, yet no specific poverty reduction plan was ever implemented.

In November 2010, the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities tabled a study calling on the Federal Government to develop an immediate plan to eliminate poverty in Canada for all. Recognizing that the Federal Government has an important role to play in reducing poverty in Canada, the Standing Committee recommended, among other things, to commit to a federal action plan to reduce poverty in Canada, and that the action plan should ***“incorporate a human rights framework and provide for consultations with provincial and territorial governments... and people living in poverty, as needed, to ensure an improvement in the lives of impoverished people”***.

In response to this important study, the Federal Government acknowledged that addressing the challenge of poverty “effectively requires sustainable solutions involving all levels of government, as well as community and not-for-profit organizations, Provincial and territorial governments have a shared responsibility with the Government of Canada in addressing poverty and have jurisdiction over some key mechanisms in supporting low-income Canadians.” One of the mechanisms noted by the Federal Government is the Federal-Provincial/Territorial Investments including the Canada Social Transfer (CST). The Government noted that it has increased base funding levels through an annual 3 percent escalator, and increased the transparency of the support provided through CST by providing information on the notional allocation of support among the three priority areas, namely, post-secondary education, social assistance and social programs, and programs for children.

The passage of sections 172 and 173 of Bill C-43 will signal to all Canadians that the Federal Government is not truly committed to poverty reduction. At the very least, it suggests that the Federal Government seeks to download their responsibility in this regard onto the provinces and territories, both by eroding the national standard that sets the base line of standing of living for all Canadians, and by downloading the costs of caring for some the most vulnerable segment of our society.

While the Government's immediate goal might be to deny refugee claimants access to social assistance, the instrument it has chosen to achieve that goal will, in the long run, hurt all Canadians. Without full consultations with the provinces and territories, and indeed with all Canadians, the Government would be ill-advised to rush through such a move which fundamentally alters Canada's social program for all Canadians.

## **V. CONCLUSION**

In view of these concerns, COPC calls on the Standing Committee on Citizenship and Immigration to recommend sections 172 and 173 of Bill C-43 be removed, and that no change to Canada Social Transfer should be made without a full and meaningful consultation process with all Canadians and with the provincial and territorial governments.

## **APPENDIX A**

### **COLOUR OF POVERTY/COLOUR OF CHANGE NETWORK STEERING COMMITTEE MEMBERS**

- Access Alliance Multicultural Health & Community Services
- African Canadian Legal Clinic
- Canadian Arab Federation
- Chinese Canadian National Council Toronto Chapter
- Council of Agencies Serving South Asians
- Hispanic Development Council
- Karuna Community Services
- Mennonite New Life Centre of Toronto
- Metro Toronto Chinese & South East Asian Legal Clinic
- Midaynta Community Services
- Ontario Council of Agencies Serving Immigrants
- La Passerelle-I.D.É.
- South Asian Legal Clinic of Ontario
- Thorncliffe Neighbourhood Office
- Professor Grace-Edward Galabuzi (Ryerson University)

## APPENDIX B

The Honourable Joe Oliver, MP, PC October 2014  
Minister of Finance  
House of Commons  
Ottawa, ON K1A 0A6

### **Open Letter: Budget Bill Restricts Access to Social Assistance for Refugee Claimants**

Dear Mr. Oliver,

As organizations that have an interest in ensuring that everyone in Canada has equal access to income security, we are alarmed by the inclusion of sections 172 and 173 in your recently introduced omnibus Budget Bill C-43. These sections amend the *Federal-Provincial Fiscal Arrangements Act* and are essentially Private Members Bill C-585, which was introduced earlier this year.

Many of our organizations are health and social service agencies and legal and community advocates that work directly with refugee claimants and others with precarious immigration status. The change that would be made to the *Federal-Provincial Fiscal Arrangements Act* as a result of these provisions would allow provinces to restrict access to social assistance for refugee claimants and others who have not yet been granted permanent residence.

To receive social assistance in any province, one must already qualify through testing and demonstrate great need. To then deny social assistance based on immigration status is to cruelly deny the most vulnerable in our society the crucial lifeline that allows them to survive.

A Federal Court recently described your government's denial of healthcare to refugee claimants as "cruel and unusual". It is disturbing to see another initiative in Parliament that seems to be using legislation to threaten the well-being of migrants attempting to navigate Canada's immigration system.

Fleeing persecution places tremendous stress and burden on families seeking refugee status in Canada. Some of these families suffer from post traumatic stress disorder that can make finding and holding a job difficult without appropriate health care. Work permits take time to be approved and issued, which leaves people with no source of income for months on end. In the interim, access to social assistance is vital to sustain and rebuild lives. Without that source of support, many will be unable to feed, house, or clothe themselves and their families, putting further pressure on already overburdened charities and shelters. We know that poverty leads to poor health outcomes including higher rates of diabetes, heart disease, cancer and depression. We also know that denying basic social benefits, particularly to refugees, contravenes the spirit and letter of numerous international human rights obligations that are binding on Canada, including the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child*, and the *Convention relating to the Status of Refugees*. It is unacceptable for our government to implement policies that worsen people's health and deny their fundamental human rights.

We are also concerned that such a significant legislative change is being included in an omnibus Budget Bill, after being introduced as a Private Members Bill. These are inappropriate processes to deal with such a critical issue as access to basic social benefits. This is particularly the case since these provisions will have far reaching negative consequences for the health, income security, stability, and successful settlement of very vulnerable people who have come to Canada seeking shelter from war and persecution.

Our organizations call on you to withdraw sections 172 and 173 from Bill C-43. We will be making this Open Letter public and will continue to raise this issue with you, your MP colleagues, and the general public.