

Immigration Eligibility

Non-status or precarious status people are not eligible for OW/ODSP. This includes migrant workers, international students, visitors, and other people on temporary permits.

People with a removal order issued against them cannot access social assistance, except when:

- There are reasons “wholly beyond the control of the person” or the person is unable to leave the country (e.g. medical reasons, cannot obtain travel documents, have legal processes pending, etc.); OR
- The person has filed for permanent residency based on humanitarian and compassionate grounds.

Children in mixed status families who are citizens but have either one or more parent who is non-status or precarious status also face barriers to accessing OW or ODSP, even in cases when they would meet residence and financial (also referred to as “means”) tests.

Introduction

Ontario offers two forms of “social assistance” for residents on Ontario in financial need by providing basic income and support to find employment. Ontario Works (OW) supports low-income individuals and families and Ontario Disabilities Support Program (ODSP) works with people who have disabilities. Both programs are highly guarded entitlements that are eligible to citizens and permanent residents, and some people with a refugee or Humanitarian and Compassionate (H&C) claim that is under review.

This brief will focus on how recent changes in immigration policy have affected access to social assistance for refugee claimants and two other vulnerable groups – sponsored family members and mixed status families. Specifically, we will look at the financial assistance provided to low-income immigrants and immigrants with disabilities who are living in Toronto. In Ontario, the maximum OW payment for a single unemployed person is about \$7,000 a year, which is less than a third of the annual salary of a person with a full-time minimum wage job.¹ The social assistance only covers living expenses (e.g. housing and food) for people who can demonstrate financial need.

Legislative Changes and Implications

Bill C-31: Under this Bill, which came into effect Dec. 2012, important changes were made to Canada’s refugee determination system. It is now more difficult to obtain refugee status due to accelerated deadlines, discrimination based on country of origin and past criminality, and bans on reapplying for denied applicants. Furthermore, refugee applicants have been stripped of their access to healthcare while their claims are being processed.

- Fewer people are now eligible for financial assistance;
- People are prematurely cut from social assistance due to the unrealistic deadline of 15 days to file an appeal with the appropriate documentation.

Family Reunification: Sponsored family members may access social assistance, but it must be paid back by the sponsoring family member within a set time frame. Under the sponsorship agreement, the sponsor undertakes the financial responsibility for the sponsored member for a period after s/he becomes a permanent resident (3 years for sponsored partners). Changes to parent/grandparent sponsorship have raised the sponsor’s minimum household income, capped the number of applications offered at first-come first-served basis, and increased the financial undertaking from 10 to 20 years. Thus, if a sponsored family member accesses OW/ODSP within 20 years of gaining permanent residency, the sponsor is required to repay it.

- Exclusion of low-income families from family reunification;
- Increased tensions within families based on financial responsibility.



Key Access Barriers²

Unreasonable Demands for Documentation:

Applicants and recipients of OW/ODSB have to show documentation to determine their ongoing eligibility. However, accepted proof of a pending permanent residency decision is difficult to obtain - Citizenship and Immigration Canada (CIC) takes months to acknowledge the receipt of an application and Canada Border Services Agency (CBSA) does not provide any documentation.

Disconnect Between Immigration and Social Assistance:

When migrants with an issued removal order report to CBSA, some are threatened with being cut off from social assistance as part of the leverage to leave Canada. For example, people are pressured to participate in the Assisted Voluntary Return and Reintegration Program (AVRRP), which accelerates a person's deportation with a cash incentive.

Case Study

"Carla" and her three children first came to Canada in 2008, fleeing violence and insecurity in their home country of Mexico. Carla was fleeing an abusive partner who threatened her life and at times the safety of their three children. Soon after arriving in Canada on a tourist visa, Carla applied for refugee status for her self and her children. While her refugee claim was in process, she took a job as a cleaner in small company. Her children enrolled in public schools and they tried to live a normal life while waiting for the decision on their refugee application.

For more information:

www.migrantmothersproject.com

The Migrant Mothers Project is a participatory action research project led by Rupaleem Bhuyan at the Factor-Inwentash Faculty of Social Work (University of Toronto) in collaboration with a network of community based organizations, legal advocates, activists and immigrant women. This research is supported through the Social Sciences and Humanities Research Council's Standard Research; CERIS, and the University of Toronto.

Community Advocacy

In 2007, the YWCA (Vancouver) first launched Mothers Without Legal Status,³ to explore the needs of women caught in dangerous relationships due to their precarious immigration status. Over five years of research and advocacy, the YWCA gathered the stories of women without legal status who were caught in abusive relationships and forced to live "underground" with minimal resources, but were unable to leave Canada with their children, due to child custody laws.

On International Women's Day in 2011, the YWCA launched their report through social and public media and were successful in gaining the interest of the BC Provincial Government. In particular, the Ministry of Social Development consulted with the YWCA to develop access to social services and then social housing. In 2012, BC Premier Christy Clark announced a new social assistance program for parents of Canadian children who do not have immigration status. In addition to securing income and housing assistance, the YWCA partnered with the BC Bar to support women through the H&C Application process. Despite the overall low rates of acceptance for H&C applications, all of the women in their program have been accepted to date.

The Mothers Without Legal Status campaign demonstrates the potential to leverage regional governments to provide access to vital resources, without fear of deportation. This project also highlights the need to address cross-cutting needs of immigrants whose sponsorship agreements have broken down, who don't have permanent legal status in Canada and who have children who can't be taken out of the country due to family court orders.

*Acknowledgements: Kiran Dossani and South Asian Legal Clinic of Ontario (SALCO)
Design and editing: Tings Chak and Rupaleem Bhuyan*

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3. www.ywcavan.org/content/Mothers_Without_Legal_Status_Project/702