

## Family Reunification

Statement Submitted by Rupaleem Bhuyan (Migrant Mothers Project)  
To the House of Commons Standing Committee on  
Citizenship and Immigration

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*These comments were prepared by Rupaleem Bhuyan and Bronwyn Braag on behalf of the Migrant Mothers Project ([www.migrantmothersproject.com](http://www.migrantmothersproject.com)) at the University of Toronto.*

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### **Preamble**

Good afternoon. I would like to thank the committee for this opportunity to comment on family reunification. My name is Rupaleem Bhuyan and I am a Professor in Social Work at the University of Toronto. I'm here today as the lead researcher for the Migrant Mothers Project, but also as a social work educator and recent immigrant to Canada.

Since 2011, the Migrant Mothers Project has conducted research on access to social and health services for immigrants who have a temporary or precarious status. We work with a network of service providers, legal advocates, and immigrants who are directly impacted by our research.

Today, I would like to make recommendations drawn from our research with sponsored spouses and partners; and people working in the Caregiver Program.

The right to be with family is foundational to Canadian ideals of equality, fairness, and multiculturalism. I presume several of us in the room have directly benefited from Canada's family reunification policies in the form of immigrating with our parents and/or children; or being reunited our spouses or partners. Families and the support they offer are an instrumental part of the community and civil society that allow many of us to flourish and succeed.

Although, family reunification has been a central component of Canadian immigration policy for decades, the right to be reunited with family has been significantly eroded for recent immigrants, especially for the hundreds of thousands of people who enter Canada as migrants workers.

Canada currently extends differential rights to people based on their purported skill level and the kind of work they do in ways that are antithetical to Canada's commitment to equality and fairness. As Members of Parliament, I ask you to consider the long term impacts on a society that deems some people to be worthy to live with and raise their children, while a growing number of people do not deserve to.

### **Family Separation & Application Processing for Sponsored Spouses/Partners & Caregivers**

A key concern we would like to raise today stems from the long processing times and bureaucratic hurdles people are faced with, when sponsoring their relatives or applying for permanent residence.

Today I am appearing with Ma Lean Garente, who will share her family's struggle with being separated from their mother, due to the long processing times for Caregivers who apply for permanent residence.

In a letter to Minister McCallum dated May 2, 2016, advocates from Thorncliffe Neighborhood Office in Toronto estimated that 38,000 caregivers and their families are currently waiting to be reunited in Canada.

IRCC website reports an average 51 months processing time towards permanent resident applications for caregivers. Imagine for a moment, waiting one month, two months, or over four years for an application to be processed, before you can reunite with your children and/or spouse?

It is my understanding that the Minister has committed to prioritizing Live-in Caregiver applications from 2010 and 2011. While this is an important first step, it is also crucial that the applications received before 2010 are addressed in a timely manner. From our research, we learned that people who have submitted their applications in 2015 were already granted permanent residence, while a number of people who applied in 2009 have not yet received a decision. The long wait period also jeopardizes the immigration of caregivers' older children, who are at risk of aging out (i.e. passing the age of qualified dependence) before their parent's permanent resident application is approved.

Ample scholarship on the live-in caregiver program points to negative impacts of long separation on migrants workers and their families. This includes health and mental health impacts on the caregiver and their children, prolonged economic precarity, social isolation, and intergenerational trauma that impacts immigrant settlement in Canada.

### **RECOMMENDATIONS:**

1. Grant caregivers permanent residence upon arrival and allow them to bring family members to Canada immediately.
2. In the absence of permanent residence on arrival, allow people working in the Caregiver Program extend temporary resident visas to the caregiver's

- spouse/partner and children, so they may live together in Canada;
3. Treat as urgent the application for Permanent Residence by live-in caregivers who entered the program before 2011
  4. Dedicate resources to addressing the backlog and swiftly reuniting caregivers with their families.

### **Protection for Immigrants who are Abused by their Sponsor**

My final comments will focus on our research on Conditional Permanent Residence. On October 29, 2016, IRCC posted their draft regulations to repeal conditional permanent residence. Our network of researchers and advocates wholeheartedly support this regulatory change.

Since 2014 the Migrant Mothers Project has been collaborating with community partners in Ontario and Alberta to explore the impact of 'Conditional' Permanent Residence for sponsored spouses and partners. We have documented numerous examples where conditions related to immigration status are used by abusers to threaten and control a sponsored spouse, partner or child. In 2015, we published a policy brief outlining the problems with Conditional PR and shared these concerns in a letter to Minister McCallum earlier this year.

The introduction of an "Exception for Victims of Abuse and Neglect" for immigrants who are granted conditional status demonstrated the Canadian government's acknowledgement of the risks for domestic violence and introduced a unique role for the Canadian government to provide relief for abused and/or neglected sponsored immigrants. While in our research we identified flaws in this process, we also noted that the process of victims of domestic violence to apply for the "Exception" improved over time. IRCC reported that between January 1, 2012 and May 31, 2016, they received 436 requests for an exception to the condition due to abuse or neglect. More than 75% of these were submitted by women; and the nearly 80% were approved.

Our research on conditional PR indicates that conditional status exacerbates existing vulnerabilities inherent within the family sponsorship program. While the Government is proposing to repeal Conditional PR, we would like to recommend that the government retain the current infrastructure within IRCC to support immigrants who are abused or neglected by their sponsor.

We encourage this committee to explore ways of supporting sponsored parents, grandparents, children and or sponsored spouses in Canada who are being abused or neglected by their sponsor during the application processing period and period of undertaking after the sponsored immigrant has "landed". This would extend protection from abuse and neglect to groups who are currently fearful of seeking help or safety, due to Canada's sponsorship rules.

**RECOMMENDATIONS:**

1. Endorse Regulations Amending the Immigration and Refugee Protection Regulations, that were announced on October 29, 2016, to eliminate the requirement for sponsored spouses and partners to cohabit for two years.
2. Expand Exception for Abuse and Neglect currently available to those with conditional PR to sponsored spouses and partners, sponsored children, and sponsored parents or grandparents during the period when their sponsorship applications are being processed and during the period of undertaking after the sponsored immigrant has landed. This will offer important relief to sponsored spouses in precarious, unsafe or abusive situations.
3. Coordinate with the Minister of Status of Women to address family sponsorship in the Federal Strategy Against Gender-based Violence.

Thank you again for this opportunity to speak with you today.