



## KEY REFUGEE AND IMMIGRATION ISSUES FOR WOMEN AND GIRLS

There have been many recent changes in immigration and refugee policies in Canada. How might these changes affect women and girls?

### Reformed refugee determination system

Significant changes have been made recently to Canada's refugee determination system, mostly taking effect on 15 December 2012. Key features are:

- **Very short timelines for filing forms and for the refugee hearing** – many women will find they don't have enough time to prepare for the refugee hearing. It takes time and trust to be ready to speak about traumatic experiences, especially sexual violence. Documentation of human rights abuses against women is not always readily available. It is also more difficult to meet short timelines if you are juggling childcare.
- **Barriers to legal representation** – more claimants will be left unrepresented in the new system. Negotiating the refugee process without a lawyer is particularly difficult for women who have had limited access to education or relevant professional experience.
- **Designated countries of origin** – some countries have been designated "safe" and claimants from these countries have even shorter timelines, no right of appeal and virtually no access to health care. Women and girls fleeing gender-based persecution will be among the worst affected by these discriminatory rules, since women's rights are routinely violated in many countries that may appear generally "safe".
- **Implementation of the appeal** – more than ten years after Parliament passed a law giving refused refugee claimants a full appeal on the merits, this provision has finally been implemented! Unfortunately, many categories of claimants are denied this right. This means that, in some cases, a woman fleeing gender-based violence or persecution based on her sexual orientation will have her fate determined by a single decision-maker, with no opportunity for a second look to ensure a mistake was not made.
- **One-year bar on Pre-Removal Risk Assessment (PRRA) after a refugee claim has been refused** – sometimes women's grounds for fearing persecution are not properly heard when they make a claim together with their husband (who is often considered the "principal applicant"). The same applies to girls arriving with their families. The PRRA used to be an opportunity for women and girls to bring forward new evidence of risks they face, but now they can be deported without access to the PRRA.
- **Bar on refugee claimants making an application on humanitarian grounds (H&C)** –in the past many women, including many who had suffered gender violence, were accepted under H&C after being refused in the refugee claim process. The new rules mean that most women will be deported before an H&C application can be reviewed.
- **Mandatory detention for designated "irregular arrivals"** – some mothers detained long-term under these new provisions will face the painful choice of keeping their children incarcerated with them in detention or handing them over to a child welfare agency.

### **Cuts to refugee health care**

Cuts made in June 2012 by the federal government to its Interim Federal Health (IFH) Program have left many refugees, refugee claimants and certain other non-citizens without coverage for essential health care services. Some people are without any coverage at all.

- The cuts leave some pregnant women facing huge bills for prenatal and postnatal care, as well as deep anxiety about giving birth without access to medical care.

### **Resettlement and refugee family reunification – long delays**

In many regions, particularly in Africa, processing is extremely slow for resettlement to Canada or for reunification with family members who are refugees in Canada.

- Women and girls are forced to wait in precarious situations, where they are vulnerable to sexual assault, due to very long processing times.
- Mothers in Canada separated from their children overseas experience extreme anguish during the long wait for reunification. Requests for DNA testing prolong the delays and impose a huge financial burden on recently arrived refugee women.

### **Conditional Permanent Residence**

In October 2012, the federal government introduced “conditional” permanent residence for some sponsored spouses and partners for a period of two years. If they don’t remain with their sponsor throughout this period, their permanent residence could be revoked, and they could be deported.

- Conditional permanent residence exposes women to increased power imbalance in the relationship and heightened risk of domestic violence.
- There is an exception for sponsored partners in situations of abuse or neglect, but there are multiple barriers to accessing this exception.

### **Migrant workers in Canada**

Canada has in recent years shifted dramatically towards temporary migration. At the end of 2012, there were over 300,000 Temporary Foreign Workers in Canada, an increase of 70% over the past five years.

- Workers in “low-skilled” streams of the Temporary Foreign Worker Program, who include many women, are vulnerable to abuse and exploitation, including trafficking.
- While the Canadian Experience Class offers a pathway to permanent status for some workers, statistics show that the class is less accessible to women.
- By requiring workers to live with their employers, the Live-in Caregiver Program leaves women isolated and vulnerable to physical, psychological and sexual abuse.

### **Trafficking**

Women and girls are particularly vulnerable to trafficking in persons, and new barriers to access to status in Canada only increase risks.

- Despite the many recent changes in legislation, there have been no amendments to assure protection for trafficked women and girls. The existing mechanism of Temporary Residence Permits is not fully effective.