

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

November 18, 2014

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

Dear Minister,

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.

Sincerely,

Access Alliance Community Health Centre

Access Empowerment Council

Action Plus Brome Missisquoi

Action Réfugiés Montréal

Amnesty International

Anglican Diocese of Niagara

ARCH Disability Law Centre

Arts and Science Students' Union

Association of Ontario Health Centres, Adrianna Tetley, Chief Executive Officer

Association of Ontario Midwives

Association pour la défense des droits sociaux Québec métropolitain (ADDS QM)

Bathurst Street United Church, Toronto

BC Public Interest Advocacy Centre

Bridges Community Health Centre

Campaign 2000: end child and family poverty in Canada

Campaign for Adequate Welfare and Disability Benefits

Canadian Alliance of Community Health Centre Associations

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Canadian Council for Refugees, Loly Rico, President

Canadian Council for Social Development (CCSD)

Canadian Doctors for Refugee Care

Canadian Federation of University Women  
Canadian Friends Service Committee (Quakers)  
Canadian Health Coalition  
Canadian Professional Association for Transgender Health (CPATH)  
Canadian Romani Alliance  
Carrefour d'aide aux nouveaux arrivants (CANA)  
Central Toronto Community Health Centres  
Centre d'Action socio-communautaire de Montréal (CASCAM)  
Centre de recherche d'emploi de l'est  
Centre des femmes d'ici et d'ailleurs  
Centre for Spanish Speaking Peoples  
Centre francophone de Toronto  
Centre justice et foi  
Champlain Community Health Centre Executive Directors' Network, Jack McCarthy, Chair, ED of Somerset West CHC  
Church of the Holy Trinity, Trinity Square, Toronto  
Citizens for Public Justice  
Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA)  
Coalition of Community Health and Resource Centres of Ottawa  
Colour of Poverty / Colour of Change Network  
Comité d'aide aux réfugiés  
Comité des Personnes Assistées Sociales de Pointe-Saint-Charles Montréal  
Committee for Accessible AIDS Treatment  
Common Frontiers  
Community Advocacy & Legal Centre  
Community Legal Assistance Sarnia  
Confédération des organismes de personnes handicapées du Québec (COPHAN), Richard Lavigne, directeur général  
Council of Agencies Serving South Asians (CASSA)  
Council of Canadians  
Ernestine's Women's Shelter  
FCJ Refugee Centre

Fédération des maisons d'hébergement pour femmes  
Femmes du monde à Côte-des-Neiges  
Flemingdon Community Legal Services  
Front commun des personnes assistées sociales du Québec  
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Injured Workers Action for Justice  
Injured Workers' Consultants (IWC)  
Inner City Health Associates  
In-School & Library Settlement Services  
Inter-Clinic Immigration Working Group  
Interfaith Social Assistance Reform Coalition (ISARC)  
Interim Place  
Interprofessional Medical and Allied Groups for Improving Neighbourhood Environment  
(IMAGINE Clinic)  
Jesuit Refugee and Migrant Service  
Jewish - Refugee Action Network (JRAN)  
John Howard Society of Toronto  
KAIROS: Canadian Ecumenical Justice Initiatives  
Kensington Bellwoods Community Legal Services  
Kinbrace Community Society  
Kingston Community Legal Clinic  
Kinna-aweya Legal Clinic  
L'Ombre-Elle  
La Clé sur la Porte

La Maison  
Latin American and Caribbean Solidarity Network  
Le Centre Afrika  
le Front d'action populaire en réaménagement urbain (FRAPRU)  
Le Regroupement des assistées sociales et assistés sociaux du Témiscouata (Rasst)  
Legal Assistance of Windsor  
Ligue des droits et libertés  
L'R des centres de femmes du Québec, Carolle Mathieu, présidente  
Matthew House, Toronto  
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Metropolitan Community Church of Toronto  
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Neighbourhood Legal Services – London  
ODSP Action Coalition  
Ontario Coalition of Agencies Serving Immigrants (OCASI)  
Ontario English Catholic Teachers' Association (OECTA), James Ryan, President  
Ottawa Sanctuary City Network  
Parkdale Community Legal Services  
Pathway to Potential, Adam Vasey, Director  
Presbyterian Church in Canada, Life and Mission Agency, The Rev. Dr. Richard W. Fee,  
General Secretary  
Project Genesis, Michael Chervin, Executive Director  
Provincial Council of Women of Ontario  
Public Health Students' Association, Dalla Lana School of Public Health  
Rainbow Refugee  
Refugee Lawyers Association of Ontario  
Refugee Support Group of Trinity-St. Paul's United Church  
Registered Nurses' Association of Ontario (RNAO)

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Regroupement des comités logement et associations de locataires du Québec

Regroupement des cuisines collectives du Québec (RCCQ)

Réseau d'intervention auprès des personnes ayant subi la violence organisée (RIVO)

Romero House, Joseph Schmidt, President of the Board of Directors

Sanctuary Coalition

Scarborough Community Legal Services (SCLS)

SDG Legal Clinic

Sisters of Providence of St. Vincent de Paul, Justice, Peace & Integrity of Creation Office, Kingston, Ontario

Sisters of St. Joseph in Canada, Office for Systemic Justice, Sue Wilson, Director

Social Assistance Reform Network of Niagara (SARNN)

Social Planning Council of Kitchener-Waterloo

Social Planning Council of Sudbury, Janet Gasparini

Society of Saint Vincent de Paul, Edmonton Central Council

Sojourn House

South Asian Legal Clinic of Ontario

South Ottawa Community Legal Services

South Riverdale Community Health Centre

Student Christian Movement

Students Against Bill C-585

Students for Medicare

Sudbury Community Legal Clinic

Syndicat de la fonction publique et parapublique du Québec, Lucie Martineau, présidente générale

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Toronto Public Health

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Woman Abuse Council of Toronto

Women Speak Out

Women's Health in Women's Hands Community Health Centre

Women's Legal Education and Action Fund (LEAF)

Working for Change

World Renew

Le 18 novembre 2014

Monsieur le Ministre,

Comme organisations engagées en faveur de l'accès égal aux mesures de sécurité pour toutes les personnes se trouvant au Canada, nous sommes profondément préoccupés par l'inclusion, dans le projet de loi budgétaire que vous venez de déposer, des articles 172 et 173 qui modifient la *Loi sur les arrangements fiscaux entre le gouvernement fédéral et les provinces*. Ces articles reprennent essentiellement le projet de loi d'initiative parlementaire C-585, déposé plus tôt cette année.

Un grand nombre de nos organisations sont des organismes de santé et de services sociaux, ou encore des intervenants juridiques et communautaires qui travaillent directement auprès des demandeurs d'asile et d'autres personnes dont le statut d'immigration est précaire. Les dispositions résultant de la modification de la Loi sur les arrangements fiscaux entre le gouvernement fédéral et les provinces pourraient permettre à ces dernières de restreindre l'accès à l'aide sociale aux demandeurs d'asile et aux personnes en attente d'un statut permanent.

Pour recevoir l'aide sociale dans n'importe quelle province, une personne doit d'abord démontrer qu'elle est admissible et qu'elle éprouve un grand besoin. Le fait de priver une telle personne de l'aide sociale, en raison de son statut d'immigration, c'est priver les plus vulnérables de notre société de la bouée de sauvetage dont leur vie dépend.

La Cour fédérale a récemment qualifié de « cruel et inusité » le refus de votre gouvernement de donner accès aux soins de santé aux demandeurs d'asile. C'est inquiétant de voir une autre initiative au Parlement qui semble utiliser la législation pour menacer le bien-être des migrants qui tentent de naviguer dans le système canadien d'immigration.

Fuir la persécution contribue de façon importante au stress et place un lourd fardeau sur les familles qui demandent le statut de réfugié au Canada. Certaines de ces familles souffrent de trouble de stress post-traumatique, ce qui rend difficile la recherche et le maintien d'un emploi sans soins de santé appropriés. Les permis de travail mettent du temps pour être approuvés et délivrés, ce qui laisse souvent les personnes sans revenu durant des mois. Dans l'intervalle, l'accès à l'aide sociale est essentiel pour subvenir aux besoins d'une personne et pour rebâtir une vie. Sans ce soutien, ils seront nombreux à ne pouvoir nourrir leur famille, se loger et s'habiller, mettant ainsi davantage de pression sur les organisations caritatives et les refuges qui sont déjà débordés. Nous savons que la pauvreté entraîne des risques pour la santé, y compris des taux très élevés de diabète, de maladies cardiaques, de cancer et de dépression. Nous savons également que le fait de refuser les prestations sociales, notamment aux réfugiés, contrevient à l'esprit et à la lettre de nombreuses obligations internationales en matière de droits humains, qui lient le Canada, notamment le *Pacte international relatif aux droits civils et politiques*, le *Pacte international relatif aux droits sociaux, économiques et culturels*, la *Convention relative aux droits de l'enfant* et la *Convention relative au statut des réfugiés*. Il est inacceptable que notre gouvernement mette en place des politiques qui aggravent la santé des personnes et violent leurs droits fondamentaux.

Nous sommes aussi inquiets qu'un changement législatif aussi important soit inclus dans un projet de loi budgétaire omnibus, après avoir été présenté sous la forme d'un projet de loi émanant d'un député. Il s'agit de procédures inadaptées à la question cruciale de l'accès aux

prestations sociales de base. Cela vaut d'autant plus que les dispositions auront d'importantes conséquences néfastes pour la santé, la sécurité de revenu, la stabilité et l'établissement de personnes très vulnérables qui sont venues au Canada afin de se mettre à l'abri de la guerre et des persécutions.

Nos organisations vous demandent de retirer les articles 172 et 173 du projet de loi C-43. Nous rendrons publique cette lettre et nous continuerons à soulever cette question auprès de vous-même, de vos collègues parlementaires, et du grand public.

Nous vous prions d'agréer, Monsieur le Ministre, l'expression de notre considération respectueuse / Sincerely,

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