

OCASI – Ontario Council of Agencies Serving Immigrants

Presentation on Standing Committee on Citizenship and Immigration study:
“Strengthening the Protection of Women in our Immigration System”

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March 25, 2014

OCASI – Ontario Council of Agencies Serving Immigrants welcomes the opportunity to contribute to the study undertaken by the Committee on Citizenship and Immigration on Strengthening the Protection of Women in our Immigration System.

OCASI is the umbrella organization for Ontario’s immigrant and refugee-serving sector. The Council was formed in 1978 to act as a collective voice for immigrant-serving agencies and to coordinate responses to shared needs and concerns. OCASI is a registered charity governed by a volunteer board of directors. Our membership comprises more than 200 immigrant and refugee-serving organizations located across Ontario.

A number of OCASI member agencies across Ontario provide women-focused services that range from violence prevention, emergency housing for abused women, immigration support, healthcare, employment, and skills training.

OCASI has appeared as a witness on numerous occasions before the Standing Committee on Citizenship and Immigration, as well as other Parliamentary and Senate Committees to share our expertise and experience on issues that impact on immigrants and refugees. We have also had the opportunity to contribute to this and other Committees’ study of proposed and existing legislation through written submissions.

Today, I would like to offer some thoughts on a) the proposal to impose an education and skills requirement, as well as language requirement for spousal sponsorship as a violence prevention measure; and b) Two-year Conditional Permanent Residency for Sponsored Spouses.

a) Proposed new requirements for sponsored spouses

Distressingly, violence against women in Canada is a very real phenomenon.

The Canadian Women’s Foundation reports that¹:

¹ Canadian Women’s Foundation. *The facts about violence against women*. <http://www.canadianwomen.org/facts-about-violence>

- Half of all women in Canada have experienced at least one incident of physical or sexual violence since the age of 16.
- 67% of all Canadians say they personally know at least one woman who has been sexually or physically assaulted.

OCASI has heard from frontline workers in the immigrant and refugee-sector that in their experience spousal violence is significantly under-reported.

The 2009 Statistics Canada study, “Family Violence in Canada: A Statistical Profile” noted that disclosing spousal violence is difficult for many victims and not all incidents are reported to the police. Fewer than 3 in 10 victims of spousal violence reported the abuse to the police. The study noted that other forms of spousal abuse such as such as emotional, psychological or financial abuse are not offences chargeable under the Criminal Code and therefore were not included in the analysis.

Violence against women can occur in all communities, regardless of culture, religion, language, age or ethnicity. It is not limited to low-income women, to unemployed women, women with limited education and to immigrant and refugee women.

Some women can be at greater risk because other factors such as lack of knowledge of their rights or the ability to pursue them, lack of access to services or resources, or because of racial discrimination when they try to access protection or services.

Canadian Women’s Foundation has found that²:

- Immigrant women may be more vulnerable to domestic violence due to economic dependence, language barriers, and a lack of knowledge about community resources. Newcomers who arrive in Canada traumatized by war or oppressive governments are much less likely to report physical or sexual violence to the authorities, for fear of further victimization or even deportation.
- Many racialized women face barriers to reporting incidents of physical or sexual assault or seeking help. “A study with young women of colour in Toronto found that one-in-five experienced racism in the health care system which included cultural insensitivity, racial slurs, and poor quality care.”

However, women are not more prone to abuse or violence because of lack of education or lack of labour market access.

A recent Canadian Centre for Policy Alternatives report on ___ noted that “70% of the Canadian women who report having experienced spousal violence are working women and 71% have a university or college degree”³.

² Ibid.

³ McInturff, Kate. *The Gap in the Gender Gap: Violence Against Women in Canada*. Canadian Centre for Policy Alternatives. July 2013.
https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2013/07/Gap_in_Gender_Gap_VAW.pdf

OCASI is very doubtful that imposing an education and skills requirement on a sponsored spouse would do anything to address spousal violence, and instead may become another factor that can contribute to the vulnerability of the sponsored spouse.

At present, the only requirement for marriage in most Canadian provinces and territories is an age limit, which is meant to ensure protection for minors.

We find it deeply troubling that the Canadian government is now contemplating telling Canadians who they can or cannot marry by imposing language, education and skills requirement. This is akin to acting forcibly as a marriage broker for a Canadian spouse.

What will happen in the event that a Canadian has married overseas to a spouse that does not meet these requirements? Are they to live apart forever? Is the Canadian expected to divorce the spouse and find one who is more palatable for Citizenship and Immigration Canada?

Further, given that spousal violence and violence against women is an issue that impact on all Canadian women regardless of immigration status and place of birth, we are extremely puzzled at the proposal to address this very serious issue through only an immigration lens. It would not address the issue, and would instead punish certain Canadians and certain immigrants

The Committee is also looking at the issue of forced marriage. As you have already heard from the witness from South Asian Legal Clinic of Ontario, forced marriage is an issue that impacts all Canadians and is not restricted to a particular geographic region or culture.

As previous witnesses have recommended, we offer the following suggestions to address concerns around forced marriage and spousal violence as they affect immigrant women as well as Canadian-born women:

- i. Invest in a national campaign to build awareness and education on preventing violence against women including forced marriage – this would include investing in education for service providers broadly defined including in immigrant and refugee services, shelters and housing, healthcare, education, law enforcement, immigration and community and social work;
- ii. Invest in services for women including specialized services for aboriginal women, refugee and immigrant women, women with disabilities, and older women that would support them in breaking out of isolation, and support them in entering the labour market;
- iii. A national housing strategy that would include providing affordable housing as well as emergency and transition housing for all women that need it; and
- iv. A national childcare strategy that would free up women to enter the labour market.

b) Conditional Permanent Residency

The Committee has already heard from several witnesses about the two-year Conditional Permanent Residency (CPR) for Sponsored Spouses, implemented in October 2012.

OCASI is in agreement with the concern expressed by many of these witnesses, that the Conditional Permanent Residency measure has increased the vulnerability of sponsored spouses, particularly immigrant women, in spite of CIC's exemption where there is evidence of abuse and evidence of neglect.

OCASI has heard from frontline workers that many CIC offices are not aware of the exemption and do not know the procedure, and have sometimes provided incorrect and contradictory information. The ongoing challenges of not being able to get through to a 'real' person on the CIC 1-800 phone line, and sometimes being told that they cannot talk to the interpreter because that person is not an authorized representative – are making it more difficult to resolve these issues.

As I mentioned earlier, immigrant women will often not speak up to report spousal abuse or to seek help and encountering these types of difficulties when she does speak up is deeply discouraging and may end up further isolating her.

Research on forced marriages by South Asian Legal Clinic has found that the Conditional Permanent Residency requirement has the unintended consequence of forcing a victim of forced marriage to stay in an abusive situation in order to protect her own immigration status.

It also has the unintended consequence of forcing a victim of spousal abuse to stay in that situation for two years so that her immigration status is not in jeopardy.

OCASI joins other witnesses in recommended that this provision should be withdrawn immediately as a way of protecting immigrant women who are vulnerable to spousal violence and abuse.