

Federal Budget will Restrict Refugee Claimant Access to Social Assistance

The 2015 federal Budget was introduced as omnibus Bill C-43 in the House of Commons on Oct 23, 2014. Two sections of Bill C-43 could have serious implications for the income security of refugee claimants and other people without permanent status in Canada. These sections were previously introduced as Private Members Bill C-585.

Sections 172 and 173, which amend the *Federal-Provincial Fiscal Arrangements Act*, would allow provinces to impose minimum residency requirements for eligibility for social assistance benefits, but only for certain categories of people. In other words, a province could decide that people with certain kinds of status are not eligible for social assistance until they have lived in that province for a specified period of time.

Refugee claimants and other people without permanent status could therefore be denied access to this critically important source of income.

Background

Currently, the federal government gives funds to the provinces to help them pay for core social services and programs through the Canada Social Transfer (CST). The CST includes funding for services such as post-secondary education, child care, and social assistance.

The *Federal-Provincial Fiscal Arrangements Act*, which lays out the terms of the CST, contains a condition that provinces cannot impose a minimum period of residency to restrict eligibility for social assistance benefits. This is called the “national standard” for the Canada Social Transfer. If a province imposes a residency requirement, it risks losing some or all of its CST transfer payments.

Sections 172 and 173 of Budget Bill C-43 would amend the *Federal-Provincial Fiscal Arrangements Act* so that provinces could impose a residency requirement for people without permanent status, without losing any CST funding. This would erode the CST’s national standard of no minimum residency requirement for social assistance.

This would mean that provinces would be free to impose residency requirements on:

- refugee claimants who are waiting for their claims to be decided
- unsuccessful refugee claimants (including those who may not meet the legal test for refugee status but still face violence or persecution in their home country), whether or not they are appealing or pursuing other options
- Pre-Removal Risk Assessment (PRRA) applicants
- people who have applied in Canada for permanent residence and are waiting for processing, including successful humanitarian and compassionate applicants and sponsored spouses
- temporary resident permit holders who are not victims of human trafficking.

These sections of the Budget Bill would not allow provinces to impose residency requirements on Canadian citizens, permanent residents, victims of trafficking on a temporary resident permit, and accepted refugees.

Implications

Once the Budget passes, refugee claimants and other people without permanent status could lose their only source of income.

In some cases, refugee claimants may be eligible for a work permit, but it can take time for a permit to be approved and issued. An alternate source of income is required, at least in the interim, which social assistance frequently provides. Even with a work permit, it can be hard to find a job, particularly for people who are suffering from trauma and the impact of violence and persecution in their home country. Many speak neither English nor French. Others are not eligible for a work permit, such as newly-arrived claimants from countries that the federal government has designated as “safe” – regardless of the violence or persecution they have experienced there.

Without social assistance, they will be unable to feed, house, or clothe themselves and their families. They will be forced to turn to already overburdened charities and shelters, or they will end up on the street. Those with serious health needs will have no access to prescription drugs that are covered as part of social assistance benefits.

These sections of the Budget Bill also have implications for federalism and the role of the federal government as they would significantly erode the last remaining national standard for the Canada Social Transfer. And including them in an omnibus Budget Bill, along with numerous other changes to various other pieces of legislation, reduces government accountability and transparency in the democratic process.

Denying basic social benefits, particularly to refugees, also 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 Convention on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child*, and the *Convention relating to the Status of Refugees*.

A Pattern of Disentitlement

This action reflects a broader pattern of disentitlement of certain groups of people in Canada. From the 2012 cuts to health care for refugees and refugee claimants, to recent legislation that restricts the access of older low-income immigrants to certain kinds of Old Age Security benefits, and efforts by federal agencies to have people’s social assistance benefits cut off while they are awaiting removal, refugees and immigrants are being deprived of access to vital benefits.

Legislative Process

The Budget was introduced for First Reading on October 23, 2014. It is being debated at Second Reading during the week of October 27 and further debate may occur in the week of November 3. Once the Budget passes Second Reading, sections 172 and 173 will go to the Standing Committee on Citizenship and Immigration for review. There will be very little time for debate on these provisions as the Committee must report its findings to the Finance Committee by November 21. After that, the Finance Committee will make recommendations to the House of Commons and the Budget will be voted on at Third Reading. The Budget will then go to the Senate for approval.

Once the Budget is approved by both the House of Commons and the Senate and becomes law, it will be up to the provinces to decide whether to act. They could change their own social assistance legislation to impose minimum residency requirements. Once the option is on the table, the pressure to impose residency requirements could be great. Whether or not the provinces do so, it is likely to become part of the public debate at the provincial level.

Sections 172 and 173 of the Budget Bill C-43 are here:

www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6737565&File=176#27.

These sections were originally introduced in the House of Commons in April 2014 as Private Members Bill C-585 by Corneliu Chisu, MP for Pickering-Scarborough East. After considerable public concern was expressed, Second Reading on Bill C-585 was postponed by Mr. Chisu three times. While it was scheduled to be debated on Nov 20, the government chose instead to include its provisions in its Budget Bill C-43.

The Impact on Real People

The following stories show the difficulties that people who have come to Canada as refugee claimants face after arriving and the critical role that social assistance benefits played in their lives. Their names and some identifying information have been changed.

Layla and her three children fled to Canada from Iraq and made a refugee claim at the airport. Under the new refugee determination system, Layla had 15 days after she arrived to complete detailed forms about herself and her experience of persecution. At the same time, she had to meet the basic needs of her family in a new country.

Layla suffered from nightmares about the trauma that she had lived through in Iraq. It was difficult for her to remember all the incidents of violence and she had a very hard time thinking through all of the evidence she needed to collect for her refugee claim. Eventually, she saw a doctor who diagnosed her with Post-Traumatic Stress Disorder and prescribed medication to address her anxiety. Because she was receiving social assistance benefits, the costs of the medication were covered. If she had been denied social assistance, she would not have the medication she needed.

Access to social assistance was also crucial for ensuring Layla could provide food and shelter for herself and her children. Had she been overwhelmed with the challenges of living without income, it would have been even more difficult for her to prepare for the refugee hearing, and she would have had an even tougher time making sure that her children adjusted to the school system and life in Canada. Layla and her family have now been accepted as refugees in Canada.

Anna came to Canada from Nigeria on her own. She was fleeing forced prostitution and domestic violence. She did not know anyone in Canada nor anything about the refugee process. She only came to Canada to get away and try to find some safety for herself. It was the first time she had left her home country.

Anna was staying at a motel but had very little money and it was running out. She could not afford to stay longer but was afraid of staying at a shelter. After hearing her story, a

kind stranger on the bus told Anna that she could make a refugee claim. She made her claim and was able to apply for social assistance while it was being processed. With this money Anna was able to find a secure place to live.

There was so much work to do in the first months after she arrived. Anna had to concentrate on telling her history of abuse and gathering evidence in support of her case. Retelling the abuse she had suffered was very difficult on her. She had severe headaches and could not sleep at night. At times she wanted to give up.

Anna's refugee claim was accepted. She is now a permanent resident of Canada and is working full-time. Without the initial financial support that she received from social assistance benefits, it's unlikely that Anna would have managed to get through the first difficult months in Canada and the refugee claim process.