



# Canada's Third Universal Periodic Review (2018): CCR priorities

## Canada wrongly ties rights to immigration status

The CCR's key overarching concern is that **immigration status** acts as a barrier to access to key international rights in Canada. Canada too often ties rights and benefits protected under various treaties to immigration status, thus excluding people with non-permanent or no status.

In international human rights instruments, and in the Canadian Charter of Rights and Freedoms, fundamental rights are tied to the individual as a human being. Yet this basic principle is not respected in Canada with regard to many rights, including:

- Access to health care
- Access to basic education
- Access to benefits (e.g. social assistance, Canada Child Benefit)

Immigration policies as well as chronic processing delays mean that many people face long periods with only temporary immigration status. As a result, for many years they have limited enjoyment of family unity, mobility, work, education and health rights.

- Refugees face long delays in the refugee claim process before a decision, and then further delays before receiving permanent residence. "Legacy claimants" (who applied before 15 December 2012) suffer particularly long delays.
- Temporary Foreign Workers and caregivers spend years working in Canada with only temporary status.
- Security inadmissibility is defined excessively broadly, with the result that people who do not represent any kind of security risk, including refugees, wait years for permanent status.

## Canada's immigration policies do not respect non-citizens' rights

A number of Canada's immigration policies and practices are incompatible with international human rights.

- Access to refugee protection is denied to some who have a right to protection (eligibility provisions do not conform to the Refugee Convention and the Convention against Torture, people from Designated Countries of Origin face discrimination, many people who claim refugee status at the Canada-US border are turned back.)
- Immigration detention violates the right to liberty, especially in the Designated Foreign National provisions, arbitrary detention on the basis of identity and detention of minors.
- Barriers and delays in family reunification are particularly egregious for refugees, caregivers, and persons granted permanent residence on humanitarian grounds. The Excluded Family Member rule (R. 117(9)(d)) permanently bars family reunification for non-disclosed children, disproportionately impacting refugees.
- The rights of non-citizen women are denied in the context of gender violence (deportation after spousal violence, lack of clear protection and path to permanent status for trafficked persons, lack of policy on immigration enforcement in the context of violence against women, denial of family reunification for a child with mother without consent of the abusive father).