



Proposed elimination of Conditional Permanent Residence: Comments

The following are the comments of the Canadian Council for Refugees on the **proposed amendments** to the *Immigration and Refugee Protection Regulations*, published in the Canada Gazette, Part I, on 29 October 2016.

28 November 2016

1. CCR welcomes the proposed elimination of Conditional Permanent Residence

We welcome the proposal to eliminate Conditional Permanent Residence (CPR).

The Canadian Council for Refugees, along with many other organizations, expressed grave concerns about the measure from the outset, on the grounds that it would increase the risk of spousal abuse and that it unfairly associates newcomers with fraudulent behaviour. Experiences since implementation have only confirmed our conviction that Conditional Permanent Residence is a damaging policy that needs to be repealed.

2. Impact of Conditional Permanent Residence

In 2015, the CCR consulted over 140 settlement organizations, legal clinics, and women's shelters across the country on the impacts of Conditional Permanent Residence. Based on the results, the CCR concluded that the measure had increased the vulnerability of many sponsored newcomers, particularly victims of domestic violence.¹

The key findings were:

- Many organizations do not fully understand the implications of Conditional Permanent Residence and many are unaware of, or have wrong information about, the exception for victims of abuse or neglect.
- There are many practical and administrative barriers to accessing the exception, causing significant stress among those affected. As a result, some people remain in abusive situations rather than apply for the exception.
- It is difficult to access the exception without the support of an advocate – a front-line worker or a lawyer. Many newcomers are isolated and do not have this crucial support.

¹ See the report, *Conditional Permanent Residence: Failure in Policy and Practice*, October 2015, at ccrweb.ca/en/conditional-permanent-residence-report-2015.

- The process of applying for the exception has sometimes resulted in retraumatization, due to reported lack of sensitivity training of IRCC (formerly CIC) officials, and long delays in processing.

The House of Commons Standing Committee on Citizenship and Immigration similarly heard concerns in 2015 from witnesses that the exception is inadequate to protect women from abuse.²

3. Continuing impact

The CCR is deeply concerned that women continue to fear loss of status and may remain in abusive situations during the coming months until the regulatory change comes into force. According to the Canada Gazette notice, this is not anticipated until spring 2017.

Other women who have left an abusive relationship face a potentially traumatizing process of asking for an exception or even being called in for possible loss of status.

CCR is hearing from members and other organizations that many sponsored spouses continue to receive letters from the government informing them that they may not have met the condition. This causes great anxiety and hardship for those affected, especially for women who have suffered spousal abuse. Furthermore, it is wasteful of public resources (both the government resources in pursuing compliance with the exception, and the resources of the lawyers and NGOs supporting the permanent resident). The resources spent on applications for an exception seem particularly redundant when we consider that the statistics cited show that 79% of applications for exception were approved.

The CCR recommends that the government publicly commit to ceasing pursuing loss of status based on non-compliance with the condition.

4. Absence of statistics on loss of status

CCR is concerned at the absence of statistics on loss of permanent residence or removals as a result of non-compliance with the condition. No such statistics are cited in the Canada Gazette. Since shortly after the introduction of CPR, the CCR has been asking Immigration, Refugees and Citizenship Canada for these statistics without success. CCR recently received the response that this cannot be provided “as this data is not tracked by IRCC’s system of record.”

The failure to track data is surprising and disappointing. When the government makes a major regulatory change affecting more than 58,000 permanent residents in its first three years, one would expect that the government would ensure that basic statistics are collected to permit an evaluation of the policy.

² “Strengthening The Protection Of Women In Our Immigration System”, Report of the Standing Committee on Citizenship and Immigration, February 2015, www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6837061&Language=E&Mode=1&Parl=41&Ses=2

5. Gender-based analysis

CCR welcomes the government's commitment to combating gender-based violence and the recognition, as stated in the Regulatory Impact Analysis Statement, that the CPR increases the risk of spouses and partners remaining in abusive situations.

CCR believes that the evaluation of such risks of gender-based violence is an essential component of a meaningful gender-based analysis.

The *Immigration and Refugee Protection Act* requires that the Minister's annual report to Parliament contain "a gender-based analysis of the impact of this Act."

In its most recent report to Parliament³, IRCC outlines the measures it has implemented or planned to address "GBA+", but fails to make any mention of the impacts of CPR, nor does it address in any way how immigration policies might affect violence against women.

The CCR recommends that IRCC include issues relating to violence against women in the gender-based analysis of the impact of the Act, and that it consult with interested NGOs, including the CCR.

³ www.cic.gc.ca/english/resources/publications/annual-report-2016/index.asp#s4

