



Conseil canadien pour les réfugiés
Canadian Council for Refugees

Provincial Advocacy Issues

Fall 2018



Provincial advocacy issues

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The Canadian Council for Refugees (CCR) is inviting provincial governments to consider how they are meeting the needs of refugees and other vulnerable migrants, within their jurisdiction.

In particular, we are addressing the following issues:

a. Housing

How can we better support refugees and refugee claimants in finding appropriate housing?

b. Healthcare

Are refugees (resettled and accepted claimants) able to access provincial healthcare coverage without obstacles?

c. Social Assistance

Are vulnerable migrants (such as people waiting to make a refugee claim, or refused claimants not yet called for removal) able to access social assistance?

d. Legal Aid

Is legal aid available for people who need Canada's protection or are in immigration detention?

e. Child protection (unaccompanied/separated minors)

Are separated minors making refugee claims appropriately cared for by provincial youth protection agencies?

f. Migrant workers

Are migrant workers protected from abuse by recruiters and employers, and given access to services and opportunities to apply for permanent residence?

The CCR welcomes feedback from the provinces on the issues presented, including supplementary information and corrections. The CCR is also open to requests for further information from provincial governments interested in pursuing any of the recommendations.



Housing for refugees: issues for provinces

How can we better support refugees and refugee claimants in finding appropriate housing?

The shortage in affordable housing across most of Canada affects refugees and refugee claimants too. Because they cannot find affordable permanent housing to move into, refugee claimants are often forced to stay longer in temporary housing or emergency shelters (when these are available), putting pressure on these accommodations.

Refugees and refugee claimants face additional specific barriers, including:

- Barriers related to their status as newcomers (e.g. lack of rental reference, proof of income, or credit history; lack of co-signers)
- Lack of access to provincial measures to assist low income residents (e.g. privately sponsored refugees not eligible to put names down for social housing)
- Shortage of housing for large families and for persons with disabilities
- Racial or other forms of discrimination in private housing
- Families' incomes are smaller than Canadians (refugee claimants do not receive the Canada Child Benefit, resettled refugees generally need to find permanent housing before they have begun to receive Canada Child Tax Benefits).

Some limited measure put in place by certain provinces include:

- In **Quebec**, the Ministry of Health and Social Services, through its PRAIDA service, provides temporary accommodations to refugee claimants until they receive income assistance. Twelve community organizations are financed by the Ministry for Immigration, Diversity and Inclusion (MIDI) to help refugee claimants find housing.
- In **Manitoba**, for privately sponsored refugees, limited transitional housing is provided to allow people more time to search for permanent accommodation.
- In **New Brunswick**, in the Moncton area, refugees are prioritized by the province for assisted housing and subsidies may be offered when no housing is available.

Recommendations and priorities for change

- Allocate more resources for affordable housing and review the provision of adequate income and social assistance levels to facilitate access to safe, secure and affordable housing.
- Promote the best service guidelines in the area of housing developed by the UNHCR, ensuring that governments and service providers commit to the housing guidelines, and provide the support and resources needed to enable those guidelines to be maintained.

From CCR Resolution 5: The right to access to safe, secure and affordable housing (November 2005):
ccrweb.ca/en/res/right-access-safe-secure-and-affordable-housing

Some refugee housing models of interest

○ Quebec

PRAIDA – the Quebec Ministry of Health and Social Services (MSSS) funds and operates residences that welcome, lodge and feed refugee claimants until they receive their first social assistance cheque. PRAIDA is the MSSS program mandated to provide health and social services to refugee claimants, which include managing these residences as well as providing orientation and settlement services.

Since the influx of refugee claimants in summer 2016, the province has funded 13 settlement organizations to provide support to claimants looking for housing.

○ Manitoba

IRCOM – offers affordable transitional housing with wraparound services. 67 two or three bedroom suites for low-income newcomers to rent for a maximum three-year stay. Housing and rent subsidy is provided through a sponsor management agreement between Manitoba Housing and Renewal Corporation (province) and IRCOM. Newcomer families are offered rent geared-to-income and have the opportunity to access safe, affordable, and good quality housing in a setting that focuses on community integration, successful settlement and holistic care.

Welcome Place – the Province has recently provided funding for four temporary accommodation units (20 beds capacity) for refugee claimants. Most people can only stay for about 3 weeks and then need to find other accommodation.

○ British Columbia

ISS of BC – the new Welcome Centre with housing and wraparound services includes approximately 10 beds for temporary housing for refugee claimants, funded by the provincial government. Refugee claimants can stay up to one month with possibility of an extension on a case-by-case basis.

○ Ontario

Sojourn House – offers both an emergency shelter and transitional housing for refugees (including refugee claimants), funded by the City of Toronto. The Transitional Housing Program is a two-year subsidized supportive housing program that assists refugees who have had difficulties with their transition and require longer-term support to successfully integrate into the broader community. It has 52 fully furnished and self-contained apartments that house an average of 100 refugees. The Shelter Program provides short-term emergency shelter and 3 daily meals plus snacks to refugees. This program has 58 beds divided between 18 rooms. Shelter is provided to newly arrived separated youth, single men, women and families making refugee claims in Canada.



Key healthcare issues for refugees, by province

Are refugees (resettled and accepted claimants) able to access provincial healthcare coverage without obstacles?

○ **Resettled refugees and access to provincial healthcare coverage**

In theory, resettled refugees are eligible for provincial healthcare coverage immediately when they arrive in Canada. Resettled refugees are also entitled to Interim Federal Health (IFH) coverage for some services not covered by the province.

In practice, however, there are sometimes delays and barriers in receiving access to healthcare services:

- Lack of clear information about how to access provincial healthcare coverage, specific to the situation and realities of refugees.
- In provinces with a 3-month waiting period (BC, Ontario and Quebec), lack of consistent information, including among provincial officials, about the exemption for refugees.
- Proof of residence requirements that force people to wait until they are settled into housing (so that they have a lease agreement or other documentation).
- Processing delays in issuing provincial health card. (Some provinces, such as Saskatchewan, provide health numbers by phone, allowing people to access services while the card is being processed).
- With respect to IFH, healthcare providers are sometimes ill-informed about IFH services, or unwilling to provide them.
- The lack of coverage for dental services is a big gap for many refugees.

Key recommendation

Ensure that resettled refugees consistently gain access to provincial healthcare coverage immediately on arrival.

○ **Accepted refugees (claimants) and access to provincial healthcare coverage**

People whose refugee claim has been accepted are normally eligible for provincial healthcare coverage, as Protected Persons. However, some provinces (Alberta, Nova Scotia, PEI and Newfoundland and Labrador) require that Protected Persons submit an application for permanent residence in order to qualify for provincial health care. In some cases, people are not immediately able to apply for permanent residence, due to barriers such as the costly application fees. In the meantime, their Interim Federal Health (IFH) eligibility may expire, leaving them without access to any health care coverage.

Key recommendation

Alberta, Nova Scotia, PEI and Newfoundland and Labrador to provide healthcare coverage to accepted refugees, without requiring that they have applied for permanent residence.

For resettled refugees

Province	Time to get provincial card / number	Is information clear and accessible?
British Columbia	3-month waiting period for newcomers, but refugees are exempt. However, it takes 2-3 months to get the provincial card.	No. Online information about the wait period does not mention exemption for refugees.
Alberta	There are often delays because they have to provide proof of Alberta residency (e.g. settled in housing, or a lease agreement) and government issued photo ID (permanent residence cards can be slow to arrive).	Website says immediate access to provincial healthcare, but also that you have to wait until you get your card. Significant website information specific to refugees (but focused on Syrians).
Saskatchewan	5 weeks for card, but health numbers are available by phone within 2-3 weeks, which allows resettled refugees to access services before they receive their health card.	Online information is not specific about refugees.
Manitoba	1-3 months	Online information on how to apply is not specific about refugees. Some health information specific to Syrian refugees.
Ontario	3-month waiting period for newcomers, but refugees are exempt. However, some OHIP offices are allegedly unaware of the exemption.	The exemption is on the website but the wording is confusing (reference to IRB). There is a fact sheet for Syrian refugees .
Quebec	3-month waiting period for newcomers, but refugees are exempt. A few weeks/months to get the card, but they are given a letter confirming their eligibility, which can be used to access health care services.	No, the website says that there are exceptions to the 3-month wait, but doesn't specify that refugees are exempt.
New Brunswick	There are delays issuing the Medicare card, but a letter is sent confirming that the person has been issued a Medicare number. However, some clinics will only provide services once the card is received.	Online information on how to apply is not specific about refugees.
Nova Scotia		Online information on how to apply is not specific about refugees.
Prince Edward Island	Two to three weeks (according to the website)	Online information on how to apply is not specific about refugees.
Newfoundland and Labrador		Online information on how to apply is not specific about refugees.



Access to social assistance by province

Are vulnerable migrants (such as people waiting to make a refugee claim, or refused claimants not yet called for removal) able to access social assistance?

People in Canada who are in various stages of the refugee claim process often face barriers or are simply denied social assistance, because of the province's policies, inconsistent application of those policies, requirements to produce documents not available to these individuals or lack of interpretation services.

○ **At the beginning of the refugee claim process**

Many provinces only provide social assistance once the claimant has the Refugee Protection Claimant Document issued by the federal government, which in some cases is delayed. People making an inland claim in particular face long delays: they must complete detailed forms (this takes weeks, if not months) and then wait for an appointment with Immigration, Refugees and Citizenship Canada. In many provinces, people in this situation do not have access to social assistance, even though they may be absolutely without financial means.

Good practice: Ontario may provide emergency assistance in this situation. “In-land refugee claimants who are awaiting an appointment to determine eligibility for referral to the Immigration and Refugee Board (IRB), up to a maximum of three months or six 16 day installments.” [Ontario Works Policy Directive](#), 2.3.

○ **At the end of the refugee claim process or ineligible to make a claim**

In some provinces, social assistance is cut off after a person's claim has been rejected, even though they are still legally in Canada and have not yet had their removal scheduled. Sometimes people are found ineligible to make a refugee claim but also cannot be removed. Situations where refused or ineligible claimants are still legally in Canada include where the person is applying for a Pre-Removal Risk Assessment, where Canada has suspended removals to the person's country of origin, where the person has not yet been called in for removal by the Canada Border Services Agency (CBSA) or where the CBSA has agreed to defer removal for this particular individual. Even when social assistance may in principle be available, the province's policies may not be clear to all officials. Individuals may need to do special advocacy to have access to social assistance.

Good practice: Quebec specifies that refused refugee claimants remain eligible as long as their presence on the territory is allowed: “the adult has been refused asylum, but the adult's presence in the territory is permitted in accordance with the Immigration and Refugee Protection Act.” ([Individual and Family Assistance Regulation](#), 47 (2)). In addition, the discretionary power in the Quebec law (section 49) can be used in necessary cases (for example, if a person has been found ineligible to make a claim).

Key recommendation

Ensure that social assistance can be accessed by vulnerable migrants in any stage of the complex process of seeking protection in Canada.

Province	Provisions relating to people waiting for deportation	Key issues for claimants
British Columbia	“At least one applicant or recipient in the family unit must be [...] (f) subject to a removal order under the Immigration and Refugee Protection Act (Canada) that cannot be executed.” They must provide relevant immigration documentation .	Some offices are not familiar with claimants. Documents required can be a barrier. Advocacy by settlement agencies is sometimes required.
Alberta	“The person remains eligible for Income Support until all mechanisms of appeal are exhausted through CIC.” Alberta Works Policy Manual	Refugee claimants must apply for a work permit (if employable). Claimants need interpretation and advocacy support from a settlement agency.
Saskatchewan	“The individual: [...] (f) is subject to a removal order pursuant to the Immigration and Refugee Protection Act (Canada) that cannot be executed.” Saskatchewan Assistance Regulations, 4(1)	
Manitoba	Not addressed.	
Ontario	“Deportees” may be eligible for Ontario Works only in specified situations. Ontario Works Directives	Lack of interpretation services. People facing removal are sometimes cut off – advocacy is required to reinstate.
Quebec	“the adult has been refused asylum, but the adult’s presence in the territory is permitted in accordance with the Immigration and Refugee Protection Act.” Reg. 47(2)	
New Brunswick	Policy manual does not address refugee claimants at all.	Applicants need a Social Insurance Number.
Nova Scotia	Policy manual does not address the situation of rejected refugee claimants.	Policies for refugee claimant applicants are unclear and confusing; services are inconsistent; claimants face multiple barriers.
Prince Edward Island	“A person with no fixed address in the province who arrives from another province or country.” Transient Persons Policy	
Newfoundland and Labrador	“When a refugee protection claimant’s application has not been approved and they are awaiting deportation and not detained, eligibility for Income Support may still exist” Policy Manual	Challenges providing the documentation required.



Provincial issues: Legal aid for refugee claimants and detainees

Is legal aid available for people who need Canada's protection or are in immigration detention?

Legal Aid is necessary for most refugee claimants and immigration detainees in order to be properly represented. Refugee claims and detention reviews deal with issues of fundamental rights: the right to life, liberty and security of the person, guaranteed under Section 7 of the Canadian Charter of Rights and Freedoms. Because fundamental rights are at stake, representation by a lawyer is necessary, but most refugee claimants and many immigration detainees are not able to pay for a lawyer themselves.

Despite this, legal aid for refugee and immigration matters is not offered at all in some provinces, and in other provinces is inadequate or not accessible to all.

The main barriers to access to legal aid for refugee claimants and immigration detainees include:

- Lack of legal aid coverage for immigration matters: Saskatchewan, Nova Scotia, New Brunswick and PEI.
- In some other provinces, systematic screening process exclude some from legal aid coverage (e.g. merits screening following review of claimants' Basis of Claim (BOC) form);
- Amounts paid are insufficient for necessary services;
- Legal aid is limited in the services provided, and does not necessarily cover services beyond the completion of BOCs.
- Lack of adequate coverage of detention reviews (notably in Ontario: this shortcoming is highlighted in [external audit of long-term detention decisions](#) at the IRB Immigration Division).

Overall priority

Saskatchewan, New Brunswick, Nova Scotia and Prince Edward Island do not offer legal aid coverage at all for immigration matters. The CCR urges these provinces to provide legal aid for people who need Canada's protection or are in immigration detention.

Key recommendation

For the other provinces that do provide immigration coverage, the following table outlines the coverage for refugee claimants and immigration detainees in each province, and some priorities for change.

Province	Coverage for refugee protection	Coverage for detention	Priorities for change
British Columbia	<p>There is merit screening for refugee claims. Claimants from some countries in particular are often screened out.</p> <p>Legal aid is provided only for some PRRAs and judicial review applications.</p>	<p>The BC Legal Services Society sends two duty counsel daily to cover detention reviews. Detainees in BC are generally represented by counsel at detention reviews.</p> <p>Detainees have challenges contacting legal aid.</p>	<p>Increase the overall funding so that all claimants are covered and hours are not limited for complex cases.</p>
Alberta	<p>There is merit screening for refugee claims. Recourses for rejected refugee claimants are not always covered.</p>	<p>Legal Aid Alberta only has two lawyers in charge of all immigration issues.</p>	<p>Ensure more legal aid lawyers are trained in refugee claims. Provide more coverage for rejected claimants.</p>
Manitoba	<p>There is merit screening for refugee claims.</p> <p>Because the tariffs for lawyers are low, few lawyers are willing to take cases on legal aid, especially refugee claimant appeals.</p>	<p>Legal aid is provided for immigration detainees.</p>	<p>Increase the rate at which lawyers are paid.</p>
Ontario	<p>There is merit screening for refugee claims. The completion of BOCs is usually covered, but not necessarily the refugee hearing.</p>	<p>Only a minority of detainees are represented by counsel at detention reviews (a problem highlighted in the ID audit)</p>	<p>Provide more coverage for detainees. Address communication problems for claimants applying (long wait-times on phone).</p>
Quebec	<p>There is no merit screening for refugee claims. Because the tariffs for lawyers are very low, competent lawyers often cannot be found to take a case on legal aid.</p>	<p>Two duty counsel cover detention reviews. Detainees in Quebec are generally represented by counsel at detention reviews.</p>	<p>Increase the legal aid tariffs.</p>
Newfoundland and Labrador	<p>There is no merit screening for refugee claims.</p>		
Saskatchewan, New Brunswick, Nova Scotia and Prince Edward Island		<p>Do not offer legal aid coverage for immigration matters.</p>	



Provincial child protection of unaccompanied/ separated refugee minors

Are separated minors making refugee claims appropriately cared for by provincial youth protection agencies?

Separated minor refugee claimants

Despite Canada's obligations under the Convention on the Rights of the Child to protect and assist separated or unaccompanied minors who are claiming refugee status, the majority of Canadian provinces have no systematic procedure in place to protect the rights of these minors. Youth protection is a provincial jurisdiction and provinces need to have policies designed to ensure that the best interests of these vulnerable minors are respected. This includes their best interests with respect to:

- Their basic needs: shelter, food, education, emotional support, etc.
- Their refugee claim process (legal representative, a designated representative (DR) who will appropriately defend their interests, as required under the Immigration and Refugee Protection Act.)

Good practice:

In **Quebec**, separated and unaccompanied minors are systematically referred to the Programme régional d'accueil et d'intégration des demandeurs d'asile (PRAIDA), under Quebec's department of Health and Social Services. PRAIDA assigns each separated child two social workers: one to act as the Designated Representative through the refugee/immigration processes, and the other to carry out traditional social work functions, including providing psycho-social support to separated children and ensuring appropriate placement or accommodation and access to education and health services.

Elsewhere:

- In **Ontario**, Children's Aid Societies (CAS) are responsible for youth protection. Although the age of protection changed in January 2018 to include youth aged 16 and 17, CAS intervention has been limited to situations where there is an explicit "child protection" concern. As a result, some minor refugee claimants separated from their parents still must fend for themselves. In 2018 an immigration centre of excellence was opened based out of the Peel CAS: it will serve as a resource centre for the CAS agencies across the province. In Ontario, there is significant range in the quality of DRs, who are not CAS social workers, but lawyers, community members or NGO workers.

Key recommendation

Adopt and implement a policy on the appropriate care and protection of separated minor refugee claimants.

Resettlement of unaccompanied minor refugees:

Since 2001, Canada has placed a moratorium on the resettlement of unaccompanied minor refugees (with some exceptions, notably when the minor has close family in Canada or being resettled to Canada).

The decision not to resettle unaccompanied minors was based on concerns from provinces about whether they are able to provide these young people the necessary support.

In general, the resettlement of unaccompanied minor refugees is not recommended, but the UNHCR regularly identifies a small number of youth for whom resettlement is the best or only possible solution. In the past, the US was the main destination for these young refugees. However, with the dramatic recent cuts in US refugee resettlement, there is a shortage of countries accepting unaccompanied minor refugees.

Questions for provinces:

- Would your province be willing to explore with the federal government the possibility of accepting the resettlement of a certain number of unaccompanied minor refugees?
- If so, would you be open to, or even prefer, that the unaccompanied minors be supported by private sponsors (i.e. be resettled through the Private Sponsorship of Refugees Program)?



Issues for migrant workers, by province

Are migrant workers protected from abuse by recruiters and employers, and given access to services and opportunities to apply for permanent residence?

Migrant workers are particularly vulnerable to exploitation and abuse because of their precarious status, work permits tied to a single employer and factors such as isolation, lack of access to support and lack of access to information on their rights. Although the Temporary Foreign Worker Program is federally managed, provinces have jurisdiction over labour standards and healthcare, and can facilitate access to settlement services and to information. Some provinces have implemented measures that can be considered best or promising practices.

Legislation and Enforcement – Best practices and gaps

Migrant workers are covered by the same legislation as Canadian workers, but due to their precarious status, they have little access to these protections and require additional measures.

Best practices: Saskatchewan, Manitoba and Nova Scotia have passed legislation that protects migrant workers from abusive employers and predatory recruiters. Saskatchewan and Manitoba have proactive enforcement teams, although funding for enforcement staff in Manitoba was cut in 2018. Alberta has legislation protecting migrant workers from predatory recruitment practices.

Gaps: Newfoundland and Labrador, Prince Edward Island, British Columbia and New Brunswick have no or very little legislative protections or enforcement to protect the rights of migrant workers.

Access to permanent residence – Best practices and gaps

Some provinces have used their Provincial Nominee Program (PNP) to provide access to permanent residence to “low-skilled” migrant workers.

In Manitoba, low-skilled migrant workers are eligible for the PNP, and there is a stream for family and community nominations. The Atlantic Provinces, especially Prince Edward Island, facilitate access to permanent residence through their PNP as well as the Atlantic Immigration Pilot Project. British Columbia, Alberta and Saskatchewan offer limited access to low-skilled workers in certain occupations. Quebec has just opened its Quebec Experience Class program and regular economic immigration program to all skill levels, although French language requirements make it inaccessible to many workers. Ontario has just opened its PNP to low-skilled workers, but charges a prohibitive \$1500 application fee.

Access to settlement and support services

A few provinces have committed provincial funds to ensure migrant workers have access to settlement services or other support, namely Alberta, Saskatchewan and British Columbia. Even in these provinces, barriers persist due to lack of services adapted to migrant workers’ needs. PEI, Nova Scotia and New Brunswick also offer limited services for migrant workers. Some provinces, like Quebec, Newfoundland and Labrador, Ontario and Manitoba offer little or no funding to provide support services to migrant workers.

For more detail, see the migrant worker report cards: ccrweb.ca/en/migrant-workers/report-cards