



MOSAIC

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**HOUSE OF COMMONS STANDING COMMITTEE ON
CITIZENSHIP AND IMMIGRATION**

*A Submission re
Family Reunification Issues*

By

MOSAIC

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INTRODUCTION

1. This presentation is submitted on behalf of Multilingual Orientation Service Association for Immigrant Communities (“MOSAIC”), a not-for-profit organization dedicated to supporting immigrants and refugees in the settlement and integration process. Our goal is to support newcomers in integrating fully into Canadian society.
2. MOSAIC has worked to achieve our goal and to support immigrants and refugees for close to three decades.
3. As we prepare to celebrate the 30th Anniversary of the organization, we hail the contribution immigrants and refugees have made, and continue to make to Canada. We look forward to a future in which Canada’s ability to support and integrate newcomers will contribute even more significantly to Canadian economic well being and cultural growth.
4. MOSAIC supports new immigrants and refugees through a range of programs and services including employment, family support, volunteer, information support, interpretation and translation services. MOSAIC has 130 employees, 300 volunteers, and close to 250 trained free-lance interpreters and translators, whose dedicated service allows us to provide these programs. Our intimate knowledge of the issue of family reunification is based on the work of our 11 Bilingual Councilors, among whom speak a total of about 24 languages, and our Paralegal Advocacy Project funded by the Law Foundation of B.C.
5. MOSAIC is a member of the Canadian Council for Refugees (CCR), and we support and adopt the CCR’s submissions.

THE ISSUE

6. Canada has a commendable and principled policy with respect to the issue of family reunification. Consequently, MOSAIC’s submissions are directed at the practical barriers which inhibit fulfillment of Canada’s policy goals.
7. In every society, the family forms the nucleus for social, physical, psychological and spiritual well-being. A healthy family is both a barometer of and a mechanism to promote the well-being of society.
8. The right to apply to unite family members in this country has long been a cornerstone of Canada’s immigration policy. Both immigrants and Canada are well served by this laudable principle and the resulting policy goals.

9. The basic tenets of our immigration policies, however, often are not achieved in practice.
10. Immigrant and refugee families are frequently forced to live separate from family members for extended periods of time, due to incredible delays in application processing time coupled with the length of time in being landed for inland refugee processing.
11. At least part of this excessive delay is attributable to a rigid application of the 60/40 “target” for economic classes of immigrants versus family classes of immigrants. MOSAIC has a number of recommendations in respect of these “targets”.
12. The hardship of the lengthy application process is severely aggravated by the requirement that family members remain abroad throughout the entire period. MOSAIC recommends that inland applications for family members be permitted. At the very least, family members ought to be permitted to pursue their applications from within Canada after a summary preliminary process, which includes a reasonable timeline for decision, clears them to do so.

THE IMPLICATION TO FAMILY (A CASE ILLUSTRATION)

13. One client of MOSAIC’s (“Ms. A”) has not seen her family for 7 ½ years. Ms. A and her family fled their country of origin, becoming non-status refugees in another country. Ms. A was able to come to Canada and claimed refugee status, but to do so she left her husband and 5 children behind. Ms. A’s application for refugee status was ultimately granted and she became a convention refugee in Canada.
14. Ms. A applied for permanent resident status and applied on behalf of her husband and 5 children. Ms. A’s husband had been compelled to work as an electrician for the corrupt regime. As a result the application was delayed, notwithstanding that her husband had been forced to work for the regime, and had merely been an electrician.
15. Once it became evident that her husband’s previous work history was stalling her application, Ms. A very reluctantly removed her husband from her application to at least be reunited with her children.
16. Since her application was amended there has been inordinate delay. Not one, but repeated medical exams have been required for all of the family applicants.

17. More than **five years** after the application, during which time Ms. A could not see her children, Ms. A was required to provide a DNA test (at her expense of \$2,000.00) to prove the children were hers.
18. As is often the case, Ms. A's MP intervened to have this requirement eliminated.
19. The father has twice submitted consent to let the children proceed without him, and yet still Ms. A has not been reunited with her children.
20. Ms. A's marriage collapsed and her husband has since re-married. Ms. A is now concerned that her oldest daughters are of marriage age and will be sold into marriage if they remain abroad.
21. The entire process has been heart wrenching for Ms. A. To add insult to injury the process has been extremely expensive for her. Fortunately, the community has provided her with a great deal of support and financial resources. Most recently, Ms. A succeeded in obtaining legal aid to help fund a lawyer to file a writ seeking mandamus to compel officials to process her application expeditiously.
22. However, 7 ½ excruciating years have now gone by since Ms. A last saw her children. When she last saw her children, the youngest was 6 months old, and is now 8.
23. Consider what each of you was doing almost eight years ago. Consider all you have done in the intervening time. How heartbreaking would it be not to see your family for that entire period? How much less could you accomplish as a member of Canadian society by the twin traumas of being unable to see your family, and having to fight your way through a bureaucratic tangle to attempt to do so?
24. What could Ms. A have accomplished in 7 ½ years had she not been fighting to reunify her family – a goal meant to be a cornerstone of Canadian immigration policy. Yet, nearly eight years after applying, there still has not been a decision. Just eight years of process and procedure.

THE IMPLICATIONS FOR CANADIAN SOCIETY

Lengthy separations from loved ones have a direct impact on family relationships.

A long separation means there are greater chances the spouses will grow apart, and parents will lose out on the quality time with their children.

Often this strain results in family conflict, and even break-up. Children lose out in education, which requires more from our system in English language training at the school level and overall settlement services.

We all know that newcomers who become well settled in Canada are likely to become productive, contributing and valuable members of our society. The settlement process is severely inhibited, if not stalled altogether by a constant concern for and never ending efforts to achieve family reunification.

Conversely, a unified and supportive family environment in Canada naturally provides immigrants with a sense of home and normalcy here, which facilitates effective settlement and participation in Canadian society, to the benefit of **all**.

RECOMMENDATIONS

Principle of Family Reunification

25. There are many compelling reasons for Canada to strengthen its commitment to family reunification in practice as well as in principle. These reasons include Canada's long standing tradition of giving priority to family reunification in immigration policies, the importance of family reunification as a factor in promoting newcomer integration and our international legal obligations.
26. The Honourable Joe Volpe, Minister of Citizenship and Immigration announced the preliminary figures for permanent resident admissions in 2004. The current numbers for admissions to Canada are 235,808. The preliminary numbers show that immigrants in the economic classes (which includes applicants and their families) represented approximately 57% of all new arrivals to Canada in 2004. Immigrants in the family and refugee classes, as well as those who received humanitarian and compassionate consideration, comprised the remaining 43% of all new arrivals.
27. For the past few years, the government has been imposing a rule that 60% of immigration should be economic and 40% non-economic (i.e. family and refugees). While MOSAIC understands the reasons for the target numbers to favour our economic interests, given the impact on family applicants a review of the approach is warranted.
28. Moreover, whatever the targets are for immigrants of various classes, they should be treated as exactly that: **targets**. Seeking to adhere strictly to the target figures in circumstances where Canada does not consistently achieve its target for economic immigrants, effectively creates a cap on the family class.
29. These arbitrary limits put family members into the straightjacket of application quotas and limits, effectively restricting the number of families that can be reunited, contrary to Canada's policy goals, international obligations and clear interests in strengthening family admissions.

30. An effective family reunification policy will provide Canada with a competitive advantage in the recruitment of economic immigrants, the target numbers for which are rarely achieved. This will become ever more important as the competition to recruit immigrants intensifies among the industrialized nations whose populations and workforces cannot be sustained without newcomers.

31. Recommendations:

- a. Review the 60/40 ratio in order to increase the numbers of non-economic (family, refugee, and humanitarian class) cases being processed.
- b. Subsequent applications by those who fall within the “economic” immigrant classification to bring family members to Canada should be counted towards the economic class target.
- c. To the extent Canada does not achieve its target immigration in the economic classification in a given year, the “excess capacity” should be used to process more family class applications.

Immigrants and Refugees in Canada

32. Immigrants and successful refugee claimants in Canada wait many years to unite their family members. Although in theory they are able to reunite with immediate family members by including them on their own application for permanent residence, in practice, their family members wait overseas for long periods – many months or even years – especially if they are in China and Africa.

33. **Recommendation:** That family member of immigrants and refugees be allowed to travel to Canada so that they can make inland applications. At the very least, family members of immigrants and refugees should be permitted to continue the application process from within Canada after a preliminary process has been completed.

Family Reunification for Refugee Children

34. Refugee children in Canada have no means of reuniting with family members. Whereas an adult can include a spouse or common law partner and children on their application, refugee children can only apply for themselves. This means that children who arrive in Canada without their families likely will never be able to reunite with their parents or siblings. Even the parents or siblings are in Canada with the refugee, they have no ability to seek to remain with the refugee in Canada absent a determination of their own refugee status.

35. There is no principled basis for this distinction, and it places Canada in breach of its obligations under the Convention on the Rights of the Child.

36. **Recommendation:** That the *Immigration and Refugee Protection Regulations* be amended to allow refugee children to include their parents and siblings in an application for permanent residence.

Separated Children At Risk

37. Separated children of refugees continue to be at risk overseas because of the implementation of overly narrow guidelines.
38. In January 2005, Citizenship and Immigration Canada issued a new guideline to visa officers instructing them to expedite processing of applications respecting the children of refugees in Canada, in circumstances where the children are separated from both family members and are at risk.
39. However, the guideline states that to qualify, the child must have **both** parents accepted as refugees in Canada, or one parent an accepted refugee and the other parent deceased or whereabouts unknown. This excludes separated children overseas who have both parents in Canada where one has been accepted but the other has not even if the child is at risk.
40. If a child is at risk and is separated from both parents, it makes no sense to exclude the child from expedited processing merely because one parent in Canada does not have the status of “protected person.”
41. Being separated from both parents necessarily puts children at risk. For this reason, separated children are recognized internationally as requiring special protection.
42. **Recommendation:**
- a. Canada should amend the guidelines to provide for expedited reunification with a parent in Canada who is a protected person, without any further determination of particular risk.
 - b. The guideline should be revised to provide that children overseas are given expedited processing either when they are separated from both parents, or when at least one parent has been deemed a protected person in Canada.