

# Preventing and Responding to Domestic Violence Project



**LEGAL INFORMATION TRAINING FOR AGENCIES THAT WORK WITH  
IMMIGRANT WOMEN LEAVING ABUSIVE RELATIONSHIPS**

Funded by the  
Government  
of Canada

Financé par le  
gouvernement  
du Canada

Canada 

# Acknowledgments: Project Partners

Community Partnership with

VIRCS, Bridges for Women Society, Victoria Women's Transition House, Cridge Transition House and Margaret Lawrence House and Victoria Coalition for Survivors of Torture

Funded by

Department of Justice Canada

# LEARNING OBJECTIVES

- ▶ To familiarize participants with the Canadian immigration system.
- ▶ To describe the various immigration options and how each relate to women specifically.
- ▶ To familiarize participants with legal dangers specific to immigrant women.

# LEARNING OBJECTIVES

- ▶ To bring attention to the legal, political, & social history relating to newcomer women throughout Canadian history.
- ▶ To provide legal information to participants who work with immigrant women facing legal issues.
- ▶ To discuss strategies for interagency collaboration and advocacy

# Legal Information versus Legal Advice

- ▶ **Legal information** helps people understand the law and the legal system. It is available to the public, both on websites and in print.
- ▶ Clients may need your help finding and understanding legal information.
- ▶ Source: Click Law Wikibooks, Settlement Workers Guide to What is Legal Information and What is Legal Advice

# Legal Information versus Legal Advice

- ▶ **Legal advice** is telling a client how the law applies to their situation or what they should do about their legal problem.
- ▶ Generally only lawyers provide legal advice. There are some exceptions for example, law students and community advocates.
- ▶ Source: Click Law Wikibooks, Settlement Workers Guide to What is Legal Information and What is Legal Advice

# ROLE OF FRONTLINE WORKERS

Watch this video by Justice Education Society created  
March 24<sup>th</sup> 2016

[https://www.youtube.com/watch?v=Nm\\_euUEXg\\_Y](https://www.youtube.com/watch?v=Nm_euUEXg_Y)

Have you experienced this situation in your work?

# OVERVIEW OF IMMIGRATION SYSTEM

BY BEATRIZ CONTRERAS

CONTRERAS MCLENNAN LAW CORPORATION

# Immigrant Women in Canadian History

- Female immigrants have been treated by many administrations as a separate category of recruit and applicant.
- The ways in which prospective immigrants were interrogated for eligibility was gendered.
- Class prejudices and ethnic biases combined to create particular niches for immigrant females, specifically in areas of work that did not appeal to Canadian women.
- Source: [Canadian History, Post-Confederation](#)



# Immigrant Women in Canadian History

- Post-WWII, more immigrants were heading to cities than to the countryside.
- After 1967 new sources of immigrants began to be tapped.
- Politicians seized on ideals like multiculturalism and recognized long-standing racism and ethnic discrimination.



- Source: [Canadian History, Post-Confederation](#) and [Women and Migration: Incorporating Gender into International Migration Theory](#)

# Immigrant Women in Canadian History

- Since the 1960s, immigration has become more gender sensitive, moving from the predominant view of female migrants as simply the wives and children of male migrants
- Yet, some people question whether migration "modernizes" women, emancipating them from their assumed traditional values and behaviours.



Source: [Canadian History, Post-Confederation](#) and [Women and Migration: Incorporating Gender into International Migration Theory](#)

# Factors Influencing Women's Decision to Migrate

## Systemic Factors

- ▶ State of the national economy and poverty
- ▶ Cultural barriers for women
- ▶ Political violence and war
- ▶ Climate change and natural disasters.

## Personal Factors

- ▶ Discriminatory gender relations and hierarchies
- ▶ Oppressed status and position in society
- ▶ Structural characteristics of the country of origin.

# IMMIGRATION STATUS

- ▶ Citizens,
- ▶ Permanent Residents,
- ▶ Persons on Temporary Resident Permits,
- ▶ Protected persons/convention refugees,
- ▶ Persons without Status in Canada

# CITIZENS

Who can become citizens?

- ▶ If you are born in Canada
- ▶ Generally, if you are born outside of Canada but one of your parents is a Canadian citizen,
- ▶ Naturalized persons in Canada.

# PERMANENT RESIDENTS

- ▶ A permanent resident is a person who has acquired permanent residency and has not lost that status.
- ▶ In order to obtain permanent residency a person must apply for it and be granted permanent residency.

# Stages of Becoming a Permanent Resident

## ▶ Application

Applying Abroad - generally a person will apply at a visa office abroad for a permanent resident visa,

Applying Within Canada - Depending on the circumstances and the person's eligibility under certain immigration programs some may apply for permanent residency from within Canada.

# Stages of Becoming a Permanent Resident

## ▶ **Assessment:**

Assessment of Applicant and where applicable

Applicant's Sponsor - The permanent residency application is assessed to see whether the person meets the criteria under a specific program and is not inadmissible to Canada

# Stages of Becoming a Permanent Resident

## ▶ Granting of Permanent residence

Granting of permanent resident visa to those who meet the criteria under a specific program

POE

# PR APPLICATIONS

- ▶ Family Class,
- ▶ Refugee and Humanitarian Protected Abroad Classes,
- ▶ Economic Class,
- ▶ Humanitarian and Compassionate Applications

# FAMILY CLASS

- ▶ They are permitted to obtain permanent residency if:
- ▶ The applicant has an eligible sponsor who is a Canadian citizen or permanent Canadian resident,
- ▶ The relationship between the applicant and the sponsor falls within the family class,
- ▶ The applicant and/or their dependants are not inadmissible in Canada.

# Person Being Sponsored Must Fall within Definition of Family Class

- ❑ Sponsor's spouse, common-law partner or conjugal partner (they have a "mutual commitment to a shared life")
- ❑ A dependant child of the sponsor,
- ❑ A sponsor's father or mother,
- ❑ The grandmother or grandfather of the sponsor,

# Person Being Sponsored Must Fall within Definition of Family Class

- A relative of the Sponsor who is an orphan under 18 years of age is unmarried and falls under the following categories: sponsor's sibling, niece/nephew, or is a sibling of the sponsor
- A child under 18 and whom the sponsor intends to adopt in Canada if the requirements are met,
- If the sponsor has no close relatives in Canada that then he/she can sponsor one relative regardless of relationship. For example, if the sponsor has no spouse, child, parent, grandparent, sibling, uncle/aunt, niece or nephew.

# APPLICATIONS UNDER FAMILY CLASS

- ▶ Filing of applications by the sponsor and applicant
- ▶ 3 or 10 year undertaking
- ▶ The sponsor can withdraw an application to sponsor at any time prior to final approval

# ECONOMIC CLASS

## \*QUEBEC

*Has it's own program*

- ▶ Skilled Worker
- ▶ Business
- ▶ Self-employed Persons
- ▶ Provincial Nominees
- ▶ Live-in caregivers

# ECONOMIC CLASS

## **\*QUEBEC**

*Has it's own program*

## EXPRESS ENTRY

- ▶ Skilled Workers
- ▶ Provincial Nominee Program
- ▶ Canadian Experience Class
- ▶ Skilled Trades Class

# EXPRESS ENTRY HOW IT WORKS

- ▶ CREATE PROFILE
- ▶ POINT SYSTEM
- ▶ DRAWS
- ▶ IF INVITED APPLY UNDER A SPECIFIC PROGRAM

# BUSINESS IMMIGRATION

## ▶ INVESTORS

- ▶ Must have necessary business experience
- ▶ Net worth of at least \$800,000
- ▶ Indicates in writing that they intend to make or have made an investment

# BUSINESS IMMIGRATION

## ▶ SELF EMPLOYED

- ▶ Will make significant contribution to the economy or the cultural or artistic life in Canada (often artists, musicians, etc.)

# HUMANITARIAN & COMPASSIONATE APPLICATIONS

- ▶ Applies to exceptional cases
- ▶ For people who may not be eligible to apply to become permanent residents may qualify on H&C grounds
- ▶ Prove that hardship would be endured if returned to home country
- ▶ Many factors to be considered

## BARS TO APPLYING FOR H & C's EXIST

- ▶ “One year bar” after failed refugee claim
- ▶ Designated Foreign Nationals – 5 year bar

# LOSS OF PERMANENT RESIDENCY

- ▶ When you become a Canadian citizen
- ▶ If a person becomes inadmissible

# THREE TYPE OF REMOVAL ORDERS

- ❑ Departure Order
- ❑ Exclusion Order
- ❑ Deportation Order

# Departure Order

- ▶ Is a removal order that carries the least severe consequences out of the three
- ▶ Comply within 30 days of when it comes into force, then person can come back as long as they comply with visa requirements in the future and are not inadmissible.

# Exclusion Order

- ▶ Cannot enter Canada for 1-5 years without Ministerial permission even if they would have otherwise qualify to obtain visa

# Deportation Order

- ▶ Deportation Orders are the removal orders with the most severe consequences. A person who is removed under a Deportation Order cannot return to return to Canada without an Authorization to Return to Canada (ARC).

# WHO CAN BE DEPORTED?

- ▶ A permanent resident can be deported if they fall under an inadmissible class
- ▶ Those involved in terrorism or threat to national security
- ▶ Those involved in human rights violations (ie: war criminals)

# WHO CAN BE DEPORTED?

- ▶ Those involved in criminal activity and have been convicted of certain criminal offences
- ▶ Those who misrepresented facts/information to obtain landing
- ▶ Failure to comply with conditions attached to their permanent residence

# RETURN TO CANADA AFTER BEING DEPORTED

- ▶ Possible in some cases
- ▶ The person needs an Authorization to Return to Canada

# BEFORE DEPORTATION

- ▶ Admissibility Hearing (s.44 report)
- ▶ Automatic right to appeal to the IAD

# Small Group Activity

- ▶ **INSTRUCTIONS TO PARTICIPANTS ON CASE SCENARIOS**
- ▶ **PART I-** PLEASE GO INTO GROUPS OF 5 INDIVIDUALS
- ▶ **PART II -**DISCUSSION AMONG GROUPS (10 MINUTES)
- ▶ Please take 10 minutes to review Case Scenarios provided with your group and develop two main areas of concern and a list of 3 questions that you feel a case worker would have in order to help the woman
- ▶ **PART III** - Please choose one person in your group to engage in feedbacks and posing questions

Panel Discussion:  
Legal Information  
for Immigrant  
Women with  
Legal Issues



# Energizer Break

- ▶ A short group energizer is suggested at this point