

DOMESTICS' CROSS-CULTURAL NEWS

INTERCEDE for the Rights of Domestic Workers, Caregivers and Newcomers

August 2005

Toll Free 1-877-483-4554



RACISM POLICY FALLS SHORT

By Avvy Go and Michael Kerr

[The Policy and Guidelines on Racism and Racial Discrimination released recently by the Ontario Human Rights Commission has turned out to be a disappointment for human rights advocates. Such a policy is important because most complaints to the Commission relate to race yet few cases end up at the Human Rights Tribunal because there are few clear guidelines on how to handle them. Human rights policies determine the way the Commission deals with complaints. More importantly they show what are acceptable behaviors among people and institutions.]

To be effective, a human rights policy on racial discrimination must send a strong, clear and unequivocal message to the public that racism in any form is unacceptable and must be eliminated.

The newly released policy on racism attempts to achieve this laudable goal. Though headed in the right direction, it is not quite there yet.

The policy begins with an analysis of the historical legacy of racism in Canada and a review of key international human rights instruments with regard to racial equality. It has some glaring omissions, however, when it comes to specific communities. For instance, the brief section on the Chinese Canadian experience highlights the \$500 head tax imposed on Chinese immigrants beginning in 1903, yet forgets to mention the even more racist Chinese Exclusion Act, which banned all Chinese immigrants from 1923 to 1947.

Leaving these minor details aside, perhaps the most disquieting aspect of the report lies in its inconsistent tone and approach towards racism. On one hand, the report repeatedly emphasizes the importance of acknowledging racism as a "pervasive and continuing reality"; on the other, it prefers to describe "actions" rather than "individuals" as racist.

At the launch of the policy, commissioner Norton explained that the fight against racism could be better advanced by making people aware that discrimination is wrong, rather than by targeting individuals who are prejudiced. This is so because, in his view, "individuals who are ideologically racist are few and far between."

With all due respect, the chief commissioner is perhaps missing a key point here. The biggest obstacle in the fight against racism, as the commission's own report points out, is the continuing denial by individuals and institutions alike that racism exists, and consequently the continuing refusal on their part to take responsibility for actions and practices that breed and perpetuate racial discrimination.

Yet the policy seems to carry this myth even further by creating a new classification of racism called "subtle racial discrimination," as opposed to racism that is overtly displayed. This is a peculiar addition given that racism in contemporary Canadian society is almost always subtle in nature.

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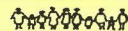
*All Domestic/Caregiver workers,
Newcomers and those on Temporary Work Permit
are welcome to attend*

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For information, call Genie at 416-483-4554 ext. 21

See you all there!

Moreover, the examples given in this category — the streamlining of racialized students into technical fields, differential disciplinary actions towards racialized students, etc. — are, in fact, indicators of systemic, structural and institutional discrimination. By labelling these practices as "subtle" as opposed to "systemic" racism, the policy leaves the burden to prove racism on the individual victims who claim it exists without obligating institutions to demonstrate that it does not.

Given these shortcomings, the new policy on racism is best regarded as a work in progress. Come October, the first assignment for the new human rights commissioner should be to strengthen these guidelines in order to fulfill more effectively the commission's mandate to promote a racism-free society.

(Excerpts from Toronto Star on July 7, 2005. Avvy Go is director of the Metro Toronto Chinese and Southeast Asian Legal Clinic. Michael Kerr is co-ordinator of the National Anti-Racism Council of Canada)



Join the next **INTERCEDE** **LEADERSHIP AND ADVOCACY TRAINING**

When : Saturday
August 27, 2005
September 10, 2005
October 8 & 22, 2005
November 19, 2005

Where : To be announced

Time : 10 am - 4pm

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CHANGES TO LCP APPLICATION FORM FOR PERMANENT RESIDENCE

By Anita Fortuno

The forms and guides needed by a caregiver in the Live-in Caregiver Program (LCP) to become a permanent resident have to be written in language that is very clear and understandable so that there is little chance for confusion or error.

This was the objective of caregivers and immigration officers who got together at INTERCEDE's office on July 14 to discuss what possible changes would make the In-Canada Application for Permanent Residence under the LCP form, as well as the Guide/Overview, and the Document Checklist which accompany it, easier to understand and to write up.

Six live-in caregivers together with INTERCEDE counselors, Anita Fortuno and Bernice Small, discussed the changes they wanted with five immigration officers from Ottawa and Toronto, led by Mary Angus, Director of

Service Delivery Division, and Joe Corelli, Regional Program Advisor .

Of significant concern to the LCP workers were the requirements to prove that they have satisfied the 24month/3year condition. Exactly what documents must they possess to ensure that they qualify for permanent resident status? It was stressed that this must be clearly explained in the Guide/Overview that accompanies the application form.

In addition, workers pointed out that the Guide must emphasize to live-in caregivers to keep their work permit valid even after they have submitted their permanent resident application. Applicants must be made aware that while awaiting to get the result, they must not let the work permit expire; that they must apply for work permit renewal before it expires, otherwise they would effectively be out of status if they do not apply for a renewal within ninety days of expiry.

It was pointed out also that the Guide needs to provide clear instructions about security clearances which are required from Canada and from other places where applicants have been employed.

Counselors suggested that the Application Form as a whole needs to be printed in bigger and bolder letters. They referred particularly to the instructions asking for applicant's work history and employment addresses in the previous ten years and the cautionary note about leaving no gaps in this information or the application would be returned.

Suggestions were made to exclude unnecessary language contained in the old application form in order to minimize confusion and errors in the information provided. LCP workers complained about differing and sometimes contradictory information or instructions given by different immigration call centres which, counselors stressed, could mislead workers into giving wrong answers and supplying wrong data. They stressed that this can lead to serious consequences from returned application forms, to refusal of application, and even to loss of status.

The Immigration officers took note of the suggestions made and assured that they will do their best so that the new forms expected to come out in August will be easier to understand and write up.

Meanwhile, live-in caregivers who are applying for permanent residence are encouraged to come to INTERCEDE if they need assistance in filling the required forms.

INTERCEDE CARIBBEAN CONNECTION BLACK SUPPORT GROUP

Invites everyone to join us at our

Fundraising BBQ

Place: Earl Bales Park (South of Sheppard)

When: August 13, 2005, Sunday

Time: 12:00 - 8:00 pm

Ticket Price: Adult - \$10 Child: under 8 - \$5
No. of Children _____

DESTROYING MYTHS ABOUT PERSONS WITH NO STATUS IN CANADA

By Bernice Small

In INTERCEDE's meeting about regularization of persons without status in Canada which was held on July 10 at Cecil Community Centre, participants had a chance to dispel some of the myths surrounding the issue, clarify some nagging questions, and get to understand the campaign for regularization.

It is estimated that there are at least 200,000 people who are living without status in this country. Amy Casipullai, from the Ontario Council of Agencies Serving Immigrants (OCASI), talked about the barriers faced by people without status and how it is Canada's immigration system itself which creates these barriers and increases the numbers of non-status people in the country.

She cited current laws such as the Immigration and Refugee Protection Act, together with other mechanisms such as the Safe Third Country Agreement, the Refugee Determination process and the post 9/11 security measures which have led to the absence of status for many who nevertheless are residing, working, and living their lives here. While there is a clear preference for skilled and professional immigrants, poorer and less educated applicants must pass stringent language or security or educational requirements and family sponsorships have been limited. Refugees running for their lives can be refused at the border or they get no right of appeal after years of waiting.

In February 2005, the then Minister of Immigration introduced a change which allowed non-status spouses to be sponsored from within Canada. However, this is limited to those who are not currently under a deportation order. Other people without status can resort to applying for residence on Humanitarian and Compassionate (H&C) grounds but very few, 5 to 10 per cent, get accepted on this basis.

At least two measures have given relief to non-status residents: their children cannot be denied an education and OHIP coverage cannot be denied for birth procedure. But this is small consolation considering that non-status people contribute to the economy in no small measure.

The Status Campaign, now on its fifth year, recognizes the situation of those living without status as created by this unfair immigration system which must be remedied, Amy said. It seeks to redress those victimized by that system without favoring any particular group or sector of workers.

While it is necessary to take on the long term work of reforming our immigration system, there are immediate steps that can be taken. Campaign members have developed a proposal for regularization which will be used to lobby government officials. In the meantime, they will be working for immediate changes such as temporary work permits, health coverage, labour protection and police protection with no fear of immigration reprisals.

COCO'S CORNER

INTERCEDE services are generational and multi-faceted

Melanie was among the domestic workers and caregivers who availed of the services of INTERCEDE in the 80's. Prior to her arrival in Canada in 1984, she had worked in Hong Kong for four years. On advice of an employment/recruitment agency, she declared that she was single and without dependents. In truth, she had two children ages eight and nine who were left in the care of her husband and mother-in-law. In 1987, Melanie filed her application for Permanent Residence and corrected the misrepresentation of her marital status, and declared that she had two children. Immigration refused her application and this prompted her to seek assistance at INTERCEDE.

After a two-year "battle" with Immigration and with the assistance of a community legal clinic, Melanie finally got approval to stay in Canada permanently.

Two years after Melanie received her landed status, she again sought the assistance of an INTERCEDE counselor to sponsor her husband and two children who were by then 17 & 18 years old. While their papers were being processed, her husband abandoned the children and began living with another woman. Melanie was completely devastated. This time her counselor gave her support as she sorted out her feelings. She made a decision to file for divorce and she was referred to a family lawyer.

Immigration was asked to withdraw the sponsorship for her ex-husband and stop its processing. Because of these circumstances, the approval to sponsor her children and their re-unification were delayed longer.

Melanie was full of excitement when her two daughters now 19 and 20 years old arrived in Canada. She felt all her dreams had come true.

This time her family would need INTERCEDE for its newcomer orientation and settlement services. So Melanie called to set a group appointment.

After a month, Melanie came with her 20-year-old daughter. She looked worried and anxious. Her daughter needed to see a doctor because she was three months pregnant. The daughter was not yet covered by OHIP and Melanie could not accept the fact that her daughter was having a child outside marriage. She was in so much dread of the stigma in her community that would affect her daughter. Both Melanie and her daughter got advice from INTERCEDE and were referred to a specialized agency for family counseling.

Melanie's daughter resumed her studies and found work. When she started to earn enough she qualified to sponsor her grandmother and her father who took good care of her and her sibling. Again, INTERCEDE assisted in the application and in gathering supporting documents that would ensure quick approval.

