

June - July 1989

(INTERCEDE)

IMMIGRATION INTERPRETS MISREPRESENTATION: INSTITUTES ONE-TIME ASSESSMENT

Reactions to the talk given by Jim Campbell, manager of the Toronto North Canada Immigration Centre (CIC), ranged from relief to anxiety among more than 500 domestic workers who attended INTERCEDE's monthly educational meeting last June 4 at Cecil Community Centre.

In what amounted to a "reinterpretation" of policy, Campbell announced that misrepresentation of marital status and dependents would not be considered "material facts" that called for an inquiry.

An inquiry is a process within Immigration to decide whether immigration laws have been violated and if so, whether such violators should subsequently be deported.

Those who lied about spouses and children when they applied to enter the Foreign Domestic Movement (FDM) program will henceforth be dealt with sympathetically and such lies will not be considered major stumbling blocks to attaining landed status, according to Campbell.

Campbell was careful to stress that there will still be cases of misrepresentation that could wind up in inquiry, but these would have to be "exceptional and truly serious cases". He said that the leniency shown to misrepresentation cases should not be considered a licence to "lie" on their application forms. Rather it is an acknowledgement of the misperception applicants to the FDM somehow get that only single women without dependents are allowed into the program.

This misperception is traceable to the FDM guidelines themselves and visa officers' interpretation of those guidelines so that applicants

they select from the source country are more often unmarried women with no dependents.

Campbell urged domestic workers who have lied about their marital status and dependents to reveal this to Immigration so that they "can be taken out of the inquiry stream" and spare themselves further anxieties.

While INTERCEDE has been advising domestic workers to write Immigration about their misrepresentation or reveal this at their assessment interviews, it has doubts that workers will be encouraged to do so unless Immigration shows evidence of the reinterpretation of its policy on misrepresentation. A pattern of "unfreezing" misrepresentation cases and landing workers with such cases has to emerge before they are convinced that it is "safe to tell all".

In this connection, the inquiry into the misrepresentation made by a domestic worker in Ottawa which has reached the Federal courts and another in Vancouver are being closely monitored in Toronto. The negative decisions there will undoubtedly lend cynicism towards Campbell's announcement at the INTERCEDE meeting.

ONE-TIME ASSESSMENT

Campbell also told domestic workers that assessment for landed status will be made just once, at the end of their second year in the FDM program. One-time assessments will be effective August 1st and will apply to everyone who has not been called for their first assessment.

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Come to INTERCEDE's monthly meeting on Sunday, July 9, 1989 from 3 p.m. to 5 p.m. at the Cecil Community Centre, 58 Cecil Street.

IAN ANDERSON, a lawyer, will talk about "How Unorganized Workers are protected under Workers' Compensation and other Employment Laws".

There will be CLASP Legal Clinic but INTERCEDE Counselling will not be available.

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This presents a convenience for Immigration Centres whose limited staff have been experiencing an overload of clients and work backlog.

But while it is also convenient for domestic workers to come for assessment just once instead of going through two interviews at the end of the first and second years, they are worried that those who are negatively assessed will not have any recourse but to be sent back to their countries.

At present, those who are not sufficiently meeting the criteria during the first-year assessment have a chance to improve their performance during the year before their second and last assessment.

When asked, Campbell assured that workers not fully but "closely" meeting the criteria should be approved for landing. However, INTERCEDE would prefer that there be a set mechanism for remedying negative assessments. INTERCEDE is concerned that workers in the FDM are sufficiently informed about the criteria they should meet and how. Even if this information has been supplied at the source country, it must still be widely disseminated here. A suggestion has been made to include in the yearly renewal of work permits a reminder to domestic workers about the assessment criteria.

OTHER ANNOUNCEMENTS

Domestic workers who need to apply for student permits everytime they enroll for upgrading courses may soon be issued a one-time student permit that will apply to any school, course or term.

They may also be spared trips to Immigration centres when their work permits begin coming in the mail.

Release letters from previous employers are not required in order for domestic workers to be allowed to look for new employers. Campbell assured that this time all Immigration officers would be informed of this rule.

All these procedures are being instituted in order to simplify and streamline the work at Immigration offices. By September, Family Class applications can start being done by mail. Campbell said this will reduce visitors to Immigration Centres by 30,000. The Ministry is also going through its first major hiring in 15 years when it adds at least 100 new Immigration officers to its ranks.

?I HAVE A QUESTION?

I applied for Temporary Assistance for my OHIP premium but had to make my payment before I received this assistance a week later. Can I get my payment back from OHIP?

Answer: Ms. Knight of OHIP assures that the amount of the OHIP premium approved for temporary assistance will be refunded within eight weeks.

How many times should I do babysitting every week? Am I obliged to do babysitting without pay?

Answer: Your contract with your employer specifies what you are hired for and the tasks expected of you. If babysitting is among them, then it depends how much babysitting your employer has negotiated with you. However, by law your working hours should not exceed 44 a week unless you agree to do overtime after those hours and your employer agrees to compensate for this overtime.

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If you or someone you know have not received this newsletter because of a change of address, please tear the slip below and mail to:

INTERCEDE
489 College St., Suite 402
Toronto, Ontario M6G 1A5

I have changed my address. Please send DOMESTICS' CROSS-CULTURAL NEWS to my new address:

NAME:
ADDRESS:
CITY/PROVINCE: POSTAL CODE:
TELEPHONE:

WOMEN'S HEALTH AND SEXUALITY

The subject of sexuality often brings up many questions, giggles and worries. As women in today's world, we need to be sure we are protected from:

1. Sexual assault or abuse - All sexual comments, looks or touching that we do not want are considered sexual assault or abuse. This is a crime in Canada. Sometimes the person doing these unwanted acts may be a co-worker, an employer, even a boyfriend or a husband. Stopping these unwanted acts can be difficult, so it is important to talk to somebody about them, such as a friend or relative or a professional counsellor at:

Toronto Rape Crisis Centre 597-8808

Barbara Schlifer Commemorative Clinic 941-8203

Assaulted Women Helpline 863-0511

2. Unwanted pregnancy - If you need information about birth control or if you think that you are pregnant and don't know what to do, call the following numbers for free and confidential assistance:

Bay Centre for Birth Control 323-6010

South Riverdale Community Health Centre 461-2493

Immigrant Women's Health Ctr 367-1388
(Filipino translator on Thurs, 7-11 p.m.)

3. Infertility - If you want children in the future, you need to protect your fertility now. Your sexual partner can give you a Sexually Transmitted Disease (STD) without your knowing it. If you don't get treated by a doctor, you may become infertile and never be able to bear children. If you get AIDS, you can die. Protect yourself by:

- talking to your partner about STDs
- insist on using condoms
- limit the number of sexual partners you have
- have a medical test for STDs at least once a year
- get more information from the STD Hotline 392-7400
- AIDS Hotline 392-AIDS.

By Kim Martyn

(Ms. Kim Martyn of the Department of Public Health spoke on the subject of Women's Health and Sexuality at INTERCEDE's May 7 meeting and contributed the brief summary of her talk above).

?I HAVE A QUESTION?

What documents do I need to bring to my assessment interview?

Answer: Bring your work permit, passport, school certificates or registration forms; volunteer certificates or letters; receipts of money orders sent home; savings book and receipts of major purchases; membership cards; library cards. If you are revealing any misrepresentation, bring your marriage license and dependents' birth certificates.

What if I did not reveal my real marital status and dependents during my first assessment because I was afraid to get rejected, should I reveal this misrepresentation on my second assessment?

Answer: Please read this issue's story on misrepresentation. We would advise you to write Immigration stating your case. If you have time, make an appointment and come to INTERCEDE for assistance.

From the President's Diary...

Cornelia Soberano, President of Board of Directors, was busy with INTERCEDE business:

- attended the OCASI fund-raising dinner held at the St. Lawrence Town Hall last May 11th;
- with Vice President, Joyce Stanford, joined the Women for PACE (Canada) at their annual strawberry tea party, June 11th, hosted by the Consul General of Jamaica;
- On June 20th, she attended the Annual General Meeting of the Catholic Immigration Bureau;
- represented INTERCEDE at the Annual General Meeting and open house of the Cross Cultural Communication Centre on June 22nd;
- and participated at the Peel Multicultural Centre Immigration Workshop on June 24th in Brampton.

Illegal immigrant scam costs agent \$15,000 fine

By Wendy Darroch Toronto Star

The operator of an employment agency has been fined the maximum \$15,000 for bringing Filipinos in illegally to work as nannies.

Suhua (Lynda) Ballesteros, 41, of Leeward Glenway, pleaded guilty yesterday before District Court Judge Keith Holett to three counts of contravening the Immigration Act by aiding others to get into the country illegally.

At the time, June 30 to Nov. 12, 1987, Ballesteros operated A Touch of Class, an employment agency that placed domestic help, prosecutor Lynda Trefler said. She said there was a big demand for help from the Philippines.

Ballesteros, a single mother of two teenagers, arranged with someone in the Philippines to get false documents and fictitious passports to bring Filipinos into the country.

Then Ballesteros would get tourist visas and work permits for them, Trefler said. The woman charged \$500 for a tourist visa and \$1,000 for a work permit.

Trefler said the three people that the charges involved are still illegally in Canada and will be dealt with later by the immigration department.

Defence counsel J.N. Birenbaum said the victims of the crimes were the Canadian people, not those who were brought into the country.

He said Ballesteros has been selling insurance and is getting her real estate licence. He said she has no previous criminal record and should be fined the maximum \$5,000 for each conviction. The maximum jail sentence for such an offence is two years.

Holett gave Ballesteros 90 days to pay the \$15,000 fine and put her on probation for two years.

We wish to thank the Immigrant Settlement and Adaptation Program (ISAP), Ministry of Immigration (Canada) and the Secretary of State (Multiculturalism) and Secretary of State (Women's Program) for providing our core funding.

We also wish to thank The Ministry of Citizenship (Ontario), the City of Toronto, and the Municipality of Metropolitan Toronto for their continuing support.

This is your newsletter!!! Write your contribution and send in by July 19, 1989.

IMPORTANT PHONE NUMBERS

Canada Immigration Centre	973-4444	Unemployment Insurance	973-4727
Employment Standards Enforcement	965-5251	Ontario Human Rights Commission	965-6841
Revenue Canada (Taxation)	869-1500	OHIP	965-1000
Immigrant Women's Job Placement Centre	656-8933	Immigrant Women's Health Centre	367-1388
Educ & Skills Training Ctr, Labour Council	971-5893		
Legal Services			
Parkdale Community Legal Services	531-2411		
CLASP (Osgoode Law School) Legal Clinic	736-5029		
Kensington-Bellwoods Community Legal Serv.	363-0304		
Metro Tor. Chinese & SE Asian Legal Clinic	971-9674		
Emergency Housing			
Nellie's Hostel	461-1084		
Evangeline's	762-9636		

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