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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Wednesday, April 2, 2014**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Wednesday, April 2, 2014

• (1530)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** This is the Standing Committee on Citizenship and Immigration meeting number 19, Wednesday, April 2, 2014. We are studying strengthening the protection of women in our immigration system.

This meeting is televised.

We have three groups of witnesses. We have Salma Siddiqui and Tahir Gora who represent the Coalition of Progressive Canadian Muslim Organizations. We have Kamal Dhillon, author of *Black and Blue Sari*, and Denise Spitzer, who is the Canada research chair in gender, migration, and health from the University of Ottawa.

I assume you're a professor.

**Prof. Denise Spitzer (Canada Research Chair in Gender Migration and Health, University of Ottawa, As an Individual):** I am.

**The Chair:** Indeed.

I hate to tell you this, but the bells are going to ring soon. So we're going to try to go through as fast as we can so we can at least hear some of you.

Professor Spitzer, we'll have you go first. You have up to eight minutes.

**Prof. Denise Spitzer:** Thank you for this invitation.

I wish to highlight three issues that speak to what I believe essentially stems from a paucity of gender analysis with regards to immigrant sponsorship policies.

Firstly, I ask that we reflect on the language used to describe this issue. In much of the discourse women are described as vulnerable, as victims, and in need of protection. However, people are not inherently vulnerable. They are instead made vulnerable by material, political, and socio-cultural conditions. Therefore, we need to ensure that women or any other potentially marginalized group are not compelled to bear undue negative impacts as a result of policies and practices. If we focus on the ways to highlight women's agency and their right to autonomy throughout the immigration process, we would be better able to build on women's capacities and capitalize on what they can offer to Canadian society.

Secondly, I ask us to consider how the structure of spousal sponsorships ultimately creates and/or reinforces dependent and unequal relationships that belies Canada's commitment to gender equality, as the policy endows one person, usually the male in

heterosexual couples, with power over his partner. Amongst immigrant couples, men are most often the designated principal applicants, even if both partners have similar professional backgrounds. Women are relegated therefore to the status of sponsored spouses. As the principal applicant's training and work experience anchors the family's case for immigration, it often follows that any investment required to obtain Canadian credentials, be it in terms of finances or time, is channelled towards men's careers. In essence, the program reinforces an outdated model of single—again, generally male—breadwinners and dependent spouses.

Under these circumstances, women are often launched on a spiral of downward mobility characterized by deskilling and a loss of social status. Once again, we lose out as a society when these individuals are unable to realize their full potential. I acknowledge that some of these gender disparities may be pre-existing. However, I still maintain that the framework of spousal sponsorship helps to naturalize and reinforce inequities.

Thirdly, I'd like us to consider the case of women as sponsors of family members and how in fact these regulations can operate to make them vulnerable in this capacity. We note that foreign-born women, particularly from non-European source countries, experience the most precipitous decline in professional and economic status as compared to other groups of newcomers. The threshold income required for family sponsorship has risen, thereby disproportionately excluding women from being joined by family members.

I'll share with you some of the research I've conducted with immigrant women who came to Canada under the auspices of the live-in caregiver program, the LCP, to illustrate this point. After completing their obligations under the program, former LCP workers generally find themselves in low-paying jobs regardless of prior training or education. For example, in our study over 40% of former live-in caregivers earned between \$10,000 and \$19,000 annually, and this was at a time when individual Canadians earned approximately \$41,000 or more.

What does this relative impoverishment mean then for female immigrants, such as a single woman who wishes to bring her parents to join her in Canada? Is she able to meet the income threshold required for sponsorship? What does it mean if she cannot?

Social support including the informal, emotional, material, and instrumental support provided by family and friends is a well-documented determinant of health. Thus a presence of family and enhancement of social networks are vital to the well-being of newcomers to Canada and this sense of well-being is truly critical to the integration process. The loss of social support and social networks is even more evident when women are unable to be reunited with adult children. For example, former live-in caregivers who have children are often most anxious to be reunited with them, particularly as most if not all were separated from them for many years prior to moving to Canada.

The age at which a child is considered an independent adult and therefore ineligible for sponsorship is critical here and many have found themselves racing against the clock to earn sufficient funds to bring their children to Canada or to keep funding their post-secondary education to maintain their eligibility for sponsorship. Yet as we know, application processing can take years and funds can be tight as women try to keep their young adult children in school while coping with myriad other expenses. In a number of cases, a woman who has been apart from her children for more than a decade has then been compelled to tell her eldest child that he or she cannot join the family, after waiting patiently and eagerly for that day for many years.

The ensuing stress that these women face has long-term health effects and potential consequences for immigrant integration. Indeed, how does one feel part of a society that has made one choose between their children? I recall interviewing a woman who had been granted political asylum in Canada following the 1973 coup in Chile.

• (1535)

Twenty-five years later she was still distraught that she and her husband had to leave their 19-year-old daughter behind in Argentina until they were able to successfully petition to have her join them. They were certainly grateful for the refuge, but her relationship with her daughter never healed. When I spoke to her daughter who was by then in her forties, she still wept from the pain of separation that she experienced as abandonment.

The idea that children over 18 are meant to be independent of their families is a western construct predicated on notions of individualism. However, in many cultures family members are interdependent, and adult children play a vital role in sustaining a household, both materially and in terms of other forms of support. The presence of family members may provide the kind of loving support that would in the long term be beneficial to the health, well-being, and long-term stability of an immigrant, her family, and the community at large—

**The Chair:** Professor Spitzer, I'm sorry. I have bad news. When the light's flashing that means bells are ringing, and we have to go to vote.

Because the vote won't be for another half hour I expect—they're thirty-minute bells—and then I don't know what happens after that, do I have unanimous consent that we sit for another 10 minutes?

**Some hon. members:** Agreed.

**The Chair:** Carry on, Professor Spitzer.

**Prof. Denise Spitzer:** Yet current regulations disproportionately impact racialized foreign-born women. We therefore need to consider the cost of excluding this potentially important avenue of support on the well-being of new Canadians, and their perspectives of, and their attitudes towards Canadian society.

In conclusion, we need to carefully apply a gender lens to examine how sponsorship policy may differentially impact different genders in both roles as the sponsor and the sponsored, and how it may inadvertently contribute to greater gender inequality, and to constraining a sector of newcomers from manifesting their own potential in both public and private spheres.

In addition, we need to reflect on both the gendered impacts of sponsorship requirements and the Eurocentric constructs of childhood, adulthood, and the family, and by doing so consider who is most negatively impacted, and who is made most vulnerable by our policies. When immigrants are able to draw upon social networks and support systems, we will foster greater social cohesion and a more peaceful and prosperous Canada.

Thank you once again for allowing me to share my thoughts with you today.

**The Chair:** I'm sorry. I'm trying to figure out what to do this afternoon.

Ms. Dhillon, thank you very much. You are next.

We'll go until the clock runs out, I guess. Thank you.

**Ms. Kamal Dhillon (Author, *Black and Blue Sari, As an Individual*):** Thank you for your kind invitation for me to participate in this important discussion relating to strengthening the protection of women in our immigration system. I'm humbled to be invited. As a result of my own personal experience with violence, I have become an advocate for those who, like me, have been the target of domestic violence.

As a result of my experience, I have authored a book entitled *Black and Blue Sari* that chronicles my marriage to a man who routinely and viciously abused, tortured, and threatened me throughout our 12 years of marriage. In the book I describe the harrowing details that unfolded, from the day I was married to a supposedly respectful, warm, and charming man, until the day our marriage ended. I was violently raped by him on our honeymoon night. From the wedding night onward, I was subjected to emotional, physical, sexual, and financial abuse that occurred several times per week, and he even attempted to murder me several times.

As a result of his beatings and his rage, I now live in constant pain with an artificial jaw, having had 10 jaw surgeries. I am literally scarred for life, and despite my husband's violent death some years ago, I am still haunted from the flashbacks of those horrific beatings. I am a single mom of four grown children and also a very proud grandmother of a handsome grandson and a beautiful granddaughter.

One of the reasons I share my story publicly is to help stop this epidemic that is well hidden behind closed doors. Some people have asked me, because this domestic violence and abuse is so epidemic, what difference can one woman make by speaking out against abuse? I often answer their question by using the following illustration from the story of the boy and the starfish.

A man walking along a deserted beach noticed a boy kept bending down, picking up something and throwing it back into the water. That boy was picking up starfish that had been washed up on the beach, and one at a time, he was throwing them back into the water. The man said to the boy, "You can't possibly make a difference." The boy bent down to pick up another starfish, smiling as he threw it back into the sea. He replied, "I made a huge difference to that one!"

In a similar fashion to that little boy in the story, I want to try my best to make a difference for those who have been subjected to domestic violence, even if it is one at a time. If we work together we can make a positive difference, just like this committee is doing today, and I applaud your effort.

As you can appreciate, it is very difficult to measure the true extent of domestic violence against women, as most incidents of domestic violence and sexual assault go unreported. Let me shed some light on this important subject.

Violence against women directly affects not only the victims, their children, their families and friends, but also their employers and co-workers. There can be far-reaching financial, social, health, and psychological consequences as well. Domestic violence occurs on a continuum and is a never-ending cycle, beginning with emotional and verbal abuse and sadly, in many cases, just like mine, with serious injuries and even murder.

For women of any culture who are trapped by low self-esteem, by the lack of skills or knowledge to be self-supporting, and by the fear of retaliation, an escape from a violent partner can be problematic. Most of our ethnic communities are close-knit, and a lot of pressure is exerted on the woman to remain with her husband regardless of the circumstances. Unfortunately, many immigrant women may also be abused by other family members when the extended family lives together.

Fear of deportation also plays a role in keeping the sponsored women in violent relationships. Due to their lack of information about the new domestic violence provisions, the sponsored women have very little idea of what their rights are. Their violent husbands often take advantage of this ignorance, using threats and false information to control the wives' behaviour and stop them from leaving.

In many South Asian cultures, immigrant women are socialized to believe that they have no rights. They are threatened to believe that they may even lose custody of their children. Marriage is considered to be permanent in many cultures, even though it's slowly changing. We are supposed to stay silent and remain married no matter what.

● (1540)

Domestic violence can create a feeling of shame or embarrassment among the women that can drive the abusive behaviours underground. No one wants to admit that they live in an abusive environment. Another factor in recognizing domestic violence is the

isolation. It prevents the woman from getting out and getting the proper help that she needs.

Some of my recommendations to the committee would be to provide more and ongoing information to these immigrant women about their legal, their financial rights, and issues surrounding abuse before and during their entry to Canada. We should ensure that these women will not be deported or face deportation if they call the police or the appropriate authorities on their abusers because most of these women live with threats that their abusers will revoke the sponsorship.

We should also provide them with materials that explain where the victims can go for help in their own language and with the current phone numbers. If at all possible, any record of violence should be checked, especially when there has been at least one prior sponsorship and such information should be relayed to the women in an initial interview.

We should provide relevant information to ensure that women will not face any deportation because of a marriage breakdown. From what I've heard there's proposed legislation for a two-year period that causes fear among a lot of these sponsored women that they may be sent back.

My final recommendation is to conduct a mandatory follow-up or evaluation by either an immigration officer or an agency to ensure that women are getting the necessary care by their sponsor. The evaluation should also monitor her progress in Canada; my suggestion would be every six months or annually.

In conclusion, I just want to say that abuse is a violation of a person's human rights, of women's rights, and ultimately, a violation for all. I have hoped that through my story you will be disturbed enough, affected enough, and enraged enough to join me in making positive steps towards ending domestic violence. I am committed to putting an end to all forms of violence against women and children. My desire is to see men and women come together to confront all such violations.

If we don't take the steps to confront this violence it is my fear that the violence will increase. It is my sense that many abused women have lost hope and they feel that there is no future. I believe that we need to take some initial steps to ensure that there are plans in place to change the current paradigm.

I thank you all for inviting me to be part of this discussion today and I hope you will consider my recommendations so that we can see a brighter and a safer future for women, and ultimately, our future generation, our children. Like the little boy in the illustration I used, together we can make a positive difference. I applaud you again for taking the initiative to address this growing and unacceptable behaviour. Bless you in your efforts.

Thank you.

• (1545)

**The Chair:** Thank you, Ms. Dhillon.

We have a problem. I'm going to ask the committee to help me on this. We have another panel at 4:30. We also should have left a while ago to vote. We have to be up at the House probably in about 10 or 15 minutes. I'm going to suggest to the committee that we excuse Professor Spitzer and excuse Ms. Dhillon and that Ms. Siddiqui and Mr. Gora appear for the second panel. We just don't have the time.

Mr. Menegakis.

**Mr. Costas Menegakis (Richmond Hill, CPC):** Yes, I was going to say something like that, Mr. Chair. If it's possible for our witnesses to stay and perhaps we can cancel the second set of panellists, when we come back we can finish off with these witnesses so we have a chance to ask them questions. That's up to you.

**The Chair:** We'll do whatever we—

**Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP):** I prefer your solution by far, making sure that we can hear all the witnesses that came to Ottawa to talk to us today.

**Mr. Costas Menegakis:** That's fine.

**Hon. John McCallum (Markham—Unionville, Lib.):** I just propose a slight variation in that Ms. Dhillon and Ms. Spitzer, if they wish, could stay because then when we ask questions they could—

**Mr. Costas Menegakis:** There won't be time.

**The Chair:** I'm very sorry about this. One of the joys about being chair is that I have to bring bad news.

I'm going to suspend the meeting. You're all welcome to stay, Professor Spitzer and Ms. Dhillon, but we're going to have time problems. Ms. Siddiqui and Mr. Gora, we'll try to have you on the second panel.

**Ms. Salma Siddiqui (President, Coalition of Progressive Canadian Muslim Organizations):** What time is it at?

**The Chair:** It will probably be right after we vote.

**Hon. John McCallum:** It will be approximately 4:30 p.m.

**The Chair:** About 4:30 p.m.

**Ms. Salma Siddiqui:** Fair enough.

**The Chair:** I'm going to suspend the meeting.

Thank you very much, ladies and gentlemen.

• (1545)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1710)

**The Chair:** I'm going to reconvene the meeting. I'm sorry, ladies and gentlemen who've taken the time to come and help us, but you can see the crazy life we lead in this place. We had to go and vote.

We're going to let you all speak, but unfortunately we will not have time for questions. The meeting will have to end at 5:30 or so. We will try to give each of the three groups eight minutes each.

We'll start with the South Asian Women's Centre, Ms. Sekhar, the executive director. Thank you for coming.

**Ms. Kripa Sekhar (Executive Director, South Asian Women's Centre):** Thank you for inviting me. I appreciate the time. I will try to run as fast as I can.

Mr. Chair, and honourable members, I want to thank you for the invitation to appear before the committee today to study strengthening the protection of women in our immigration system. My presentation focuses on three areas. First is the challenges faced by women threatened by an abusive sponsor and ways to prevent vulnerable women from being victimized by such abusive sponsors, and the consequences of any potential penalties to the sponsor. Second is the potential skills and supports needed by sponsored spouses, especially abused and isolated persons, to succeed independently and make a life in Canada; and third, the unique challenges of forced marriage survivors who are sponsored and the ways to support them better.

First, based on SAWC's experience in the last 10 years, there are many women living in abusive situations who have been sponsored by a spouse in Canada, and I'm speaking strictly of the experience of women. I know men too go through this, but we're talking about women, sponsored by a spouse in Canada, who go through this experience in disproportionately high numbers. Many of them face challenges in accessing services that will protect them from abuse. Some of these challenges include limited knowledge of one or both of the official languages, namely, English and French; a lack of knowledge about the laws in Canada; and a lack of trust and a sense of fear of the police and other law enforcement agencies.

The challenges of sponsored spouses, particularly in instances of women who are abused, is complex and we're noticing that they're even more complex now with the two-year conditional residency requirement. Many of the challenges stem from isolation in a new country, with little or no home community support at the local level. There's also an inequality of status based on length of stay in the country, so the spouse who has lived in Canada longer has a better knowledge and the support of the local community. This creates an environment where this is a scope for manipulation and threat, causing fear, ostracism, and shame.

SAWC's experience also informs us that women facing abuse in some sponsored situations fear losing their children and their immigration status, as they are threatened by their sponsors—who are also their abusers and their families—with deportation or separating them from their children.

In October 2012, the federal government enacted legislative changes to immigration policies and introduced a conditional permanent residency for two years for sponsored spouses in relationships of less than two years and without children. These changes were brought in to control marriage fraud, where some sponsored persons might have used marriage to get immigration. Although there's an exception built into the new permanent residency requirement that is targeted for victims of abuse and neglect by their sponsors and related family members, our experience informs us that victim survivors of abuse, in most instances, are unable to access this exception for the following reasons.

This is due to a lack of access to information in their own language; lack of knowledge of the support systems available; fear of systems, government, and other; fear of the sponsor and fear of losing status because filing a complaint can create a retaliatory response from the sponsor that includes threat of deportation to CIC for misrepresentation—and what I'm saying comes from experience based on the case work we have done—fear of losing any children that might come about within the two-year timeframe; and a lack of financial support and independence to access legal and other supports.

In the case of deportation, there is a fear of backlash from family and community stigmatization in the home country. The possibility of remarriage could also become remote or impossible, depending on the traditions of the community that one belongs to; and there is a high possibility that in the case of deportation of the abuser, the women's family could face threats, abuse, and violence.

Unfortunately, even when domestic violence is reported, women are reluctant to take any actions. In fact, a sponsored spouse requires her husband to sign as a guarantor in opening a bank account or in seeking a credit card or for any of those reasons.

It is our experience that sponsors used the new legislation to control and abuse their victims by threatening loss of status and deportation if they ever complain. It has become our experience that women trapped in such relationships usually have no one to turn to for support other than the abuser or his family. The abusers normally censor and restrict the interactions of newlywed immigrant women with family and friends and isolate them from any support networks.

• (1715)

There is a power imbalance between the sponsored person and sponsor. It has become more evident after the introduction of the conditional permanent residence requirement. In many instances, women endure the abuse in silence. Even when they report it, they're not willing to formally report it. This is our experience. They are less likely to take any concrete actions. SAWC's concerns stem from the lack of safety and the dangerous predicaments for women in these circumstances.

In terms of potential skills and supports, how do we help the women who come in through the sponsored category by virtue of marriage gain a level of economic independence, free of control, that would provide them with a better life with more safety, free of violence? Our experience at the agency informs us that many women coming from abroad as sponsored spouses are abused not only emotionally and physically but also financially. Do you know that

women even ask for tokens? We try to fund them to come to the agency, because they don't have a way of getting five dollars to travel from wherever they are. It's as bad as that.

When a marriage takes place in another country, and this is with regard to South Asians, large amounts of money and jewellery are given to a bride as part of her dowry of bridal wealth. This is practised in certain communities. Parents desperate to get their daughters married are prepared to pay this price through the gifting of bridal jewellery, money, or a promise to exchange money for their daughter's marriage. This money and jewellery are in the control of the abusers and their families. It's very common. Unfortunately, this makes sponsored spouses financially dependent on their abusers, and leaves them vulnerable to financial abuse in addition to other forms of control and abuse.

One of the key barriers to a woman's financial security is her financial dependency on the spouse. We have observed that newly sponsored spouses to Canada face many additional challenges to secure employment and training to join the labour market. Some of these are a lack of availability of resources and help centres. In the last—

• (1720)

**The Chair:** I'm sorry, Ms. Sekhar, I have more bad news; you're running out of time.

**Ms. Kripa Sekhar:** Should I go to the recommendations?

**The Chair:** Perhaps you could go to the conclusion or the recommendations.

**Ms. Kripa Sekhar:** I will go through the recommendations very quickly.

It is recommended that the victims and survivors of abuse have easier access to the exception of abuse in cases of relationship breakdowns in conditional sponsorship cases, especially in cases where they experience immigration investigations triggered against them on false complaints by abusers and sponsors in retaliation, etc.

Currently the burden of proof of abuse lies on the victims and survivors. They are expected to provide evidence of cohabitation and abuse that can be virtually impossible due to lack of reporting or access to services. In many instances documents of proof of cohabitation are with the sponsor.

It is also our recommendation that there should be dedicated resources allocated under the settlement programming for spousal sponsorship programs that should not be restricted to language training alone but holistic counselling that includes financial independence. Violence against newcomer brides is a settlement issue.

Create a special pool of funds for sponsored spouses who are experiencing or have experienced abuse to access legal support or mental health support and to upgrade their skills—

**The Chair:** I'm sorry, Ms. Sekhar—

**Ms. Kripa Sekhar:** Okay. I will stop.

**The Chair:** —but I will have to cut you off. I'm sorry.

You have gone to a lot of trouble. The analyst has a copy of your paper, but we can't distribute it because it has to be in both languages. The clerk will undertake to translate it into both languages, and it will be distributed to all members of the committee.

We'll now go to Ms. Alia Hogben, executive director of the Canadian Council of Muslim Women.

Good afternoon to you. You have up to eight minutes.

**Ms. Alia Hogben (Executive Director, Canadian Council of Muslim Women):** Well, I'm going to make a suggestion. I don't mind at all...

I've come from Kingston, and I would rather not present just now. This cutting off is rather difficult for all of you, but it's also difficult for us, because we've done a lot of work in order to give you a presentation.

So if it's all right with you, may I come back another time?

**The Chair:** All witnesses are told they have up to eight minutes. They're told that ahead of time. You were, too.

**Ms. Alia Hogben:** But there was also this thing that we would have time for communication between you and us. If that's not possible....

• (1725)

**The Chair:** Just give me a moment, Ms. Hogben.

**Ms. Alia Hogben:** Sure.

**The Chair:** It's going to be difficult, Ms. Hogben. Next week is full of witnesses. When we come back after Easter, we'll be setting aside this study for a period of time to study a bill, so it could be some time before we will have a position. But there's no guarantee. I have no guarantee that you can be invited back.

**Ms. Alia Hogben:** Okay, I'll go ahead and give you my presentation, then. Thank you.

**The Chair:** Yes, I think it's best. I'll try to be lenient.

**Ms. Alia Hogben:** Mine is eight minutes; I have it timed exactly.

**The Chair:** Okay, good show.

**Ms. Alia Hogben:** As you can understand, our interest is not in strengthening the immigration program but to express our concerns about the vulnerability of the sponsored woman, to see how she can be protected, and to suggest positive actions for her settlement in her new life in Canada.

Allow me to tell you a little bit about our organization. It was founded in 1982. It's called the Canadian Council of Muslim Women and we have worked hard to implement the objectives of equity, equality, and empowerment of women and girls. This has been done through specific projects, outreach, public education, and advocacy.

A recent example of interest to you was our struggle against the imposition of any religious family laws in private legally binding arbitration. Our research found that no religious family laws had women's equality as a fundamental value. As believing women, we wanted the same family law to apply to all of us. Another project that is just finishing is on the issue of domestic violence, forced marriages, female genital mutilation or cutting, and filicide. We know that this is not restricted to Muslim women, but we are dealing with it as part of our issues.

CCMW is not a direct service provider, but women who are facing difficulties in their lives often call upon us. We challenge erroneous teachings and information that impact negatively on women and girls. It is puzzling that the committee's work is to ameliorate the fallout of a regulation change rather than addressing the cause of the problem, which is the regulation itself. I am no expert, and I mean no offence, but is it not the introduction of the conditional permanent residence that is increasing the vulnerability of women? Citizenship and Immigration clearly states that the purpose of the change is not about the welfare or the vulnerability of the women but rather about dealing with marriages of convenience. It seems that we cannot assume that the government based this decision on solid statistics. We could find no statistics. Neither could a lot of other organizations.

In creating the changes, was there a balancing of the possible damage to women versus the curbing of the fraud of marriages of convenience? Those of us who have worked in the field of violence against women know that for many women, educated or not, independent or not, self-confident or not, it is extremely difficult to come forward to report abuse and violence. Imagine how much more difficult it is to speak out for a newcomer in the precarious situation of a conditional permanent residence.

Many disturbing questions arise about the effects of this program on these women. These are new immigrants, separated from their extended family support network, trying to adapt to unfamiliar surroundings, facing barriers such as a lack of facility in language, with possible limited financial resources, and the onus that has been placed on them to demonstrate their abuse when applying for an exception. The sponsorship created a relationship of uncertainty and unequal power with their husband.

There are some additional considerations from Muslim women. Their traditional patriarchal societies' practices, the high value of the family, and the stigma of a marriage breakdown, add to their problems. CCMW as an organization acknowledges that many Muslim-majority countries from which immigrants come to Canada do not have strong laws to protect women and girls against violence. As their laws and practices are based on pervasive patriarchal traditions, women may be hesitant to report instances of abuse and violence when they immigrate to Canada. The family is highly valued and everyone knows that a marriage breakdown must be avoided at all costs.

Another question is how exactly will a CIC officer assess a conjugal relationship. For the two-year period there has to be assurance that the couple are living in a conjugal relationship, which means, and they've listed, a significant degree of physical and emotional attachment, exclusive relationship, and so on. Is this not overly intrusive, with a focus on the bedrooms of the nation? We are proud of the values and laws of Canada, which generally assist women and girls when they are abused, but it seems that our values and laws will not apply to these vulnerable women. My question is, why is Canada allowing this to happen?



We believe that this change is racist as it targets certain specific groups of women. For example, the citizenship guide states that Canada does not approve of barbaric practices such as forced marriages or FGM or FGC. We could request that we should add polygamy, which although illegal in Canada is being practised by some Mormons. This should also be listed. We don't think that we can give you any startling new information but we do want to point out that if so many of us who have come to speak with you are concerned about this program, then surely that is really significant.

CCMW and other organizations have done a lot of work on these various issues and I know we would all be very willing to help you with any recommendations. Our recommendations are to clarify the objective of this exercise, which is the concern for vulnerable women and not about weeding out fraudulent marriages, and to do more at the beginning of the process.

• (1730)

There needs to be a greater concerted effort to inform immigrants at the time of application in their home countries because this would allow a woman to understand the situation before she arrives in Canada. As well, implement an increase in settlement services as these are essential. These should include language training, skills development, as well as being easily accessible geographically, without long waiting periods and in languages familiar to the woman.

It is likely that some women will put up with the two years of abuse rather than approaching anyone officially, such as at a CIC office. As part of the services provided, the woman should be helped financially to cover the cost of her evidence if she needs to do that. From what we have gathered, other countries that have similar programs have noted the difficulties of implementing the conditional permanent residence.

We recommend that the Canadian program—if it's possible—function for a set period of time, keep good records, and then assess the program's effectiveness. This would also identify gaps and other problems with the program.

A major worry is the fate of children in any such marriage, whether it is a child brought into the union from a previous marriage or a child born in the two years. This issue of child welfare will hopefully also be addressed by your committee.

Thank you.

**The Chair:** Thank you, Ms. Hogben.

Ms. Siddiqui, Mr. Gora, thank you for being so patient and waiting since 3:30.

We appreciate your presence. You can speak.

**Ms. Salma Siddiqui:** Thank you, Mr. Chair, and the committee, for inviting us here.

I'm pleased to bring a man with me to show that we believe in equality.

**Voices:** Oh, oh!

**Ms. Salma Siddiqui:** He's sitting here among women.

I'm Salma Siddiqui and I'm here today in my capacity as the president of the Coalition of Progressive Canadian Muslim Organizations, accompanied by my colleague Tahir Gora, secretary general.

Let me begin by commending the Government of Canada for giving priority to protection of women and strengthening their rights. I would like to take the opportunity today in my remarks to share my views and those of our members on a range of issues around the government's present initiative. While we feel that on the whole this is a step in the right direction, I believe there are areas that should be considered carefully and where there are opportunities for further improvements or reforms.

I'm a Canadian of Pakistani descent and first moved here as a child in 1967. In the many years I have been here I have noticed differing trends in immigration. The debate surrounding immigration ebbs and flows with different issues coming to the fore one time over another. However, it is sad to say that there has always been one constant that I have observed. That constant is a fraud committed by, I'm sure, thousands of immigrants every year through marriages of convenience. I have seen it personally tear families apart, and the guilty parties exist on all sides of the issue.

I would like to begin with a personal story of how immigration fraud has affected my own family.

In the mid-1970s my sister sponsored and then married a man from Pakistan. Shortly after marriage things changed, and even though the two had a son together within the first year of marriage, this man left his family. It didn't stop there. For the next 13 years my sister was embroiled in custody disputes. He used my sister's love for her son—my nephew—as leverage to bring her to the brink of financial ruin, not to mention the emotional turmoil that still resonates today.

We didn't know then, but it's very clear in hindsight that the person in question took advantage of my sister to move to Canada. It is very sad for me to say that the system hasn't changed much in the last 35-plus years.

Now I would like to turn my thoughts to the point at hand.

I do not dispute the fact that there are women, and I'm sure men too, who come to this country as sponsored spouses and are subject to abuse by their sponsors. They need to get out of the situation and they likely do not have the same knowledge of the resources available that you and I take so much for granted as seasoned Canadians. I understand that these people are victims and they need protection. However, I also see that these sorts of exemptions to the proposed two-year cohabitation clause can be used to perpetuate immigration fraud through the use of marriages of convenience.

It is that spirit of raising awareness to this fraud that brings me here to talk to you today.

When we draft public policy we cannot do so with our eyes closed. We must thoroughly examine all of the surrounding issues to ensure that we achieve the best end possible. I'm going to share some stories with you that I hope will serve in broadening your horizons. Many of these marriages—at least 7% according to Canadians Against Immigration Fraud—involve cases from Southeast Asia. Being of Pakistani descent, I'm all too familiar with some of these issues.

During a recent trip to Pakistan I visited an immigration consultant and posed as a single Muslim woman with little financial resources. I asked for advice as to what some of my best options would be. Based upon the profile I provided, I did not fit the investor class. The advice I received was troubling. Canada along with Australia was identified as the best option. The methodology? To quote the consultant, a “paper” marriage.

● (1735)

These are the messages that people are receiving. We need to be aware that this is the case and we need to be vigilant in vetting the applicants. Though I understand resourcing may be an issue, I also think that mismanaging our immigration is irresponsible. I think it is important to point out that there may be significant security considerations associated with this practice.

You may wonder why I did this. I did this because I wanted to see for myself what was going on. My actions were based upon a case of which I am personally aware where a mentally challenged young man was duped into a marriage of convenience. He engaged in good faith sponsorship for his spouse. Upon her arrival, she left him. I don't think it would be a stretch to say that this was her intent all along and that she was likely coached along the way.

There are a number of other cases too. I'm sure that throughout the hearings you have heard, and will continue to hear, about many more such examples.

Another issue I would like to raise is something that is near and dear to me as a Muslim woman. This too is based upon my interaction with different facets of the community across the country. The problem lies with a number of our immigration settlement

agencies who are given the responsibility of assisting the victims. Many of the front-line workers in these agencies do come from countries in the Sahel, the gulf, and Southeast Asia. They subscribe to a more conservative view of Islam. They encourage sharia law and polygamy, and to the Mormon issue I agree with you. They serve as enablers in this regard.

We have seen cases where women have claimed refugee status on the grounds of domestic violence, but a few years after being accepted, gave in to family and societal pressures and put forward a sponsorship application for the very abuser she escaped. This may not be so much an example of fraud specifically, but it does speak to the purpose of this bill in preventing violence against women.

In closing, I would like to thank you for the time given and I would like to please ask you to consider the full scope of the issue when drafting this policy. Too many Canadians have been hurt by this, both emotionally and financially. It puts the credibility of our immigration system at risk and can serve to threaten our collective securities as well. Thank you for giving us this opportunity and we hope that we have contributed something to this dialogue.

● (1740)

**The Chair:** You all have indeed and thank you very much. You've made a great contribution to our study of this subject. I'm sorry, normally we end at 5:30 and members have other engagements to go to now. I'm afraid we won't have time for questions but I do thank you for coming on behalf of the committee. Thank you very much.

Just before we conclude, to the members, I'm advised that Minister Alexander is available May 28 at 3:30 p.m. for reviewing the main estimates.

Mr. Menegakis.

**Mr. Costas Menegakis:** Yes, that's true.

**The Chair:** So if you could make a note of that.

Thank you very much ladies and gentlemen.

This meeting is adjourned.







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