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A Qualitative Look at Serious Legal Problems Faced by Immigrants in Greater Victoria and Vancouver, British Columbia

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Land Acknowledgement

This study took place on the territories of the Coast Salish People. The lead organization, The Inter-Cultural Association of Greater Victoria is situated on the traditional territories of the Lekwungen-speaking First Peoples, the Songhees and Esquimalt Nations.

We acknowledge the Coast Salish Nations on whose traditional territories we do our work to support immigrants and refugees. We are grateful to live, work and learn here, and we honour the Nations who have always cared for these lands, waters and air and continue to do so today.

Research Partners

The **Inter-Cultural Association of Greater Victoria (ICA)** offers services for immigrant and refugee newcomers, including settlement and integration services, translation and interpretation, English classes, mentoring, job search assistance and guidance, volunteer matching, and peer support. It also provides outreach and education in the community through arts programming, as well as community development workshops on anti-racism, multiculturalism, diversity awareness, immigration, and human rights.

We are grateful for the participation of the respondents, for trusting us with their stories, and for helping us understand the legal strategies and legal needs of immigrants.

The **Pathways to Prosperity Partnership (P2P)** is an alliance dedicated to fostering welcoming communities that promote the economic, social, and civic integration of migrants and minorities in Canada. The Partnership includes all key federal and provincial immigration ministries; municipalities; national, regional, and local organizations involved in newcomer settlement; and researchers from over fifty universities. The main activities of the Partnership are primary and secondary research, knowledge transfer, education, and mutual learning. Their methods bring

together academic scholarship with local expertise and detailed government program knowledge.

This study was funded in part by the Department of Justice Canada and Immigration, Refugees and Citizenship Canada.

EXECUTIVE SUMMARY

This study was designed to gather information from immigrant communities in Greater Victoria and the Vancouver area to gain deeper insight into the immigrant experience when navigating through serious legal problems. Twenty in-depth interviews with newcomers and established immigrants (carried out between July and November 2020) showed that immigrants often feel unheard. Listening to their voices and understanding their legal needs was the focus of this report.

Many immigrants expressed that their unfamiliarity with Canadian laws and rights together with the uncertainty that comes with the first years of living in a new country affected their readiness to respond to serious legal problems.

- In many cases, discrimination was associated with the legal problems that immigrants experienced, but they often did not consider it as worth challenging.
- The more complicated the legal issues that someone faced, the more serious the consequences they experienced. Experiencing multiple serious legal problems, such as family and child custody issues especially, put immigrant women of colour at risk for housing and food insecurity in addition to experiencing health and social consequences.
- In this study, immigrants with a refugee background and immigrants that were family sponsored experienced more serious legal issues than economic immigrants.
- Participants appreciated the resources that Canada has to offer in terms of providing legal assistance, but they wished that more people would be eligible, more hours would be available, and the process would be faster.
- Education levels were not a good predictor of being able to navigate legal issues in Canada. Most immigrants interviewed in this study had university educations but struggled to understand the information they found or did not know where to go for help. What helped was better access to information; clear explanations of overly technical language on government websites; the availability of experts, including, but not limited to, legal, human rights, immigration, and human resources professionals (and being able to speak to them); and being familiar with community resources.

- The legal problems that newcomers experienced during the first five years in Canada were more often related to finding and maintaining housing and employment.

While many legal problems that were arbitrated in court were resolved, the effects of facing legal struggles were long-term and many felt powerless throughout the process. At the same time immigrants also showed themselves to be strong and determined to make things better for themselves, their loved ones, and their communities.

1. INTRODUCTION

“Small things can spiral out of control when they happen to newcomers,” and “People, not everybody gets justice! Justice is when everybody feels safe, and I do not feel safe, I feel vulnerable.” These are comments from two participants in this study into the legal needs of immigrants¹ in Greater Victoria and Vancouver.

The first comment attests to the struggles some immigrants experience when dealing with seemingly mundane activities such as trying to find a job or housing; the second comment reflects the intense isolation and powerlessness some immigrants experience when dealing with large and complex legal problems. This report shows that being denied jobs or housing because of prejudice, while struggling to navigate a system without fully understanding the laws and one’s own rights, all the while trying to learn a new language and build a new life, can indeed lead to feeling out of control. The report also shows that immigrants who are dealing with large and complex interrelated problems, often show a strong sense of resilience and strength while also feeling powerless, unsafe, and undervalued. Trying to navigate serious legal issues while having the perception that one is not heard and is powerless can strongly affect immigrants’ well-being. Listening to these voices and understanding the legal needs of immigrants is the focus of this report.

Background to Legal Needs Surveys

In a recent report, the Organisation for Economic Co-operation and Development (OECD) explains that legal needs surveys are meaningful for understanding peoples’ access to justice, which is “crucial for the development of effective civil justice policies, models and financing” (OECD/Open Society Foundations 2019, p. 11). Instead of looking at legal problems through the perspective of justice professionals and institutions, legal needs surveys take a “bottom-up” approach by identifying serious legal problems from the perspective of the individuals who experience them (Ibid.). Legal needs surveys capture the types of legal problems individuals face,

¹ For definitions of terms used in this study, please see “Terms Used in the Study” in the methodology section.

explore the strategies people use to resolve their serious legal problems, and assess the outcomes and costs of dealing with these legal problems.

In Canada, legal needs surveys were conducted by the Department of Justice Canada in 2004, 2006, and 2008 (Currie 2005, 2009, 2016). Generally, legal needs surveys have been conducted by polling a large number of households across Canada by phone. Past legal needs surveys conducted in Canada showed that individuals with social disadvantages (i.e., individuals who are unemployed, on social assistance, divorced or separated, single parents, and visible minorities) are more likely to experience multiple serious legal problems (Currie 2009, 2016). However, there is limited knowledge about the experiences of specific groups, such as immigrants, who may be more likely to have social disadvantages. Recent immigrants may be particularly vulnerable to experiencing serious legal problems as they may face multiple challenges as they settle in Canada (Esses et al. 2013).

In order to get better insight into the immigrant experience when navigating through serious legal problems, this small qualitative study was designed to gather information from immigrant communities in Greater Victoria and Vancouver by recruiting a small number of individuals to take part in a 1.5-hour virtual interview.² Opting to engage in in-depth conversations with a small number of individuals means that a certain level of generalizability is given up in favour of being able to more carefully track an individual’s lived-experience and let them tell their story. As this report will show, it is important to give individuals who often feel that they are not heard the time to tell their story. This, according to some participants, can itself be a healing experience.

Immigration Trends in Vancouver and Greater Victoria

Vancouver and Greater Victoria are relatively close to each other, but significantly different regions with respect to immigration trends. Vancouver is a large metropolitan area on the mainland of British Columbia; Greater Victoria is the capital of British Columbia and includes a

² A similarly designed study was done at the same time, by Victoria Esses and Alina Sutter in London and Toronto, Ontario.

relatively small urban core with a larger rural margin around it. It is located on Vancouver Island, which makes the area less accessible and less well-connected than Vancouver.

According to the 2016 Census, the Vancouver area has close to 2.5 million residents, 41 percent of whom are immigrants, most of whom arrived from China; 65 percent of recent immigrants participate in the labour force. About 50 percent of residents in the Vancouver area are visible minorities (Statistics Canada 2017).

Greater Victoria has a population of 360,000, 18 percent of which are immigrants. Traditionally, immigrants to the Victoria area have been British, but more recently (2011–16) the top country of birth for immigrants has been the Philippines; 73 percent of recent immigrants participate in the labour force. About 14 percent of residents in Greater Victoria are visible minorities (Statistics Canada 2017). Thus, Greater Victoria is much smaller, includes more rural areas, and is significantly less diverse than Vancouver.

Research Questions

The goal in conducting interviews with immigrants in the Vancouver area and Greater Victoria was to answer the following research questions:

1. What types of legal problems have immigrants experienced?³ When there has been more than one problem, were the problems connected?
2. How have immigrants tried to resolve their problems? What has been the outcome of these efforts?
3. Have immigrants resolved their problems by recourse through the formal legal system? If not, why not?
4. What have been the economic, social, and health impacts of these problems on immigrants?

³ Everyday serious legal problems can be defined as problems that arise out of peoples’ normal activities that have a legal aspect and that could be resolved through the legal system but do not have to (Farrow et al., 2016).

2. METHODOLOGY

Terms Used in the Study

The terms used in this report follow the conventions used by Statistics Canada and Immigration, Refugees, and Citizenship Canada (IRCC).

- *Immigrants*: people who are, or who have ever been, landed immigrants or permanent residents. They have been granted the right to live in Canada permanently by immigration authorities. Immigrants who have obtained Canadian citizenship by naturalization are included in this group (Statistics Canada 2019).

This group includes people with a wide variety of immigration backgrounds (Canadian Council for Refugees 2010):

- *Refugees or protected persons*: People who are forced to flee from persecution and who are located outside of their home country. A protected person is someone who has been deemed at risk for persecution in their home country.
- *Economic immigrants*: A category of immigrants selected for their skills and ability to contribute to Canada’s economy who are granted permanent resident status on arrival.
- *Family class*: People who are sponsored by family members to come to Canada and receive permanent residence status.
- *Naturalized citizens*: Naturalization is the process through which immigrants acquire Canadian citizenship.

Where helpful in this document, the specific category of immigration will be mentioned. Any time the specific category is *not* mentioned, the term “immigrant” refers to all the above categories together.

Other immigration categories referred to in this document are:

- *Temporary Resident*: A foreign national who is in Canada legally for a short period. Temporary residents include students, foreign workers, and visitors, such as tourists.

In this report, the term temporary resident will be used only in connection to *foreign workers* or *international students*. Temporary residents often have less access to services. For example, with a few exceptions, federally funded settlement organizations can only assist permanent residents with their settlement journeys and cannot offer as many services to international students or temporary foreign workers as to permanent residents. Visitors were not included in this study.

Context in Which the Study was Undertaken

This study began in the summer of 2020 while the world, was experiencing sudden radical changes to the way we work and live because of the COVID-19 pandemic. The first set of interviews took place in July 2020 when the active case numbers of COVID were low (300 cases). By then, people had experienced the closing and careful reopening of schools and businesses, the shift to working from home for many employees, social distancing regulations, and learning to use video conferencing apps. The hospitality industry, traditionally an industry that employs many immigrants, was particularly affected and many jobs were lost (CBC News 2020). Immigrants in British Columbia who arrived in the last ten years, were more at risk of losing their jobs during the pandemic, with an impact that was three times as high as non-immigrants (Ivanova 2020). Throughout the fall, when a second set of interviews took place, restrictions went up again as COVID-19 cases started surging, reaching a peak of about 10,000 active cases by December 2020 (CBC News 2021). All interviews were done through Zoom (virtual conference) or, in a few cases, by phone.

Procedure

Between July and November 2020, a total of 22 virtual interviews were conducted with immigrants living in Greater Victoria (11 interviews) and Vancouver (11 interviews). To invite participants, a call for participation was distributed through various channels. In Greater Victoria, immigrants were recruited through the Inter-Cultural Association of Greater Victoria (ICA), ICA's Community Partnership Network (CPN), and the Greater Victoria Local Immigration Partnership

(GVLIP).⁴ Community partners were encouraged to share the recruitment information as well, which many did. In Vancouver, people were recruited through the local settlement service providers MOSAIC, the Immigrant Services Society of BC (ISSofBC), the Immigration and Refugee Legal Clinic (IRLC), and the local Vancouver Immigration Partnership.⁵ Most of the recruitment was done through social media, direct emails, and online forums. The recruitment information clearly stated that translation would be provided during the interview, if requested.

Prospective participants were asked to fill in a short survey that asked them for their contact details (phone and/or email) and a few demographic facts to help make sure that selected participants were from a variety of backgrounds (gender, age, current region of residence, immigration category, country of origin and year of arrival, education and employment, and the legal issue that they faced). Providing this demographic information up front was not required to be eligible for participation. There were 38 prospective participants who responded to the invitation and all of them filled in the initial survey. Each of them was contacted, and interviews were arranged with 22 individuals.

The recruitment of participants proved more difficult than expected, which could be due to the sensitive nature of the topic, the fact that the flyer was available in English only, and because the study was undertaken at the start of the COVID-19 pandemic and many offices and services were closed for in-person services. Of the 38 prospective participants, 13 individuals never responded to the request to schedule an interview, one had included incomplete contact information, and two responded that, in hindsight, they did not have time to schedule an interview. Of those who never responded, five had shared that they would need a translator to be able to participate. It is possible that the follow-up information that was sent out in English impeded their ability to respond and schedule an interview. Recruitment outreach was repeated numerous times throughout the period (July to November 2020).

Most interviews were conducted via Zoom with one interviewer present who is a newcomer herself. In one case, a professional translator was present as well. All interviews were recorded with participants' permission for post-interview checking of key details and quotes. Two

⁴ The CPN and GVLIP are community engagement programs of ICA.

⁵ See <https://www.vancouverimmigrationpartnership.ca/>

interviews were conducted by phone, one because the Zoom connection was interrupted halfway through, and one because the interviewee expressed interest in having the interview take place by phone.

Of the 22 interviews, one participant withdrew their participation, and one was excluded from the analysis because they did not share a first-person experience. This report is based on the 20 remaining interviews.

The interviews were semi-structured and followed an interview guide with central and follow-up questions (see Appendix 1). The questions focused on the *types* of serious legal problems, the *strategies* used to resolve these problems, the *current status* of these problems, and the *economic, social, and health consequences* of having to deal with serious legal problems. In many cases, the participants started talking without much prodding and kept talking without taking a break; many expressed that they just wanted to be able to tell their story and that they needed to be heard. In those cases, the interviewer let them speak and followed their lead. Once the main story had been shared, the interviewer gently turned them back to the more structured questions to make sure all main points were addressed and details were sufficiently clear; in some cases participants did not remember all the details or dates associated with a case. For this reason, not all interviews followed the same order and not all prompts were answered with the same amount of detail.

At the end of each interview, participants were asked a set of demographic questions. The interviews lasted between one and two hours, and all participants were compensated with \$30.

The interview notes and audio-recordings were coded into main themes. Themes were determined for each of the main sections of the interview:

- Types of issues and main factors contributing to the problems;
- Strategies for resolving the problems;
- Perceived barriers to justice and outcomes; and
- Economic, social, and health impacts of the legal problems on the lives of the participants.

Description of Participants⁶

- *Gender and age*: 10 participants identified as female, and 10 as male; none identified as other than female or male. Participants were between 26 to 62 years old, with a mean age of 38 years. Half of the participants were in their thirties.
- *Immigration category*: Most participants immigrated to Canada either as economic immigrants (nine) or through family sponsorship (seven). The remaining immigrants had refugee backgrounds (two) or arrived as temporary residents (two).
- *Years in Canada*: At the time of being interviewed, participants had been in Canada between 0.5 and 30 years, with a mean of 8.8 years. The participants were categorized in two groups as follows:
 - *Newcomers (0–5 years)*: nine participants
 - *Established immigrants (6+ years)*⁷: 11 participants

More than half arrived directly to Victoria (five) or to the Vancouver area (six).

- *Country of birth and citizenship*: most participants were born in South Asia, East Asia, or Southeast Asia:
 - *South Asia*: India (six), Bangladesh (one), and Nepal (one);
 - *East Asia and Southeast Asia*: China (one), South Korea (one), Japan (one), and Malaysia (one);
 - *Americas*: Brazil (two) and Mexico (one);
 - *Middle East and Northeast Africa*: Oman (one) and Egypt (one)
 - *West Africa*: Nigeria (two); and
 - *Europe*: Ukraine (one).

In terms of citizenship, seven of the interviewees had Canadian citizenship. Except for

⁶ See also Figure 1, p. 13.

⁷ Initially recruitment was aimed to include four categories: newcomers (0-5 years); recent immigrants (6-10 years); established immigrants (11-20 years); and long-established immigrants (21+ years). Because there was no clear difference in experience between the last three groups and because most of the immigrants (8 out of 11) in those groups were in Canada for 9-12 years, it was decided to group participants in two categories only: newcomers and established immigrants, as above.

two individuals, all participants had the citizenship from their birth countries. One individual was born in Egypt, but had Omani citizenship.

- *Race and ethnicity:* the majority identified as South Asian (eight). The rest identified as Latin American (three), Black African (two), Arab (two), Chinese (one), Japanese (one), Korean (one), South-East Asian (one), and White (one).
- *Marital status:* 50 percent of participants were married (10), 30 percent were separated (four) or divorced (two), 20 percent were single and had never married. On average, immigrants’ household size included 2.3 individuals (range = 1 to 6).
- *Language skills:* Many participants reported that they speak multiple languages at home, often one of them being English (13). Other languages spoken at home were Hindi (two), Malay (two), Mandarin (two), Spanish, Bengali, Arabic, Portuguese, Japanese, and Nepali. Many found it hard to self-rate their English skills⁸ and did not fill in all prompts on this question. For this reason, only one general number on a scale from 1 to 10 (where 1 is no skills and 10 is excellent skills) was used to reflect their language skills. Most rated themselves at 7 or 8 (Mean: 8.1, range 4 to 10). Two interviewees requested a translator, but only one of them did indeed use the services of a translator. Only four immigrants reported having some French skills, rating 1, 2, or 3. One rated their French skills at 6.
- *Education, work, and income:* Most interviewees reported having a bachelor’s degree (14), five had a graduate degree, and one had less than high school. The majority of participants were employed full time (10), or part time (three). Six participants were unemployed and looking for work (four), going back to school (one), or on disability assistance (one). The majority (19) reported no change in employment status since the start of the pandemic. One individual who had a full-time job before the pandemic at the time of the interview reported being employed part time. Several who are looking for work stated that it has been getting harder to secure employment because of the pandemic. The average yearly income of participants is \$47,389, with a high of \$90,000 and a low of \$15,000. Two participants chose not to disclose their income. Most people

⁸ Many participants initially rated themselves on a lower level and then adjusted upwards.

admitted that these numbers were rough estimates, and several had a hard time estimating their income.

Figure 1: Demographic Profile of Participants



3. FINDINGS

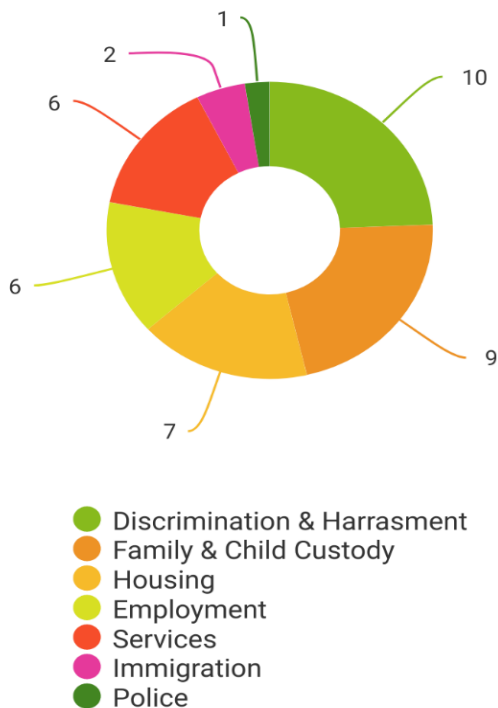
This report is based on 20 in-depth interviews with immigrants in British Columbia. The goal of this study is to present the lived-experiences of several immigrants in this region, which can give further insight into some of the challenges that immigrants in Canada might face. See Tables 1 and 2 for summaries of the findings.

Types of Serious Legal Problems

The 20 immigrants interviewed spoke about 42 different (but sometimes related) legal problems they experienced. Some of the participants reported experiencing multiple legal problems at the same time or in succession. In order of frequency, the main themes of these problems were:

Figure 2: Types of Legal Problems

FIGURE 2: Types of Legal Problems



- *Discrimination and harassment: 10 cases*
- *Family problems and child custody issues: nine cases*

- *Housing problems (incl. neighbour disputes):* seven cases
- *Employment problems (incl. injury at work):* six cases
- *Obtaining services and government assistance:* six cases
- *Immigration problems:* two cases
- *Police:* one case

1) *Discrimination and harassment*

The most often reported legal problem was discrimination (10 cases). Discrimination means treating someone differently or unfairly because of a personal characteristic or distinction, which, whether intentional or not, has an effect that imposes disadvantages not imposed on others or that withholds or limits access that is given to others. Under the *Human Rights Act of British Columbia*, there are 12 prohibited grounds of discrimination: race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or that group or class of persons. In tenancy and job-related cases, people are protected on some additional grounds: (i) lawful source of income (in case of tenancy); and (ii) political belief and being convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person (in case of employment).⁹

In 60 percent of discrimination cases, participants mentioned discrimination in the context of trying to find housing and employment. This type of discrimination happens a lot to newcomers but also to established immigrants. Someone shared: “I feel that often I am only selected to increase the diversity ratio of their applicant pool, but never seriously considered for the job,” and another shared: “Landlords want us to show we have a job first, but we need a place to stay.” They worry that they are passed over for housing because they do not yet have a job or even because of the type of foods they cook:

We had shown the proof of funds [or proof of job] statement [to the landlord]. Even after having several conversations, that person was not ready to believe us...some people

⁹ To clarify, if the discrimination falls under provincial jurisdiction (as in all the cases discussed in this study), then the *British Columbia Human Rights Code* applies. If the discrimination is of a federal nature (e.g., happening in federal departments and crown corporations), then the *Canadian Human Rights Act* would apply.

when I inquired [rejected us] maybe because of the cuisines that we are preparing in the home, some may not be liking that smell, for example.

The difficulty with many cases of discrimination is that participants are often not fully sure that this is the reason that they are passed over because landlords and employers usually give other reasons for not giving them the job or the house. This can lead to stress and self-doubt, as was initially the case for a participant who had to go on stress leave after being repeatedly passed over for promotion:

The people [they will consider before me], they're obviously white people and they're younger than me...and when I inquire about why I was not taken into consideration for these opportunities, it was pointed out that I didn't have the right experience. And I don't think that was really necessarily the truth, because none of these other people had the experience, but they were given the opportunity to take these jobs and were offered training, where for me that was not there.

In two of the discrimination cases, the discrimination came from government officials, including within the legal system itself. It involved people making assumptions based on religion or sexual orientation. For example,

We were asking the [provincial government] worker: "Do you highlight the religion of each family?" She said no. "Then why did you mention my religion [Muslim] in your report?" No answer.

And in another case:

I'm not a straight person...I am a person of colour. I am an immigrant. ...And I think to him I was...to him I was less of a person...how [the legal official] spoke to me, and how he stopped, and he began asking questions that are not relevant to the proceeding. They were personal questions. They were irrelevant questions.¹⁰

¹⁰ There were more details to this story that suggested that the legal official was biased against same-sex relationships. At the request of the participant further details attesting to the bias of the legal official have been omitted from this report.

Harassment was reported by two women of colour in multiple situations: at gyms, health care settings, bars, and outside on the street.

Bias as background: Interpreted broadly, perceived bias or an undervaluing of immigrants and people of colour is a connecting thread in many of the cases discussed in this study and is mentioned in more than the 10 cases of discrimination or harassment listed above. In those other cases the bias mentioned is not connected to a specific incident of discrimination (and for that reason not included in the tally of 10 above) but rather is described as being always there in the background, as a "latent bigotry" that is constantly faced, or as a subtle form of belittling that immigrants regularly face:

Sometimes as immigrants we're not very outspoken because of our language skills... but that does not mean that we don't know anything.

This more subtle form of bias also affects their ability to thrive and it often exacerbates the difficulty of navigating the legal problems they face.

2) Family-related problems (Including child custody issues)

Six participants (five women and one man) reported a total of nine cases of experiencing serious legal problems within family relationships: five cases involved a breakdown of a family or relationship, and abuse followed by a divorce or separation, and four cases involved child custody or other problems involving parental responsibilities. Three of these six participants reported experiencing both a family breakdown and child custody issues.

Missing child payments, sexual and physical abuse, and psychological and legal manipulation by the other party were often associated with child custody issues (three out of four cases). Child custody and family issues were often complicated by other legal issues, such as losing access to a house, and losing jobs:

All of a sudden, I was a person that was homeless, and that was very shocking for me. I've never been in that situation...but then then I realized as well again, how vulnerable we are and how easy it is to lose housing.

Most of these are cases of profound loss: "I am losing all, to keep my child safe" said a mother who experienced food insecurity, housing insecurity, and trauma after escaping her situation. These kinds of cases with multiple layers of vulnerability, were by far the most complicated cases shared during this study. All of them, except one, went to court or are waiting for a court date in the future and most of them had legal aid.

3) Housing Problems

The seven participants reported housing problems that included: a fraudulent rental that caused a newcomer to lose the deposit he had already paid, failure to get a damage deposit returned (two cases), threats after leaving a bad housing situation, a landlord's failure to fix things and renege on promises, a dispute with a neighbour about property boundaries, and difficulty dealing with an unruly and threatening housemate. The majority of these cases happened in the first five years of the newcomers' arrival.

4) Employment-related Problems

Six participants reported employment problems. In three cases, they involved injuries on the job. Two employer-related cases describe not being paid for a job done when working at a first job after arrival. For example, a participant was enticed with great verbal promises about pay and working conditions, but without a written contract the employee effectively ended up working long hours for free. Another participant's pay was withheld for three months and by the time she tried to pursue it, the employer had gone bankrupt.

5) Problems obtaining services and government assistance

This group of problems includes a variety of legal issues, all of which involve being denied a service or having to negotiate for a service (whether from government or from a private business) or a service not being delivered properly. Two cases were related to obtaining health insurance, one was about being misdiagnosed by a doctor, one was related to getting a child tax benefit, one to car insurance, and one was related to services delivered by a moving company. For example, one participant mentioned that his extended dental benefits were denied retroactively. Another participant, who had had a car accident, mentioned that she was

repeatedly misdiagnosed by the doctors she saw and struggled filing a claim with the Insurance Corporation of British Columbia (ICBC) because it involved interprovincial negotiations. Finally, a participant shared that a moving company did \$2,000 damage to his furniture.

6) Immigration problems

Two participants reported experiencing problems with immigration. This included an excessively long wait for Immigration, Refugees and Citizenship Canada (IRCC) to process the sponsorship of a spouse. Several participants mentioned IRCC’s sometimes slow processing times, that processes are not always transparent for clients and that files are hard to access. The second immigration-related case was one in which a participant was defrauded by a person posing as an immigration lawyer online. That person kept asking for higher fees, but the requested immigration advice was never delivered.

7) Police

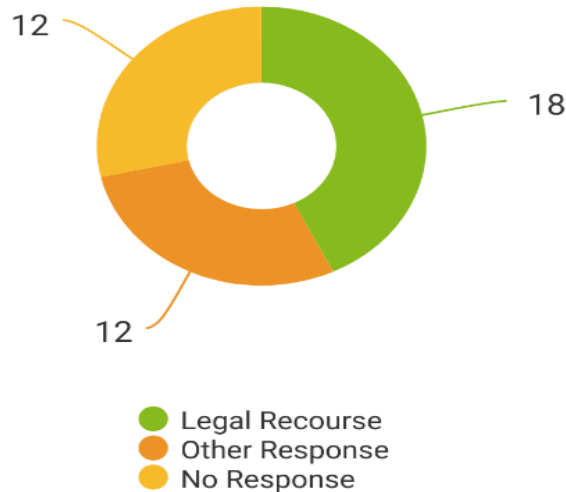
One participant mentioned that his social worker called the police to do a wellness check on him after being concerned about him feeling depressed. The participant was not at home, but has several cameras in his home. He was able to see that the police did indeed enter his home, with guns drawn. He now feels unsafe at home and is thinking of filing an official complaint, but he is worried that this will affect his ability to stay in Canada as a protected person.

Strategies for Resolving Legal Problems

Of the 42 legal problems reported in this study, participants took legal recourse in 18 cases (43 percent). Respondents did *not* take any legal action in 24 cases (57 percent). Of those who did not take any action, half found other ways to navigate through the issue and half did not do anything else to challenge the case.

Figure 3: Strategies

FIGURE 3: Strategies



Strategies employed when faced with a legal problem were grouped into three categories:

- 1) No response (28%)
- 2) Legal recourse (43%)
- 3) Other responses (28%)

Legal aid and the resolution of legal cases are discussed under point 2. See also Table 1.

1) No response

Twelve participants did not take any action in response to the legal problem they faced. Especially in the case of discrimination, participants reported they did not pursue this further in court or even challenge the decision directly person-to-person because *they needed to keep going*, find other jobs, look for other housing opportunities, or to keep waiting for services to be delivered. Only two of the 10 discrimination cases were pursued further. Discrimination is seen as hard to prove and the need to have *some* job or *some* housing trumps the work that would be needed to challenge a particular job or particular housing situation. In addition, some of the cases of discrimination happened in the middle of facing other serious legal problems, such as going through separation or child custody hearings. The other issues that people face frequently

demand so much attention that the underlying issues with discrimination are not pursued further.

Like discrimination, respondents felt that it often was difficult to prove that harassment happened (especially when the woman had been alone with her harasser). Attempting to avoid harassment is hard to do:

Harassment [and hyper-sexualization of women of colour] is everywhere, all the time, constant and bold, it makes me refrain from meeting white people.

Temporary residents have fewer avenues for responding because many service providers can only offer services to permanent residents.

2) *Legal recourse*

In 18 of the 42 cases discussed in this report, the respondents used the official legal system in place to respond to the problem. A few instructive cases are discussed below.

- *Family or Child Custody Cases:* Except for one case, all cases that concerned family law or child custody cases went to court or are currently waiting to go to court. In most family or custody cases (six) participants were represented by legal aid. In the majority of these cases, the women first went to a transition house. It was there that they learned where to find legal support and recognize that: "Many women are in the same situation, I am not the only one." In some cases, friends or acquaintances helped them recognize that they "did not have to live like that;" in other cases, settlement service providers helped explain the function of transition houses (two women indicated during the interview that they had not been aware that transition houses existed). In one case, the participant chose not to go to a transition house because:

I was so scared to go anywhere and face anyone. I just wanted to just hold my baby, I was just so scared of people. I didn't want to be in a setting which is new to me. I didn't know...what kind of atmosphere I would be in.

- *Discrimination:* One woman who was consistently passed over for a promotion at first

tried to fit in and not stand out. But after reaching out to the few other colleagues who identified as Black, Indigenous, or people of colour, she learned to recognize the underlying structural inequities that were at play¹¹ and connected with a mother of a colleague, a woman of colour working as a human resources (HR) director. This HR director advised her to take official action. An official complaint concerning the HR practices of the organization was then escalated to the chief executive officer who subsequently offered her two months’ pay if she would leave. Continuing to get advice from the other HR director, she chose to stay and make her case. An investigation was undertaken, and an official mediation process was started, which was ongoing at the time of the interview. Simultaneously, after reaching out to the few other people of colour in the organization, a diversity committee was implemented to support Black, Indigenous, and people of colour employees:

Having to raise our hands within the organization and creating this committee, that's something that I was so happy [about]...it felt like power.

In the case of perceived heterosexist bias from a legal official, the discrimination experienced was a reason to appeal the court’s decision. The provincial court’s decision was voided on appeal because it was proven that the court’s decision was biased.

- *Employment and Injuries on the Job*: The three cases of injury on the job were reported to WorkSafeBC¹² or, as it was known previously, the Workers Compensation Board. In each case, the individual was transferred to another position in their workplace to accommodate them. Participants shared that being transferred to another position did not truly solve the problem or make them feel heard. In one case, the position was far less interesting and for significantly less pay: “Any accommodation is not really a *proper* accommodation ... in this job I’m getting way less money.” This participant also got a one-time payment for damages. Subsequently this participant was told that he was

¹¹ “First, I blamed myself...but then I discovered it is not me, it is the system of the organization, this was a relief, the internal struggle is gone.”

¹² WorkSafeBC is a provincial agency dedicated to promoting safe and healthy workplaces across BC. Their services include education, prevention, compensation and support for injured workers, and no-fault insurance to protect employers and workers.

accidentally overpaid damages and that the amount overpaid would be held back on his salary and his vacation time. He tried to involve the union, but never felt that anyone truly listened or explained the situation to him properly. In another case, the participant was seriously injured on his first job in Canada. He describes his accommodated job position as a “fake position” that made his life there so uncomfortable that he left and took another job: “They try to push you to quit.” At the next job he got they tried to fire him because of the same serious back injury. He is now in the process of challenging this through an official complaint.

- *Housing and Service-Related Cases:* Two cases of a withheld damage deposit were successfully challenged in a small claims court (Residential Tenancy Branch (RTB)). In both cases the participants had preserved the communication with the landlord, found the information on an official BC tenancy website, wrote an objection, and succeeded in their claim. The landlords were ordered to pay them twice the damage deposit back. Another successful challenge was undertaken through a complaint to the BC Ombudsperson about dental health benefits that were changed retroactively. The participants found the necessary information through government websites.

The case considering car insurance that was filed with the Insurance Corporation of British Columbia (ICBC) was also eventually successful, but the participant shared that it took a long time and was complicated because it concerned insurance companies in two different provinces.

- *Police:* In the case of the police wellness check, the participant is considering legal action, but he is not yet sure he wants to pursue action because of fear that it might affect his ability to stay in Canada as a protected person.
- *Legal Aid and Resolution of Cases:* In the 18 cases that were pursued in court or through another official system of appeal, five participants represented themselves, nine participants had legal aid, and, in one criminal case, a Crown prosecutor kept the participant informed. In three cases, it was not completely clear what kind of legal support there was for the participant.

In 78 percent of the cases for which legal recourse was started, the issue was resolved. Three cases were ongoing, and one case was not resolved, but was also not ongoing at present (the participant did not have the ability to pursue it).

To compare, of the 24 cases that did *not* seek recourse, eight (33 percent) were still ongoing.

TABLE 1: Cases where there was legal recourse

Type of Legal Case per Problem	Legal Recourse	Legal Assistance	Resolved	Ongoing
Discrimination & Harassment	Court	Legal Aid	Yes	No
Discrimination & Harassment	Mediation	Self	No	Yes
Employment ¹	Court	Legal Aid	Yes	No
Employment	Work Safe	?	Yes	No
Employment	? ⁵	?	Yes	No
Employment	Work Safe	Legal Aid	Yes	No
Family ²	Court	Self	No	No
Family	Court	Legal Aid	Yes	No
Family	Court	Crown Counsel	Yes	No
Family	Waiting for Court	Legal Aid	No	Yes
Family	Waiting for Court	Legal Aid	No	Yes
Family	Court	Legal Aid	Yes	No
Family	Court	Legal Aid	Yes	No
Family	Court	?	Yes	No
Housing ³	RTB	Self	Yes	No
Housing	RTB	Self	Yes	No
Service ⁴	Ombudsperson	Self	Yes	No
Service	ICBC	Self	Yes	No

RTB: Residential Tenancy Branch

Work Safe: Work Safe BC, previously Workers’ Compensation Board

ICBC: Insurance Corporation of British Columbia

¹ **Employment:** includes employer issues and injury at work

² **Family:** includes family problems and child custody issues

³ **Housing:** includes tenant-landlord and neighbour disputes

⁴ **Service:** includes problems obtaining services and government assistance

⁵ Case went through legal recourse, but it was unclear from interview what it entailed

3) Other responses and strategies

In 12 cases, individuals sought resolutions other than through the legal system.

- Several individuals sought advice online and in person from *other non-legal community-based services and organizations*, such as a union, transition house, settlement service providers, and official government websites. Two participants used the freedom of information act to get information about their case (one was a family law case and one was related to accessing their immigration file), but did not further pursue action.
- Participants also approached their *personal networks* to solve legal issues or get advice. They contacted friends and family members and checked in with the wider immigrant community through online forums. They asked for advice, shared stories of success and failure, and considered whether taking official action would be worth their while.
- Some individuals chose to *directly negotiate with the other party* or appealed to a third party for assistance. A harassment claim was reported to the business involved (though the business did not seem to take any further action); a landlord was appealed to in the case of a fellow tenant who was disturbing the peace and perceived as dangerous.
- One case involving a landlord reneging on his promises¹³ led to an interesting response strategy that was different from all the others. In this case, all the renters in the building were struggling with the same problem with the landlord. The strategy employed was to unite with other renters and *negotiate as a group* with the landlord:

So, you know, we couldn't actually do anything but all of us in the building got together because all of us were in isolation anyway. So, we got together in one person's apartment and we gave [the landlord] a call. And all of us spoke to him together on a conference call and he agreed to everything. So, it was the tenants' word against the landlord's.

¹³ The landlord had verbally agreed to waive a month's rent after the start of the COVID-19 pandemic and offered renters to "pay what they could" going forward. Reneging on that agreement meant that several renters in that building had no choice but to find other housing and the participant and her family were worried that they too would lose their housing.

By uniting with other renters in the building and starting to record all communication with the landlord, the participant and her family were able to hold on to their housing, to pay the outstanding rent, and to have the landlord agree to much needed fixes to the building.

Barriers to Justice

Eight different categories of barriers to justice were identified. In many cases, the barriers are related to each other and many participants experienced multiple barriers at the same time.

- 1) *Lack of information*: For the majority of the 20 participants (18 individuals or 90 percent) a lack of information was the main reason that they initially had a hard time finding help or did not pursue help at all. They were unfamiliar with the Canadian legal system; they did not know what their rights were; they did not know where to go or who to talk to; they did not know what to do; what services and organizations were out there to help; or how to interpret information on official government websites. Multiple participants mentioned that they had not known initially about transition houses, settlement service providers, or legal aid.
- 2) *Language and jargon*: In six cases (30 percent) English language ability, or the ability to read complicated information on official websites, was perceived as a great barrier to justice. Except for the provincial government’s websites for housing and tenancy and the BC Ombudsperson,¹⁴ most government and legal websites were described as difficult to understand and unclear. While many official government websites are not seen as helpful, most professional advice that was given *in person* or in corresponding with participants through email was considered valuable and helpful.

Most participants rated themselves relatively high (7 or 8) for English understanding, and in 13 cases, English was spoken at home as a second or first language. This suggests that for the majority of these participants, it was not English per se that was perceived as a barrier but the more technical jargon some legal and government sites use, and the

¹⁴ The websites: <https://www2.gov.bc.ca/gov/content/housing-tenancy>, and <https://bcombudsperson.ca/>

complexity of the legal system itself.

- 3) *Time*: Time was mentioned explicitly by six individuals as a barrier to justice. But in many more stories the notion that there was not enough time and that time pressure increased the stress of a situation, came up as a side issue. As one participant said:

I just need a job, I have no time to challenge this.

- 4) *Cost*: The cost of pursuing legal action was mentioned specifically by three individuals. But the fact that *none* of the individuals who went to court were able to hire lawyers other than through legal aid or that they chose to represent themselves, suggests that the cost of regular representation constituted a major barrier to justice.

- 5) *Legal aid barriers*: While those who received legal aid were mostly appreciative of the service, there were also significant barriers associated with legal aid. Participants were frustrated with how slow and limited legal aid was in terms of who is eligible and what cases qualify (criminal charges, mental health and prison issues, serious family problems, child protection matters, and immigration problems). Legal aid lawyers were perceived as less experienced and having less time to spend on a problem than other lawyers. Two participants mentioned that other lawyers “played the game” by unnecessarily stalling things in court so that the participant’s legal aid hours ran out of time. For example, a participant recounted that the “regular” lawyers would request a delay on the proceedings to ask for an interpreter and then later they rejected that interpreter, which caused another delay. A participant said:

The other lawyers...know how to eat up the hours...the other lawyers know how to play the game, basically.

- 6) *Perceived chance of success*: Many participants brought up that acting on a perceived injustice was simply not worth it:

I have to be very careful on which battles do I want to pick. In this case, I’d rather sacrifice the fit in the organization because I'm not sure when I'm going to get

another job. I'm not sure how long it would take me to get to an offer.

- 7) *Fear of consequences*: Especially concerning discrimination, many participants had a sense of powerlessness and felt that there was little they could do about the incidents themselves; they believed that calling out the discriminatory behaviour (especially of an authority figure) would make people perceive them as a “troublemaker.” In one case an individual thought it might affect his immigration status in Canada. This fear of the consequences of speaking up was one of the reasons they did not further pursue the issue.
- 8) *Multiple legal problems*: Experiencing multiple legal problems make navigating a situation more difficult:

I was moving mountains at the time.

Experiencing multiple complex problems at the same time is often mentioned in conjunction with a feeling of powerlessness, having little time, and mounting costs, and all these together contribute to making it harder to solve the legal problems or to settle them to their satisfaction. Several participants stated that they were not happy with the way a legal problem was resolved, or that they would want to pursue further action but did not see a possibility for doing so after having already worked through multiple other steps. For example, two women who dealt with multiple issues, of separation, child support payments, and/or custody issues, also wished to divorce their husband: “I want to cut the link and be divorced.” But neither was able to proceed because of the cost and not having any more hours left to receive legal aid after having worked through the other problems first.

Other Factors Affecting Experiences and Outcomes

- 1) *Area of residence*: Among the participants in Vancouver, there were more newcomers (80 percent) than among the participants from Greater Victoria (1 percent). Twenty percent of the cases in Vancouver were complex and serious, while in Greater Victoria, 50 percent of cases were complex and serious. These regional differences should be interpreted with

care because the numbers of participants were small. It is also important to remember that the lead organization of the study is located in Victoria. With 50 years of service and being the largest settlement service provider in the area, it is not surprising that ICA was able to reach more established immigrants in their own region. Most immigrants in the region know ICA very well. “Those people are awesome,” as one participant said. A call for participation from ICA is based on that long-developed relationship of trust with the newcomer community. This might also explain why in Vancouver fewer immigrants were willing to share complex and personal problems with an interviewer from an organization they did not know: there was no previous relationship of trust that would have facilitated that.

- 2) *Gender*: Men and women experienced most issues equally. However, men more often reported problems related to employment, including discrimination during job applications (seven men and one woman) and women more often reported problems related to family relations (five women and one man).
- 3) *Connectedness and serious effects*: Eleven participants experienced multiple serious legal issues, and for eight of them the issues were connected. Those who experienced more legal issues also reported the most serious health, economic, and social consequences. For the purpose of tracking this, “most serious consequences”¹⁵ were determined to include the following:
 - Having a health issue that required significant medical attention or counselling
 - Housing insecurity
 - Food insecurity
 - Being or becoming a single parent
 - Significant loss of a sense of safety
 - Lost custody of a child

All nine participants who mention serious consequences experienced at least two and at most six serious legal problems (at the same time or in succession). See Table 2 (p. 29).

¹⁵ While these consequences are listed as most serious, they are by no means the only negative consequences. A wider range of consequences is listed later in the report.

- 4) *Education’s effect on finding and understanding information.* Most participants, 95 percent, had at least a bachelor’s degree, 25 percent had a graduate degree, and two mentioned having studied law in their home country.¹⁶ In addition, most participants (95 percent) indicated that there was a lack of information about the legal issue they faced, and many of them also shared that *language, jargon, and time pressure* hampered their understanding of the issue. Considering that most participants had university educations but *also* encountered significant barriers to finding and understanding the information available, there does not seem to be a clear relationship between the level of education, understanding information, and access to information.
- 5) *Immigrant status and severity of legal problems:* A much clearer relation is visible between immigration status and the severity of the legal issues experienced. All cases in which multiple legal issues were reported (two to six issues) and that *also* had the most serious consequences (as in Table 2 and point three above), were cases reported by immigrants who arrived through *family class* or as someone with a *refugee background*. Economic immigrants and individuals with temporary status reported experiencing fewer legal issues at the same time or consecutively (one or two issues) and less serious consequences from those issues. Again, the fact that this group did not report what was called above “most serious consequences” does not mean that there were no health, economic, or social consequences at all.

Health, Economic, and Social Impacts

Of the eight participants experiencing the most serious consequences (see Table 2), five were women (63 percent) and three were men. In six of these eight cases (75 percent), participants experienced family or child custody issues.

- 1) *Health consequences:* Every single participant described some level of being stressed, anxious, fearful, or sad because of the legal problems that they experienced. Stress or health issues that most seriously affected well-being concerned needing medical

¹⁶ Of these relatively highly educated individuals, only 50% were employed full-time and the average income was estimated at about \$50,000/year. For reference, in 2017, the median family income in BC was \$84,850. There was not enough reliable information on income to conclude too much from the reported income of the participants.

assistance or counselling to help deal with the stress, an injury, or the medical effects of stress and anxiety. For example, one woman had to be admitted to hospital with anxiety and depression due to the abuse she experienced:

I have no money, I cannot go back, I feel trapped, I cannot get out, all I wanted to do was to die.

Forty percent of participants experienced serious health effects as a result of legal issues.

- 2) *Economic consequences*: Eighty-five percent of participants reported some financial hardship in response to their legal problems. Because of legal aid the actual legal fees stayed low. The main economic burden was expressed instead as a loss of wages (six cases), or losses of assets like a house or lost savings, or a loss of being housed (nine cases). Lost wages were described as either wages for a job that was never offered (as in the discrimination cases), or as a reduction in the level of income. Several participants expressed that it is difficult to quantify loss in financial terms:

“it is unmeasurable,” and “it is stopping me from growing, from going or growing elsewhere.”

- 3) *Social consequences*: Seventy-five percent of respondents felt that the legal problems they experienced affected their relationships with people around them, their friends, and their family. Fifty percent of respondents reported strong feelings of isolation, saying:

“There are so many hoops and I am on my own,” and “after this problem I got to know that I don’t have anyone.”

Isolation, not having friends and family around, was also what made some of the problems much harder to overcome from the start. Many participants mentioned that the lack of family made it harder to navigate through life in Canada. Not surprisingly, in family law cases and custody issues that involved a loss of a child, a family, or a community, they felt the sense of being alone most strongly. In those cases, the health-related issues were also the most severe.

In the case of some people who moved here as couples, they were providing all the support for each other:

The other person you moved with is stronghold, is the only person you got.

In one case, the serious legal problem resulted in an *increase* in community, when renters from one apartment building helped each other navigate the negotiations with their landlord. They were each other's witnesses, helped keep track of promises, and took notes for each other.

We did not even know we could do something like this, we were kind of each other's shrink and sounding board. We helped through everything.

TABLE 2: Number of Legal Problems, Barriers & Consequences

Please note, there are many more barriers and consequences than are listed in this table. Selected here are the most frequently listed barriers, the health issues that required professional interventions, and the most serious consequences.

#	LEGAL PROBLEMS		BARRIERS & CONSEQUENCES		
	Legal Problems per Participant	Number of Problems Related	Barriers	Serious Health Issue	Most Serious Consequence
1	6	5	Lack of Information	Injury	Housing insecurity
			Language	Depression	Safety
			Cost		
2	4 ¹	2	Lack of information	Injury	Housing insecurity
			Time		
			Cost		
3	4 ¹	0	Lack of information	Stress	Housing insecurity
			Complex jargon		
			Time		
			Cost		
4	3 ¹	3	Lack of information	Anxiety	Lost custody
			Cost		Housing insecurity
			Complex jargon		
5	3 ¹	2	Lack of information	Injury	Lost custody
			Language		
6	3	2	Lack of information	Injury	
			Language		
			Time		

7	2 ¹	2	Lack of information	Depression	Housing insecurity
			Time		Food insecurity
			Cost		Single parent
			Isolation		
8	2 ¹	2	Lack of information	Trauma	Housing insecurity
			Isolation		Food insecurity
			Time		Single parent
9	2	2	Lack of information		
			Language		
			Time		
10	2	0	Lack of information		
			Language		
11	2	0	None		
12	1	n/a	Lack of information		
			Language		
			Cost		
13	1	n/a	Lack of information		
			Time		
			Immigration Status		
14	1	n/a	Lack of information		
			Time		
15	1	n/a	Lack of information		
16	1	n/a	Lack of information		
17	1	n/a	Lack of information		
18	1	n/a	Lack of information		
19	1	n/a	Lack of information		
20	1	n/a	Time		

¹ includes Family and/or Child Custody Issue

DISCUSSION

One of the first barriers that many newcomers experience after arrival to Canada is their lack of familiarity with Canadian laws and rights. This lack of familiarity, together with the uncertainty that comes with the very first years living in a new country, affects immigrants' readiness to respond to serious legal problems. A few trends emerged based on the 20 conversations

conducted with immigrants in Greater Victoria and Vancouver, six of which are highlighted below.

Six Trends

1. *Discrimination is an underlying problem in most of the legal problems that immigrants experience, but few choose to challenge it.* While not all cases focus on discrimination per se, often discrimination and bias exacerbate the issue itself or the solution. As one participant noted, “These problems are related because they are cultural systemic issues.” *None of these will change if discrimination is not also being addressed.* For example, when discrimination affects which job one can get on arrival, and when that job is physically taxing and not well-suited to one’s training, one might be more at risk for job-related injuries. When discrimination in turn affects the kind of accommodation one is offered, then discrimination affects both the development of the legal problem and the way the problem is arbitrated. Often, immigrants who experience discrimination see it as too elusive and not worth challenging.
2. *The more complicated the legal issues an immigrant faces, the more serious the consequences they experience.* This is in line with Currie’s more general claim that there is evidence that the more problems individuals experience, the more likely they are to suffer from health and social consequences (Currie 2009). In this study, women comprised the majority of immigrants experiencing multiple serious legal problems. While this is based on a small sample, it is important to attend to multiple factors that might put immigrant women of colour at risk for housing and food insecurity in addition to experiencing health and social consequences.¹⁷
3. *Certain immigration categories might make an immigrant more vulnerable when they are experiencing legal problems.* In this study, people who arrived as refugees and immigrants who entered Canada under the family category experienced more serious legal issues than economic immigrants. Because the sample in this study is small, one should be extremely careful drawing conclusions from this, especially because the

¹⁷ See also “Immigration Policies and Immigrant Women’s Vulnerability to Intimate Partner Violence in Canada” (Jayasuriya-Illesinghe, 2018).

economic immigrants in this study were also more often *recent newcomers*, and several might not have been in Canada long enough to have experienced multiple complex legal problems. Nonetheless, all the women who reported family and/or child custody issues had arrived as family class (related to a Canadian or immigrant spouse) and commented specifically on their feelings of isolation. There might be an interesting tension here: while arriving with somebody might make one less isolated (one’s “stronghold, the only person you got”), having to rely on one other person might also create extra risks if the relationship changes or is abusive. In addition, it is well known that domestic abusers leverage their power and control by isolating their partners from the wider community. Immigrant women might be especially vulnerable to such isolation in an abusive relationship.¹⁸

4. *Immigrants appreciate the legal assistance resources that Canada has to offer.* Many participants wish there was better support for these resources so that more people would be eligible for them, more hours would be available, and the process would be faster.
5. *Education levels are not a good predictor of being able to navigate legal issues in Canada.* Most immigrants interviewed in this study had university educations but also experienced significant problems trying to navigate through legal problems and indicated that they did not know what to do and where to go. In the interviews, participants suggested that important remedies to this are:
 - the availability of experts, including, but not limited to, legal, human rights, immigration, and human resources professionals (and being able to speak to them);
 - increasing the accessibility of information on government websites;
 - clearer explanation of overly technical language; and

¹⁸ And the current COVID-19 pandemic might exacerbate that vulnerability: “Sa keenah Homes, a Toronto-based crisis line serving immigrant women facing domestic violence, has received three times as many calls in a day as it would have previously received over a week. Many immigrant and refugee women who are legally and financially tied to abusive partners have always been socially isolated and at risk of domestic violence, but they are unable to report or leave abusive relationships” (Jayasuriya-Illesinghe, 2021, p. 1).

- better awareness of and access to certain community resources (such as transition houses).¹⁹

6. *The legal problems that newcomers experience during the first five years in Canada are more likely to be related to finding and maintaining housing and employment.*

Newcomers at that moment are more vulnerable to fraud, discrimination, and working and/or living in less than ideal circumstances. In three separate cases, an early job (so-called survival jobs, which often involve more physically taxing labour like working in a warehouse)²⁰ led to an injury that affected the participants' health and social and financial well-being for years. Finding a sense of security through having a steady income, safe housing, and more time to spend on things that do not relate to one's basic survival, makes a great difference to one's ability to face a legal problem. Two participants said that they chose to not pursue legal problems that they faced as newcomers, but that several years later they were able to successfully challenge a similar legal problem. They indicated that being well-housed and having a good job and time to do the work made all the difference.

In addition to these six trends, it is important to mention in more depth two themes that were at play throughout most of the cases the participants described and that caused internal friction: (i) the importance of being able to connect to peers and the wider community while also not being able to always rely on them, and (ii) the burdens and the benefits of having to be strong in the face of the problems experienced. These two themes are discussed below.

¹⁹ Especially in the case of domestic abuse, lack of familiarity with services can affect immigrant women negatively: "When support from their informal sources, such as family, friends, and neighbours, is limited, women tend to access services provided by health professionals, social workers, and settlement workers. ... a number of factors negatively shape the experiences of [immigrant] women: *lack of familiarity with services*, inappropriate services and intervention strategies, lack of culturally and linguistically appropriate services, lack of portability and coordination of services, confidentiality concerns, and discriminatory and racist practices embedded in services and service delivery" (Guruge & Humphries, 2009, p. 65, italics added).

²⁰ Newcomers often take so-called "survival jobs" to be able to have an income and get the much needed "Canadian work experience" that many immigrants need to eventually land a job that is more suited to their training (World Education Services, 2019).

The Challenges and Benefits of Reaching out to Peers and Communities

Except for a few websites, participants reported that the government websites were rarely helpful to them because of the complicated issues they faced, and the level of difficulty of the language used on the websites. By far the most helpful action they took was to directly connect with an actual official or a legal, human rights, immigration, counselling, or human resources expert (through phone, Zoom, email, or in person). Participants were also more willing to follow their advice, and, in most cases, did follow the advice given. But it is not always easy to find such experts and professionals and not everybody is eligible for assistance. Consequently, many participants turned to friends and family, in their home countries or in Canada, and online forums to connect with other newcomers, to discuss strategies for countering legal problems. In one illustrative case, a participant shared the following:

I would say everything is like word of mouth...there are people who are here and [they are] just like me, so they told me about the process of filing this application, what are the stages, and what sort of documentation I will need...I was just browsing through some discussion forums, where there is always like, so many people from different ages, or family sponsorship, PR [Permanent Residence], work permit, in different topics: what's happening, who got what sort of update?

The complication of having to rely on the advice of peers is that peers do not always have correct information. Susan McDonald, in her research with Spanish-speaking immigrant women in domestic violence situations, showed that their reliance on peers for information meant that the information the women were getting was often “inaccurate, incomplete or out-of-date” (McDonald & Cross 2001). Although in this current study there were no clear examples of people receiving inaccurate or out-of-date information, several participants did state that friends were often just as unsure about the next steps as they were. Peers also did not always share the same experiences and therefore could not be fully relied upon:

Honestly, reaching out to my friends was the worst...I mean, everybody's different and they're my friends and I respect them, of course. But your friends sometimes aren't helpful to reach out to with these issues because...they have different experiences.

In some cases, participants felt that these personal connections were all they could rely on because they were not aware that more reliable sources of information were accessible and available to them:

[Interviewer:] So it's the forums and friends and colleagues that have been major sources of getting advice. Have you gone to any immigrant-serving organizations in your area to talk about some of this, to see if they had information?

[Participant:] I don't know about immigration organizations, all I know about is immigration consultants. Yeah, private consultants. I do not go to them because I don't trust them.

Making sure immigrants have proper access to advice by experts (or navigators who can refer them to appropriate sources) is an important way to make sure that people have access to information that helps them lower barriers to justice.

This caveat to consulting with peers about legal problems does not mean that these personal contacts are always detrimental to the person experiencing legal problems. *On the contrary, connecting with friends and peers in person (or on forums) often helped lessen feelings of isolation, of not being heard, and of powerlessness.* Knowing that one is not the only one experiencing a problem and sharing one's experience can itself be a great support. Thus, while personal contacts might not always be the best places to get up-to-date advice, such communities certainly offer a crucially important function.

Not surprisingly, the *COVID-19 pandemic* has made many of the legal problems harder to navigate. Without the ability to meet someone in person or walk into an organization to get advice, it is harder to overcome the lack of information that some newcomers experience and it has also made it harder to create peer communities of support.

Feeling Powerless and Being Strong

The deep emotions that often accompany immigrants navigating through legal problems can create a barrier to justice itself. One newcomer explained that he did not pursue action against

an employer because he felt embarrassed that he had let himself be manipulated and tricked into a position of powerlessness. Other participants expressed similar feelings: being stuck, with their future on hold, and feeling insecure:

So that thing is still oscillating, like where is my destination, where am I going to finally settle?

It makes me feel less of myself.

One individual, who spoke highly of the natural beauty of British Columbia, ended the conversation by expressing his feeling of inadequacy and a sense of hopelessness:

Canada, you need to feed my soul, not just my eyes.

The more complicated the problems that participants experienced, the more devastating the social and health impacts on them. People experiencing serious problems reported a more intense experience of being isolated. The help that was available for them also did not always match their own capacity to take legal action or make decisions:

Our state was way too vulnerable at that time [to be able to process and make informed decisions].

These feelings of shame, self-doubt, inertia, hopelessness, vulnerability, or worry can stop someone from taking legal action and pursuing what is their right. But these feelings of despair and powerlessness should not be confused with a complete *inability* to act or to act with an absence of strength. On the contrary, in most of the cases in which participants chose not to respond to a legal problem, they were still actively pursuing career possibilities, finding safety for their families, strategically choosing what was most beneficial to them at the moment, or making changes to their lives that might better their situation. There can be as much strategy in not pursuing a legal case as there can be in trying to pursue it, and there can be as much strength in choosing to “keep on going.”

Although there is often a sense of feeling powerless while facing complicated legal problems, at the same time the actions of many immigrants reflect a strong sense of strength and

determination. One participant explained that trying to find their way in a new country with a different and unfamiliar legal system while also taking care of their families, finding jobs, finding housing, and keeping themselves and their loved ones safe, feels like they are “moving mountains.” It is telling that people who are “moving mountains” while navigating through difficult issues, feel powerless at the same time. It is also telling that people who show a tremendous amount of strength and courage experience at the same time what seem like insurmountable barriers to solving the serious legal problems they face. One participant referred to this courage and strength of fellow immigrants when he urged his peers:

Don't give up just yet, stay strong it takes a lot of effort and courage to move here. For the sake of that courage, do not give up!²¹

But this call for determination should also be extended to the legal systems and community services themselves, who should be equally determined to lower the barriers to justice that immigrants may face by making sure that information is accessible, treatment is equitable, and that there are ample, well-known, and well-supported resources available to assist immigrants navigating through legal problems. This type of determination on the side of people who have the power to create meaningful change would make it possible for immigrants to use their strength, determination, and courage for something much more rewarding: to create a good life for themselves and to help enrich the communities we live in.

CONCLUSION

Listening to the experiences of 20 immigrants in Vancouver and Greater Victoria, a picture emerges of people who often feel that they are not heard. One participant spelled it out:

Being a woman, being a person of a different culture, being a person who speaks a different language, being a person who does not speak fluent English...I never thought that they were that important...But now having gone through these legal proceedings, I have witnessed what it means to be that person...I felt nobody really believed me, I felt

²¹ Someone else reflected on the urge to move back home because of the barriers encountered in Canada: “I see so many immigrants who want to move back to their home country...I'm honestly surprised that I actually stayed in Canada.”

voiceless, I felt not heard and not seen or not valued. Because I'm not a white man. I'm just a woman from a foreign country.

This notion that one's voice does not matter is a recurrent theme in many of the interviews and exacerbates feelings of isolation, of being undervalued, and of vulnerability and powerlessness. More than half of the interviewees commented on this and sometimes shared that they participated in this research for the express purpose of finally being able to tell their story:

I think, to me, it's healing that I get to speak the truth. Like the truth, exactly how I felt, how I saw it as a violence. So it's really healing.

Though it is certainly important that this research project started a process of healing for some participants, there is also an implication that the legal process by itself was not able to provide healing or in some cases aggravated the hurt. If a new or established immigrant faces a legal system in which they feel they have no voice, this system can end up hurting where its aim is to assist.

Hearing immigrants' voices and listening to their stories of navigating through legal problems they have faced, is what this study was designed to do. It is hoped that a small qualitative study like this can begin to open up an awareness of the legal needs of immigrants and start a conversation about how to develop effective civil justice policies, models, and financing, in order to reduce the legal barriers that immigrants may face.

REFERENCES

BC Human Rights Code, RSBC 1996, c 210. Nd. Retrieved from

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01#section4

Canadian Council of Refugees (2010). *Refugees and Immigrants: A Glossary.* Retrieved from

<https://ccrweb.ca/en/glossary#:~:text=Refugee%20%E2%80%93%20a%20person%20who%20is,to%20the%20status%20of%20refugees.>

- CBC News (2020). "B.C.'s devastated tourism industry faces bleak outlook after summer season that never was." *CBC News*, September 07, 2020. Retrieved from <https://www.cbc.ca/news/canada/british-columbia/tourism-summer-bc-covid-september-1.5714970>)
- CBC News (2021). *Tracking the Corona Virus*. *CBC News*. Retrieved from <https://newsinteractives.cbc.ca/coronavirustracker>
- Currie, A. (2005). *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns*. Retrieved from <http://cfcj-fcjc.org/sites/default/files/docs/2006/currie-en.pdf>
- Currie, A. (2009). *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*. Retrieved from https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr07_la1-rr07_aj1/rr07_la1.pdf
- Currie, A. (2016). *Nudging the Paradigm Shift: Everyday Legal Problems in Canada*. Retrieved from <https://cfcj-fcjc.org/sites/default/files/publications/reports/Nudging%20the%20Paradigm%20Shift%20C%20Everyday%20Legal%20Problems%20in%20Canada%20-%20Ab%20Currie.pdf>
- Esses, V.M., Burstein, M., Ravanera, Z., Hallman, S., & Medianu, S. (2013). *Alberta Settlement Outcomes Survey*. Retrieved from <http://p2pcanada.ca/wp-content/blogs.dir/1/files/2013/12/Alberta-Outcomes-Settlement-Survey-Report.pdf>
- Farrow, C.W., Currie, A., Aylwin, N., Jacobs, L., Northrup, D., & Moore, L. (2016). *Everyday Legal Problems and The Cost of Justice in Canada: Overview Report*. Retrieved from <http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>
- Guruge, S, & Humphreys, J. (2009). "Barriers Affecting Access to and Use of Formal Social Supports Among Abused Immigrant Women." *Canadian Journal of Nursing Research*, 41(3): 64-85. Retrieved from <https://cjr.archive.mcgill.ca/article/view/2206>
- Ivanova, I. (2020). "Eight charts that show highly unequal impact of the COVID-19 on BC workers." *Policy Note*, June 26, 2020. Retrieved from <https://www.policynote.ca/unequal-impact-bc-workers/>
- Jayasuriya-Illesinghe, V. (2018). "Immigration Policies and Immigrant Women's Vulnerability to Intimate Partner Violence in Canada." *Journal of International Migration and Integration* 19(6): 339-348.
- Jayasuriya-Illesinghe, V. (2020). "Pandemic Exposes Existing Link Between Isolation and Domestic Violence." *Policy Options*. <https://policyoptions.irpp.org/magazines/may-2020/pandemic-exposes-existing-link-between-isolation-and-domestic-violence/>

McDonald, S., & Cross, P. (2001). "Women's Voices Being Heard: Responsive Lawyering." *Journal of Law and Social Policy*, 16: 207-240.

Organisation for Economic and Co-operative Development/Open Society Foundations. (2019). *Legal Needs Surveys and Access to Justice*. Retrieved from <https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-g2g9a36c-en.htm>

Statistics Canada (2017). *Focus on Geography Series, 2016 Census*. Retrieved from <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Index-eng.cfm>

Statistics Canada (2019). "Immigrant." *Definitions, Data Sources and Methods - Statistical Units*. Retrieved from <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=Unit&ld=85107>

World Education Services (2019). *Who is Succeeding in the Canadian Labour Market? Predictors of Career Success for Skilled Immigrants*. Retrieved from <https://knowledge.wes.org/canada-report-who-is-succeeding-in-the-canadian-labour-market.html>

Appendix 1: Interview Guide

Themes and Interview Questions	Probes
Warm Up	
<p>Can you start by telling me a bit about yourself and your background?</p>	<ul style="list-style-type: none"> • Where did you live before coming to Canada? Is this where you spent the majority of your life? If not, where else have you lived? • How long have you lived in Canada? • Since arriving in Canada, have you always lived in [Greater Victoria or Vancouver]? Or did you first live somewhere else in Canada? If so, where?
Identification of Serious Problems and Disputes Experienced in the Last Three Years	
<p>In the last three years, or since you came to Canada, have you experienced a problem or dispute between you and another party (a person, business, government, or other entity) that was serious and not easy to fix?</p>	<ul style="list-style-type: none"> • What type of problem or dispute was it? • Was it related to... <ul style="list-style-type: none"> - Money you owe (debt) - Money owed to you? - Your employer or your job? - Your house or apartment, your rent, your mortgage? - Harassment or discrimination? - A large purchase or a service for which you did not get what you paid for? - Immigration, refugee status, or sponsoring a family member's application to immigrate to Canada? - A personal injury or serious health issue; a poor or incorrect medical treatment? - Family conflict, or a breakdown of your family or relationship, such as a divorce or separation? - Child custody or other problem involving parental responsibilities? - Your neighbours, such as vandalism, property damage, threats, or excessive noise? - Contact with the police or another part of the

	<ul style="list-style-type: none"> • Same probes
<p>If multiple problems or disputes have occurred: Are any of these problems or disputes connected?</p>	<ul style="list-style-type: none"> • If yes, how are they connected? How did one problem or dispute lead to or contribute to another problem or dispute?
<p>How Individuals Tried to Resolve Their Problems or Disputes, and Outcomes of these Efforts</p>	
<p>If you experienced more than one problem or dispute, I'd now like to focus on the most serious of these. Please answer the following questions with respect to the most serious of the problems or disputes you have been discussing:</p>	
<p>When you first became aware of your problem or dispute, how much did you know about where to get information and advice about resolving it?</p>	<ul style="list-style-type: none"> • Did you know a lot or not very much about where to get information and advice?
<p>What or whom did you go to in order to obtain information and advice that might help you resolve your problem or dispute?</p>	<ul style="list-style-type: none"> • Did you go to... <ul style="list-style-type: none"> - Government websites? - Other online sources such as other websites, blogs, or online discussions? - Immigrant-serving agency? - Friends? - Family members or relatives? - Sponsors? - Local community and religious groups? - Other members of your immigrant community?

<p>Was this information or advice useful?</p> <p>Did you follow this advice?</p>	<ul style="list-style-type: none"> - Your employer? - Other sources? Please specify <ul style="list-style-type: none"> • Why or why not? • Why or why not?
<p>Did you have any difficulties obtaining information and advice about resolving your problem or dispute?</p> <p>Were you able to overcome these difficulties in obtaining information and advice?</p>	<ul style="list-style-type: none"> • If yes, what kind of difficulties were these? <ul style="list-style-type: none"> - Lack of knowledge of where to get help to resolve the problem or dispute? - Language difficulties? - Not enough time to find information or seek advice? - Fear of people finding out about your problem or dispute? - Other? Please specify. • If so, how did you do so?
<p>What did you do to try to resolve your problem or dispute?</p>	<ul style="list-style-type: none"> • Did you first try to negotiate with the other person or people involved? • Did you undertake other specific actions or activities to try to resolve the problem or dispute? • How successful were these actions or activities? • Can you describe the approach that you found most useful? • Who helped you, if anyone, and what did they do? • How useful was this assistance?

	<ul style="list-style-type: none"> • [If no action taken]: Why did you not take any action to try to resolve the problem or dispute?
<p>When you first became aware of your problem or dispute, to what extent did you think there might be legal implications?</p> <p>Did you seek legal assistance to resolve your problem or dispute?</p> <p>Did you have any difficulty obtaining legal assistance?</p> <p>How useful was this legal assistance?</p> <p>[If no legal help received] Why did you not receive legal help for your problem or dispute?</p> <p>How much of your problem or dispute did the legal professional you contacted help you with?</p>	<ul style="list-style-type: none"> • Why did you think this was the case? • What made you decide to seek (or not to seek) legal assistance? • What kind of legal assistance did you seek (e.g., lawyer, paralegal, or legal clinic)? • How did you try to find someone to provide legal assistance? • [If no legal help sought] Why did you decide not to seek legal assistance? • If so, what difficulty in obtaining legal assistance did you face <ul style="list-style-type: none"> - Lack of knowledge of where to find legal assistance? - Cost? - Time required to obtain legal assistance? - Difficulty accessing legal assistance? - Language difficulties? - Cultural barriers? - Other difficulties? Please specify • Did you find it to be very useful or not very useful? Why was this the case? • Did you not want legal help or was there some other reason?

<p>Did you use any mediation, conciliation, or other alternative dispute resolution mechanism to resolve your problem or dispute?</p> <p>Did you attend a court or tribunal because of your problem or dispute?</p>	<ul style="list-style-type: none"> • [If only had legal help for part of the problem] Why did you only get help for part of your problem or dispute? • Did your legal professional represent you throughout this process or only for part of it? Why was this the case? • Did your legal professional represent you throughout this process or only for part of it? Why was this the case?
<p>What is the current status of your problem or dispute?</p>	<ul style="list-style-type: none"> • How difficult has it been to resolve? • Is it now resolved? • If so, how was it resolved? • If so, do you think that the resolution was fair? Why or why not? Are you happy with the resolution? Why or why not? • If it has not been resolved, are you still working on trying to resolve it? How? • If it has not been resolved, would you say the problem is now better, worse, or about the same as when it first occurred? Why do you think this is the case? How is it better or worse?
<p>If you had a neighbour dealing with a similar problem or dispute, what advice would you give them?</p>	<ul style="list-style-type: none"> • Why would you give this particular advice? • Looking back, what kind of assistance could have helped you to resolve the problem or dispute more quickly and more effectively?
<p>Socio-Economic Consequences</p>	

<p>What kinds of costs did you have due to this problem or dispute?</p> <p>Did you have any financial challenges because of these costs?</p>	<ul style="list-style-type: none"> • Approximately how much in total has it cost you to deal with the problem or dispute? • Please explain what these costs consisted of. • Did you lose any money or income because of this problem or dispute? • Please explain how much you lost and why. • Did you have legal costs? Please describe. • For example, did you have to borrow money from friends or relatives or put expenses on your credit card? • Did you have to take out a loan?
<p>Did your problem or dispute cause or contribute to you having problems at work or losing your job?</p> <p>Did your problem or dispute cause or contribute to you losing your housing?</p> <p>Did your problem or dispute cause or contribute to you losing friends or you experiencing conflict with family members?</p> <p>Did your problem or dispute lead to any other social, family, or personal problems?</p> <p>Did your problem or dispute affect your ability to settle in Canada?</p>	<ul style="list-style-type: none"> • Please describe. • Why was this the case? • Did you have to...? <ul style="list-style-type: none"> - Apply for Employment Insurance? - Apply for a housing subsidy? - Apply for social assistance? - Make an insurance claim? • Please describe. • Why was this the case? • Where did you live after you lost your housing? • Please describe. • Why was this the case? • How has this loss affected you? • Please describe these problems. • Why was this the case? • How has this affected you?

	<ul style="list-style-type: none"> • Please describe. • Why was this the case? • How has this affected you?
<p>Health Consequences</p>	
<p>Did your problem or dispute cause health problems?</p>	<ul style="list-style-type: none"> • Were these physical or mental health problems? • What kinds of physical or mental health problems? Please describe. • Did you experience excessive stress that has affected you? • Did you visit health care professionals, or use the health care system, more than before your problem or dispute?
<p>Further Information</p>	
<p>Is there anything we have not asked you about that you feel is important to share regarding your problem or dispute?</p> <p>Is there anything we have not asked you about that you would like to share about the types of serious problems or disputes that immigrants may face in Canada?</p>	