



# CSALC

CHINESE AND SOUTHEAST ASIAN  
LEGAL CLINIC

華越柬寮法律援助中心

Trung Tâm Hướng Dẫn Luật Pháp Hoa-Việt-Khmer-Lào

ក្លីនិកច្បាប់នៃសហគមន៍ចិន វៀតណាម ខ្មែរ និងឡាវ

For Immediate Release

February 9, 2021

## **Community Legal Clinic Sues Federal Government for Denying Canada Child Benefits to Low Income Precarious Immigrant Families and Children**

The Chinese & Southeast Asian Legal Clinic (CSALC) has filed a law suit before the Tax Court, alleging that the Canadian Government discriminates against low income children and families with precarious immigration status by denying them access to the Canada Child Benefits (CCB), a benefit that is designed to lift all children out of poverty in Canada.

Under the *Income Tax Act*, to qualify for the CCB, the parent must be a Canadian citizen, permanent resident, protected person, or a “temporary resident” who has lived in Canada for at least 18 months. Under the current immigration law, temporary resident visa is granted to visitors and tourists. Excluded from accessing CCB are refugee claimants and other individuals who are living in Canada with precarious status – even if they are legally working and filing personal income tax return. In some cases, these families have Canadian born children, but are still denied CCB because of the parents’ immigration status.

The Trudeau Government made the CCB a cornerstone of Canada’s first Poverty Reduction Strategy. Indeed, the government’s decision to increase the CCB has lifted almost 134,000 children out of poverty from 2015 to 2017, a decline of 9%.

“It is fundamentally unfair to deny CCB to families who are working and contributing to Canada’s economy based solely on their immigration status, while granting the same benefits to people who are visitors to Canada and may not even be paying any Canadian income tax,” said Avvy Go, Clinic Director of CSALC. “The denial of CCB to low income families on the basis of status constitutes a violation of the *Canadian Charter of Rights and Freedoms* and a breach of Canada’s obligations under the UN Convention on the Rights of the Child,” added Go.

CSALC is representing three appellants, all women of colour, who have been denied CCB because of their status. Two of them have Canadian born children. Two were denied CCB during the years when they were waiting for their refugee claim to be processed, and have since been found to be Convention Refugees by the Immigration and Refugee Board.

Their appeals were filed over the past two years, but on February 8, 2021, CSALC filed five expert reports with the Tax Court, outlining the history of the child benefits policy in Canada, while illustrating the devastating and discriminatory impact of the law on largely racialized women with precarious status and their children.

“Studies have shown that poverty in Canada is both racialized and gendered. Moreover, people with precarious immigration status are mostly people of colour from the Global South. If our government is serious about addressing poverty and ending systemic racism in Canada, it should ensure everyone living in Canada has equal access to all federal benefits,” said Shalini Konanur, Executive Director of South Asian Legal Clinic of Ontario, and a steering committee member of the Colour of Poverty Colour of Change (COP-COC).

A Nanos Research poll commissioned by two Canadian senators in December 2020 confirmed that eight in 10 Canadians believe that temporary foreign workers should be entitled to the same benefits and protection as any other workers in Canada.

“The pandemic has shone a spotlight on the plight of people with precarious immigration status, who put their lives on the line to make sure Canadians are fed and clothed. Canadians are calling on our government to step up and do the right thing. It is high time for our Government to follow suit,” said Debbie Douglas, Executive Director of Ontario Council of Agencies Serving Immigrants and a COP-COC steering committee members.

“On the one hand, the federal government has committed to a rights-based approach to poverty reduction based on the principles of universality, non-discrimination and equality, but on the other hand, they are legislating discriminatory practices by unfairly tying a family’s access to child benefits to the immigration status of the parents,” said Leila Sarangi, National Coordinator of Campaign 2000, a national coalition working to end child and family poverty. “These benefits have proven to lift children out of poverty and each child has an inherent right to access them.”

“The exclusions of CCB based on status have been in our law books for years. It did not start with the current government. But we sure hope that our feminist Prime Minister and our first female Finance Minister will correct this long-standing discriminatory practice by removing immigration status as an eligibility for CCB,” said Go.

Contact:

Avvy Go, Clinic Director, CSALC at Office: (416) 971-9674, or email: [goa@lao.on.ca](mailto:goa@lao.on.ca)