



October 31, 2017

Standing Committee on Citizenship and Immigration
House of Commons
Ottawa, ON K1A 0A6

c/o Erica Pereira, Committee Clerk

Dear Honourable Members,

Thank you for considering this submission as you study Canadian policies and guidelines regarding the medical inadmissibility of immigrants.

The Centre for Israel and Jewish Affairs (CIJA) is the advocacy agent of the Jewish Federations of Canada. We are a national, non-partisan, non-profit organization representing the perspectives of 150,000 Canadian Jews affiliated through local Federations.

We believe in Canada's foundational values of freedom, democracy and equality, and are committed to working with government and all like-minded groups to ensure that Canada remains a country where everyone enjoys equal protections and opportunities.

The Jewish immigrant experience compels us to take a keen interest in ensuring Canada's immigration system remains fair, just and effective. Unfortunately, barriers persist within Canadian immigration laws that have made it difficult for people with disabilities and their families to reside in Canada.

Under Section 38 of the Immigration and Refugee Protection Act, a foreign national can be rendered inadmissible on health grounds if they might reasonably be expected to cause excessive demand on health or social services. In many cases, Section 38 has been applied unfairly to people with disabilities, ignoring the many positive contributions they and their families make to Canadian life.

The recent example of the Warkentin family is instructive. As reported by Global News in July this year, John and Karissa Warkentin purchased and invested tens of thousands of dollars in a business that employs four people in Waterhen Manitoba, a community north of Winnipeg that is home to 169 people. Their 6-year old daughter has an intellectual disability and was deemed medically inadmissible. As a result, the family's application for permanent residency was denied.

The Warkentins had been recruited to come to Waterhen through the Manitoba Provincial Nominee Program. What's more, the Chief Superintendent of the local school division noted that their daughter placed no additional burden on the province's education system. But because of the ruling under Section 38, the Warkentin's plans for expanding their business have been placed on hold while their future in Canada remains uncertain. Their temporary working visas were set to expire in November.



This experience is just one example of many that illustrate how the misapplication of medical inadmissibility is harming individuals and families who want to make their home in Canada and contribute to this country.

In 2016, Felipe Montoya had been working at York University as a tenured professor of environmental studies, but his family's application for permanent residency was denied because his 13-year old son has Down syndrome.

The Montoya family had already uprooted themselves from Canada and moved back to Costa Rica before being notified that the inadmissibility decision had been overturned by Ministerial intervention for humanitarian and compassionate considerations. Montoya told the Canadian Press in 2016 "I think the disability community doesn't deserve compassionate and humanitarian considerations, but rather justice and means of inclusion into society."

It is counterproductive for taxpaying families like the Warkentins and the Montoyas to be excluded from Canada for possibly availing themselves of the services all other taxpayers are entitled to. Surely the economic value accrued to Canada from business owners and academics building their lives here far outweighs the potential costs associated with the disabilities one or more of their family members might have.

The issue doesn't just impact families, professionals and businesses that have already relocated to Canada. An American citizen interested in moving their family and business here recently approached CIJA, seeking advice about medical inadmissibility. She was concerned because her child has a disability. Though this family has not yet been turned away, they have been turned off coming to Canada because of the way Section 38 is applied.

This need not be so. Canada has welcomed tens of thousands of refugees, many of whom have disabilities. Providing them with the required support has increased demand on health and social services, but the humanitarian imperative was considered more important. The same consideration should be given to economic immigrants.

The government should provide a clear, efficient way for residency applications to be adjudicated fairly for people with disabilities and their families, without having to rely on direct intervention from the Minister.

Thank you for undertaking this important study and for considering this submission. We would be happy to discuss the issue further before the committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Shack".

Noah Shack, Director of Policy
The Centre for Israel and Jewish Affairs