

**FACES OF ADVOCACY**

# **LOVE IS NOT TOURISM**

**WE ARE NOT ASKING FOR  
OPEN BORDERS.**

**WE ARE JUST ASKING  
TO BE TOGETHER.**

**ADVOCACY**

reunification  
of  
families

covid-19

**[facesofadvocacy.com](https://facesofadvocacy.com)**

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## Faces of Advocacy: Love is Not Tourism

### Brief submitted to the Standing Committee on Citizenship and Immigration

*In support of Dr. David Edward-Ooi Poon appearing at committee on October 27th 2020*

**Authors:** Dr. David Edward-Ooi Poon and Emma Holmes

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### Executive Summary:

The Faces of Advocacy are a grassroots Canadian organization established to safely reunite families in Canada during the COVID-19 travel restrictions. We are directly responsible for the Extended Family Travel Exemptions announced on October 2nd 2020. **We do not believe the Ministry of Immigration of Refugees and Citizenship Canada (IRCC) intentionally set out to keep families apart** - our discussion is to highlight the systemic concerns within the current immigration policies. These must be rectified for this, and future, government to ensure that immigration remains safe, consistent, and compassionate in a country that treats both Canadians and their foreign national family members equitably and fairly.

From the outset of the COVID-19 travel restrictions, there was no mechanism for compassionate or extended family exemptions for foreign national family members to reunite with Canadian loved ones. Most concerning, there was no public process to obtain one, even in extenuating circumstances. Donna McCall, a Canadian mother and nurse, died without seeing her adult children, despite them having Canadian citizenship by birth. Even with the immediate family exemptions from June 8th, and the compassionate and extended family exemptions on October 2nd, the process for family reunification has been hampered with inconsistent policy application, non-transparent processing, and inequitable standards of practice.

The NHL was allowed to enter Canada before Donna's children. **That was unacceptable.** The Faces of Advocacy will work with decision makers to ensure this never happens again.



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*Image: A mosaic picture of members of Faces of Advocacy with the extended family members they are separated from.*

## **Keeping Families Together**

It is clear to our organization that keeping families together was not prioritized during the start of the COVID-19 crisis, and is not prioritized by our immigration system in general. This is something that can and must change. Family separation, including the separation of parents from dependent children and the separation of spouses or committed partners, should only happen in exceptional circumstances.

This crisis has demonstrated that the way IRCC operates simply does not meet the needs of Canadians with foreign national family members. Applications can take months longer than they were supposed to, and the family has no recourse for appeal other than their Member of Parliament, which can be akin to leaving it to chance. Transparency on where applications are in the process is not provided. During the pandemic, it is our understanding that the issuance of many visas has been paused, but this has never been made clear to the people waiting for their visas.

These issues with visa processing have been repeated with the processing of travel authorization requests under the October 8th extended family exemption. People were divided into three classes based on visa status, all with different application requirements and processes. The system is not simple for applicants to use. They receive erroneous replies from IRCC and are unsure how to get it fixed. Applicants are not processed in order, leaving many to wonder if their application has been lost. IRCC call centre staff are unable to answer questions about the status of applications. A process for travel authorization for family members waiting for work or study permits has still not been launched. The chaos in the process has harmed the mental health of suffering families further as people wait desperately for approval to see their loved ones after 7 months of separation.

We believe that IRCC needs a shakeup in its culture. Transparency on both the progress of individuals files and the total number of files being processed and average processing times should be the norm. Processing times should be quick relative to the nature of the process. Also, given the number of processing errors our group has seen, there needs to be a greater attention to detail at IRCC as well as a quick route for recourse for applicants in the event someone receives an erroneous response. Applications should also be expedited in

compassionate cases, including serious or terminal illness of a loved one, pregnancy, and birth of a child.

Several other existing problems in the immigration system have become clear to us during this crisis. The definition of common law used by the immigration department is 12 months of continuous cohabitation. However, people visiting Canada are usually only allowed to stay 6 months, and similar restrictions apply to Canadians when they visit their loved ones abroad. This means that couples can be in permanent, long term relationships for years without being considered common law by the department of immigration. This was addressed on October 2nd when Canada exempted the class of people in a 1 year “exclusive dating relationship” from the border restrictions. Even without the temporary COVID-19 border measure, this flawed definition of common-law makes it more difficult for Canadians to bring their partners to Canada and start their lives here. We recommend codifying this new class of “committed partners” or “exclusive dating partners” into law, so that these relationships are protected in the future.

Another issue is the fact that Canadians cannot sponsor their spouses or partners (common-law or otherwise) for a temporary status in Canada such as a work or study permit, or a temporary resident visa (TRV). Even worse, the rules require that applicants for these visas demonstrate that they will leave Canada at the end of their stay<sup>1</sup>, something that is difficult to prove when one has family ties to Canada. We believe this rule unfairly discriminates against applicants for something they cannot change (the citizenship of their family) and is often unevenly applied to them. We recommend that the law be changed so that having a partner or spouse in Canada is no longer a legitimate reason to deny someone a temporary resident visa or work or study permit.

A pathway could then be created so that Canadians could bring their partners to Canada temporarily, as many temporary residents (such as skilled workers and international students) already can. Many Canadians are currently trying to bring their partner to Canada initially on a study permit or under the IEC program, but this is an imperfect solution. Creating a proper system would be more equitable and would also make Canada a more attractive place for bi-national Canadian couples to live and work. It would make it possible for couples to meet the

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<sup>1</sup> See Immigration and Refugee Protection Regulations (SOR/2002-227) 179(b), 200(b), and 216(b)

common law definition of the immigration department if they want to settle in Canada permanently, and make spousal sponsorship claims easier to assess. Most importantly, it would help to eliminate the systemic problems with spousal sponsorship, where spouses from visa required countries are often separated from their spouses in Canada for years, while a similar person from a visa exempt country would not be separated from their spouse at all.

Finally, there needs to be better oversight of CBSA. During this crisis we have seen time and time again that two people in similar circumstances can be treated completely differently at the border. Some couples were admitted as common-law partners with minimal evidence while others were forced to fly home alone. When discretion on what constituted essential travel was left to the individual border agents, we saw people told that being with a pregnant partner for the birth of your own child was not essential. We even saw a case of a new mother denied entry to Canada to accompany her breastfeeding baby to visit the baby's father -- CBSA determined only the newborn baby should be admitted. Whether or not you get to see your closest family should not depend only on the individual border officer. We need clear guidelines for border officers and better mechanisms for individuals to appeal decisions at the border, as well as independent oversight of CBSA.

Addressing these issues would mean that not only would the separation of families be avoided during future crises, but also would create a family immigration system that better responds to the reality of the 21st century. Fewer couples choose to marry while more choose to each have their own careers. The fact that a couple sometimes lives apart for work or study should no longer be seen as a reason to dismiss their relationship. We hope that the COVID-19 crisis leads to a fairer and more efficient immigration system, something that would benefit all Canadians.

## Recommendations

1. *Donna's Rule*: In the event of broad travel exemptions impeding family reunification, easily verifiable immediate and extended family members must be offered an expedient, timely method in which to apply for compassionate exemptions. This would supersede any blanket travel restriction that may be in effect at the time. IRCC, Public Safety, and, if applicable, Health, must offer a reasonable path for family members to enter Canada under such circumstances.
2. A clear, consistent information exchange between CBSA, IRCC, Canadian Embassies, and airlines must be established. This information must be readily available and provided to the public in an immediate manner, given the dynamic nature of changes and the immediacy of family reunification.
3. All IRCC applications must have a trackable, online system for the public to assess their application status. This would reduce load to the general IRCC email inbox and call centers, and allow a standard, uniform method to see how long processing times are expected to be. This would also ensure confirmation of application receipt, which currently is not possible.
4. Committed partners, defined as couples who do not meet the IRCC standard of marriage or common law, must be considered when drafting definitions of family. Marriage and/or the burden of proof for common law in Canada is not always accessible to valid relationships, such as those in the LGBTQ community and in some religious, political, financial, or personal circumstances.
5. Immigration regulations should be amended to ensure that Canadians are only separated from their spouse, committed partner, dependent children, or parents if they are a dependent child in extreme circumstances. This includes revising paragraph 179(b) of Immigration and Refugee Protection Regulations and similar regulations so that they no longer systematically keep families apart.
6. Temporary residents of Canada, including those on study and work permits, must be afforded the similar opportunities for family reunification as Canadian citizens and permanent residents for the entire valid duration of their permit.
7. An official immigration ombudsman office with a direct connection to high level IRCC/CBSA employees and decision makers should be established. During times of crisis, immediate and accurate feedback must be given to the relevant ministries in order to maintain a cohesive, efficient, and fair system of immigration. This would also ensure the Canadian people are treated equitably during challenging times, when systems are evolving to adapt to unprecedented stressors like COVID-19.
8. A mechanism of independent CBSA oversight to ensure consistent, equitable treatment of both Canadians and foreign nationals when entering Canada.



## Appendix: Faces of Advocacy: Mental Health Index

These are the results of an indexing of over 1200 of Faces of Advocacy members in terms of the state of their mental health, conducted at the end of August 2020. Validated mental health rating scales were used to assess mental health symptoms after family separation. These are the **PHQ2** (Depression), **GAD7** (Anxiety), and **PCL-C** (Post Traumatic Stress Disorder {PTSD} in civilians). These tools are validated for patients to be able to answer, and while they are not administered by a healthcare professional and likely cannot be diagnostic, they still offer an evidenced-based look into the mental health effects due to the COVID-19 travel restrictions.<sup>2</sup>

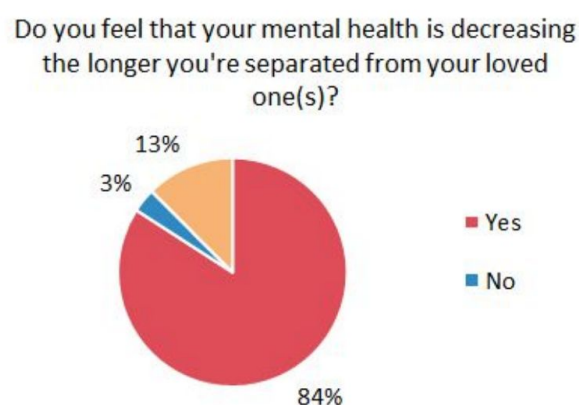
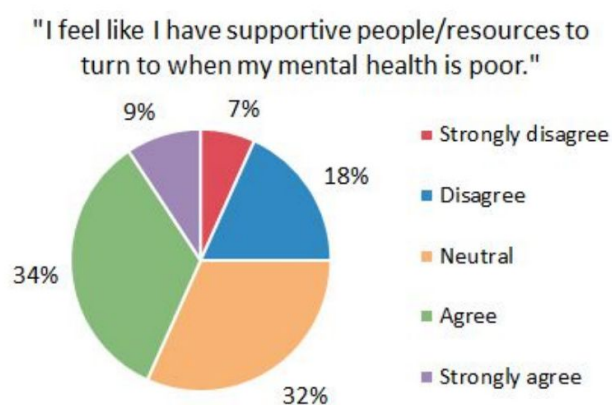
### Depression:

49% of respondents answered "I've never been diagnosed with a mental illness." Despite this, **69.1% would screen positive** for symptoms of clinical depression.

### Suicidality:

16% of respondents had a history of self-harm and/or suicidal thoughts prior to the travel restrictions. This number **nearly doubles** to **30%** after family separation.

### Supports:



<sup>2</sup> Full Report: <https://www.facesofadvocacy.com/wp-content/uploads/2020/09/Sept19-Mental-Health-Index-Report.pdf>



## For Donna

Donna McCall is a Canadian woman who fell in love with an American man, John McCall. They married in Madoc, Ontario on April 23rd 1983. They have two adult children, both born in the United States. She is an ICU nurse who taught the values of compassion and care to future medical professionals at multiple Ontario hospitals, and loved, and was loved by, her family.

Donna was diagnosed with liver failure early in 2020, just as the COVID-19 travel restrictions were put into place. As her condition worsened, the McCall family pleaded with the Canadian government for a compassionate exemption to enter Canada. Despite clear paperwork and birth certificates showing the McCall children having Canadian birthright to enter Canada, they were not allowed entry until IRCC could process their right to citizenship.

Donna died on August 10th 2020. She said goodbye to her children on Facetime.

We advocate in honour of her.



## About Faces of Advocacy

Faces of Advocacy is a grassroots organization dedicated to reuniting Canadian families separated from their loved ones during the COVID-19 related travel restrictions. Founded in May 2020, we are asking for a fair and transparent process for timely reunification of Canadians with their loved ones during these challenging times. We have been featured in national and international news media, ranging from CNN to CTV, from the New York Times to a print only paper in small town Ontario. Our 8,500+ members span the world, and participate in our weekly letter writing campaign to government officials, “Reunification Thursdays.” We have a membership of over 8,500, and have spoken on Parliament Hill, been represented during question period, and hosted the first of its kind Virtual Rally for Family Reunification with MPs present from every Canadian political party. Our advocacy directly resulted in Extended Family Travel Exemptions announced October 2nd 2020 by Ministers Mendicino, Hajdu, and Blair.

*We are not asking for open borders. We are just asking to be together.*

### Contact:

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[facesofadvocacy.com](http://facesofadvocacy.com)

*Image: Over 400 attendees to the  
Faces of Advocacy: Cross-Partisan  
Virtual Rally for Families on  
September 26 2020, the first of its  
kind. In attendance were Members of  
Parliament from the Liberal,  
Conservative, NDP, Green, and Bloc  
Québécois parties*

