

### 15. Proposal for the reform of the Immigration Act

By not specifically including "sex" as one of the enumerated grounds in the Immigration Act definition of refugee, Canada has failed to ensure that women fleeing women-specific persecution in their country of origin will receive equal protection and benefit of the law. This is arguably a violation of section 15 of the Canadian Charter of Rights and Freedoms, which provides (in part) that every individual has the right to the equal protection and equal benefit of the law without discrimination based on sex.

There is no reason that Canada cannot amend the Immigration Act to provide more than the minimum standard of international protection established by the 1951 Convention. For example, African states did so through the Organization of African Unity 1969 Convention on Refugee Problems in Africa, which defined refugee more broadly than the 1951 Convention.

In order to comply with the Charter's guarantee of equality rights, the Immigration Act should be amended to reflect the fact that women often face persecution for reasons that men do not and to provide asylum to these women. To ensure equality and consistency in the application of the law, the definition of refugee in the Immigration Act should be amended to include sex as the sixth protected ground.

#### SUMMARY OF RECOMMENDATIONS

1. Government language and training programmes should be open to all immigrants. In particular, sponsored immigrants should not be denied access to subsidized programmes.
2. Women whose sponsorship has been withdrawn by their husbands should be given a three-year Minister's Permit to allow them to remain in Canada, with permission to work, study, and to be eligible for social assistance, as well as subsidized housing and daycare. The evaluation of their potential to become self-supporting for the purpose of granting permanent resident status should take place at the end of the three year period.
3. The definition of refugee in the Immigration Act should be amended to include sex as one of the enumerated grounds so that those fearing persecution on the basis of sex would be eligible for asylum in Canada.