

# NEWS

## Challenging heterosexual immigration policy

BY MATTHEW MARTIN

VANCOUVER (CUP)—For the last three years, Christine Morrissey has been fighting to sponsor her partner of 14 years as a landed immigrant. But Morrissey, who counsels people in a halfway house, cannot even apply because her lover is a woman. The Canada Immigration Act discriminates against couples of the same sex.

Morrissey's partner, Bridget Coll, is a naturalized American citizen who works with mentally challenged peo-

ple. She has been in Canada for two and a half years on a work visa that expires April 21.

Rather than be separated from her partner, Morrissey decided to try and sponsor Coll as a landed immigrant. But her application last November was denied.

Laura Chapman, director general of Policy and Program Development in the immigration department, says the act specifies heterosexuals.

"They can't apply under the act because they are lesbians. In this particular case, the act is explicit."

According to Al Theissen, a regional manager at the department, immigrant sponsorship is limited to sponsorship of — a spouse, (who is a party of the opposite sex to whom that person is joined in marriage)

- unmarried sons or daughters
- grandparents 60 years or over who cannot be gainfully employed in their own country
- fiances that plan to be married within 90 days of arrival in Canada and
- adopted children

Morrissey's lawyer Rob Hughes says heterosexuals can at least apply to sponsor their partners.

"There are other criteria to be met of course, but if you are gay or lesbian you don't even have that opportunity to make that application. There is not even a doorway to step through," Hughes says.

Morrissey says the policy highlights the fact that lesbians and gay men are invisible in society.

"Our society does not recognize us and we don't fit into the categories that have been defined. These structures and categories affect us in very intimate and real ways in our lives," she says.

But Morrissey has decided to challenge those categories and Immigration Canada's policies under section 15 of the Canadian Charter of Rights. Although section 15 of the charter does not specify sexual orientation as a ground of prohibited discrimination, the federal government maintains it is implied. Morrissey has filed a statement of claim with the trial division of the Federal Court of Canada.

By pursuing this challenge she hopes to sponsor Coll under the family class as there is no class for "life companions."

"I feel as a Canadian I ought to have the same rights as any other Canadian to sponsor the person with whom I have chosen to share my life," she says. "We are not claiming any special rights for same-sex couples, but asking for the same consideration from the Immigration Department to be able to live in Canada with the life companion of our choice."

Hughes says the family class includes a number of relationships.

"We are not applying under the spouse class, but under the entire family class and if necessary we'll ask them to create a separate class for same-sex couples."

Morrissey feels she has no choice in the matter. "I'm doing this because I have to. It is not particularly something that I would choose to do. I suppose in some way we are going to make some sort of contribution to a more equal society."

Doug Sanders, a professor of law at the University of British Columbia, also thinks the policy is discriminatory.

CONTINUED ON PAGE 18

### ED/OP

## Heterosexual harassment

BY DENIS AND TIM RIORDAN

The notorious 1990 incident at Cole Harbour High School is widely regarded as a glaring instance of racism and racial prejudice directed toward black students. The incident has indeed shattered any illusions we might have unthinkingly harboured about the equality of treatment of black students in the high schools.

The incident has also prompted many of us to reflect more generally on prejudice against other important minorities that is routinely and unthinkingly practiced in high schools. We ask what school officials are doing about prejudice and discrimination towards this minority? In the case of one high ranking school administrator the answer, unfortunately, seems to be "nothing at all."

A homosexual student recently reported a case of harassment to a high school official. A fellow student had shouted "faggot" at him in a corridor, clearly and in front of several witnesses. He continued to make further disgusting and discriminatory remarks in front of the same witnesses before leaving the scene. The victim immediately reported the incident. The response of the Acting Principal was a classic case of blame the victim: "You must have provoked him," said the registrar.

The victim of harassment then filed complaints, both against the student for harassment and against the school registrar for mishandling the complaint, with the school principal. Two days later the victim and his parent met with the principal to obtain a response to the complaints. The principal adopted an approach similar to the one taken by the registrar and indicated that he held many common prejudices and misconceptions about homosexuals. For example, when confronted with the idea that his trivialization of the complaints was nothing short of a slap in the face approximately 150 homosexual students and 8 homosexual teachers (statistical estimation) that are in the school, the principal re-

plied: "Where are these homosexuals? I don't see them."

Recent amendments to the Provincial Human Rights Act regarding discrimination on the basis of sexual orientation and the increasingly broad interpretations of harassment and minority rights recognized by

haps more serious, crimes of this nature occur in the school. Do we have to wait until we have an incident of "gay bashing" in one of our high schools before school officials are able to see the problems that the non-heterosexual student minority faces?

The time for action is long past. School administrators should ensure that they are properly educated with regard to human sexuality. Workshops and talks on this subject should be organized and school administrators should be required to attend. School disciplinary codes should be amended and interpreted to protect the rights of gay, lesbian, and bisexual students. School administrators should become familiar with human rights legislation. Similar workshops should be given for teachers and students. Indeed there are many courses for action and policy formation that can and must be pursued immediately. There is no valid excuse for delay.

*The time for action is long past*

the courts clearly indicate that such positions are intolerable and unacceptable. Sexual harassment is no less than a criminal offence. Failure by school officials to discipline individuals responsible for instances of harassment, sexual or otherwise, may render school boards vulnerable to prosecution, should further and per-




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