

END IMMIGRATION LAWS THAT DISCRIMINATE AGAINST PEOPLE WITH DISABILITIES

REPEAL SECTION 38(1)(C) OF THE IMMIGRATION AND REFUGEE PROTECTION ACT

What is 'medical inadmissibility'?

Section 38(1)(c) of the Immigration and Refugee Protection Act reads, "A foreign national is inadmissible on health grounds if their health condition is expected to cause excessive demand on health or social services." This section allows for the denial of permanent resident status to an entire family if any member of that family is a person with a disability or has a chronic illness.

Who is affected?

An average of 1,000 applicants and their families are rejected each year under this provision. Many more never apply. This includes the rejection of people living with HIV; Caregivers or other temporary foreign workers who include family members who are deemed disabled in their application; and the parents and grandparents of immigrants. Those affected have family members and friends who vote in Canada who are all deeply affected by this discriminatory law and are looking towards lawmakers for change.

Why should this provision be repealed?

In 2017, the Standing Committee for Citizenship and Immigration (CIMM) issued a report to Parliament recommending the repeal of Section 38(1)(c). The Minister of Immigration, the Honourable Minister Hussen, has himself agreed that this policy must be changed.

CIMM recommended this repeal because Section 38(1)(c):

- Discriminates against people with disabilities: It prevents them from immigrating to Canada, and denies permanent resident status to people who have become disabled while working in Canada as part of federal temporary work schemes. It shuts out migrants and immigrants who have lived and worked in Canada for many years if they or one of their dependents are disabled.
- Constructs people with disabilities only in negative terms (i.e. as a resource drain) and it erases the valuable contributions of people with disabilities to our communities.
- Increases the vulnerability and exploitation of low-waged migrant workers who become sick or injured because of sub-standard work conditions in Canada: It allows for the denial of permanent resident status to these workers based on their injuries.

