



LEAF
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WOMEN'S LEGAL
EDUCATION & ACTION FUND
FONDS D'ACTION ET D'ÉDUCATION
JURIDIQUE POUR LES FEMMES

To: The Right Honourable Prime Minister Justice Trudeau
The Honourable Deputy Prime Minister and Finance Minister Chrystia Freeland
The Honourable Ahmed Hussen, Minister of Families, Children and Social Development
The Honourable Diane LeBouthillier, Minister of National Revenue

February 16, 2021

Dear Right Honourable Prime Minister and Honourable Ministers:

LET ALL CHILDREN ACCESS CANADA CHILD BENEFITS

I am writing in my capacity as Executive Director & General Counsel (Acting) of the Women's Legal Education and Action Fund (LEAF) to urge you to extend the Canada Child Benefit (CCB) to all children in Canada regardless of their parents' immigration status.

LEAF is a national, non-profit organization which works to advance the substantive equality rights of women and girls through litigation, law reform, and public education. We know that we will not have gender equality in this country until we have addressed the feminization and racialization of poverty. The CCB is one step towards doing so.

Your Government has rightly put CCB as a centrepiece of Canada's first Poverty Reduction Strategy. Since 2015, over 1 million Canadians have been lifted out of poverty, including 334,000 children.¹ We also commend you for introducing a one-time additional payment of \$300 per child during the pandemic to all families in receipt of CCB.

Yet not every child in Canada, and not every family in need, is eligible for CCB.

Under the *Income Tax Act*, to qualify for the CCB, the parent must be a Canadian citizen, permanent resident, protected person, or a "temporary resident" who has lived in Canada for at least 18 months. Under the current immigration law, a temporary resident visa is granted to visitors and tourists. Excluded from accessing CCB are refugee claimants and other individuals who are living in Canada with precarious status – even if they are legally working and filing a personal income tax return. In some cases, these families have Canadian born children, but are still denied CCB because of the parents' immigration status.

It is fundamentally unfair to deny CCB to families who are working and contributing to Canada's economy based solely on their immigration status, while granting the same benefits to people who are visitors to Canada and may not even be paying any Canadian income tax. The denial of CCB to low-

¹ <https://pm.gc.ca/en/news/news-releases/2020/03/05/more-1-million-canadians-lifted-out-poverty>



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income families on the basis of status constitutes a violation of the *Canadian Charter of Rights and Freedoms* and a breach of Canada's obligations under the UN Convention on the Rights of the Child.

As women are still the primary caregivers for children in most Canadian families, the denial of CCB also has a disproportionate impact on women. This reinforces pre-existing gendered poverty. Furthermore, as the vast majority of people with precarious immigration status are people of colour, this exclusion adversely impacts racialized communities – the communities that already face a higher risk of poverty.

This discriminatory law is hurting women like [Natalie](#) and her children, who came to Canada to seek protection from gender-based persecution. Natalie had to spend three years in a shelter while waiting for her refugee hearing. She received CCB for about a year, only to be told that she had to repay it all because she and her children did not deserve to receive it. Natalie's story is not unique.

The federal government has committed to a rights-based approach to poverty reduction based on the principles of universality, non-discrimination, and equality. It should not legislate discriminatory practices by unfairly tying a family's access to child benefits to the immigration status of the parents. These benefits have been proven to lift children out of poverty and each child has an inherent right to access them.

The exclusions of CCB based on immigration status have been on our law books for years. It did not start with the current government. But we hope that it will end with you.

As we anticipate an end to the pandemic shut-down, your government has promised to build back our country better. We call on you to take the first step by removing immigration status as an eligibility requirement for CCB.

Sincerely,

Megan Stephens
Executive Director & General Counsel (Acting)
Women's Legal Education and Action Fund (LEAF)