



FCJ Refugee Centre

*Walking with Uprooted People*

# UNDERSERVED COMMUNITIES VICTIMS AND SURVIVORS OF HUMAN TRAFFICKING

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# VICTIMS AND SURVIVORS OF HUMAN TRAFFICKING

Changes in Legislation

# Changes to Refugee System

- ❖ **No exceptions to Victims/Survivors of human trafficking**
- ❖ **Problems reopening claims**
- ❖ **Temporary Resident Permits**
- ❖ **Humanitarian and Compassionate (H&C) Application Limitations**

# Changes that impact Most Victims and Survivors of Human Trafficking

## **No exceptions to Victims of human trafficking:**

- ❑ The main aim for recent changes to the refugee system was to reduce human trafficking and human smuggling.
- ❑ The new laws were broadly created and there are no guidelines or policies to distinguish victims of human trafficking from smugglers and human traffickers.

## **Problems reopening claims:**

- ❑ The new changes to the refugee system is problematic for persons making important changes to their claim or reopening a claim after escaping the control of the traffickers.

## Temporary Resident Permits (TRP)

- ❑ Was first introduced in May 2006.
- ❑ Persons are entitled to stay in Canada for 180 days without testifying against their trafficker.
- ❑ Also, they are entitled to Interim Federal Health (IFH) and a work permit.

# Negative impacts of changes

- ❑ Persons affected must prove that they are victims/survivors of human trafficking.
- ❑ Overall, access to TRPs is limited in practice and in law.
- ❑ Law enforcements (RCMP) must be involved before a TRP is re-issued.
- ❑ Upon the end of the 180 days, persons must apply for renewal of their TRP – initiating another process.
- ❑ Urgency is provided to trafficked person who cooperate.

## Negative impacts of changes (continued):

- ❑ People whose refugee claims were rejected, withdrawn, or abandoned are barred from applying for a TRP for 12 months.
- ❑ Trafficked persons have no right to family reunification.
- ❑ Victims who are forced to choose between their ability to remain in Canada and caring for their family in their country of origin face emotional, and often physical, consequences.
- ❑ There is a **\$200 fee** for renewal of the TRP which is very high considering the financial situation for trafficked persons.

<http://www.cic.gc.ca/english/department/media/releases/2012/2012-05-09.asp>

# Humanitarian and Compassionate (H&C) Application Limitations

- ❑ New changes forces victims and survivors of human trafficking who have made a refugee claim to wait for 12 months after a negative decision is made in order to make an H&C application.
- ❑ This knowledge **empowers** smugglers and human traffickers as it may allow victims to think that they must endure trafficking conditions to stay in Canada.
- ❑ Longer wait for an H&C application means longer time for trafficked persons to leave trafficked conditions.
- ❑ Cost of H&C is **\$550** which is a heavy burden for victims who do not have a good financial background and are often forced to live in poverty.