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"PROPOSED CLASS PROCEEDING" 1081

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER

and

JANOSNE (MARIA) GUNTHER

and

ANITA GUNTHER

and

MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF GERALDINE SADOWAY

I, Geraldine Sadoway, Barrister and Solicitor, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. My work address is Parkdale Community Legal Services, 1266 Queen Street West, Toronto, Ontario, M6K 1L3. I am the staff lawyer for the Immigration and Refugee Division at Parkdale Community Legal Services (PCLS), a community legal aid clinic funded through Legal Aid Ontario and Osgoode Hall Law School. I have held this position since May of 1997. My work at PCLS involves representing clients who meet the criteria for PCLS services in many different immigration and refugee law matters before administrative tribunals and the Federal Court. As PCLS is a teaching clinic, my work also involves teaching, training and supervising the case work of law students who are selected to participate in the intensive poverty law program offered by Osgoode Hall Law School. Prior to my employment at PCLS I was in private practice doing primarily immigration and refugee law work from my year of call in 1983 until 1997. I have also taught immigration and refugee law periodically for the Queen's University Faculty of Law from 1995 until 2000 and in the fall of 2005. In addition to my LL.B. degree I have been awarded the LL.M. degree by the University of Cambridge in 2003 in the area of international human rights law. Attached hereto and marked as Exhibit "A" is a detailed resume of my professional qualifications.

2. The substance of my proposed testimony in this proceeding includes the following. I propose to describe the circumstances facing the typical Humanitarian and Compassionate ("H & C") applicants who approach my clinic for legal assistance. Secondly, I propose to offer my opinion based on my experience working with these applicants.

3. PCLS is open for intake for new clients four days per week all year round excepting a brief period between Christmas and New Year. In the immigration and refugee group, we see an average of 7 to 10 new clients seeking legal advice on immigration matters each day that we are open for intake. At least twice a week, or about 100 times a year, we provide clients with information about making an application for permanent residence on "humanitarian and

compassionate" (H & C) grounds pursuant to section 25(1) of the *Immigration and Refugee Protection Act.* We typically provide the clients with a copy of the H & C application form and explain the process and the requirement for the $550 fee to commence the application.

4. Many clients who contact our office about this application describe circumstances that would clearly warrant an H & C application. A significant number of cases involve parents of children born in Canada who are therefore Canadian citizens. A significant number of cases involve women who have been in relationships with Canadian citizens or permanent residents, and who have not been sponsored by their Canadian partner, or have had to separate from their partner due to domestic violence. These two groups of clients are often the least likely to be able to afford the government's H & C application fee. We often are unable to proceed with H & C files because the clients are unable to pay this fee. In these cases we urge the client to find the money as soon as possible in order to avoid delays in processing because the application cannot go into the system until the fee is paid. Sometimes we provide these clients with a letter to take to charitable organizations, explaining the fee requirement and requesting a loan or gift in the amount required so that the client can file the H & C application. We call this our "begging letter". Attached hereto and marked as Exhibit "B" is a copy of a typical "begging letter" provided to one such client.

5. Notwithstanding the use of "begging letters" and the use of other stratagems to raise funds, we have seen a number of clients who have delayed filing the H & C application for months and even years because they cannot raise the fee required to start the application. All of the clients we assist at PCLS meet our income criteria in order to qualify for our services so our clients are all persons living on very low income, including persons receiving social assistance. Three groups of clients have a particularly difficult time raising the H & C application fee: impecunious refugees, single parents of young children, and disabled persons.

6. With respect to impecunious refugees, it must be noted that successful refugee claimants are obliged to pay a $550 fee to apply to become permanent residents within six months of being accepted as refugees in Canada. If they have a spouse and children, the fee is greater: $550 per adult and $150 per child. Successful refugees who have been in Canada for about a year during the determination of their refugee claim may not yet have been able to find employment, especially if they have language barriers to overcome. If they do not raise the necessary fee within the six months after their positive refugee decision, then they must apply to be landed through the H & C application process.

7. Single parents, usually mothers, with young children are simply unable to work because of the necessity of caring for their children and the unavailability of child care facilities. Yet these are clients who often have very compelling H & C cases. The only factor preventing them from filing the application with the free legal assistance of a community legal clinic such as PCLS is the H & C fee. Sometimes they are able to borrow the fee from friends, or charitable organizations assist with the payment of the fee. This invariably results in a delay of six months to a year while the client is trying to obtain the fee. In some cases we send the H & C application with the fee for just one person, even though the family might include three children. We send the application in to get into the two-to-three year queue for the H & C files, hoping that the client will be able to obtain the additional funds later so that the entire family can be processed together. I have no doubt that a certain number of otherwise meritorious H & C applications by mothers with young children do not go forward at all, simply because the mother cannot pay or borrow the fee.

8. Disabled persons, or persons with a significant health impairment which could result in a positive H & C decision, are usually living on disability benefits which cover only their most basic needs of food and shelter. They are not in a position to pay the H & C fee to file an application on H & C grounds and must borrow the money to file their application. If they have

relatives in Canada, they are usually able to do this, but if they have no relatives in Canada, it is necessary to seek assistance from charitable organizations, which often is not forthcoming. In every case we have dealt with, as far as I can remember, involving a person with a disability, where the person was able to pay the fee the money to pay the fee had to be borrowed. Further, I have no doubt that other meritorious applications have not been filed due to the inability of the applicants to pay or borrow the fee.

9. In my opinion, racial and ethnic minorities are also disproportionately affected. Certainly in our experience at PCLS the majority of the clients negatively affected by the H & C fee were members of ethnic or racial minorities and several of them also have language barriers.

10. In my opinion, the H & C fee is highly problematic for our clients and constitutes a significant - in some cases absolute - barrier to obtain access to the H & C process. Broadly speaking, our clients face similar barriers due to poverty to a wide array of federal and provincial services. The H & C fee is representative of the systemic barriers they face. To elaborate the point further, poverty and fee barriers in the federal and provincial domain are intermingled. For example, the inability to apply for H & C creates a lack of immigration status, which in turn creates an ineligibility for provincial social assistance, which in turn creates a bar to municipal assisted housing.

11. If the Gunthers wish to file an H & C application from outside Canada, which they are legally entitled to do, pursuant to section 25(1) of the *Immigration and Refugee Protection Act,* they will be required to pay the H & C fee of $550 per adult and $150 per child in accordance with section 307 of the *Immigration and Refugee Protection Regulations.* In my opinion, the Gunthers do not come within the classes of persons exempted from payment of the fee, neither are they described in any of the other classes under section 295(1) of the *Regulations.*

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SWORN BEFORE ME)
at the City of Toronto, in the)
Province of Ontario)
this 19th day of August, 2008

Geraldine Sadoway

Andrew C. Dekany
Commissioner for Taking Affidavits

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GERALDINE SADOWAY , Barrister and Solicitor
September 2008

Contact information: Parkdale Community Legal Services, 1266 Queen Street West, Toronto, Ontario, M6K 1L3, Tel:416-531-2411 ext 229, FAX: 416-531-0885
Email: sadowayg@lao.on.ca

This is Exhibit "A" referred to in the affidavit of Geraldine Sadoway sworn before me, this 19th day of August 2008

A COMMISSIONER FOR TAKING AFFIDAVITS
Andrew C. Dekany

EDUCATION:

2003: Master of Law [LLM] - International Human Rights, Cambridge University, U.K.
Papers in *History and Theory of International Law*, *Foundations of International Law*, *International Criminal Law*, and *International Human Rights Law*

1983: Bar Admission Course, Law Society of Upper Canada
Called to the Ontario Bar

1981: Bachelor of Law Degree, Osgoode Hall Law School
York University, Ontario

1975: Foreign Students Programme, National University of Mexico (UNAM), Mexico City, Mexico

1974: Master of Arts Degree, Spanish and Latin American Literature, Queen's University, Kingston, Ontario

1972: Bachelor of Arts (Honours), French and Spanish Language and Literature, Dalhousie University, Halifax, Nova Scotia

1970: Foreign Students Programme, History, Art and Literature of Spain, University of Zaragoza, Spain

EMPLOYMENT:

1997 - present: Staff lawyer and Instructor at Parkdale Community Legal Services, 1266 Queen Street West, Toronto, Ontario M6K 1L3
Adjunct Professor, Osgoode Hall Law School

Staff lawyer for the immigration law group at PCLS, supervising law students from Osgoode Hall who are enrolled in the clinical law programme at PCLS; teaching immigration, refugee and administrative law; representing PCLS clients before immigration tribunals, the Federal Court and in leave application to the Supreme Court;

2005, 1995 - 2000: Lecturer in Immigration and Refugee Law, Queen's University, Faculty of Law, Kingston, Ontario

From 1995 to 2000, and recently in the fall of 2005, teaching the Immigration and Refugee Law course at Queen's University in Kingston with colleague Barbara Jackman

1983-97: Barrister and Solicitor in private practice, specializing in immigration and refugee law

Representation of refugee claimants and immigration applicants before administrative tribunals, the Federal Court and in applications for leave to the Supreme Court; advocacy and law reform work with other refugee lawyers and non-government organizations on immigration and refugee matters; short term placements as legal counsel at Parkdale Community Legal Services and the Centre for Spanish Speaking Peoples, involving the

training and supervision of law students and paralegal workers; conducting seminars and training programmes for law students, lawyers and paralegal workers at the various community legal clinics, and for non-government organizations; giving training seminars and presentations on behalf of the Refugee Lawyers Association, the Canadian Bar Association, the Ontario Legal Aid Plan immigration law panel and the Immigration and Refugee Board; from 1993 to 1996, assisting in the development of guidelines for the Immigration and Refugee Board on procedures to be followed in dealing with unaccompanied minor refugees; from 1996 (and continuing to the present) international involvement on issues concerning protection and legal representation of separated refugee children.

1981- 82: Articling Student, Paul Reinhardt and Mitchell Chernovsky, Barristers and Solicitors, Toronto

Representing clients in criminal law, employment law, tenant law and worker's compensation matters; developing a refugee law practice for Reinhardt and Chernovsky, in association with immigration lawyers, Barbara Jackman and Nancy Goodman.

1980: Paralegal Worker with Justice For Children Advocacy clinic for children and youth

Working with Director Marion Lane to develop resources for more effective representation of children.

1979 - 8l: Student Legal Worker, Community and Legal Aid Services Programme, Osgoode Hall Law School, York University

Immigration Division Leader, Member of CLASP Board of Directors, legal case worker appearing at refugee hearings and appeals and assisting CLASP counsel in Federal Court.

1976 - 78: Paralegal Worker with Spanish-Speaking Immigrants Latin American Community Centre, Toronto, Ontario

Organizing and coordinating a CLASP legal clinic at this Centre with law students from Osgoode Hall Law School; serving as interpreter and legal worker with the CLASP students; advocacy work behalf of new immigrants in workers compensation, landlord/tenant matters, social assistance and other areas; community outreach work with coalition of community organizations making submissions concerning the Immigration Act of 1976/77.

MEMBERSHIPS AND APPOINTMENTS:

1988 - present: Canadian Council for Refugees (CCR), 6839 Drolet, #302, Montreal,

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Quebec, H2S 2T1

Attending regular biannual membership consultations; providing legal information to membership and participating in panels and seminars at the biannual national consultations; assisting in the preparation of CCR briefs to government on issues involving refugees and representing CCR at meetings with government and international NGO organizations; CCR representative in NGO delegation to UN Committee on Economic, Social and Cultural Rights, in Geneva, April 2006; CCR representative at conferences on unaccompanied refugee children in Chicago (1998) and Daytona, Florida (1999).

1987- present: **Canadian Centre for Victims of Torture, 194 Jarvis Street, Toronto, Ontario**

Member of Board of Directors of the CCVT from 1987 to 1998, chair of Legal and Personnel Committees of the CCVT; continuing member of CCVT Legal Committee which produced a "Resource Guide on Medical- Legal Documentation of Torture" in 1999. Represented CCVT at Third International Conference on Health, Political Repression and Human Rights in Santiago, Chile, 1991, and gave presentation on using medical documentation of torture in the legal representation of refugees at the held in Santiago, Chile. Received "distinguished volunteer" award from the Province of Ontario for work with the CCVT in 1991.

1990 - present: **Refugee Lawyers Association (RLA)**
45 St. Nicholas Street, Toronto, Ontario

Founding member of the RLA, involved in educational seminars and information sharing within the Association members. Active in RLA initiatives such as committee on refugee children to develop materials and resources for lawyers representing refugee children and to work with the IRB to produce guidelines for the treatment of the refugee claims made by unaccompanied refugee children before the Immigration and Refugee Board. The IRB adopted procedural guidelines on refugee children in 1996.

1979 - present: **Law Union of Ontario, Toronto, Ontario**

Member and occasional organizer or panellist at yearly conference; in1995 organized and chaired panel on "War Crimes and War Criminals: Beyond Nuremberg" with Professor Phillip Goldman of Queen's University; in 1993, assisted in organizing keynote address of the leader of Mexico's opposition party, Porfirio Munoz Ledo; in 1985, organized the keynote address by the former Minister of Justice of Nicaragua, Carlos Arguello, who gave a presentation on Nicaragua's case in the World Court against the U.S. for the mining of Nicaraguan waters during the Contra War.

1994 - 96: **METCAWA (Metro Toronto Committee Against Wife Assault)**

Member of METCAWA working group; prepared brief in June of 1994 to the Ministers of Immigration and Justice concerning the situation of immigrant and refugee women who are victims of wife assault.

1979 - 1997: National Association of Women and the Law
Founding member of Toronto Area Caucus of Women and the Law and member of NAWL.

1990 - 2001: Area Committee for York, Ontario Legal Aid Plan, Toronto, Ontario
Immigration specialist on the Area Committee, conducting Area Committee reviews of Legal Aid funding applications on a regular basis.

1989 - present: Mentor for Immigration Panel, LAO Advisory Committee on Immigration and Refugee Law, LAO, Toronto, Ontario
Providing regular mentoring to new members of the immigration and refugee bar; As a member of the LAO Advisory Committee, attending biannual meetings to advise LAO on immigration and refugee matters.

1983 - present: Immigration Section, CBAO Canadian Bar Association of Ontario
Member of Ontario and National immigration Sections; occasionally invited as speaker or panellist for Continuing Legal Educations programs.

SEMINARS, PUBLICATIONS AND PRESENTATIONS (since 1990):

Jan 2008: "On Being the Designated Representative" power point presentation for lawyers at McCarthy Tettrault, as part of training session for *pro bono* project to act as designated representatives for unaccompanied minors in immigration and refugee proceedings.

Jan 2008: "Representing minors and persons with mental health disabilities before the Immigration and Refugee Board" participated in organizing and chairing this LAO-CLE programme.

Nov 2007: "The Intersection of Criminal Law and Immigration Law", presentation to Ontario Court of Justice, London Regional Seminar.

Nov 2007: "Human Rights Activism and Poverty Law", presentation at "Chains and Links: Human Rights Activism Conference", Saskatoon, Saskatchewan.

Oct 2007: "Two Strikes, You're Out!" and "Case Study of Mr.. A": Workshop on deportation of permanent residents, Toronto Clinics Training Conference.

Sept 2007: "The Intersection of Family Law and Immigration Law", Annual Family Law Program, Ontario Court of Justice, Collingwood.

June 2007: "Representing Refugee Children and Youth at the Refugee Protection Division

of the Immigration and Refugee Board", CLE on refugee law, Toronto.

May 2007: "The impact of refugee law on vulnerable populations: the US and Canadian perspectives", Colloquium at Harvard University, Cambridge MA.

Mar 2007: "The Best Interests of the Child under the *Immigration and Refugee Protection Act*", Ottawa immigration law conference.

Jan 2007: "Access to health care and permanent resident status for foreign nationals who have serious disabilities", presentation to Canadian Association of Renal Social Workers, Whitby, Ontario.

Sept 2006: "Two Strikes, You're Out!" presentation to Crowns who work in Domestic Violence Court on unintended consequences of deportation provisions for permanent residents under the new *Immigration and Refugee Protection Act.*

May 2006: "Non-citizens in Canada: equally human, equally entitled to rights" presentation on behalf of Canadian Council for Refugees to United Nations Committee on Economic Social and Cultural Rights, Geneva.

May 2005: "It's all about money" presentation to Standing Committee on Citizenship and Immigration concerning the problem of the $550 cost recovery fee for application for landing by inland refugees and H&C application for landing.

Sept 2005: "Immigration 101" panel on immigration law for Toronto Clinics Training Conference.

October 2005: assisted in preparing Canadian Council for Refugees brief to UN Committee on Civil and Political Rights.

October 2004: "The Gender Factor in Refugee Determination and the Effect of the Gender Guidelines": article for book on refugee women edited by Helene Moussa (publication expected in 2008).

March 2004: "New Directions: Immigration and Refugee Law Manual" a manual on immigration and refugee law consisting of 15 chapters in a loose-leaf binder, up-dated on yearly basis. This manual was distributed to legal clinic staff and front line community legal workers at a two day conference on the new *Immigration and Refugee Protection* Act in March of 2004. [PCLS continues to distribute the up-dated versions at regular immigration training sessions and it is the primary text used for the PCLS immigration group law students.]

Nov 2003: "The Making of Marginalization in Canada" presentation to seminar at York University on factors affecting the marginalization of new immigrants and refugees.

Feb 2002, *Introduction* to Children at Risk, a special issue of *Refuge: Canada's periodical on Refugees*, Vol. 20, No. 2, February 2002.

Feb 2002, "New trends in Immigration and Refugee Law", presentation to annual conference of Black Law Students Association of Canada.

Feb 2002, "Immigrant and refugee children: protecting the most vulnerable", Parkdale Community Legal Services Submission to Standing Committee on Citizenship and Immigration with respect to the Regulations under the *Immigration and Refugee Protection Act,* February 10, 2002.

Nov 2001, "Changes in the Family Class and In Canada Landing Class" 9th Annual Immigration Forum, Continuing Legal Education of the Law Society of Upper Canada.

Nov 2001, "Canada's Treatment of Separated Refugee Children" *European Journal of Migration and Law*, 3: pp. 347 - 381, 2001.

Nov 2001, May and Oct. 2000, "Making the Immigration System work for Abused Women": a popular interactive seminar for community service providers and women's shelter workers on helping immigrant and refugee women who are victims of abuse and are vulnerable to deportation due to sponsorship breakdown.

Nov 2001, "Legal aid services to immigrants and refugees: a community legal clinic perspective" - Roundtable at Osgoode Hall Law School, Nov 22, 2001.

July 2001, "Comments on *HIV/AIDS and Immigration: Final Report*" presentation to the Law Society of Upper Canada, July 24, 2001.

May 2001, "Health Care is a Right!" presentation to Community Forum on access to OHIP coverage, May 1, 2001.

May 2001, "Dancing the Two-Step: Inland H & C Applications", CLE Conference, May 4-5, 2001, Ottawa, CBA, National Citizenship and Immigration Law Section

Mar 2001, "Denial of Education to Immigrant and Refugee Children in Canada", *Refugee Up-date,* Spring 2001

July 2000, "Family Reunification Issues in the New Immigration Bill" Community Forum on Bill C-31, Parkdale Community Health Centre, July 26, 2000

Feb 1999, "Immigration and Refugee Law Manual", a training manual (450 pages) covering all aspects of immigration and refugee law in Canada, produced for a two-day conference organized for community workers, paralegal workers and lawyers who work with immigrants and refugees.

Dec 1999, "Resource Guide for Medical-Legal Documentation of Torture" Legal Committee and Medical Network of the Canadian Centre for Victims of Torture (approx 400 pages)

Jan. 1998, "Children or Hostages: Denial of Education to Refugee and Immigrant Children in Canada" published in *Refugee Up-date*, Toronto, Spring 1998.

Nov. 1998, "Comparing Models: The Role of the Designated Representative in Canada", presentation at Roundtable on Children in Immigration Proceedings, Daytona Beach, Florida, U.S.A.

Mar. 1998, "Quebec Model for Representing Refugee Children", presentation for Symposium on Children in Immigration Proceedings, Chicago, Illinois, U.S.A.

Sept. 1997, "Refugee Children" presentation at Immigration Law Conference, sponsored by Community Legal Services, Ottawa, Ontario.

Jan. 1996, "Representation of Refugee Claimants who are Minors" Professional Development Training Session for members of the Immigration and Refugee Board, Toronto, Canada.

1996, "Refugee Children before the Immigration and Refugee Board" published in 35 *Immigration Law Reporter* 106, and *Refuge: Canada's Periodical on Refugees*, Volume 15, Number 5, 1996.

Nov. 1995, "A Proposal for Guidelines for Determination of Refugee Claims by Unaccompanied Minors" published in *Contact*, Vol 4 (1) spring 1996, Canadian Council for Refugees.

Nov. 1995, "War Crimes and War Criminals: Beyond Nuremberg", panel discussion at Law Union Annual Fall Conference.

Mar. 1995, "Gender Issues in Refugee Law: The Impact on Women's Rights" presentation for Queen's University Faculty of Law.

Mar. 1995, "Refugee Claims Based on Fear of Domestic Violence", presentation for University of Toronto Faculty of Law.
Jan. 1995, "A Long Way From Bay Street", presentation on working as a lawyer in the area of human rights, Osgoode Hall Law School.

Oct. 1994, "Immigration Factors Affecting Assaulted Women" Assaulted Women's Help Line workshop.

June 1994, "Immigration and Refugee Women Vulnerable to Abuse", a brief to Federal Ministers of Justice and Immigration.

May 1994, "Obtaining Evidence to Corroborate Refugee Claims" presentation to Canadian Bar Association of Ontario, Immigration Section

Jan. 1994, "Consultation on Gender Issues and Refugees" presentation on behalf of Canadian Centre for Victims of Torture to Canada Employment and Immigration Commission.

Nov. 1993, "Expert Witnesses at IRB Hearings" and **"Representation of Minors Before the IRB"**, seminar for Refugee Lawyers Association subsequently published in *Working with Refugee and Immigrant Children: Issues of Culture, Law and Development,* Lutheran Immigration and Refugee Service, New York, 1998.

June 1993, "Right to Counsel in Administrative Hearings" presentation for Canadian Bar Association Continuing Education Conference, Advocacy before Administrative Tribunals

Feb. 1993, "Procedure in Federal Court: 'Stays' for refugee claimants under Bill C-86" presentation for Refugee Lawyers Association.

Sept. 1992, "Refugee Mental Health: A Lawyer's Perspective", published in *Condition Critical,* Hong Fook Mental Health Association, Toronto, 1992.

Nov. 1991, "Medical-Legal Reports for Victims of Torture: The CCVT Experience" Third International Conference on Health, Political Repression and Human Rights, Santiago, Chile.

Parkdale
Community Legal Services Inc.

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1266 Queen Street West
Toronto, Ontario M6K 1L3
Telephone 416 531-2411
Fax 416 531-0885

September 19, 2006

To Whom It May Concern:

Re: Request for loan assistance for Ms. M.

We are writing to ask your assistance for the above named individual. Ms. M came to Canada from X in 1999. Currently she is filing a humanitarian and compassionate immigration application for herself and two dependent children. There is a non-refundable cost recovery fee of $850.00 that must be submitted with the application. (Please see the immigration fee schedule attached hereto.) However, Ms. M is a full-time mother of three children, including her Canadian daughter, and does not have $850.00. As a result of her parenting responsibilities and lack of employment, it is impossible for Ms. M to save the money for the processing fee.

While raising her young children, Ms. M has been volunteering her time at the Holy Family Catholic Church, as well as the St. Francis Table where she assisted in serving food to the homeless, and the Baycrest Hospital where she helps senior citizens.

If your organization for any reason has a fund that could assist Ms. M with a loan or donation towards the $850 processing fee, we request your assistance on her behalf.

We at Parkdale Community Legal Services have been involved in a campaign requesting the Minister of Citizenship and Immigration to allow for a waiver of this processing fee in deserving cases, when there is financial need. If you agree with the objectives of our campaign, we would also appreciate your support in signing our petition postcard, enclosed herewith, asking for the elimination of the cost recovery fee for humanitarian applications involving women who have left a relationship due to domestic violence and who, for that reason, do not have a sponsor for their immigration application. In fact, Ms. M. is a person in this situation as she had to separate from her Canadian partner due to his abuse.

We thank you in advance for any assistance you can give. Should you have any questions, please contact RP at extension 260.

Yours truly,
PARKDALE LEGAL SERVICES INC.

Geraldine Sadoway
Staff Lawyer
REPLY TO: RP, Law Student, extension 260
Encl.

This is Exhibit "B" referred to in the affidavit of Geraldine Sadoway sworn before me, this 14th day of August 2008

A COMMISSIONER FOR TAKING AFFIDAVITS
Andrew C. DeKanty

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER

and

JANOSNE (MARIA) GUNTHER

and

ANITA GUNTHER

and

MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF MARY TATHAM

I, Mary C. Tatham, of the City of Toronto, Province of Ontario, barrister and solicitor, make oath and say as follows:

1. I have practiced immigration and refugee law since my call to the bar of Ontario in 1989. After my call, I worked as an Immigration Officer for 14 months. Since that time, I have practised privately, and my practice has been restricted to immigration and refugee law.

2. Without a doubt it is clear law that humanitarian and compassionate applications under section 25(1) of the *Immigration and Refugee Protection Act* can be made inside Canada at an immigration centre or outside of Canada at a Canadian visa post. Section 25(1) of the *Immigration and Refugee Protection Act* imposes no geographic limitation on the Minister's humanitarian and compassionate jurisdiction.

3. Citizenship and Immigration Canada has created policy manuals that provide guidance to immigration officers and visa officers on the processing of humanitarian and compassionate applications.

4. As a matter of routine practice immigration officers counsel deportees that their humanitarian and compassionate applications continue after they are removed from Canada. Moreover, a person similarly situated to the Gunther applicants can apply for a permanent resident visa on humanitarian and compassionate grounds at a Canadian visa post abroad.

5. Citizenship and Immigration Canada has created an entire policy manual to address the specific situation of the overseas processing of humanitarian and compassionate applications. This manual is entitled "OP 4 - Processing of Applications under Section 25 of the IRPA". In paragraph 7.3 the manual states: "The collection of cost recovery fees applies to all cases processed under section A 25(1) of the Act." The same humanitarian and compassionate application fees apply to the plaintiffs were they to make an application under section 25(1) of the Act inside Canada or outside Canada, and there are no fee waiver provisions for such application whether they make it inside Canada or outside Canada.

6. In my opinion there are possible Charter arguments relating to fee waivers in both humanitarian and compassionate applications made in Canada and those made abroad. If

those arguments are successful the Charter ought not to provide foreign nationals abroad with lesser protection than foreign nationals who apply within Canada. The obstacle created by the lack of a fee waiver is the same wherever the foreign national is geographically situated.

7. It is the policy of the Minister of Citizenship and Immigration to reject applications for permanent resident status based on humanitarian and compassionate grounds in almost all cases where the applicants are recipients of social assistance or indigent even though section 25(1) of the *Immigration and Refugee Protection Act* allows the Minister to waive the inadmissibility. Where a foreign national applies within Canada for humanitarian and compassionate consideration and is a recipient of social assistance and thereby inadmissible to Canada, section 16.14 of the Minister's Inland Processing Manual 5, dealing with humanitarian and compassionate applications made inside Canada, direct immigration officers that they must refuse the application for permanent resident status of persons who are inadmissible. In the case of humanitarian and compassionate applications made outside Canada the situation is almost the same. Where an applicant is inadmissible for, among other reasons, financial reasons such as being a recipient of social assistance, according to section 4.1 of the OP 4 Manual immigration officers may either refuse the application for permanent resident status or recommend waiver of the inadmissibility to the Minister's delegate, although section 4.1 goes on to provide that only "on very rare occasions" may such delegate waive inadmissibility in the case of, among others, inadmissibility for financial reasons.

8. On CIC's website at http://www.cic.gc.ca/english/resources/manuals/il/il03e-menu1.asp under the heading "List of Updates" there is reference under date of January 13, 2005 to "Item 45.1-Temporary public policy for persons affected by the Tsunami and earthquake disaster of December 26, 2004." That policy, among other things, provided that immigration fees, including humanitarian and compassionate application fees, did not have to be paid by those affected by the tsunami disaster.

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9. At the same site there are two later references to fee waivers under the following dates:

"October 26, 2006 – Item 45.2 –Temporary public policy for persons affected by the Earthquake in South Asia of October 8, 2005 and Delegation of authority to waive immigration fees."

"July 18, 2006 – Item 31 – Temporary public policy established in response to a humanitarian crisis and Delegation of authority to waive applicable immigration fees."

Sworn before me at the City of Toronto, in)
the Province of Ontario on September 5th,)
2008)
)

A Commissioner for Taking Oaths

Mary C. Tatham

SANDRA LYNN BOOTH-McKELVIE, a
Commissioner, etc., City of Toronto, for
Jean Hyndman, Barrister and Solicitor.
Expires January 21, 2010.

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

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Applicants

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THE MINISTER OF CITIZENSHIP AND IMMIGRATION

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ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF RICHARD GOLDMAN

I the undersigned, Richard Goldman, domiciled and residing at 3511 Hutchison, apt. 1, Montréal, Québec, having been duly sworn, do hereby declare:

1. I am a lawyer and member in good standing of the Barreau du Québec since 1987;

2. I have specialized in immigration matters for more than eight years. I also currently serve on the Barreau du Québec's Consultative Committee on Citizenship and Immigration;
3. Since August 2003, I have been employed as the Coordinator of the church-funded Committee to Aid Refugees, a non-profit organization offering assistance to refugee claimants at every stage of the refugee claims process;
4. In that capacity, I receive many calls and visits from refused refugee claimants who would like information about recourses that are available to them, following a negative decision of the Immigration and Refugee Board;
5. In presenting the available recourses, I explain the possibility of filing an application for permanent residence on humanitarian and compassionate grounds (H & C application);
6. On a regular basis, I am confronted with persons who appear to have compelling humanitarian factors to present in an H & C application, but who are unable to afford the government fees of $550 per adult and $150 per dependent child under 22 years of age;
7. This has a particular impact on persons struggling with mental or physical health problems who have difficulty working steadily, or at all;
8. I estimate that I deal, on average, with one such case per month;
9. By way of examples of such cases, I am currently dealing with the cases of two refused refugee claimants who have been unable to raise the aforesaid fees, due to health problems that have prevented them from working steadily. One is a

Pakistani man, who is facing removal later this month. The other is a single mother from Ghana who is not yet facing removal, but has no prospect of being able to raise the said fees for an H & C application and will likely enter removal proceedings in the next few months;

10. I have read the above Affidavit and all the facts are true to my personal knowledge.

AND I HAVE SIGNED,

R. Sa

RICHARD GOLDMAN

Sworn to before me at MONTREAL
this 12th day of September, 2008

Marie-Ève Couture

Commissioner of Oaths for the
Judicial District of Montreal

Commissaire à l'assermentation
District Judiciaire de Montréal
MARIE-ÈVE COUTURE
171920

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER

and

JANOSNE (MARIA) GUNTHER

and

ANITA GUNTHER

and

MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

ATTORNEY GENERAL OF CANADA

Respondents

Affidavit of Carolyn Watson

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I, Carolyn Watson, of the City of Toronto, Province of Ontario, Settlement Counsellor, make oath and say as follows:

1. I have worked as a settlement counselor for almost two years and have advised refugee claimants and non-status immigrants. I have filled out Personal Information Forms, Pre-Removal Risk Assessments, and Humanitarian and Compassionate applications on behalf of dozens of clients and have advised over three hundred clients a year in their attempts to become permanent residents of Canada. I chaired an internal committee called the Newcomer and Non-Status Action Committee, which is dedicated to research, education, advocacy, and developing partnerships on behalf of immigrants to Canada. I have also sat on two external committees dedicated to improving access to services for newcomers and non-status immigrants.

2. I have an Honours Bachelor of Arts degree in History and Ibero-American Studies from the University of Toronto, graduating in 1999. I also obtained a Master of Arts degree in History from the University of Toronto in 2001 and am completing a doctoral degree at the University of New Mexico in Latin American History, expected graduation fall 2009.

3. From November 2006 to January 2007 I was the interim settlement counselor at Davenport-Perth Neighbourhood Centre in Toronto where I gained experience in the settlement sector. I wrote a background paper on Trokosi slavery in Ghana for a client who was making an H&C application and I have written dozens of letters in support of

H&C applications. From February 2007 to May 2007 I was a settlement counselor at Brampton Neighbourhood Resource Centre where I established the Spanish/Portuguese settlement position. From May 2007 to September 2008 I was the settlement counselor at Davenport-Perth Neighbourhood Centre. I worked with large numbers of failed refugee claimants and non-status immigrants to resolve their immigration issues. I put together three complete Humanitarian and Compassionate applications and contributed to dozens more by writing letters and submitting supporting documentation.

4. I have routinely seen clients who want to apply for permanent residence under humanitarian and compassionate considerations but who cannot afford to pay the government fees on their own. I set out some examples below.

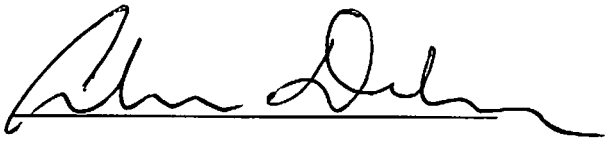
5. A settlement client of mine in her mid twenties came from Grenada in 2003 and applied for permanent residence under humanitarian and compassionate considerations in the spring of 2008. She was living in a women's shelter at that time and the shelter gave her the application fee. Without the gift from the shelter she would have been unable to apply. She had an infant under the age of two at the time she applied and was not able to work but was receiving Ontario Works.

6. A sixty-six year old settlement client of mine from Jamaica who came to Canada in 1989 developed a nerve disorder in 2005 and could no longer work. He had been working as a general labourer previously and is illiterate. I began counselling him in November 2006

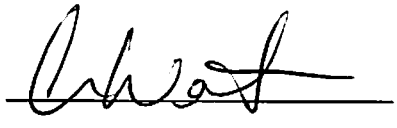
to prepare a humanitarian and compassionate application for permanent residence. He never submitted the application because he could not pay the application fee.

7. A thirty-two year old settlement client of mine from St. Vincent and the Grenadines who was physically and sexually abused throughout her childhood and early adult life in St. Vincent has been in Canada for four years. She has two daughters, ages nine and fourteen, one of whom was also physically abused and the other sexually abused, who do not have any immigration status in Canada either. The mother works in a bakery to pay basic necessities, such as food and rent, but cannot afford to pay the humanitarian and compassionate application fee for herself or her two children.

Sworn before me at the City of Toronto,
Province of Ontario, this 11th day of
September, 2008



Andrew C. Dekany, Barrister and Solicitor
A Commissioner for taking oaths



Carolyn Watson

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER

and

JANOSNE (MARIA) GUNTHER

and

ANITA GUNTHER

and

MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF NELL TOUSSAINT

I, NELL TOUSSAINT, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SWEAR AS FOLLOWS:

1. I am an immigrant in Canada without legal status.

2. I suffer from a serious medical condition for which I cannot obtain proper care in my country of origin. As well, I have been in Canada for sometime, and it is my home. Hence, I need to stay in Canada, but my only recourse to obtain legal status is to make an

Application for Permanent Residency based on Humanitarian and Compassionate Circumstances.

3. I am indigent. I have no fixed income. Currently I receive occasional money by helping friends and others with light housekeeping. As well, I collect aluminium and other returnable cans from the garbage.

4. I live with a friend who charges me no rent as she feels compassion for my situation. However, she has very little money and cannot help to pay for my legal costs and fees.

5. As such I have no way to raise the $550.00 necessary to make the Application for Permanent Residency based on Humanitarian and Compassionate Circumstances.

6. I swear this affidavit for the purposes set out above and no improper purpose.

SWORN BEFORE ME	)	
In the City of Toronto,	)	
In the Province of Ontario	)	Nell R Toussaint
This 12th day of September, 2008	)	Nell Toussaint

A Commissioner of Oaths, etc.

Telma Nuria Mena, a Commissioner, etc.,
City of Toronto, for Carranza,
Barristers and Solicitors.
Expires April 28, 2011.

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER

and

JANOSNE (MARIA) GUNTHER

and

ANITA GUNTHER

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MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF JOSEPHINE GREY

I, Josephine Grey, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

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1. My qualifications to give evidence in this proceeding are as follows. I am the Co-Founder and Chair of Low Income Families Together ("LIFT"). LIFT has twenty-two years of experience working in diverse low-income communities on popular civic education, basic rights education and advocacy, and consultation to inform social policy development. We also closely follow social research and statistical analysis produced by academic and government bodies. A copy of my current curriculum vitae is attached hereto and marked as Exhibit "A".

2. The substance of my proposed testimony in this proceeding includes the following. It is my opinion that the humanitarian and compassionate ("H & C") application fee has a major economic and social impact on low-income people seeking permanent resident status in Canada.

3. The primary impact is that poverty, and specifically an inability to pay the fee, presents a formidable barrier to the H & C application. Foreign nationals living in poverty as they struggle to secure opportunities cannot realistically raise the funds in order to apply.

4. In my experience working with persons in poor communities, the H &C application fee creates additional adverse impacts of hardship and stress for individuals and families struggling with low and insecure incomes and increasing living costs. One factor is the stress created by the necessity of borrowing money from friends and relatives to pay the fee. This in turn can lead to the exploitation of the applicant and undermines

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dignity. Another factor is the hardship that is caused by foregoing basic necessities to save enough money to pay for the entire claim process, including the H & C application fee. A third factor is the anxiety, stress and depression that results from the inability to engage in the application process so they can know for certain whether they will be able to remain legally in Canada or have to face returning to their original country.

5. Poverty amongst recent immigrant and refugee claimants is disproportionately experienced by people who face multiple economic and social barriers including people of colour, people from southern countries and the Roma people, women, and people with disabilities. Numerous studies in recent years have shown the growing extent of disparity faced by these groups. These disparities indicate the effects of multiple forms of discrimination that in turn lead to social exclusion and therefore exacerbate poverty. There is no program or subsidy available to assist those without means to pay the application fee. Thus, the imposition of the fee disproportionately affects people from low-income communities who, in turn, are disadvantaged in many ways.

6. The H & C fee disproportionately affects low-income, marginalized communities and is, therefore, a human rights issue. Those who have the economic resources can access the H&C process if needed, in order to secure permanent resident and ultimately citizenship status, while those who do not have the economic means most certainly face extra barriers, hardship and increased risk due to the high cost of the

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application fee and attendant expenses.

Sworn before me at the City of)

Toronto, in the Province of Ontario)

on September 17 2008)

.....

Andrew C. Dekany

Commissioner for Taking Affidavits

.....

Josephine Grey

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Josephine Grey

Curriculum Vitae as at September, 2008

e-mail: jo@lift.to

This is Exhibit A referred to in the affidavit of Josephine Grey sworn before me, this 17th day of September 2008

A COMMISSIONER FOR TAKING AFFIDAVITS
Andrew C. Dekany

EMPLOYMENT HISTORY

1986 – 1990 Cofounder, Low Income Families Together ("LIFT")
Overall responsibility for operations and projects:
_ secured funding for organizational development and projects
_ analyzed social assistance policies and developed policy responses
_ presented briefs to various levels of government and social agencies
_ developed and executed media strategies
_ organized workshops and conferences on social assistance reform
_ hired staff, coordinated outreach and supervised volunteers
_ supervised summer day camp project for low-income children

1993 – 1994 Co-ordinator, Coalition for Social Assistance Reform
Overall responsibility for:
_ coordinated policy platform
_ public outreach and education

1994-2002 Executive Director, Low Income Families Together
Overall responsibility for operations and projects:
_ secured funding and administrated annual budget of $ 250,000.
_ coordinated strategic planning, organizational development and evaluation
_ supervised six employees and 30 volunteers
_ conducted focus groups and did research
_ developed and implemented projects including the People's Report on Economic, Social and Cultural Rights in Ontario
_ produced communications materials and did public presentations in Canada, internationally and at the United Nations

2002 - 2004 Outreach and Advocacy Coordinator, Income Security Advocacy Centre
Overall responsibility for outreach and advocacy:
_ work with members, legal clinics and local organizers to work in coalition and develop policy platforms
_ produce public awareness campaigns and provide support to local organizers

Currently developing youth engagement and economic security projects in St James Town and delivering human rights training sessions for faith communities. Chair of LIFT and the co chair of the Ontario Coalition for Social Justice.

CONTRACTS:

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1991 – 1993 Consultant, Social Assistance Review Committee
Designed and coordinated consumer focus groups and consultation report with Ministry of Community and Social Services secretariat

2001 – 2002 Communications Coordinator, International Committee on Human Rights in Trade and Investment (NGO)
Research, writing, coordinating material and website development, design and translation, arranging Inchriti meetings in Geneva and organizing public forums and workshops at the World Social Forum in Porto Alegre, Brazil

2005-2006 LIFT Project Director for the St. James Town L.E.A.D. Project

Design and implemented training, focus groups and community consultation process on economic and social rights and Social Determinants of Health, organized media events, produced three reports. Presented community report to UNCESCR (United Nations Committee on Economic, Social and Cultural Rights) in Geneva for Canada's review.
Ongoing dependent on funding.

APPOINTMENTS:
1991-Benefit Structure Project Team, Social Assistance Review Committee
Legal Issues Project Team, Social Assistance Review Committee
1993-Low Income Working Group, Fair Tax Commission
1995-Official Observer of Domestic Issues for Canada, World Summit on Social Development, Copenhagen

RELATED EXPERIENCE:
Equity and poverty subcommittee, Court Challenges Program, 1997-2004
Founding member, Hemispheric Social Alliance 1999-2002
Member, Dignity International, 2000-present
Member, Toronto District School Board Equity and Access Committee
Board member, Foodshare, 1987-2001
Board member, Project Esperance Non-profit Housing Project, 1989-93
Steering committee, Metro Network for Social Justice, 1997-98
Founding Director, Center for Social Justice, 1998-2000
Steering committee, Common Frontiers- 1998-2002
Board member, Income Security Advocacy Centre, 1999- 2000
Board member, National Anti-Poverty Organization, 2000-2004
Steering committee, Ontario Coalition for Social Justice, 2001-2004
Founding Advisory committee member and sponsor for Banyan Tree Initiatives (sustainable housing by and for youth) 2005

SELECTED PUBLICATIONS, PRODUCTIONS AND APPEARANCES
Wrote, shot footage and narrated two documentaries about human rights and free trade: "Human Rights, Use Them or Lose Them" and "Global Village or Global Pillage" (Cinefocus Canada) *Various print, radio and television interviews*: T.V.-CBC; National, Magazine,

Counterspin, TVO, CTV, Global, WTN, Radio-CBC, CKLN, CHUM, 680news, CIUT, Print-Toronto Star, Globe and Mail, NOW, EYE, Small town radio and newspaper interviews-(Ont, Man, Alb), Washington Post, Village Voice (U.S.)
Regular seminars at U of T, Ryerson School of Social Work, Osgoode Hall, George Brown College, occasional; Brock, Trent, Carleton
Published articles: Canadian Journal of Women's Studies, Now Magazine, This Magazine, Ground Zero Press, International Council on Social Welfare magazine (72 countries), "Social Development in North America" for global publication on Pathways to Social Development Department of Economic and Social Affairs-United Nations,
Co-authored and edited: LEAD project report on Economic Social and Cultural Rights in St. James Town, and the Ontario ESCR Update (2006 to the UNCESCR), People's Report to the United Nations on Economic Social and Cultural Rights in Ontario-1998 "Reality Check" Report to the Civil and Political Human Rights committee, Submission and recommendations to the Canadian Human Rights Act Review, Workbook and Video documentary for a tool kit on the International bill of human rights, Authored 60 page report for 1991-92:Social Assistance Review Committee; Legal issues Project Team – wrote observer's report for Department of Foreign Affairs and International Trade of the Federal Government regarding the 1995 World Summit on Social Development-Copenhagen.

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER
and
JANOSNE (MARIA) GUNTHER
and
ANITA GUNTHER
and
MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION
and
ATTORNEY GENERAL OF CANADA

Respondents

Affidavit of Jeffrey G. Reitz

I, Jeffrey G. Reitz, of the City of Toronto, Province of Ontario, professor, make oath and say as follows:

1. I am a professor of sociology and R.F. Harney Professor of Ethnic and Immigration Studies at the University of Toronto. Much of my research focuses on employment issues, the employment of immigrants and visible minorities, and barriers to the employment success of minorities, including discriminatory barriers.

2. Attached hereto and marked as exhibit "A" is my report dated September 16, 2008, which I believe to be true and accurate.

3. Attached hereto and marked as exhibit "B" is my curriculum vitae.

Sworn before me at the City of Toronto, Province of Ontario, on September 18, 2008)

Jeffrey G. Reitz

A commissioner for oaths
Andrew C. Dekany

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ECONOMIC AND EMPLOYMENT CIRCUMSTANCES OF REFUGEES AND REFUGEE APPLICANTS

This is Exhibit A referred to in the affidavit of Jeffrey G. Reitz sworn before me, this 18th day of September 2008

A COMMISSIONER FOR TAKING AFFIDAVITS
Andrew C. DeKany

Report

Jeffrey G. Reitz
16 September 2008

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1. Statement of Qualifications. I am a Professor of Sociology and R.F. Harney Professor of Ethnic and Immigration Studies at the University of Toronto. I have thirty-seven years of experience in sociological research and teaching in two broad areas: ethnic relations and immigration, and employment. I have published seven books and monographs, as well as numerous articles, book chapters and edited books that have examined these and related topics as they affect Canadian society, and the comparison of Canada with other countries having parallel experiences. My work reflects interdisciplinary and international perspectives. I have held appointments at the Centre for Industrial Relations, and the Munk Centre for International Studies at the University of Toronto, and I have been a visiting scholar or visiting professor at nine universities in the United States, the United Kingdom, Australia and Japan. Much of my research focuses on employment issues, the employment of immigrants and visible minorities, and barriers to the employment success of minorities including discriminatory barriers. I have received a number of honours and distinctions which reflect academic recognition of my work, including election as a Fellow of the Royal Society of Canada. I also have served as the chair of the Department of Sociology at the University of Toronto, one of the top-ranked sociology departments in the country, from 1980-85. My complete curriculum vita, including a list of publications, is attached to this report.

2. Objective of Report. This report provides an overview of observations and findings on the economic circumstances of refugees and refugee applicants in Canada, and the extent they face difficulties in the labour market, difficulties in acquiring financial resources, and difficulties in translating skills into jobs. The report is based on statistical research, using data collected by the Canadian government for such purposes, much of it published. A list of references is attached.

3. Refugees, Refugee Applicants, and Poverty Status. The analysis compares refugees with immigrants in general, and immigrants generally are compared with the broader Canadian population. Much of the information on refugees concerns those whose status has been approved. Refugee applicants, including applicants for permanent residence on humanitarian and compassionate grounds, are not separately identified in any of the studies. However, the groups are drawn from similar populations. As a result, data on refugees are highly relevant to an assessment of the economic and employment circumstances of refugee applicants including those who make application for permanent residence on humanitarian and compassionate grounds. Most likely, refugee applicants will have less favourable economic circumstances compared to refugees whose status as

permanent residents has been approved, because refugee applicants have been in the country for shorter periods of time, usually less than 10 years, and because their lack of legal status as permanent residents is an obstacle to employment opportunity and other access to financial resources.

4. Specific Data Sources. The sources of information available for this purpose include two major statistical datasets compiled by the Canadian government, namely the Immigration Database (IMDB), and the Longitudinal Survey of Immigrants to Canada (LSIC). The IMDB contains immigration landing records and available tax records for permanent immigrants arriving in Canada since 1980, and provides information about immigrants according to the category of admission – economic immigrants, family class immigrants and refugees – for tax filers. The LSIC is a survey of about 12,000 immigrants arriving in Canada between October 1, 2000, and September 30, 2001, and includes interviews conducted 6 months, two years, and four years after landing. These two sources of information provide information about various groups of refugees compared to other immigrants, and together with information from the Canadian census comparing immigrants to the rest of the Canadian population, provide information about refugees compared to the Canadian population. There is also additional information from the Refugee Settlement Project (RSP).

5. Economic and Employment Circumstances of Immigrants in Canada. Generally, immigrants to Canada in recent years have experienced much greater economic and employment difficulty compared to immigrants arriving earlier (Frenette and Morrissette 2003), and many of them spend many years in poverty (Picot and Hou, 2003; Picot, Hou, and Coulombe 2007). A number of studies have confirmed these trends, based on the Canadian census. In 2000, the low-income rate for immigrants in Canada was 20.2 percent, compared to 14.3 percent for non-immigrants. Low income rates are much greater for the most recently-arrived immigrants. For immigrants in the country five years or less, the low-income rate was 35.8 percent, falling to 28.3 percent for immigrants in the country between 6 and 10 years, and to 22.7 percent for immigrants in the country between 11 and 15 years (Picot and Hou 2003, p. 23).

6. Reasons for Low Incomes and High Rates of Poverty among Recent Immigrants. Although these immigrants arriving in Canada in the 1990s have high levels of education compared to previous cohorts and compared to native-born Canadians, they have difficulty becoming established in Canada for several reasons. These include the general difficulties in settlement and adjustment to a new country, lack of recognition of foreign education, experience and other qualifications by Canadian employers, lack of sufficient fluency in an official language, and lack of social contacts and familiarity with Canadian labour market practices. Those immigrants from non-European origins experience even greater difficulty, for reasons which may include discrimination based on origins (Reitz 2007a).

7. Declining Employment Opportunities for Immigrants. The relative economic position of new immigrants has steadily deteriorated over recent decades. Whereas in 1980, the low income rate for immigrants in the country five years or less was 1.4 times

the rate for non-immigrants, in 2000 the low income rate for immigrants in the country five years or less was 2.5 times the rate for non-immigrants (38.5 percent compared to 14.3 percent, as cited in the previous paragraph). The reasons why the employment circumstances for new immigrants have become more difficult are not fully understood, but include a number of changes in the Canadian labour market (Picot and Sweetman 2005; Reitz 2007b); immigrants arriving in Canada in the early 1990s had a particularly difficult period of adjustment in the labour market because of the prolonged recession, which had a disproportionate impact on new arrivals.

8. Economic Circumstances of Refugees. Both the IMDB and the LSIC indicate that the economic circumstances of refugees are significantly less favourable compared to immigrants in general (Yu, Ouellet and Warmington 2007). Analyses based on the IMDB and the LSIS (DeVoretz, Pivnenko, and Beiser, 2004; Statistics Canada 2005; see also De Silva 1997, CIC 1998) indicate that on average refugees were less well-educated than immigrants generally (particularly compared to skilled immigrants selected for their education), and their skills in an official language also were less (see also Beiser and Hou 2000). Refugees have lower levels of total income than other immigrants. According to the LSIC data, refugees had average incomes (both individual and family incomes) only about 60 percent of the level for immigrants generally (Statistics Canada 2005, p. 79; see Table 9.5 reproduced below). Moreover, refugees much less often had access to financial resources in Canada: whereas 74 percent of immigrants in general arrived with some savings, only 16 percent of refugees arrived in Canada with some personal savings (Statistics Canada 2005, p. 74). Amounts borrowed by refugees also were much less than for other categories of immigrants (loc. cit., p. 81).

9. Employment Circumstances of Refugees. Refugees experience significant problems finding employment in Canada, more than immigrants in general. Refugees were less often employed than skilled workers, their family members, or immigrants admitted in the family class, and those who sought employment more often experienced more difficulty (Statistics Canada 2005, p. 61). The most significant difficulty for refugees in gaining employment was reported to be lack of fluency in one of Canada's official languages.

10. Earnings of Employed Refugees. For those who were employed, employment earnings for refugees were substantially less than the earnings of immigrants who were admitted as skilled workers, and about on a par with immigrants in the family class. The specific evidence from DeVoretz et al. (2004) concerns immigrants arriving in 1980, and those arriving in 1985 (see Figures 8-A and 8-B, reproduced below). These patterns of difference between immigrants and refugees are quite stable over time, and in fact are observed in most countries which take refugees within an immigration program (on the United States, see Cortes 2004).

11. Refugees and Public Assistance. As a result of the difficulty finding employment, refugees more often rely upon public assistance than immigrants in general. The LSIC data show that on average employment accounted for only about 28 percent of family income for refugees, compared to 74 percent for immigrants generally. Public assistance

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Table 9.5: Immigrants' sources and distribution of family income, by immigration category, 2001

	Family class	Economic			Refugees	All immigrants
		Skilled workers	Other economic	All economic		
			dollars			
Gross monthly family income[1]						
Average income	3,750	2,180	3,350	2,270	1,600	2,620
Median income	2,860	1,290	1,600	1,320	1,440	1,590
Average income per member	1,100	870	1,010	880	440	910
Immigrants with family income (number)	37,146	84,002	6,620	90,622	9,326	137,835
			percentage			
Family income from[2]:						
Private sources:						
Employment in Canada	95	85	57	84	40	84
Investment	F	4	17	5	F	4
Other private sources	9	11	25	12	12	11
Government transfers[3]:						
Employment Insurance	5	F	F	1	F	2
Social assistance[4]	3	9	4 E	8	62	11
Child tax benefits or credits	26	41	38	41	42	37
Other government transfers	4	4	3 E	4	11	5
Immigrants with family income (number)	37,040	83,469	6,340	89,809	9,326	136,915
			percentage			
Proportion of family income from[2]:						
Private sources:						
Employment in Canada	89	74	56	73	28	74
Investment	1 E	1	8	1	F	1
Other private sources	4	6	19	7	3	6
Government transfers[3]:						
Employment Insurance	1	0 E	F	0 E	1 E	1
Social assistance[4]	1	6	2 E	6	52	8
Child tax benefits or credits	3	11	14	11	10	9
Other government transfers	1	2	F	2	5	2

1. Based on immigrants with family income excluding those who did not know or refused to report any sources of income.
2. Based on immigrants with family income excluding those who did not know or refused to report values for total income or for any sources.
3. Canadian sources only.
4. Including other temporary financial assistance from governmental programs such as the *Resettlement Assistance Program*.
Source: Longitudinal Survey of Immigrants to Canada, 2001.

Source: Statistics Canada 2005, p. 79.

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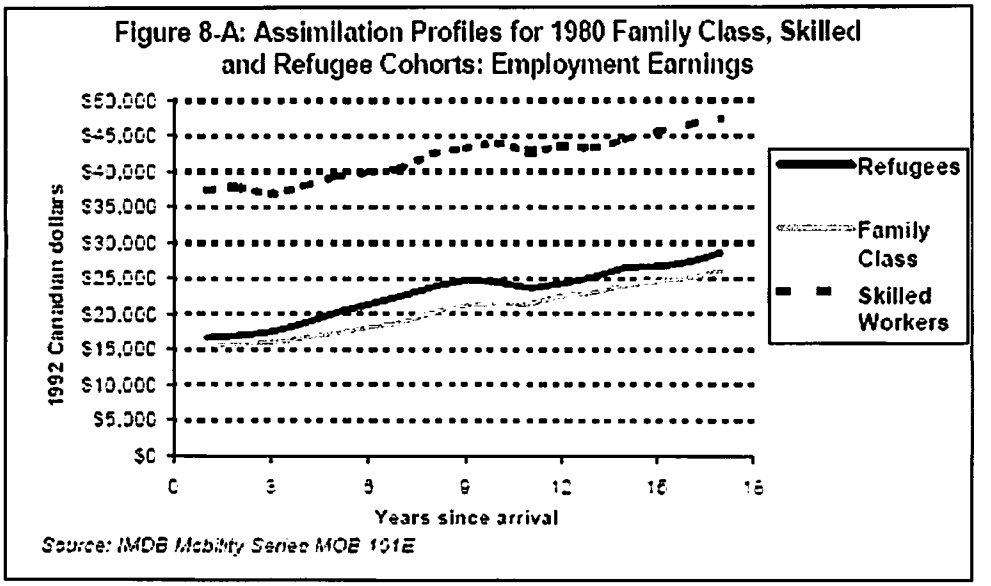
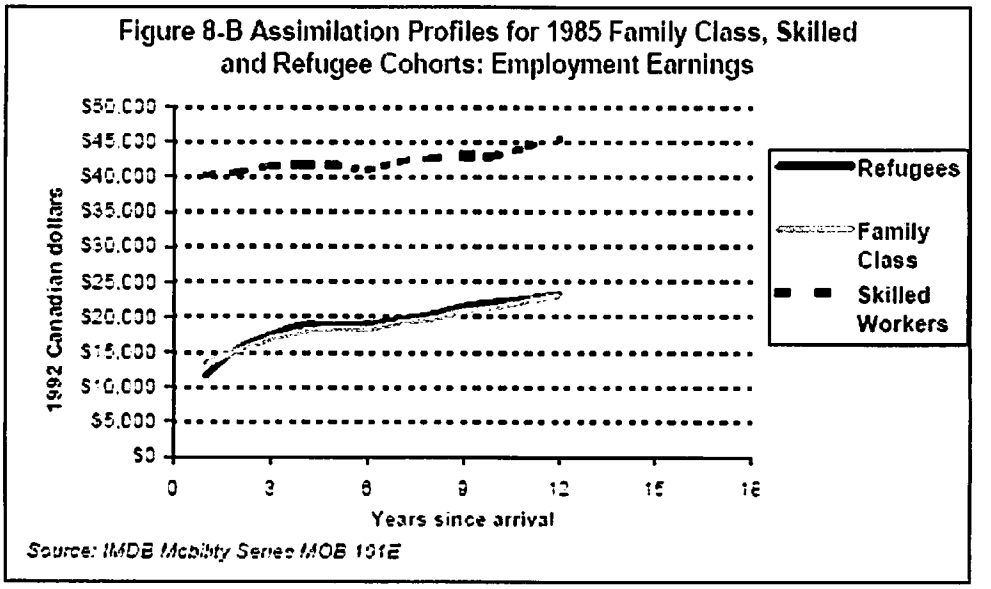


Source: DeVoretz et al. 2004, p. 17.



Source : DeVoretz et al. 2004, p. 18.

in general accounted for 52 percent of family income for refugees, compared to only 8 percent for immigrants generally. DeVoretz et al. (2004) conclude that the economic circumstance of refugees depends significantly on their employment prospects. Those who are employed do about as well as immigrants in the family class (substantially less well than skilled workers), but those who do not gain employment have much higher rates of poverty.

12. Legal Status of Refugees. The evidence cited above is based on information from refugees who have legal status as permanent residents in Canada. Persons in Canada still seeking refugee status, and successful refugee applicants lacking permanent resident status, are likely to encounter more difficult economic problems than refugees in general as described above. Coates and Hayward (2005) attempted to describe the situation of refugees who have not received permanent residence status – they used the term 'legal limbo' to include persons without permanent residence status whether or not their application for asylum has been approved. They interviewed 58 such persons identified by settlement agencies in Toronto. Their information supports the view that such refugees experience very significant problems integrating into society generally, including most specifically problems gaining employment and improving financial circumstances.

13. Summary. Available data show clearly that refugees in Canada experience significant economic hardship in Canada. Immigrants in general have been having greater problems, and experience high rates of poverty, and refugees are a particularly disadvantaged group within the immigrant population. Refugees on average have less education, weaker skills in one of Canada's official languages, and less savings. They have greater difficulty finding employment, their employment earnings are often less, and they more often receive social assistance. As a result, they more often experience poverty. As Devoretz et al (2004) conclude:

> ... economic poverty was an endemic and growing problem for refugees. For those refugees who received social assistance, their total income level was extremely low or less than $12,000 (1992 dollars) per refugee. This weak performance occurred seven years after their arrival! Thus, whether a refugee fared well in Canada's labour market ultimately depended upon employment prospects. Evidence from Canada's IMDB records for the study period indicates that only 52 percent of those refugees aged 20 to 64 found employment. Thus, the refugee population's earnings performance is truly bi-modal (DeVoretz et al., 2004 p. 29).

References

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Beiser, M. & Hou, F. 2000. Gender Differences in Language Acquisition and Employment Consequences among Southeast Asian Refugees in Canada. *Canadian Public Policy* 26 (3): 311-330.

Citizenship and Immigration Canada, Strategic Policy, Planning and Research. 1998. *The Economic Performance of Immigrants: Immigration Category Perspective.* Ottawa: Minister of Public Works and Government Services Canada.

Coates, Tim, and Caitlin Hayward. 2005 "The Costs of Legal Limbo for Refugees in Canada: A Preliminary Study," *Refuge*, 22,2 (Fall), pp. 77-87.

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This is Exhibit B referred to in the affidavit of Jeffrey G. Reitz sworn before me, this 18th day of September 2008 19

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Curriculum Vitae
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Academic Appointment

Robert F. Harney Professor of Ethnic, Immigration and Pluralism Studies, Faculty of Arts and Sciences, and Professor of Sociology, University of Toronto
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Education

B.S. 1965, Columbia University, Fu Foundation School of Engineering and Applied Science, New York, NY (major field: applied mathematics).
Ph.D. 1972, Columbia University, Department of Sociology, New York, NY.

Academic Background

Professor, University of Toronto,
Department of Sociology (1970-); Department Chair (1980-1985); Professor (1980-); Tenured (1975)
Centre for Industrial Relations, Research Associate, (1983-); Graduate Co-ordinator (1992-97, 2000).
Visiting Professor, University of Tsukuba (Japan), Department of Sociology: Winter Term, 1982-83.
Visiting William Lyon Mackenzie King Professor of Canadian Studies, Harvard University, 2000-2001.
Visiting Scholar: University of Bristol (U.K.), School of Advanced Urban Studies, March-May, 1983; University of London (U.K.), Institute of Education, Race Relations Research Unit, Nov. -Dec., 1985; University of California at Los Angeles, Department of Sociology, 1990-91; University of Sydney (Australia), Multicultural Centre, 1991, and Research Institute for Asia and the Pacific, Feb. - Mar. 2005; University of University of New South Wales (Australia), Social Policy Research Centre, February -April, 1998; University of Western Sydney (Australia), Centre for Canadian Studies, Feb.-Apr., 1998; University of Technology Sydney, Feb.-Mar., 2007.

HONOURS AND DISTINCTIONS

1977-78	Leave Fellowship, Social Sciences and Humanities Research Council of Canada
1982-83	Leave Fellowship, Social Sciences and Humanities Research Council of Canada
1990-	*Canadian Who's Who*
1999-	Robert F. Harney Professor of Ethnic, Immigration and Pluralism Studies, University of Toronto
2000	*Lexington Who's Who of Executives and Professionals*
2000	Honourable Mention, Thomas and Znaniecki Award recognizing "outstanding social science scholarship in the field of international migration," American Sociological Association, for *Warmth of the Welcome* (1998).
2000-01	William Lyon Mackenzie King Visiting Professor of Canadian Studies, Harvard University
2001	Fellow, Royal Society of Canada
2002	Connaught Research Fellowship in the Social Sciences, University of Toronto

2005 Outstanding Contribution to Canadian Sociology Award, Canadian Sociology and Anthropology Association

RESEARCH AND PUBLICATION

Books

1975 Paul F. Lazarsfeld and Jeffrey G. Reitz, *An Introduction to Applied Sociology*. New York: Elsevier Scientific Publishing Company, 196 pp. Excerpt (pp. 1-9) reprinted as "History of Applied Sociology," *Sociological Practice* 7 (1989) 43-52, special issue edited by Jan M. Fritz and Elizabeth J. Clark, "The Development of Clinical and Applied Sociology."

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1990 R. Breton, W.W. Isajiw, W.E. Kalbach and Jeffrey G. Reitz, *Ethnic Identity and Equality: Varieties of Experience in a Canadian City*. Toronto: University of Toronto Press, 342 pp. Nominated by University of Toronto Press for the John Porter Book Award.

1994 Jeffrey G. Reitz and R. Breton, *The Illusion of Difference: Realities of Ethnicity in Canada and the United States*. Toronto: C.D. Howe Institute, 156 pp. Chapter 4, "Prejudice and Discrimination," reprinted in *Racism and Social Inequality in Canada: Concepts, Controversies and Strategies of Resistance*, edited by Vic Satzewich, Toronto: Thompson Educational Publishing, 1998, pp. 47-68. Abridgement of Chapter 4 reprinted as "Prejudice and Discrimination toward Minorities in Canada and the United States," in *Social Inequality in Canada: Patterns, Problems and Policies*, Third Edition, edited by James Curtis, Edward Grabb, and Neil Guppy, Toronto: Prentice-Hall Canada, 1999, pp. 357-370; to be included also in fourth (revised) edition.

1998 Jeffrey G. Reitz, *Warmth of the Welcome: The Social Causes of Economic Success for Immigrants in Different Nations and Cities*. Boulder, CO: Westview Press, 312 pp. Honourable Mention, Thomas and Znaniecki Award for "outstanding social science scholarship in the field of international migration," American Sociological Association, 2000. Nominated for the John Porter Book Award.

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Edited Volumes

1998 Jeffrey G. Reitz, editor, "Metropolis Research Papers," *Canadian Journal of Regional Science*, 20 (Special Issue, No. 1, 2; Spring-Summer 1997, published November, 1998) pp. 9-268.

2002 Jeffrey G. Reitz, editor, *Host Societies and the Reception of Immigrants: Institutions, Markets and Policies*, *International Migration Review* 36, 4 (Winter 2002, special issue): 1005-1168.

2003 Jeffrey G. Reitz, editor, *Host Societies and the Reception of Immigrants*, San Diego, CA: University of California, Center for Comparative Immigration Studies, 550 pp.

2003 Charles Beach, Alan Green, and Jeffrey G. Reitz (eds.), *Canadian Immigration Policy for the 21st Century*, Kingston, ON: John Deutsch Institute for the Study of Economic Policy, 644 pp.

2003 Raymond Breton and Jeffrey G. Reitz, editors, *Globalization and Society: Processes of Differentiation Examined*. Westport, CN: Praeger, 336 pp.

2005 Raymond Breton, *Ethnic Relations in Canada: Institutional Dynamics*, edited and with an introduction by Jeffrey G. Reitz. Montreal: McGill-Queens University Press, 398 pp.

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1984 Jeffrey G. Reitz, "The development of applied social research in the United States and Canada: a comparison." *Tsukuba Journal of Sociology* 7: 1-2 (March) 21-32 (English section).

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1993 Jeffrey G. Reitz, "Statistics on racial discrimination in Canada", *Policy Options* 14,2: 32-36. Eliciting "A Reply to Reitz," by A. de Silva and D.L. Palmer, *Policy Options* 15,2 (1994) 3-7.

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1976 K.G. O'Bryan, Jeffrey G. Reitz and O. Kuplowska, "Non-official languages study: a review of principle results," *Multiculturalism as State Policy*, published by Canadian Consultative Council on Multiculturalism, Conference Report, Second Canadian Conference on Multiculturalism. Ottawa: Ministry of Supply and Services, pp. 131-145. Reprinted in *Cultural Diversity and Canadian Education*, edited by J.R. Mallea and J.C. Young, Ottawa: Carleton University Press, 1984, pp. 217-232.

1977 Jeffrey G. Reitz, "Analysis of changing group inequality in a changing occupational structure". In: P. Krishnan (ed.), *Mathematical Models of Sociology*, Sociological Review Monograph 24. Keele, Staffordshire: University of Keele, pp. 167-191.

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1982 Jeffrey G. Reitz, "Race relations in the contemporary Canadian labour market: a discussion of research and policy". In: Vincent D'Oyley (ed.), *Perspectives on Race, Education and Social Development: Emphasis on Canada*. Vancouver, B.C.: University of British Columbia, Centre for the Study of Curriculum and Instruction, pp. 17-27. Also submitted as a brief to the Special Parliamentary Committee on the Participation of Visible Minorities in Canadian Society, September 16, 1983.

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Sigma Rainer Bohn Verlag, 1990 pp. 187-221. Presented at a conference on "Personnel Policies and the Integration of Immigrants into the Workworld" (Handlungsspielräume betrieblicher Personalpolitik und Ausländer integration in der Arbeitswelt), Freie Universität Berlin, West Germany, December 16-17, 1988.

1997 Jeffrey G. Reitz, "Institutional restructuring and the impact of non-European immigration on the urban areas of the US, Canada, and Australia." Pp. 77-112 in *Canada-Australia: Towards a Second Century of Partnership*, edited by Kate Burridge, Lois Foster and Gerry Turcotte. Ottawa: Carleton University Press and the International Council for Canadian Studies.

2001 Jeffrey G. Reitz, "Terms of Entry: Social Institutions and Immigrant Earnings in American, Canadian and Australian Cities." Pp. 50-81 in *Globalization and the New City: Migrants, Minorities and Urban Transformations in Comparative Perspective*, edited by Malcolm Cross and Robert Moore. Houndmills, Basingstoke, Hampshire,UK: Palgrave Macmillan.

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2004 Jeffrey G. Reitz, "Canada: Immigration and Nation-Building in the Transition to a Knowledge Economy." Pp. 97-133 in *Controlling Immigration: a Global Perspective*, 2nd Edition, edited by Wayne A. Cornelius, Philip L. Martin, James F. Hollifield, and Takeyuki Tsuda, Stanford CA: Stanford University Press.

2006 Jeffrey G. Reitz and Janet Lum, "Immigration and Diversity in a Changing Canadian City: Social Bases of Inter-group Relations in Toronto," pp. 15-50 in Eric Fong (ed.), *Inside the Mosaic*, Toronto: University of Toronto Press.

2007 Jeffrey G. Reitz and Rupa Banerjee, "Racial Inequality, Social Cohesion, and Policy Issues in Canada," pp. 489-545 in *Belonging? Diversity, Recognition and Shared Citizenship in Canada*, edited by Keith Banting, Thomas J. Courchene, and F. Leslie Seidle. Montreal: Institute for Research on Public Policy.

2008 Jeffrey G. Reitz, "How to Better Use Canadian Immigrants' Skills," in *Society in* Question, 5th Canadian edition, edited by Robert Brym, Toronto: Nelson. Abridgement of "Tapping Immigrant Skills: New Directions for Canadian Immigration Policy," *Choices* 11, 1 (February, 2005): 1-18 (see above, journal articles).

Forth- Jeffrey Reitz and Ye Zhang, "National and Urban Contexts for Integration of the Immigrant Second coming Generation in the United States and Canada," in *New Dimensions of Diversity: The Children of Immigrants in North America and Western Europe*, edited by Richard Alba and Mary Waters, Cornell University Press.

Book Reviews

1976 M. Komarovsky (ed.) *Sociology and Public Policy: The Case of Presidential Commissions* (New York: Elsevier Scientific Publ. Company, 1975). Reviewed in *Social Forces* 52, 2: 539-540.

1979 W. Feinberg (ed.) *Equality and Social Policy* (Urbana, Ill.: University of Illinois Press, 1978); and A. Weale, *Equality and Social Policy* (London: Routledge and Kegan Paul, 1978). Reviewed in *Social Forces* 57, 3: 978-980.

1982 R.A. Scott and A.R. Shore, *Why Sociology Does Not Apply: A Study of the Use of Sociology in Public Policy*. (New York: Elsevier, 1979). Reviewed in *Canadian Review of Sociology and Anthropology* 19, 1: 144-145.

1983 B.P. Cohen, *Developing Sociological Knowledge: Theory and Method.* (Englewood Cliffs, N.J.: Prentice-Hall Inc., 1980). Reviewed in *Canadian Rev. of Sociology and Anthro.* 20, 1: 111-113.

1988 Stanley Lieberson, *Making it Count: The Improvement of Social Research and Theory.* (Berkeley, California: University of California Press, 1985). Reviewed in *Canadian Journal of Sociology* 13,4: 461-462.

1990 Stanley Lieberson and Mary C. Waters, *From Many Strands: Ethnic and Racial Groups in Contemporary America.* (New York: Russell Sage Foundation, 1988). Reviewed in *Social Forces* 68, 4: 1349-1350.

1995 J.W. Berry and J.A. Laponce (eds.), *Ethnicity and Culture in Canada: The Research Landscape.* Toronto: Univ. of Toronto Press, 1994. Reviewed in *Canadian Review of Soc. and Anthro.*

1999 Timothy J. Hatton and Jeffrey G. Williamson, *The Age of Mass Migration: Causes and Economic Impact,* New York: Oxford Univ. Press, 1998. Reviewed in *International Migration Review* 33 (Fall) 766-7.

2000 George J. Borjas, *Heaven's Door: Immigration Policy and the American Economy,* Princeton, NJ: Princeton University Press, 1999. Reviewed in *J. International Migration and Integration* 1,3 (Summer): 373-5.

2003 Carol Agocs (ed.), *Workplace Equality: International Perspectives on Legislation, Policy and Practice,* edited by Carol Agocs. The Hague: Kluwer Law International, 2002. Reviewed in *Contemporary Sociology,* 32,4 (July): 457-8.

2005 Leo Driedger (ed.), *Race and Ethnicity: Finding Identities and Equalities,* (2nd ed. Don Mills ON: Oxford University Press, 2003, 318 pp) and Carl E. James, *Seeing Ourselves: Exploring Race, Ethnicity and Culture* (3rd ed. Toronto: Thompson Educational Publishing, 2003, 340), *Canadian J. of Sociology* 30, No. 2: 229-231.

2005 Robert Kloosterman and Jan Rath (eds.), *Immigrant Entrepreneurs: Venturing Abroad in the Age of Globalization,* Oxford: Berg, 2003, pp. xix+ 331), *American J. of Sociology,* 111, No. 1 (July): 302-4.

2007 Douglas S. Massey, and others, *The Source of the River: The Social Origins of Freshmen at America's Selective Colleges and Universities,* Princeton, NJ: Princeton University Press, 283 pp., *Academic Matters: The Journal of Higher Educattion,* February p. 26.

2007 Nancy Foner, *In a New Land: A Comparative View of Immigration,* New York: NYU Press, 2005, pp. 327+ vii, *Canadian Journal of Sociology,* 32:3: 420-22.

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1998 Jeffrey G. Reitz, "Measuring Down: The Economic Performance of New Canadians is Declining; If We Want to Change that, We Need to Rethink Immigration Policy," *Financial Post,* November 8, 1997. Reprinted in *Post 2000: Business Wisdom for the Next Century,* edited by Charles Davies, Toronto: Key Porter Books, 1998, pp. 157-163.

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1972 Jeffrey G. Reitz, "Choice of Science Careers among College Men: An Analysis of Selected Problems." New York: Columbia University, Department of Sociology, Ph.D. Thesis, 211 pp. Available from National Technical Information Service, Springfield, VA, USA, 22151, PB 213-590.

1978 Jeffrey G. Reitz and Laura C. Johnson, "Youth Unemployment in Metropolitan Toronto." Toronto: Social Planning Council of Metropolitan Toronto, September.

1981 R. Breton, W.W. Isajiw, W.E. Kalbach and Jeffrey G. Reitz,"Ethnic Pluralism in an Urban Setting: Conceptual and Technical Overview of a Research Project." Toronto: Centre for Urban and Community Studies, University of Toronto, Research Paper No. 121 (Ethnic Pluralism Paper No.1), May.

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2001 Jeffrey G. Reitz, "Immigrant Success and the Expansion of Education in American and Canadian Cities, 1970-1990," Annual Meeting of the American Sociological Association, Anaheim, CA, August 18-21, 2001.

2002 Jeffrey G. Reitz, "Immigrant Success and the Expansion of Education in American, Canadian and Australian Cities, 1970-1990," XV World Congress of Sociology 2002 (Brisbane, Australia).

2004 Jeffrey G. Reitz, "National and Urban Contexts for Integration of the Immigrant Second Generation in the United States and Canada," presented at a conference on "The Next Generation: Immigrant Youth and Families in Comparative Perspective," Harvard University, Radcliffe Institute for Advanced Study, October 29-30. Also presented at the Conference on Immigration: Impacts, Integration and Intergenerational Issues London, March 29-31, 2006, , jointly organised by CReAM (Centre for Research and Analysis of Migration, UCL) and TARGET (Team for Advanced Research on Globalization, Education, and Technology); Montreal: Canadian Employment Research Forum (CERF), 25-26 May 2006, "Understanding Cultural Diversity and the Economics of Social Inclusion and Participation," Concordia University, Montreal; Halifax: Dalhousie University Department of Economics Dept., Oct. 12, 2006.

2005 Jeffrey G. Reitz, "Diversity, Inequality, and the Cohesion of Canadian Society: Research Findings and Policy Implications," conference on Diversity and Canada's Future: Recognition, Accommodation, and Shared Citizenship, organized by the Institute for Research on Public Policy (IRPP) and held at Montebello, Quebec, October 15-15, 2005.

2006 Anil Verma, J. Reitz, and R. Banerjee, "Unions, Race, Immigrants and Earnings: A Longitudinal Examination of the Effect of Union Membership on the Income Progression of Immigrants to Canada," Workshop and Special Issue of British Journal of Industrial Relations, Political Economy of Immigration and Migrant Labour, March 10-11, 2005, London School of Economics, also CERIS, Univ. of Toronto, March 30,

2006 Jeffrey G. Reitz, "Closing the Gaps Between Skilled Immigration and Canadian Labour Markets: Emerging Policy Issues and Priorities," North American Commission for Labor Cooperation and the Centre de Investigación y Docencia Económicas (CIDE), "Labor Markets in North America: Challenges and Opportunities in an Aging Workforce," Mexico City, November 13.

Papers read at the following meetings were subsequently published: American Sociological Assoc. 1997 (Toronto), 1998 (San Francisco), 2003 (Atlanta); Fourth International Metropolis Conference, 1999 (Washington, DC.), Canadian Ethnic Studies Association, 2000 (Toronto), 2005 (Ottawa).

Major Recent Research Grants and Contracts

1990 Canadian Ethnic Studies Program, Multiculturalism Directorate, Department of the Secretary of State, "Immigrant Inequality and the Urban Context: A Study of Canadian Cities, with Comparisons to Cities in the United States and Australia," 1990-1992, $61,891.

1991 C.D. Howe Institute, "Multicultural Myths and Realities in Canada, 1991-92, $5000.

1995 Social Sciences and Humanities Research Council of Canada, "Institutional and Origins-specific Determinants of Minority Economic Disadvantage: A Comparison of Canada and Germany", 1995 - 1999, $75,200.

1998 Joint Centre of Excellence for Research on Immigration and Settlement - Toronto, "Immigration, Ethnic Diversity and Labour Unions in Canada" (with Anil Verma), $12,900.

1999-2003 Social Sciences and Humanities Research Council of Canada, "Immigrant Success and Changing Institutions in the Knowledge Economy: A Comparative Study of Canada, the United States and Australia, 1970-1995," $65,300.

2004-2007 Social Sciences and Humanities Research Council of Canada, "Cohesion, Justice and Ethnic Diversity in Canada: Psychological and Sociological Dimensions," in collabhoration with R. Breton, K. L. Dion, and K.K Dion, $49,776.

2004-2009 Social Sciences and Humanities Research Council of Canada, "The Success of Racial Minority Immigrant Offspring: A Comparative Study of Canada, the United States, and Australia," $99,689.

[illegible]

Recent Invited Lectures

2001 "Immigrant Success and Changing National Institutions: Trends in the United States and Canada", Harvard Univ., Department of Sociology, Feb. 5; Univ. of Massachusetts, Amherst, Dept. of Sociology, Feb. 22.

2003 "The issue of diversity in the United States and Canada," Plenary address, Canadian-American Research Symposium CARS - The Diversity Dialogues, New York City Ellis Island Immigration Museum, Sept. 10-11, 2003, Association for Canadian Studies and the Association for Canadian Studies in the United-States

2003 "Immigration, Race, and Labor: Unionization and Wages in the Canadian Labor Market" joint lecture with Anil Verma given at Bowling Green State Univ. Dept. of Economics, Mar. 21.

2004 "Mass Immigration in a Knowledge Economy: Canadian Experience and U.S. Implications," University of California at Los Angeles, Department of Sociology, Irene Flecknoe Ross Lecture Series, May 14, 2004; also presented at McGill University Dept. of Sociology, March 4, 2004.

2005 "Initiatives raising employer awareness on immigration labour market integration," International Metropolis Conference, Toronto, Oct. 20, 2005.

2005 "Diversity, Inequality, and the Cohesion of Canadian Society: Research Findings and Policy Implications," conference on multiculturalism issues, sponsored by SSHRC and Heritage Canada, Nov. 3-4, 2005.

2005 "Tapping Immigrant Skills," at the University of Toronto/ Royal Bank Conference on Social and Economic Policy, Unlocking the Power of Diversity: The Economic Performance of Immigrants in Canada, held at Hart House, University of Toronto, May 25, 2005.

2005 "Canadian Policies for Immigration And Immigrant Integration: Context, Trends, Future Challenges," at the Third International Conference on Immigration: "From diversity to the construction of an intercultural society," sponsored by the Immigration Direction of the Autonomic Government of the Basque Country (Spain), held in Vitoria-Gasteiz on September 22-23, 2005.

2005 Keynote address, "Immigration and Canadian Nation-building in Regions and Cities," Alberta Congress Board 6th Workplace Conference, "Bridging Alberta's Future: Is Immigration the Answer?" Jasper Park Lodge, Jasper, Alberta, Oct. 27, 2005.

2006 "Canadian Immigration Policy: Present status and prospects," conference on Migration and Development: Mexico and Turkey, sponsored by Migration Dialogue-Center for International and European Law on Immigration and Asylum, Ciesas Occidente and IberoAmericana University, Mexico City, Sunday-Tuesday, February 19-21, 2006

2006 "Canadian Immigration Policy and Implications for Ontario," Liberal Party of Ontario Annual Policy Development Conference, Immigration & Diversity, February 24-26, 2006, Delta Meadowvale Resort and Conference Centre, Mississauga.

2006 "Integration of Muslim immigrants in Canadian Society," and "Canadian Immigration and Integration: Successes and Challenges," Franco-Canadian Conference on Dialogue with the Muslim World and the Prevention of Extremism, Paris, 8-9 March 2006, Sponsored by Foreign Affairs Canada in partnership with the Government of France, leading French academic institutions, and the FAC/Muslim Communities Working Group.

2006 Invited Plenary speaker, "Diversity and Employment Issues in Canada," plenary session titled Integration in a Racism-Free Workplace. Eighth National Canadian Metropolis Conference, March 23-26, 2006, "Immigration and Canada's Place in a Changing World".

2006 Montreal, Quebec: Canadian Employment Research Forum (CERF), "Immigration Policy, Social Capital and the Future of Race Relations in Canada" Research Policy Panel, 'Cultural Capital and Well-Being,' Understanding Cultural Diversity and the Economics of Social Inclusion and Participation, Montreal, Concordia University, 25-26 May 2006.

2006 Jeffrey G. Reitz, "Mass Immigration in the Knowledge Economy," University of Victoria, Victoria B.C., 'Cultural Capital' Research Project, Volkswagen Foundation, Aug. 23-25.

2006 Jeffrey G. Reitz, "Canadian immigration selection policy and trends in recruitment of skilled immigrants" Economic and Social Research Council (U.K.), Centre on Migration, Policy and Society [COMPAS],

Annual International Conference, Plenary address, July 5th-6th,'International Labour Migration: In Whose Interests?' University of Oxford, Centre for Advanced Study in the Social Sciences

2006 Jeffrey G. Reitz, "Does North American experience in immigrant incorporation have lessons for Europe?" Keynote Address, Third Annual Conference of IMISCOE (International Migration, Integration, and Social Cohesion) network of excellence in European migration research, Vienna, Sept. 5.

2006 Jeffrey G. Reitz, "Social Integration of the Second Generation in Canada: Findings from the 2002 Ethnic Diversity Survey" Plenary address, 11th Metropolis conference, Lisbon, Portugal: October 2-6.

2006 Jeffrey G. Reitz, "Immigration for Nation-building in Regions and Cities" Public lecture, Atlantic Canada Metropolis Research Centre, Atlantic Canada Opportunities Agency, St. Mary's Univ., Oct. 13.

2007 Jeffrey G. Reitz, "Second Generation Youth in Canada: Attachments, Belonging and Identity," Citizenship and Immigration Canada, Seminar on Second Generation Youth in Canada: Attachments, Belonging and Identities," National Library March 20.

2007 Jeffrey G. Reitz, "The social integration of second generation visible minorities in Canada" Global Series, panel "Multiculturalism, Immigration and Social Integration" on Saturday, March 24th, Fairmont Royal York Hotel, session chaired by Theda Skocpol.

2007 Jeffrey G. Reitz,"Challenges of Canadian Healthcare Delivery to Newcomers: Risks and Responsibilities", Keynote address, National Transcultural Health Conference, Knowledge, Strategy and Connectedness in Healthcare Across Cultures, Sponsored by the Montreal Children's hospital, Montreal, May 10.

2007 Jeffrey G. Reitz,"Migration and International Relations," Centre d'etudes et de recherches internationals, Science Po, Paris, France, June 25.

2007 Jeffrey G. Reitz,"Recent Trends in the Integration of Immigrants in the Canadian Labour Market: Research Issues and Policy Options," Conference on "Multiculturalism and Social Citizenship: Social Policy in a Diverse Society, Queen's University International Institute on Social Policy, August 21.

2007 Jeffrey G. Reitz, "The Social Integration of Enclave-Resident Minorities in Canada," Conference on "Immigration, Minorities and Multiculturalism in Democracies," Program on Ethnicity and Democratic Governance, Montréal. October 25.

2008 Jeffrey G. Reitz, "Religion, Religiosity and the Social Integration of Immigrant Ethnic Minorities in Canada," Public Lecture, The Cosmopolitan and Civil Societies Research Centre, Univ. of Technology Sydney (Australia), Mar. 4; also Keynote address to the 10th Colloquium on Ethnic Studies for Graduate and Post-Graduates Students, Centre d'études ethniques des universités montréalaises (CEETUM), March 27; and at Summer Workshop on social consequences of immigration/diversity, SCHMI (Social Change: a Harvard-Manchester Initiative) June 18.

2008 Jeffrey G. Reitz, "Immigration in Canada and the United States: the Great Continental Divide," conference on "The Americas Plural: Regional and Comparative Perspectives," Institute for the Study of the Americas, University of London, June 20.

2008 Jeffrey G. Reitz, "Lessons of Canadian Immigration Experience," symposium on *Managing Immigration and Diversity in Quebec and Canada/Gestion de l'immigration et de la diversité au Québec et au Canada* organized by the (Ministry of Immigration of the Autonomous Government of Catalonia) and by the CIDOB Foundation of Barcelona, Barcelona, Spain, October 22-23.

MAJOR PROFESSIONAL ACTIVITIES

1975-1985 Member, Research Advisory Committee, Social Planning Council of Metropolitan Toronto.

1976-1984 Consultant, Child Abuse Program, Ontario Ministry of Community and Social Services.

1977 Consultant, Metropolitan Separate School Board, Toronto.

1982 Member, Arbitration Board, Ontario Institute for Studies in Education.

1985- Consultant, Childrens' Aid Society of Metropolitan Toronto Foundation.

1988-1990 Member, Committee on Sociological Practice, American Sociol. Association; Chair: 1989-1990.

1988 External Appraiser, Department of Sociology, University of Western Ontario, October 24-25.

1990-1992 Member, Toronto Mayor's Committee on Community and Race Relations.

1990-1992 Consultant, Anti-Racist Secretariat, Ontario Ministry of Citizenship and Culture.

1991- Member, External Advisory Committee, Race and Ethnocultural Relations Certificate Program, Ryerson Polytechnic University.
1992 External Appraiser, Department of Sociology, McGill University, March 16-18.
1992-1998 Member, Editorial Board, *Sociological Forum*.
1992- National Member, Centre for Refugee Studies, York University, Toronto.
1993 Member, Advisory Board, Canada-Hong Kong Resource Centre, Canada and Hong Kong Project, University of Toronto - York University Joint Centre for Asia Pacific Studies
1995-96 Consultant, Canadian Human Rights Commission.
1995- Consultant, Department of Citizenship and Immigration Canada.
1995- Consultant, Social Policy Research Associates, Toronto.
1996-97 Research Associate, Centre for Migration and Development Studies, University of Western Australia.
1999 Member, Canadian Council on Immigration Policy
2000- Research Affiliate, Center for Comparative Immigration Studies, University of California-San Diego.
2001 Consultant, Ontario Ministry of Economic Development and Trade.
2002-06 Member, Advisory Council, World Educational Services (Foreign Credential Assessment Service commissioned by the Ontario Government).
2002- Member, Council, Section on International Migration, American Sociological Association
2003- Member, Toronto Region Immigrant Employment Council.
2005 Consultant, Human Resources and Skills Development Canada.
2005 External Appraiser, Department of Anthropology and Sociology, University of British Columbia.
2006- Minister's Roundtable on Fair Access to Regulated Professions, Ontario Ministry of Citizenship and Immigration.

TEACHING ACTIVITIES

Recent Courses Taught

Undergraduate: Immigration and Race Relations in Canada (Soc. 336), Immigration and Employment (Soc 339); Industrial Sociology (Soc. 317).
Graduate: Ethnic Relations Theory, Research and Policy (JTH3000); Sociology of Race and Ethnic Relations (Soc. 6109H); Immigration, Ethnicity and Employment (Soc. 6003H).

Ph.D. Thesis Supervision: Primary Supervisor

Liviana Mostacci-Calzavara, "Social Network Structure and Access to Job Opportunity", 1982; Donna Dasko, "Industrial Structure and Job Opportunity", 1982; William Keng-Mun Lee, "Industrial Structure and Labour Market Inequality in Singapore," 1992; Okori Uneke, "Intergroup Differences in Self-Employment: Blacks and Chinese in Toronto," 1994; Thomas Klassen, ""The Process of Organizational Decline: Internal and External Factors Precipitating the Decline of the Ontario Ministry of Skills Development," 1995; Stephanie Potter, "Settlement and Adjustment of Immigrants to Canada," 1999; Fatima Lee, "Economic Adjustment of Hong Kong Immigrants," 2005; Breda McCabe, "Substandard Employment in Ireland," 2005; Kara Somerville, "Transnational Social Reproduction and Generational Differences," 2006; Wei Xing, "Ethnic Intermarriage in China," 2008.

Ph.D. Thesis Supervision: Secondary Supervisor

A. Ehrentraut, "Technology and the Japanese Worker", 1976; T. Trenton, "Canadian Identity and Nationalism among University Students", 1976; T. Makabe, "Ethnic Group Identity: Canadian Born Japanese in Metropolitan Toronto, 1976; A. Currie, "Occupational Mobility and Ethnic Group Assimilation", 1980 M. Siddique, "Relation between Work Roles and Family Organization, 1980; A.

Pomfret, "The Politization of a New Setting: Perspectives, Networks, and Planned Change", Ontario Institute for Studies in Education, 1981; D. Stasiulis, "Ethnic Group Organization: A Study of West Indians and East Indians in Toronto", 1982; Baker, "Structural Determinants of Applied Medical Research", 1982. N. Winston, "Experiencing the System: Local, National and Supranational Identity, Europe 1976-90, 1996; V. Zawilski, "Saving Russia: Russian Nationalism in Transition 1965-95," 1996; I. Bloemraad (Harvard University, Department of Sociology), "Political Integration of Immigrants in Toronto and Boston," 2003; D. Zuberi (Harvard University, Department of Sociology), "Institutional Bases of Immigrant Economic Well-being in Vancouver and Seattle), 2004.

UNIVERSITY ADMINISTRATIVE ACTIVITIES

Department of Sociology Chairman, 1980-1985; Co-ordinator of Applied Sociology, 1986-92; Director of Graduate Studies, 1979-80; Undergraduate Curriculum Committee, Graduate Curriculum Committee, Staffing Committee, Promotions Committee, Research Committee, various years.

Centre for Industrial Relations: Co-ordinator of Graduate Studies 1992-97; 2000.

Extra-Departmental

Faculty of Arts and Sciences: Sociology Chairman Search Committee, 1977; 2003.

School of Graduate Studies: Executive Committee, Division II, 1980-1985; Degree Committee, Division II, 1979-1980, 1992-1996; Centre of Criminology, Review and Directorship Search Committee, 1983-84; Centre of Urban and Communities Studies, Review and Directorship Search Committee, 1983-84; Centre for Industrial Relations, Review and Directorship Search Committee, 1985; Woodsworth College, Review of Certificate Program in Personnel and Industrial Relations, 1995; Centre for Industrial Relations, Directorship Search Committee, 1997; Director, Graduate Collaborative Program in Ethnic and Pluralism Studies, 1999-.

Central Administration: Research Board, 1981-1982; University Professors Search Committee, 1981; Committee on Computer Networks and Telecommunications, 1984; Provostial Advisory Group on UTFA Negotiations, 1984.

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"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER
and
JANOSNE (MARIA) GUNTHER
and
ANITA GUNTHER
and
MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION
and
ATTORNEY GENERAL OF CANADA

Respondents

Affidavit of Ernie S. Lightman

I, Ernie S. Lightman, of the City of Toronto, Province of Ontario, professor, make oath and say as follows:

1. I am a Professor of Social Policy at the University of Toronto. I have written and published extensively on the social welfare system in Canada.
2. Attached hereto and marked as exhibit "A" is my report dated September 18, 2008, which I believe to be true and accurate.
3. Attached hereto and marked as exhibit "B" is my curriculum vitae.

Sworn before me at the City of)
Toronto, Province of Ontario on)
September 18, 2008)

Andrew C. Dekany
A commissioner for oaths

Ernie Lightman

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Low income, immigrants and the poverty lines in Canada

Expert report

This is Exhibit "A" to the affidavit of Ernie S. Lightman sworn before me on September 18, 2008
Andrew E. Dekany

Ernie S Lightman, PhD
Professor of Social Policy
University of Toronto
September 18, 2008

I hold a PhD in economics from the University of California, Berkeley. Between 1972 and 1974 I taught in the economics department at the London School of Economics and Political Science (LSE) in London, England. I began working at the University of Toronto as an Assistant Professor in 1974 and am presently Professor of Social Policy in the Faculty of Social Work. A complete Curriculum Vitae is attached.

My general area of professional interest and competence involves the relationship between economic policy and social policy, including the impact on the social welfare system of governmental economic policy. I have written and published extensively on these topics and consider myself knowledgeable about the academic and professional literature in this area. In 1988 I authored a study which contributed to the Report of the Social Assistance Review Committee (SARC) called *Transitions*. For a period of time I was primary author of this report. *Transitions* remains the only comprehensive review of welfare ever done in Ontario and the most comprehensive review of welfare ever done in Canada.

More recently, I authored the widely-used university textbook, *Social Policy in Canada* (Toronto: Oxford University Press, 2003), and I was actively involved on both the technical and policy committees of the recently completed Toronto MISWAA Project (*Modernizing Income Security for Working-Age Adults*).

I am currently the Principal Investigator of a multi-year research project, entitled *Social Assistance in the New Economy*, that has been funded by four successive grants from the Social Science and Humanities Research Council of Canada. The work is being done in partnership with the City of Toronto Social Services Department as well as four community agencies. We are examining the relationships among social assistance, precarious work, low income and health, using primary and secondary data sources. We have published extensively including one article that uses City of Toronto data to explore the work experiences of people who left social assistance (Ontario Works) about eight months after exiting the system: the specific focus is on a comparison between the experiences of immigrants and those born in Canada.

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This report explores the low income status of immigrants in Canada. We look at two groups of low-income immigrants: those in the low-paid workforce and those on social assistance.

Low wages have become a feature of the labour market in Canada. The median wage has remained at around $10 an hour for the past two decades and more than one in four jobs now pays $10 an hour or less. In large urban centres such as Toronto (which remains the leading destination for immigrants to Canada) a person working full-time at $10 an hour – the informal but widely accepted definition of 'working poor' - earns less than Statistics Canada's Low Income Cut-off (LICO), a widely accepted definition of poverty. People on social assistance are also below this line.

Those immigrants on social assistance receive the same benefits as recipients who are not immigrants: that is, the social assistance system is formally blind with respect to immigration experience. However there is considerable evidence to suggest that those immigrants in the paid workforce receive lower wages and incomes than non-immigrants.

We look at each category separately.

Social assistance, household expenditures and poverty lines

Table 1 shows estimated maximum social assistance income for typical households in Ontario in 2008. It shows that the maximum estimated social assistance income for a single person, from all sources is approximately $7,300 or about one-third of the median income for single person households. Similarly, a lone parent with one child has an estimated maximum income of $16,000 or about one-half that of all lone-parent families.

Table 1: Ontario social assistance incomes 2006 and estimated for 2008

	Estimated maximum welfare income, 2006	Projected 2008[1]	As a percent of median	Low income cut-off (LICO) (after tax, 2006)	Low income measure (LIM)(after-tax, 2006)	2006 Welfare income, as percent of LICO	2006 Welfare income, as percent of LIM
Single person	$ 7,056	$ 7,341	33%	$ 17,570	$ 14,604	40%	50%
Single person with a disability	$ 12,160	$ 12,651	57%	$ 17,570	$ 14,604	69%	87%
Lone parent with one child	$ 15,534	$ 16,162	51%	$ 21,384	$ 20,446	73%	79%
Couple with two children	$ 20,155	$ 20,969	28%	$ 33,221	$ 29,208	61%	72%

1 Projected 2008 are 2006 amounts with 2% indexing for 2007 and 2008.

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Sources: National Council of Welfare, Welfare Incomes 2006, Fact sheets #6, #10, accessed on-line at *www.ncwcnbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2006WebOnlyData/factsheet10ENG.pdf*, September 15, 2008.
Statistics Canada (2008), *Low income cut-offs for 2007 and Low Income measures for 2006*, Ottawa: Ministry of Industry.

Social assistance incomes are far below all accepted poverty lines. Using two widely used measures of poverty in Canada, the Low income cut-off (LICO) and the Low Income Measure (LIM), Table 1 also shows that social assistance incomes are far below these widely used poverty lines. The amounts range from 40% of the poverty line for a single person, measured against the Low Income Cut-off, to 87% for a single parent with one child, measured against the LIM.

Social assistance incomes are typically too low to allow for significant discretionary expenditures.[1] Table 3 shows the maximum social assistance incomes for three typical family types as well as estimated budgetary requirements, limiting the focus to only basic categories of expenditures.[2] In all cases maximum incomes are insufficient to meet these basic requirements. The couple family with children and the single person households both fall more than $1,600 below the amount required for these basic expenditures. The lone parent is nearly $500 below the amount required to meet these expenditures.

	Dollar amounts			**Expenditures, as percentage of Canadian average**		
	Couples with children	Lone parents	Singles	Couples with children	Lone parents	Singles
Maximum welfare income	$ 20,155	$ 15,534	$ 7,056			
Expenditures:						
Rent[1]	$ 10,208	$ 8,492	$ 5,758	60%	76%	66%
Food[2]	$ 3,901	$ 2,676	$ 1,090	40%	42%	28%
Household operation	$ 1,740	$ 1,303	$ 550	37%	40%	30%
Clothing	$ 1,131	$ 798	$ 267	26%	30%	21%
Transportation	$ 3,376	$ 1,784	$ 625	25%	27%	14%
Health care	$	$	$	38%	35%	20%

[1] National Council of Welfare reference.
[2] Expenditure data is drawn from Statistics Canada (2006), *Spending Patterns in Canada*, Catalogue no. 62-202-X, Ottawa: Statistics Canada.

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	881	494	222			
	$	$	$			
Personal care	558	444	172	34%	36%	29%
	$	$	$			
Sub-total	21,795	15,992	8,683	60%	74%	67%
	$	$	$			
Surplus(Deficit)	(1,640)	(458)	(1,627)			

Notes:
[1] Rents are taken from Canada Mortgage and Housing *Rental Market Survey* for the spring of 2008 and are 75% of the weighted average for all CMAs and census agglomerations over 50,000 in Ontario. This accounts for 96% of the private market rental units in the CMHC universe in Ontario.
2 For all remaining expenditure categories the amounts shown are 75% of the amount spent in the lowest income quintile, adjusted for family type. The family type adjustment consists of dividing each family type's expenditures in each category by the Canadian average, and multiplying that by the expenditures in the lowest quintile.

The expenditures included are for rent, food, clothing, household operation, transportation, health care and personal care. Other possible categories of expenditure which were not included in this basic list include: household furnishings and equipment, recreation, reading materials, education, tobacco and alcohol, or personal insurance or pension contributions.

The appendix to this report presents information on rents in the Census metropolitan Areas (CMAs) and the Census areas (CAs) in Ontario as reported by CMHC in the fall of 2007. This information was used in the calculations of rents in Table 2.

Low Wage Employment and Immigrants

Minimum wage incomes are also typically below accepted poverty lines. Table 3 shows that for typical family types minimum wage incomes, with a limited number of exceptions, are well below the Low-income Cut-off.

Table 3: Minimum wage income, in relation to the poverty line by Province, 2001

Province	Single person	Single parent, one child	Couple, two children (1.5 earners)
Newfoundland	$ (2,240)	$ (1,287)	$ (3,259)
Nova Scotia	$ (1,484)	$ (543)	$ (2,205)
PEI	$ (1,316)	$ (720)	$ (2,246)
New Brunswick	$ (1,618)	$ (415)	$ (2,108)

Quebec	$	(1,946)	$	1,033	$	(2,741)
Ontario	$	(2,015)	$	(80)	$	(4,207)
Manitoba	$	(2,956)	$	(2,238)	$	(5,699)
Saskatchewan	$	(1,391)	$	2,398	$	(446)
Alberta	$	(3,649)	$	(3,381)	$	(6,132)
British Columbia	$	(1,015)	$	533	$	(2,971)

Source: Battle, Ken (2003), *Minimum Wages in Canada*: A Statistical Portrait with Policy Implications, Ottawa: Caledon Institute of Social Policy.

There is a substantial literature that documents the nature and degree of economic disadvantage faced by immigrants in Canada (Hum and Simpson, 2002; Li, 2003; Picot and Sweetman, 2005; Reitz, 2005; Statistics Canada, 2007). Among other areas this disadvantage manifests itself in:

- Higher rates of unemployment;
- Higher incidence of low income; and
- Rising gaps between the earnings of immigrants and native-born Canadians.

Unemployment

Newer immigrants face greater difficulties finding work and securing stable, well-paying positions than both native-born Canadians and previous generations of immigrants[3]. While unemployment rates among immigrants vary dramatically they are consistently higher than among people born in Canada (Ornstein, 2006; Teelucksingh and Galabuzi, 2005). In 2001, for example, immigrant women had an unemployment rate of 8.1%, compared with 7% for Canadian-born women, and 6.8% for immigrant men (Statistics Canada, 2006b).

In 1980, the employment rate for newly arrived immigrant men was 86.3 per cent, compared with 91 per cent for Canadian-born men. However, by 1996 the employment rate for newly arrived immigrant men had fallen by about a fifth, to 68.3 per cent, while the rate for Canadian-born men had only fallen to 85.4 per cent (Reitz, 2005). Refugee immigrants face yet greater disparities. For example, Krahn *et al.* (2000) found much higher rates of unemployment, part-time and temporary employment, and downward occupational mobility, among refugee immigrants to Alberta, despite high educational attainment.

Recent immigrants face a variety of barriers that may impede their entry into the labour market. Language barriers and the transferability of foreign credentials are the most

[3] Immigrants who are "non-status" are often unable to work legally and so are at risk of exceptionally low wages. They are also frequently unable to access health and social services and may not qualify for language and employment training.

common challenges. Immigrants have difficulty accessing employment and training services due to eligibility criteria. Refugees, in particular, are frequently denied access to services because they are not permanent residents. As a result, many immigrants find themselves in low paid and insecure employment over an extended period of time. Indeed, research suggests that it may take from 10-15 years before new arrivals reach employment income levels comparable to the Canadian born population (Ornstein, 2005).

These difficulties in the labour market result in more frequent recourse to income transfer programs such as Employment Insurance (EI) and social assistance/welfare. Growing numbers of racialized people and many women are employed in part time and unstable work. This means they do not have employment insurance (EI), even though they pay into the EI fund. Burstein (2005) found that compared to earlier cohorts recent immigrants were twice as likely to be in receipt of social assistance. While social assistance provided an important safety net, as a whole recent immigrants were less likely to access this than other groups facing high levels of unemployment because there were ineligible.

Low Income

Research shows that immigrants, and especially recent immigrants, bear the brunt of this low wage economy. For example, a recent study by Statistics Canada (2007) found that the economic situation of new immigrants to Canada showed no improvement after the turn of the millennium, despite the fact that they had much higher levels of education and many more were in the skilled immigrant class than a decade earlier.

Picot and Hou (2003) found that poverty rates for recent immigrants – those who have been in Canada for five years or less - have risen substantially since 1980 (from 24.6% in 1980 to 35.8% in 2000). Increasing poverty rates were evident for newcomers in all age groups, at all education levels, of all language backgrounds, and in all family types. What the rising poverty numbers tell us is that the transition is becoming more difficult for new arrivals.

In 2002, low-income rates among immigrants during their first full year in Canada were 3.5 times higher than those of Canadian-born people. By 2004, they were 3.2 times higher. These rates were higher than at any time during the 1990s, when they were around three times higher than rates for Canadian-born people.

The report found that overall, the large increase in educational attainment of new immigrants, and the shift to the skilled class immigrant, had only a small impact on their likelihood of being in low income. The probability of entering a period of low income was very high for immigrants during their first year in Canada. It ranged from 34% to 46% depending upon their year of arrival. For immigrants who arrived during the early 1990s, about 65% entered low income at some time during their first 10 years in Canada.

Significantly, the report also found that nearly one in five (19%) of recent immigrants who arrived between 1992 and 2000 remained in chronic low income -- for at least four

of their first five years in Canada. This was more than twice the corresponding rate of around 8% among Canadian-born people.

Other research confirms this picture. For example, research by Statistics Canada (2006b) found that:

- In 2000, women who immigrated to Canada in the previous decade had an average income of just $16,700. This is about $6,000 less than the average for all foreign-born women ($22,400), as well as Canadian-born women ($23,100);

- In 1980, immigrant women were paid 23% less than Canadian-born women of similar ages and education. By 2000, this gap had doubled to 45%; and

- In 2000, 35% of women who immigrated to Canada between 1991 and 2001 were living in a low-income household. Forty-two percent of female immigrants under the age of 15 were living in a low-income household (almost three times as many as their non-immigrant counterparts at 17%).

Picot and Sweetman (2005), meanwhile, found that the incidence of low income among recent immigrants rose from 25 per cent in 1980 to 36 per cent by 2000. The authors identified three major causal factors: changes in the characteristics of immigrants (source regions, rising education), which accounted for one third of the increasing earnings gap; decreasing returns to foreign work experience; and general decline in labour market outcomes of *all* new entrants to the Canadian labour market. On this latter point, general economic conditions improved in the late 1990s, and as such, are not associated with the declining circumstances of immigrants, but a more polarized labour market may have manifested itself in poorer outcomes for all new labour market entrants, including and perhaps especially immigrants.

Kazemipur and Halli (2001) identify diminished returns for immigrants' human capital (work experience and education), as factors behind the higher rates of low income and poverty among immigrants. Similarly, Alboim et al (2005) found that foreign work experience was valued at only one-third that of Canadian work experience, while education acquired abroad was considered only 70 per cent as valuable as Canadian education. White immigrants however did not suffer this discounting and received recognition of their university education at parity with Canadian born residents.

Recent immigrants experience lower incomes and considerably lower returns to both education and foreign work experience. For example, Burstein (2005) found that over a six-year period, 25 per cent of recent immigrants experienced persistent low income. Compared to earlier cohorts, recent immigrants in the study were three times as likely to have low incomes. Moreover, starting incomes have fallen to the point where many recent immigrants are no longer able to catch up to the Canadian average. Various reasons have been advanced for the decline in immigrant economic fortunes: racism, the loss of educational advantage (in relation to native-born Canadians) enjoyed by earlier immigrants, a lack of experience in western labour markets, language difficulties,

and employer reticence in accepting immigrant credentials and qualifications. The real explanation likely involves some combination of all these factors.

Finally, a recent overview of research in the area, meanwhile, reported that some 41 per cent of people who came to Canada between 1990 and 1999 earn less than $10 an hour - double the rate for people who immigrated in the 10 years prior (Colour of Poverty, 2007).

Earnings Gap

The traditional pattern of earnings progression among immigrants has been to experience an initial earnings gap compared with native-born Canadians, followed by catch-up or 'assimilation'. However, there is now mounting evidence that this gap is closing more slowly than in the past.

Among earlier cohorts, the earnings gap reduced over time so that by 2001 the immigrants from the period 1975–1979 were earning 8 per cent more than Canadian-born workers (Picot and Sweetman, 2005). However, over recent years the earnings gap faced by new immigrants has widened. Picot and Sweetman (2005) for example, found that between 1980 and 2000 the earnings of recent immigrants to Canada who were working full-time and full-year fell by 13 per cent among men and rose 6 per cent for women, while among Canadian-born workers, earnings rose 10 per cent and 11 per cent among men and women respectively.

Reitz (2005) found that in 1980 recently arrived male immigrants earned about 80 per cent of what Canadian-born men earned, but by 1996, that figure had dropped to about 60 per cent. Li (2003), meanwhile, found that the earnings of both male and female recent immigrants were lower for immigrants who came in the 1990s than those who came in the 1980s, despite the fact that recent cohorts of immigrants were more likely to have a university degree. However, while immigrant levels of education have risen, their *relative* position may have declined as a result of more rapidly rising education among Canadian-born workers.

Kustec's (2008) analysis of the Labour Force Survey found that recent immigrants face severe challenges integrating into the labour market despite higher levels of education and that female immigrants face unique challenges. Labour market outcomes vary substantially by country of birth. Immigrants are over-represented in some higher and lower-skilled occupational groupings and, on average immigrants work longer hours and very recent and recent immigrants get paid less.

Mitchell, Lightman and Herd (2007) analyse the data from a survey of 800 people who left welfare in Toronto between January and March 2001 to explore income differences between immigrants and non-immigrants on exiting the social assistance system. Comparing employment outcomes, immigrants were more likely to be currently employed, but less likely to have a permanent job. Immigrants worked the same number of hours as non-immigrants, but earned significantly less per week. Since hours of work were not different the weekly earnings difference was due to a difference in the hourly

wage earned. Indeed the hourly wage of immigrants was just under $12, compared with nearly $14.50 among the non-immigrants. This is especially significant given that the immigrants had higher levels of education on average.

Mitchell Lightman and Herd (2007) also examine wage mobility when jobs were changed. They found that immigrants who changed jobs had an average wage gain of around 3%. Meanwhile, non-immigrants had an average wage gain of nearly 44%. Even after controlling for the many factors that can influence wages such as age, sex, education etc, the research showed that immigrants still experienced a wage disadvantage of nearly 11%. If they also received their education abroad that compounded their disadvantage by a further 17%.

City of Toronto

Data from the 2006 Census reveals that Toronto continues to be the prime immigrant reception centre. Between 2001 and 2006, 267,855 immigrants settled in Toronto, almost one-quarter of all new immigrants to Canada. However, recent immigrants and visible minority persons account for a disproportionate number of low income persons in the city.

In Toronto, racialized group members are 3 times more likely to live in poverty than other groups. Between 1980 and 2000 in Toronto, the poverty rate for the non-racialized population fell by 28%, but poverty among racialized families rose by 361%.

Research by Ornstein (2005) shows that the poorest ethno-racial groups in the Toronto region are predominantly non-European and all were extremely poor compared to the population as a whole. Groups with the highest proportion of low income persons include larger numbers of recent immigrants and a higher proportion of visible minority persons. Ethno-racial groups with a high incidence of low income face labour force barriers and have employment income well below the average. In 2001, for example, non-European groups had employment income 1/3 below that of European groups. At the same time, the 20 poorest groups in Toronto were all non-European. Groups with the highest incidence of low income (40% of members with income below the LICO in 2001) were Somalis, Afghans, Ethiopians, Bangladeshis, Iraqis and Taiwanese

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Appendix A

Ontario CMAs and CAs over 50,000	Universe		Average rent			
	Number	Percent	Bachelor	One Bedroom	Two bedroom	Three + bedrooms
Barrie	3,321	0.6%	$ 618	$ 804	$ 906	$ 1,064
Brantford	4,618	0.8%	$ 529	$ 639	$ 712	$ 800
Guelph	6,636	1.1%	$ 578	$ 744	$ 839	$ 1,143
Hamilton	42,498	7.1%	$ 492	$ 644	$ 796	$ 946
Kingston	12,381	2.1%	$ 553	$ 688	$ 841	$ 1,051
Kitchener	27,923	4.7%	$ 563	$ 688	$ 824	$ 1,212
London	39,171	6.6%	$ 486	$ 628	$ 790	$ 961
St. Catharines	16,119	2.7%	$ 489	$ 636	$ 752	$ 850
Oshawa	11,490	1.9%	$ 616	$ 756	$ 861	$ 995
Ottawa	60,339	10.1%	$ 633	$ 774	$ 941	$ 1,146
Peterborough	5,434	0.9%	$ 534	$ 697	$ 818	$ 995
Greater Sudbury	10,995	1.8%	$ 419	$ 571	$ 706	$ 779
Thunder Bay	5,414	0.9%	$ 434	$ 571	$ 696	$ 804
Toronto	306,545	51.3%	$ 740	$ 896	$ 1,067	$ 1,272
Windsor	15,111	2.5%	$ 494	$ 650	$ 774	$ 881
Belleville	5,762	1.0%	$ 522	$ 656	$ 749	$ 847
Chatham-Kent	4,704	0.8%	$ 434	$ 538	$ 627	$ 593
Cornwall	3,749	0.6%	$ 459	$ 525	$ 641	$ 666
Kawartha Lakes	1,450	0.2%	$ 532	$ 687	$ 820	$ 872
Norfolk	896	0.1%	$ 465	$ 537	$ 594	$ 682

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North Bay	3,245	0.5%	$ 456	$ 581	$ 729	$ 808
Sarnia	5,384	0.9%	$ 532	$ 622	$ 696	$ 894
Sault Ste-Marie	4,727	0.8%	$ 433	$ 538	$ 644	$ 706
Total	597,912	100.0%				
Total Ontario	622,648	96%				

Source: Canada Mortgage and Housing Corporation, Rental Market Statistics, Fall 2007.

Weighted Rent	Ontario	75% of average
Bachelor	$ 640	$ 480
One bedroom	$ 788	$ 591
Two bedrooms	$ 944	$ 708
Three + bedrooms	$ 1,134	$ 851

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CURRICULUM VITAE

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This is Exhibit "B" to the affidavit of Ernie S. Lightman sworn before me on September 18, 2008

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Citizenship

Canadian

Fields of Interest

Social Welfare

General Interests: Social Policy (Socio-economic Policy Formulation; Social Welfare Theory and Ideology; Political Economy); Financing Public Services; Research Methodology.

Specific Interests: Social Assistance/welfare-to-work; Deinstitutionalization; Long-Term Care; Housing for Vulnerable Adults; Tax Policy; Privatization/commercialization; Arts and Social Welfare.

Minor Interests: Mental Health Policy; Disability; Unionization and the Social Services; Prison Industries; Voluntary Blood Donation; Child Care; Legal Aid.

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Economics:

Labour Economics; Industrial Relations; Quantitative Methods.

Graduate Studies

PhD

Fields of Concentration: Labour Economics, Industrial Organization.

Dissertation Title: "The Economics of Military Manpower Supply in Canada."

Ph.D. (Economics): University of California, Berkeley. Awarded: June 1972.

Supervisor: Lloyd Ulman, Department of Economics, University of California, Berkeley, California.

Pre-doctoral Studies

University of California, M.A., Economics, 1969.

University of Toronto. B.A. (Hon.), Political Science and Economics, 1967

Teaching, Research, Other Experience

1995-present
Professor of Social Policy, University of Toronto, Faculty of Social Work, Centre for Industrial Relations; Member of Graduate Faculty, University of Toronto.

1996-97
Visiting Professor, Paul Baerwald School of Social Work, Hebrew University, Jerusalem, Israel.

1983-95
Professor of Social Policy, University of Toronto, Faculty of Social Work and Centre for Industrial Relations; Member of Graduate Faculty, University of Toronto.

1991-92
Commissioner, Inquiry into Unregulated Residential Accommodation for Vulnerable Adults in Ontario. Appointed sole commissioner by Government of Ontario through order-in-council under the Public Inquiries Act.

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1987-88
Academic Visitor, London School of Economics and Visiting Professor, Hebrew University of Jerusalem.

1985
Academic Visitor and/or Guest Lecturer, Tata Institute of Social Sciences, Bombay, and five other universities in India.

1981-82
Research Fellow, University of Bristol; Academic Visitor, London School of Economics; and Research Associate, University of California, Berkeley.

1978-83
Associate Professor, Faculty of Social Work and Centre for Industrial Relations, University of Toronto, and Member of Graduate Faculty, University of Toronto.

1975-78
Assistant Professor, Faculty of Social Work, University of Toronto.

1975-76
Lecturer, Department of Political Economy, Woodsworth College, University of Toronto.

1974-75
Visiting Assistant Professor of Economics, Department of Political Economy, University of Toronto.

1972-74
Lecturer in Economics, London School of Economics.

1970-72
Research Associate, Institute of Industrial Relations, University of California, Berkeley, California.

1969-70
Teaching Assistant, Department of Economics, University of California, Berkeley, California.

1968-69
Lecturer, Summer sessions, Department of Economics, Brock University, St. Catharines, Ontario.

Summer 1967

Research Assistant, Government of Canada Task Force on Labour Relations.

Summer 1966
Research Assistant, University of Toronto Centre for Industrial Relations.

Academic Grants, Awards, Etc.

SSHRC, Image, Text, Sound and Technology Strategic Grant (ITST), *A Social Work Website for Knowledge Creation: Social Vulnerability and Public Space,* 2008 ($49,974), Co-Investigator

SSHRC Standard Research Grant, *Knowledge for Solidarity: A Critical Cultural Theory for Social Work*, 2008-2011 ($90,000 over 3 years), Co-Investigator

SSHRC SIG (Standard Institutional Grant), *Episodic Disabilities and the Ontario Disability Support Program (ODSP),* 2007 ($2130). Principal Investigator.

SSHRC SIG (Standard Institutional Grant), *"Not Disabled Enough": Disability Status and the Ontario Disability Support Program"* 2008. ($2210). Principal Investigator.

SSHRC CURA (Community University Research Alliance), *Disabling Poverty and Enabling Citizenship*, Awarded $1,000,000 over five years. Co-Investigator. Principal Investigators include Council of Canadians with Disabilities, Michael Prince and Yvonne Peters. Includes two RTS for E Lightman

SSHRC Standard Research Grant, *Beyond Work-First? Future Directions in Social Assistance Policy,* 2007-2010 ($128,900) Principal Investigator.

SSHRC Multidisciplinary Collaborative Research Initiatives (MCRI), *Social Safety Systems for the 21st Century.* Proposed budget $2.5 million over 7 years. Letter of Intent ($20,000) stage was one of nine successful applications, but invitation to submit a full proposal was declined for personal reasons. Principal Investigator.

SSHRC Initiatives for the New Economy Public Outreach Grant, *Voices from Ontario Works: From Research to Policy Through Community Theatre*, 2006-2007 ($49,800) (100% of amount requested). Principal Investigator

SSHRC CURA (Community University Research Alliance), *Lone Mothers: Building Social Inclusion,* 2005-2010 ($992,815) (over 5 years) (100% of amount requested), Co-investigator

SSHRC Standard Research Grant, *Work, Hunger and Health in Marginalized Populations,* 2003-2006 ($248, 334). (100% of amount requested, ranked 4 out of 129 applicants) Principal investigator.

SSHRC, Faculty Conference Travel Grant, 2004

SSHRC Research Grant, Initiatives for the New Economy, *Social Assistance in the New Economy*, 2002-2005 ($278,000). Principal investigator.

SSHRC Institutional Grant, 2001-2003

Royal Bank Research Fellowship, 2000-2001

Royal Bank Research Fellowship, 1999-2000

University of Toronto, Research leave (sabbatical) award, 1996-97

University of Toronto Research Board, Conference travel grant, 1994

University of Toronto, Humanities and Social Sciences Committee, General Research Grant, 1990-95.

University of Toronto Research Board, Conference Travel Grant, 1990.

University of Toronto Research Board, Conference Travel Grant, 1988.

University of Toronto Research Board, Research Leave (Sabbatical) Award, 1987-88.

University of Toronto Research Board, Conference Travel Grant, 1986.

University of Toronto Research Board, General Research Grant, 1985.

Social Science and Humanities Research Council of Canada, Research Leave (Sabbatical) Fellowship, 1981-82.

University of Toronto Faculty Development Grant, 1978-81.

University of Toronto, New Faculty Grant-in-aid, 1976-78.

Social Science Research Council (Britain) Faculty research grant, 1973-74.

U.S. Department of Labor Manpower Administration, doctoral dissertation grant, 1970-72.

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University of California, Berkeley, Special Career Fellowship, 1967-71.

University of Toronto, 2 prizes, graduating class, 1967.

University of Toronto, 4 admission scholarships, 1963.

Community Award

Metropolitan Toronto Police, 41 Division, Recipient of personal award for assistance in a project to close an illegal boarding home in Toronto (1995)

Ph.D. Dissertations Supervised

Luann Good Gingrich, "Contesting Social Exclusion: An Interrogation of its Self-imposed Expressions" (2005)

Stephanie Baker Collins, "Vulnerability and Assets in Urban Poverty: Bringing Together Participatory Methods and a Sustainable Livelihoods Framework" (2002)

Jane McMichael, "An Investigation of the Determinants of General Welfare Assistance (GWA) Receipt from 1981 to 1994" (2001)

Zvi Gellis, "The Relationship between Leadership Style and Coping Style on Job Stress and Job Satisfaction among Social Workers in Health Care" (1998)

Penninah Dufite-Bizimana, "Getting Back to the Garden: Rethinking Child Welfare in Uganda" (1997)

Judith Sandys, "It Does My Heart Good: The Perceptions of Employers Who Have Hired People with Intellectual Disabilities Through Supported Employment Programs" (1993)

Evelyn Ferguson, "Private or Public? Profit or Non-Profit? Reasons for the Auspice Preference of a Sample of Daycare Consumers in Ontario" (1991)

Robert Maton, "Politics and Contradiction: The Re-emergence of Neo-Liberalism in Ontario Workers' Compensation Policy" (1991)

Maureen J. Orton, "Social Change Towards Problem Prevention: A Study of Several Provinces, Testing a Multi-Level Model of Social Change " (1991)

Uimyong Kim, "A Critical Examination of Occupational Welfare and its Future Prospect in Korea" (1990).

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Donna Baines, "Race, Class and Gender in the Everyday and Conceptual Practices of Radical Social Work" (1997)

Julia Krane, "The Transformation of Women into Mother Protectors: An Examination of Child Protection Practices in Cases of Child Sexual Abuse" (1994)

Michael Birmingham, "The Political Ideology of Social Work in Ontario" (1993)

David W. Hillock, "The Social Readjustment of Female Lone Parents: A Social Relations Model" (1990)

Alvin Lander, "Towards a Theory of Social Spending Support Amongst Canadian Jews: An Empirically Grounded and Phenomenological Approach" (1990).

Morris Saldov, "Social Mix, Social Ecology and the Educational Response of Children in Public Housing" (1987).

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Graduate Committee Memberships: Other Departments

Israel Doron, "From Guardianship to Long-Term Legal Care: Law and Caring for the Elderly" (2000, Osgoode Hall Law School, York University)

Patricia Spindel, "Private Interest or the Public Interest: The Development of Long-Term Care Policy in Ontario, 1990-93" (1996, OISE)

Leah Lambert, "Educational Planning for Manpower Needs in the Criminal Justice System: Issues in the Recruitment and Training of Essential Personnel." (1979, OISE).

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Lightman, E., "Support for Social Welfare in Canada and the United States", *Canadian Review of Social Policy*, Issue 28 (Winter 1991).

Lightman, E., "Social Assistance in a Shrinking Canadian Welfare State", *International Social Security Review*, Vol. 44 (1-2/91)

Lightman, E., "Caught in the Middle: the Radical Right and the Canadian Welfare State", in H. Glennerster and J. Midgley (eds)., *The Radical Right and the Welfare State*, (Harvester Wheatsheaf, London, 1991).

Lightman, E., "Work Incentives Across Canada", *Journal of Canadian Studies*, Vol. 26, no. 1 (Spring, 1991).

Lightman, E., and A. Irving, "Restructuring Canada's Welfare State", *Journal of Social Policy*, Vol. 20, no. 1 (Winter 1990-91).

Lightman, E., "Earnings Disregards in Canada, Britain and Israel," *Social Service Review*, Vol. 64, no. 4 (December 1990).

Lightman, E., "From Welfare to Work: Financial Disincentives in Three Countries," (in Hebrew) *Bituach Sociali* (*Social Security: Journal of Welfare and Social Security Studies*), No. 35 (June, 1990).

Lightman, E., C. Freiler and J. Gandy, "A Transatlantic View: Privatization, Canadian-Style", in R. Parry (ed.) *Privatisation* (London: Jessica Kingsley Publishers, 1990).

Lightman, E., "Conditionality and Social Assistance", in G. Riches and G. Ternowetsky (eds.) *Unemployment and Welfare: Social Policy and the Work of Social Work*, (Toronto: Garamond Press, 1990).

Cohen, L. and E. Lightman "Down and Out in Thatcher's Britain", *Canadian Review of Social Policy*, No. 20 (Jan. 1988).

Lightman, E., "Welfare Ideology, the Market and the Family", *International Social Work*, Vol. 30, no. 4 (October, 1987).

Lightman, E., "Welfare Ideologies and Theories of Federalism", *Social Policy and Administration*, Vol. 21, no. 1 (Spring, 1987).

Mossman, M.J., and E. Lightman, "Towards Equality Through Legal Aid in Canada", *Journal of Canadian Studies*, Vol. 21, no. 2 (Summer, 1986).

Lightman, E., "The Impact of Government Economic Restraint on Mental Health Services in Canada," *Canada's Mental Health*, Vol. 34, no. 1 (March, 1986). This also appeared as "Les repercussions des restrictions budgetaires du gouvernement sur les services de sante mentale au Canada," *Sante mentale au Canada*, Vol. 34, no. 1 (mars, 1986).

Lightman, E., "The I.R.P.P. and Social Policy in Canada," *Canadian Review of Social Policy* October, 1985.

Lightman, E., "In Defence of Universal Transfers," *The Social Worker*, Vol. 52, No. 4 (January, 1985).

Lightman, E., "If Not a Divorce, Then At Least I'm Movin' On: Another Look at Social Policy in Canada", in, J. Campbell, G. Riches and G. Ternowetsky (eds.), *Unavoidable Dates With Intervention: The Meaning of Canadian Social Policy and Administration* (University of Regina: Social Administration Research Unit, 1985).

Lightman, E., and M.J. Mossman, "Salary or Fee-for-Service in Delivering Legal Aid Services: Theory and Practice in Canada", *Queen's Law Journal* (Canada), Vol. 10, No. 1 (Winter, 1984).

Lightman, E., "A Flat-Rate Tax for Canada?", *Policy Options*, Vol. 5, No. 6, (November-December, 1984).

Lightman, E., "Social Policy in Canada," in C. Jones and O. Stevenson (eds.), *Yearbook of Social Policy in Britain, 1983*. (London: Routledge and Kegan Paul, 1984).

Lightman, E., "Economics of Misery: Reaganomics, Thatcherism - and Trudeau," *Perception*, Vol. 6, No. 3 (Spring, 1983).

Lightman, E., "The Viability of Cash-based Demand Subsidies for Rental Housing Assistance", in, J. McClain (ed.), *And Where Do We Go From Here?* Proceedings from a Symposium on the Rental Housing Market and Housing Allowances. (Ottawa: Canadian Council on Social Development, 1983).

Lightman, E., "Social Workers, Strikes, and Service to Clients," *Social Work*, Vol. 28, No. 2 (March-April, 1983). Reprinted in *Managing Finances, Personnel and Information in Human Services* (New York: Haworth Press, 1985).

Lightman, E., "Indirect Projection and the Validity Problem in Survey Research," *The Statistician*, Vol. 31, No. 4 (December, 1982).

Lightman, E., "Women and Voluntary Blood Donation," *Journal of Sociology and Social Welfare*, Vol. IX, No. 4 (December, 1982).

Lightman, E., "Borrowing Concepts for the Curriculum: The Case of Network Analysis", *Contemporary Social Work Education*, Vol. 5, No. 3 (December, 1982).

Lightman, E., "It's Time for a Divorce: Social Policy and Social Work in Canada," *The Social Worker*, Vol. 50, No. 4 (Winter, 1982).

Lightman, E., "Technique Bias in Measuring Acts of Altruism," *Social Science and Medicine*, Vol. 16, No. 18 (1982).

Lightman, E., "Professionalization, Bureaucratization and Unionization in Social Work," *Social Service Review*, Vol. 56, No. 1 (March, 1982).

Lightman, E., "The Private Employer and the Prison Industry," *British Journal of Criminology*, Vol. 22, No. 1 (January, 1982).

Lightman, E., "Continuity in Social Policy Behaviours: The Case of Voluntary Blood Donation", *Journal of Social Policy*, Vol. 10, Part 1 (January, 1981).

Lightman, E., and B. Schlesinger, "Pregnant Adolescents in Maternity Homes: Some Professional Concerns", in Stuart, Irving R., and Carl E. Wells (eds.), *Pregnancy in Adolescence: Needs, Problems and Management*. New York: Van Nostrand, Reinhold, 1981.

Lightman, E., "Social Policy and Social Networks: Some Theoretical and Empirical Questions", in, University of Toronto, Faculty of Social Work, *Helping Networks and the Welfare State: A Symposium*. Toronto, 1980.

Lightman, E., and B. Schlesinger, "Maternity Homes and Single Mothers" in *Journal of the Ontario Association of Children's Aid Societies*, Vol. 23, No. 1 (January, 1980).

Lightman, E., and R. Todres, "What Happens When Recipients Unionize: A Canadian Experience", *Public Welfare*, Vol. 38, No. 2 (Spring, 1980).

Lightman, E., and B. Schlesinger, "Non-Married Mothers in Maternity Homes", *The Social Worker*, Vol. 48, No. 1 (Spring, 1980).

Todres, R. and E. Lightman, "Social Work Unions-Options for the Future", *The Social Worker*, Vol. 47, Nos. 2-3 (Summer/Fall, 1979).

Lightman, E., "Women's Studies for Men and Women", *Canadian Women's Studies*, Vol. 1, No. 1 (Autumn, 1978).

Lightman, E., "An Imbalance of Power: Social Workers in Unions," *Administration in Social Work*, Vol. 2, No. 1 (Spring, 1978).

Lightman, E., and L.C. Johnson, "Child Care Needs in Metropolitan Toronto," in K.G. Ross (ed.), *Good Day Care*. Toronto: Women's Educational Press, 1978.

Lightman, E., and C.C. O'Cleireacain, "Labour Force Activity of Married Women in England and Wales, 1971", *Applied Economics*, Vol. 11, No. 3 (September, 1978).

Lightman, E., "Attrition of Applicants in a Volunteer Armed Force", *Armed Forces and Society*, Vol. 3, No. 3 (May, 1977).

Lightman, E., "The Ontario Labour Relations Board and Social Service Workers," *Canadian Welfare*, Vol. 25, No. 6 (January-February, 1977).

Lightman, E., "Problems of Recruitment and Retention in the Canadian Armed Forces", *Canadian Defence Quarterly*, Vol. 6, No. 3 (Winter, 1976/77).

Lightman, E., and H.H. Irving, "Conciliation and Arbitration in Family Disputes", *Conciliation Courts Review*, Vol. 14, No. 2 (December, 1976).

Lightman, E., "Economics of Supply of Canada's Military Manpower", *Industrial Relations: A Journal of Economy and Society,* XLV (May, 1975).

Other Government Activities:

Ontario Ministry of Community and Social Services, invited panellist, *Social Policy Forum on History and Emerging Trends*, Social Policy Development Division (on the occasion of the 75th anniversary of MCSS) (Toronto: 2005)

HRDC, Expert Consultation on the National Child Benefit, Invited Participant (Ottawa: 2000)

National Consultation on WSSD+5, Invited participant, Copenhagen World Summit on Social Development (Ottawa, 2000).

HRDC, Child Care Visions Program, Project reviewer (1999-2000)

HRDC, National Literacy Secretariat, Consultant (1999)

HRDC, National Literacy Secretariat, Report entitled *The Economics of Literacy in Canada*, Ottawa. (1998)

Government of Newfoundland and Labrador, Dept of Human Resources and Employment, Consultant on welfare reform, (1997-98)

HRDC, Project appraiser (1995-96)

Office of the Public Guardian and Trustee, Ministry of the Attorney-General, Ontario, Consultant, project to estimate future caseload under the *Substitute Decisions Act*

Government of Canada, Presenter, consultation on social assistance/unemployment insurance reform (1993-94)

Health and Welfare Canada, Report prepared for Program Audit and Review Directorate, *Work Incentives and The Canada Assistance Plan*, 1989.

Ontario Legislature, Standing Committee on Finance and Economic Affairs, Pre-Budget Consultation 1989. Brief presented, *It's Time for Welfare Reform*

Social Assistance Review Committee, Toronto. Lightman, E., *Work Incentives in Ontario*, Research Document RD-1 (Toronto: 1987), 88 pages.

Articles, Reports for Community Agencies, Groups

Lightman, E., A. Mitchell and D. Herd, *Notes on the Service Delivery Model for Ontario Works* prepared for Toronto City Summit Alliance, MISWAA (Modernizing Income Security for Working Age Adults) project, November 2004.

Lightman, E., "Louise Gosselin and the Charter of Rights", *CPC Viewpoint*_(Toronto: Canadian Pensioners Concerned, 2003)

Lightman, E., Andrew Mitchell and Richard Shillington, "Tracking the Outcomes of Welfare Reform" *Workfare Watch Bulletin No 15*_(Toronto: Ontario Social Safety Network, July, 2002)

Lightman, E., "Social Policy in Mike Harris' Ontario: Lessons for B.C.?" *SPARC News*, Winter 2001 (Vancouver: Social Planning and Research Council of British Columbia).

Lightman, E. and A. Mitchell, "General Tax Relief: Impact on Canada's Families", (Toronto: Child Poverty Action Group and Child Care Education Foundation, 2000)

Lightman, E. and A. Mitchell, "Effective Tax Relief for Canada's Families", (Toronto: Child Poverty Action Group and Child Care Education Foundation, 2000)

Lightman, E. and A. Mitchell, "Who Really Wins in the 2000 Budget?", (Toronto: unpublished, authors 2000)

Lightman, E., "Workfare and the Reform of Social Programs", in *Social Security Reform: What Are the Issues?"*, Social Policy Forum, Toronto (1995).

Lightman, E., "Would Michael Ziraldo Still Be Alive?", *Perception,* Spring 1993.

Lightman, E., *Canada's Tax System and the Poor* (Ottawa: National Anti-Poverty Organization, 1984), 80 pages.

Lightman, E., and L.C. Johnson. *Child Care Patterns in Metropolitan Toronto.* (Toronto: Social Planning Council, 1977) 32 pp. and 16 tables.

Media Activities

(In addition to the items enumerated below, there have been many telephone conversations and personal interviews with reporters, some – but not all – of which resulted in quotes and comments in various newspaper and television stories. I have never kept track of these.)

Haaretz (Israel). Lightman, E., "On the demise of the welfare state", op-ed article (March 16, 2008) http://www.haaretz.com/hasen/spages/964342.html

National Post. Lightman, E., "Who's offering seniors the best deal?", op-ed article (December 27, 2005)

Toronto Star. Lightman, E., "Reforming long-term care in Ontario", op-ed article (February 21, 2005)

TV Ontario. Televised one hour (one-on-one) debate on welfare reform in Ontario, TVO, Studio 2 (Dec 19, 2002)

Canadian Jewish News. Lightman, E., "Jewish and on the left", op-ed article (Toronto, November 14, 2002) http://www.cjnews.com/viewarticle.asp?id=1126&s=1

Toronto Star. Lightman, E., "Nursing homes: higher fees; lower quality", op-ed article, August 2, 2002.

Toronto Star. Lightman, E., "B.C. Following Same Agenda as Ontario", op-ed article, January 21, 2002 (reprint of article in SPARC News, Vancouver, Winter 2001).

Jerusalem Post. Lightman, E. and B. Epstein, "Privatising Public Housing in Israel" ("See the poor get poorer"), op-ed article, 1997 (June 1).

Financial Post. Lightman, E., "You can lead a U.I. recipient to training but...", op-ed article, (Nov 9, 1994).

Toronto Star. Lightman, E., "Chretien showing unhealthy interest in workfare", op-ed article, (January 13, 1994).

Globe and Mail. Lightman, E., "Who's Padding the Costs of Health Care?", op-ed article, (August 26, 1993).

Globe and Mail. Lightman, E., and L. Cohen, "A Sneaky Tax Grab at Seniors' Incomes", op-ed article, December 29th, 1989.

Globe and Mail. Lightman, E., "Benefits Payback First Step in Assault", op-ed article, June 14th, 1989.

Globe and Mail. Lightman, E., "Dubious Moral Justification in Ottawa's Tax Reform", op-ed article, May 24, 1989.

Globe and Mail. Lightman, E., "Working for Plenty of Nothing", op-ed article, March 30, 1989.

Toronto Star. Lightman, E., "Ontario Musn't Miss Chance for Welfare Reform", op-ed article, February 27, 1989.

Financial Post. Lightman, E, "In Defence of Universal transfers" (January 5, 1985). Same article as in *The Social Worker* , Jan 1985

Toronto Star. Lightman, E., "Family Allowances Under Attack," op-ed article, October 14, 1982.

Toronto Star. Lightman, E., "A Letter to My Doctor on the Occasion of His Withdrawal from Medicare., op-ed article (May, 1979).

Book Reviews:

Lightman, E: review of Riches, G. (ed.), "First World Hunger: Food Security and Welfare Politics" in *Chevra Urvacha (Society and Welfare)*, in Hebrew (Spring, 1977)

Lightman, E: review of Rioux, M., Bach, M., and Muszynski, L., "Social Well - Being", in *entourage* (Spring 1994)

Lightman, E.: review of Torjman, S.R., "Income Insecurity: The Disability Income System in Canada" in *Canadian Review of Social Policy* (May, 1990).

Lightman, E.: review of Drover, G. (ed.) "Free Trade and Social Policy", in *Canadian Review of Social Policy*, Issue 22, February, 1988.

Lightman, E.: review of Mishra, R. "The Welfare State in Crisis", in *Journal of International and Comparative Social Welfare*, vol. 1, no. 2 (Spring, 1985).

Lightman, E.: review of Galenson, W. ed. "Incomes Policy: What Can We Learn from Europe?", in *Economica*, XL, No. 160 (November, 1973.

Lightman, E.: review of Begrend, H. "Incomes Policy: Equity and Pay Increase Differential", in *Economica*, XL, No. 160 (November, 1973).

Lightman, E.: review of Edgren, G., Faxen, and Odhner. "Wage Formation and the Economy", in *Economica,* LXI, No. 164 (November, 1974).

Lightman, E.: review of Robinson, D. "Incomes Policy and Capital Sharing in Europe", in *Economica*, XLI, No. 164 (November, 1974).

Lightman, E.: review of International Labour Organization. "Some Growing Employment Problems in Europe: Report II" in *British Journal of Industrial Relations*, XII, No. 2 (July, 1974).

Academic Papers Presented

Lightman, E., A. Mitchell and D. Herd, "Towards Economic Security for New Immigrants: Beyond Workfare" paper presented as part of a panel, *Approaches to Economic Security in Canada: Challenges, Possibilities, and Strategies"* The 12th BIEN Congress on Basic Income, University College Dublin, Ireland, June 20-21, 2008

Lightman, E. "Whatever Happened to the Welfare State?" Arnulf Pins Memorial Lecture (invited lecture), Hebrew University, jerusalem, February 25, 2008

Lightman, E., S. Um, A Mitchell, and D. Herd, "Post-Secondary Education and Social Assistance in Ontario", Seventh Congress of the U.S. Basic Income Guarantee Network, "What Next: Framing a BIG Discussion for the Next Election and Beyond", March 7-9, 2008, Boston

Mendelson, M, Lightman, E., and A. Mitchell, "A Basic Income for Canadians with Disabilities" paper presented at annual conference, US BIG (Basic Income Guarantee) Network, Eastern Economics Association, New York City, February 2007.

Lightman, E., A. Mitchell and D. Herd, "Precarious Lives: Work, Health and Hunger on Social Assistance in Toronto", 5th International Conference on Health and Mental Health in Social Work, Hong Kong, December 2006. Received the Outstanding Abstract Award.

Lightman, E., A. Mitchell and D. Herd, "From Welfare to Workfare and Beyond: Continuity Alongside Change", Le centre d'histoire des régulations sociales, Université du Québec à Montréal, *Pauvreté et rapports sociaux au Canada, XIX et XX siècles*, Montreal, October 2006.

Lightman, E., ""Civil Society, the State and Charitable activity", *International Symposium on Charity Development,* UBC School of Social Work and Family studies, Vancouver, July 2006.

Mitchell, A., Lightman, E. and D. Herd, "Employment characteristics among social assistance recipients in Canada 1996 - 2001", Federation of Canadian Demographers, Special Conference, *Longitudinal studies and demographic challenges of the 21st century*, Universite de Montreal, November 2005.

Lightman, E., A. Mitchell and D. Herd, "Living on the Edge: Tracking the experiences of current and former welfare recipients in Toronto", CASSW, London 2005

Lightman, E., A. Mitchell and D. Herd, ""Making Policy: Exploring the On the Ground Implementation of Ontario Works", 13th biennial Social policy Conference, University of New Brunswick, June 2005

Herd, D., Lightman, E and Mitchell, A, "Living On the edge: Human Experiences of Economic Deprivation", invited panellist, plenary session, Eastern Economic Association, USBIG (Basic Income Guarantee) Network, Fourth Congress, New York City, March 5, 2005.

Lightman, E, A Mitchell and D Herd, "Local Solutions?: Exploring the local implementation of Ontario Works" , 2004 CASSW Annual Conference, University of Manitoba, Winnipeg, May 29-June 1, 2004.

Lightman, E, A Mitchell and D Herd, "Leavers, Mixers, Stayers and Cyclers: Experiences of Workfare in Toronto" , 2004 CASSW Annual Conference, University of Manitoba, Winnipeg, May 29-June 1, 2004.

Lightman, E (in absentia), Mitchell, A and Herd, D, "Rituals of Degradation: Administration as Policy in the Ontario Works Program" invited and refereed paper presented at the National Welfare-to-Work Conference, St. John's Newfoundland, November 16-18, 2003.

Lightman, E, Mitchell, A and Herd, D, "Social Exclusion and Workfare in Toronto", refereed paper presented at Annual Meeting of the Canadian Association of Schools of Social Work (CASSW), Learned Societies Conference, Halifax - June 2003

Lightman, E, Mitchell, A and Herd, D, "Life after Welfare in Toronto" refereed paper presented at the 12th Biennial Social Welfare Policy Conference, University of Ottawa, June 2003.

Lightman, E., "Economics: The Death of Social Policy?", School of Social Work, University of British Columbia, 2001

Lightman, E., "Social Policy Under Mike Harris: Lessons for B.C.", public lecture, Vancouver, BC. Co-sponsored by UBC School of Social Work, Canadian Centre for Policy Alternatives – BC, and Social Planning and Research Council (SPARC) of Vancouver, 2001

Lightman, E. and Ron Shor, "*Askanim* in Toronto and Israel". Canada-Israel Conference, Hebrew University of Jerusalem, June 2000.

Lightman, E and Uri Aviram, "The Ontario Advocacy Act". Canada-Israel Conference, Hebrew University of Jerusalem, June 2000.

Lightman, E. "The Market and Social Welfare", Presented at a conference in Beijing in June 2000

Lightman, E., "Social Welfare and the Importance of Community in the Year 2000" paper presented at two conferences in Korea, November 1998: "The Prospect and Problems of Social Fluctuations in the 21st Century", *'98 Symposium on Social Science*, Institute of Social Science Research, Taegu University, Taegu, Korea; and "Theory and Practice of Community Development in the 21st Century", *The Tenth International Conference of the Korean Association of Community Development*, Hypson University, Siwan, Korea.

Lightman, E., "Discharge planners and Unregulated Housing in Ontario", paper presented at First International Conference on Social work in Health and Mental Health Care, Jerusalem, 1995.

Lightman, E., "Marginalizing the Consumer", paper presented at conference on long-term care, Canadian Institute of Law and Medicine (1993)

Graham, B. and E. Lightman, "The Crunch: Financing Ontario's Social Programs", paper presented at conference, *Financing Social Programs in the Global Economy* (Queen's University, Kingston, Ontario, 1992).

Lightman, E., "Unregulated Housing for the Elderly in Ontario", paper presented at International Conference on Care of the Elderly, Hong Kong, 1991.

Lightman, E., " Vulnerable People, Accommodation and Community Care", seminar presentation, Dept of Applied Social Studies, City Polytechnic of Hong Kong, 1991.

Lightman, E., "Economic Policy, Democracy and the Welfare State", invited paper presented at Conference on Democracy and the Welfare State, Committee for the Study of Political Thought, Dalhousie University, Halifax, 1991.

Lightman, E., "Welfare in a Shrinking Welfare State", invited paper presented at Conference on Public Services under Declining Resources, Hebrew University, Jerusalem, 1990.

Lightman, E., "Canadian and American Attitudes to the Welfare State", paper presented at 25th Congress, International Association of Schools of Social Work, Lima, Peru, 1990.

Lightman, E., "Comparing Social Welfare in Canada and the U.S.", paper presented at Annual Meetings, Canadian Association of Schools of Social Work, 1990.

Lightman, E., "Work, the Dole and Social Welfare", paper presented at 10th International Symposium, International Federation of Social Workers, Stockholm, Sweden, 1988.

Lightman, E., "Earnings Disregards in Canada, Britain and Israel", paper presented at London School of Economics, University of Edinburgh and Hebrew University, Jerusalem, 1987-88.

Lightman, E., "Work Incentives Across Canada: Theory and Practice", paper presented at Third Conference on Interprovincial Social Welfare Policy, Banff, 1987.

Lightman, E., "Welfare Ideology, the Family, and the Market," paper presented at 23rd International Conference on Social Welfare, Tokyo, Japan, 1986.

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Lightman, E., "Canada and Neo-conservative Ideologies," paper presented, in various forms, at Tata Institute of Social Sciences, Bombay, and four other universities in India, Spring, 1985.

Lightman, E., "Federalism, Welfare Ideology and Legal Aid in Canada," paper presented at the Second Conference on Provincial Social Welfare Policy, University of Calgary (May, 1985).

Lightman, E., "If Not a Divorce, Then At Least I'm Movin' On: Another Look at Social Policy in Canada, "paper presented at the Canadian Social Administration Workshop, University of Regina (October, 1984).

Lightman, E., "The Private Sector and the Social Services: The Case of Prison Industry", paper presented at the London School of Economics, Universities of Bristol and Edinburgh, 1981-82.

Lightman, E., and B. Schlesinger, "Single Mothers: Admissions to Maternity Homes: An Exploratory Study (1978)". Paper presented to the Annual Meeting, American Orthopsychiatric Association, Toronto, April 1980. This paper was summarized in "Newsline", *Psychology Today*, Vol. 14, No. 7 (December, 1980).

Lightman, E., "Voluntary Blood Donorship - A Further Look at 'The Gift Relationship'." Paper presented to the Annual Meeting, Society for the Study of Social Problems, San Francisco, September, 1978.

Lightman, E., "Women's Studies for Men and Women," paper presented at Annual Meeting, Canadian Association of Schools of Social Work, Fredericton, June, 1977.

Lightman, E., "The Teaching of Poverty to Social Work Students in Canada," paper presented at Annual Meeting, Canadian Association of Schools of Social Work, Quebec City, May, 1976.

Lightman, E., "The Economics of Military Manpower Supply in Canada," paper presented at Winter Meetings, Econometric Society, Toronto, December, 1972.

Unpublished Papers

Lightman, E., A. Mitchell and D. Herd, *Tracking the Labour Market Experiences of Social Assistance Recipients in Canada, 1996-2001, using the Survey of Labour and Income Dynamics.* Report prepared for Statistics Canada, March 2006

Lightman, Ernie, Mitchell, A. and Herd, D., "Suspicion and Surveillance: Navigating Welfare's Bureaucratic Maze", Working Report #2, Social Assistance in the New Economy (SANE), Faculty of Social Work, University of Toronto, 2003.

Lightman, Ernie, Mitchell, A. and Herd, D., "Struggling to Survive: Ontario Works Recipients Talk About Life on Welfare", Working Report #1, Social Assistance in the New Economy (SANE), Faculty of Social Work, University of Toronto, 2003.

Lightman, E., *Work Incentives in Canada, Britain and Israel*: Hebrew University of Jerusalem, Canadian Studies Programme, Occasional Paper (1990)

Lightman, E., "Funding Long-term Care in Ontario: A Response to Strategies for Change," report prepared for Concerned Friends of Ontario Citizens in Care (1990).

Lightman, E., *Social Policy in Canada: Outlook for the 1980's*. Birmingham, England: University of Birmingham, Faculty of Commerce and Social Science, Occasional Paper, 1982, 24 pages. Portions of this paper appear in *Perception*, vol. 6, no. 1 (September-October, 1982); *Ontario Social Development Council Reporter*, vol. 28, no. 1 (Jan., 1983); *Social Policy and Administration Network Newsletter*, Issue No. 7 (Feb., 1983).

Lightman, E., *Industrial Work by Inmates in Correctional Institutions*. Toronto: Centre for Industrial Relations, University of Toronto, 1979, 100 pages.

Lightman, E., "Intake at Maternity Homes in Ontario: A Descriptive Analysis". Toronto: University of Toronto, Faculty of Social Work, 1979.

Lightman, E., "Intake at Ontario's Maternity Homes: Those Planning to Keep the Child and Those Intending to Give for Adoption." Toronto: University of Toronto, Faculty of Social Work, 1979.

Lightman, E., "Voluntary Blood Donorship - A Further Look at 'The Gift Relationship'." Toronto: University of Toronto, Faculty of Social Work, 1978.

Lightman, E., "Social Workers in Unions: Some Issues for Practice and Education." Toronto: University of Toronto, Faculty of Social Work, 1978.

Lightman, E., "User Charges in the Social Services: A Research Proposal." Toronto, 1977.

Lightman, E., "The Teaching of Poverty to Social Work Students in Canada." Toronto: University of Toronto, Faculty of Social Work, 1976.

Lightman, E., "The Internal and External Labour Markets for Inmates: A Research Proposal." Toronto: University of Toronto, Faculty of Social Work, 1976.

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Other Activities: Academic (since 1990)

2007-2008
Journal of Poverty, Journal referee

2006-2007
University of Manitoba, Faculty of Social Work, Baird Poskanzer Lecturer, "Globalization and Social Work Practice"

Journal of Social Policy, Journal referee

Social Policy and Administration, Journal referee

Journal of Poverty, Journal referee

University of British Columbia, External referee of candidate for promotion to Full Professor

2005-2006
Canadian Journal of Urban Research, Journal referee

Social Politics, Journal referee

Social Policy and Administration, Journal referee

Journal of Poverty, Member of Editorial board (ongoing role)

Journal of Poverty, journal referee

American Journal of Orthopsychiatry, journal referee

2004-2005
Journal of Poverty, Member of Editorial board (ongoing role)

University of Calgary, External referee of candidate for promotion and tenure, Faculty of Social Work

Statistics Canada, Research Data Centres, Member of Access Committee

Social Science and Humanities Research Council of Canada, external referee, grant application

University of Southern California, Invited panellist, conference, *NAFTA: The Prospects for Institutional Deepening* (Los Angeles: November 12)

Tel Aviv University, Israel, External referee of candidate for promotion and tenure, Bob Shappell School of Social Work,

Shastri Indo-Canadian Foundation, Project Appraiser

Oxford University Press, Appraiser of book prospectus

Canadian Scholars' Press/Canadian Women's Studies, Appraiser of book prospectus

Childcare Resource and Research Unit, University of Toronto, Member, Academic reference committee

University of Toronto Faculty of Law, Member, Discretionary Justice and Social Welfare Working Group

Roeher Institute, member of Research Network on Employment and Income (for people with disabilities)

2002-2003

Social Science and Humanities Research Council of Canada (Bora Laskin Fellowship), External referee

Shastri Indo-Canadian Foundation, Project appraiser

SSHRC-Statistics Canada, Member, Peer Review Committee, Canadian Initiative on Social Statistics

Childcare Resource and Research Unit, University of Toronto, Member, Academic reference committee

University of Toronto Faculty of Law, Member, Discretionary Justice and Social Welfare Working Group

Wayne State University-University of Windsor, Keynote panellist, 13th Annual Symposium (Windsor, March 28)

2001-2002

SSHRC-Kahanoff Foundation, External referee, grant application, Joint program on the Non-Profit Sector

SSHRC, External referee, Research grants program

Canadian Review of Social Policy, Member, Editorial Board,

Women's Health and Urban Life, Journal referee,

2000-2001
SSHRC, External referee, grant application

Canadian Review of Social Policy, Member, Editorial Board

CityWorlds journal, Member, Editorial Board

University of Toronto and Toronto Board of Education, Lecturer, Summer mentorship program,

1999-2000
Canadian Review of Social Policy, Journal referee

Canadian Social Work Review, Journal referee

LaTrobe University, Melbourne, Australia, Appraiser, candidate for head, school of social work

Hebrew University of Jerusalem, Appraiser, candidate for promotion to full professor, School of Social Work

University of Calgary, Appraiser, candidate for promotion to full professor, School of Social Work

Queens University, Member, Advisory Panel and Reviewer of Report, Social Union Initiative, Institute of Intergovernmental Affairs

1998-1999
Journal of Canadian Studies, Journal referee

Canadian Social Work Review, Journal referee

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Queens University, Member, Advisory Panel and Reviewer of Report, Social Union Initiative, Institute of Intergovernmental Affairs

1997-1998
Tri-University Social Action Committee, Panellist, Community Symposium

SSHRC, External appraiser, Research grants programme (2 separate proposals)

Wilfrid Laurier University, External examiner, DSW defence

Canadian Review of Social Policy, Board member

1996-1997 (On sabbatical)
Canadian Journal of Rehabilitation, Journal referee

Hebrew University of Jerusalem, Guest lecturer, School of social Work

Hebrew University of Jerusalem, Seminar presentation, School of Social Work

1995-96
University of Toronto, Graduate Dept of Community Health, External appraiser, MSc oral defence

OISE, Internal appraiser and doctoral committee member, Dept of Adult Education

University of Toronto Centre for International Studies, Discussant, two papers on payroll taxes and social security, conference, *Labour Market Policy in Canada and Latin America Under Economic Integration*

Canadian Review of Social Policy, Board member

Canadian Journal on Aging, Journal referee

University of Toronto, Speaker, field instructors' appreciation day, Faculty of social Work

1994-95
Canadian Review of Social Policy, Board member

Shastri Indo-Canadian Institute, Evaluator, India Studies Fellowship Competition

1993-94
Shastri Indo-Canadian Institute, Evaluator, India Studies Fellowship Competition

SSHRC, Evaluator, grant proposal

Osgoode Hall Law School, Guest lecturer

1991-92
Social Service Review, Journal referee

1990-91
Bishop's University, Lennoxville, Quebec, Member, Steering Committee, 5th Conference on Social Policy (Summer 1991)

Canadian Review of Social Policy, Referee, Research editor, and member of Board of Editors

Other Activities: Community (since 1990)

(In addition to the items enumerated below, there have been many telephone conversations and consultations with individuals in the community and agencies, but I have kept no records of these.)

2006-2007
Whitby Mental Health Centre, guest speaker, Social Workers Annual Retreat Day

Canadian Pensioners Concerned, guest speaker, Annual General Meeting, "The future of the Welfare State"

Canadian Association for Community Living/Caledon Institute, member, advisory committee for paper on disability and income supports

North York Harvest Food Bank, member of 'think tank'

Community Social Planning Council, Campaign 2000, Daily Bread Food Bank, and **St Christopher's House,** ongoing consultations (as research partners)

2005-2006
Community Social Planning Council of Toronto, member of Research Reference Group

The Ulyssean Society, Toronto, invited speaker, "Keeping Seniors at Home"

2004-2005

Coalition Against Psychiatric Abuse (CAPA), member of panel receiving testimony from "psychiatric survivors" at public hearings, Toronto

Chinese and South Asian Legal Aid Clinic, Toronto, Research Advisor,

Toronto City Summit Alliance, Member, Working Group on Income Security

Toronto City Summit Alliance, Member, Task Force on Income Security

ACESS (Alliance for Children's Entitlement to Social Security), Cape Town, South Africa, Research Advisor

2002-2003

Ve'ahavta (a Jewish humanitarian and relief agency), Board member and (later) advisor

Wellesley Central Urban Health Research Network, Member

Peterborough Community Legal Centre and Peterborough ODSP Action Group, Keynote Speaker, Public Forum, (Peterborough, May 12)

Southwest Ontario Community Legal Clinics, Keynote speaker, Spring 2003 Conference, (London, April 16)

Daily Bread Food Bank, Guest speaker, Easter Sunday Food drive, (Toronto, April 13)

Alberta Association of Social Workers, Guest speaker, annual conference (Edmonton, March 13)

Simon Fraser University, Keynote lecturer, Community Education Programs (Vancouver, Feb 10)

Health Sciences Association of Alberta, Consultant, salary arbitration

Charter Challenge to lifetime ban from welfare, Presentation of affidavit as expert witness

Campaign 2000, Adviser and reviewer of report (national and Ontario)

Canadian Centre for Policy Alternatives – B.C. Branch, Reviewer of report

2001-2002

University of British Columbia, Seminar presentation, *Economics: The Death of Social Policy?*, School of Social Work

UBC School of Social Work, Canadian Centre for Policy Alternatives – BC, and Social Planning and Research Council (SPARC) of Vancouver, Public lecture at Vancouver Public Library, *Social Policy Under Mike Harris: Lessons for B.C.*, Vancouver, BC.

Canadian Health Coalition, Advisor, report *Extendicare is not a model for medicare* A submission to the Standing Senate Committee on Social Affairs, Science and Technology

Roeher Institute (Canadian Association for Community Living), Advisor and resource person

Ontario Association of Food Banks, Research advisor

2000-2001
Centre for Equality Rights in Housing, National Association of Women and the Law, Centre for Research on Community Services, Group facilitator, conference on women, homelessness, and security of tenure, Ottawa

St Thomas, Ontario, Expert witness, inquest

Laidlaw Foundation, Project referee

Community Social Planning Council of Toronto, Member, research advisory committee

Campaign 2000, Resource Person

LIFT (Low Income Families Together), Member, Research Advisory Committee

HRDC, Project reviewer, Child Care Visions Program

1999-2000
St Michael's Hospital, Toronto, Guest speaker, Social Work Week

Roeher Institute, Project appraiser, , Toronto

Toronto Police Department, Resource person, Task Force on Elder Abuse

Ontario Association of Food Banks, Workshop leader, annual meeting

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Campaign 2000, Resource Person

LIFT (Low Income Families Together), Member, Research Advisory Committee

St Lawrence Centre, Toronto, Panellist, Town Hall Forum

Ralph Thornton Centre, Toronto, Guest speaker, Riverdale Student Union Learning Centre,

Community Social Planning Council of Toronto, Member, Policy and Research and Advisory Network

Ve'ahavta (Jewish humanitarian and relief committee), Panellist

1998-1999
LIFT (Low Income Families Together), Resource person

Centre for Equality Rights in Housing (CERA), Resource person

Roeher Institute, Report appraiser, Toronto

Hospital for Sick Children Foundation, Toronto, Project appraiser

1997-1998
Daily Bread Food Bank, Toronto, Keynote speaker, Annual meeting

1996-1997 (on sabbatical)
Community Advocacy/Project Genesis Israel, Jerusalem, Resource person,

1995-1996
Social Policy Forum, Toronto. Presentation, "Workfare and the Reform of Social Programs", in *Social Security Reform: What Are the Issues?*" Toronto

The Hospital for Sick Children Foundation, Project appraiser

Roeher Institute, Toronto, Consultant, Cost-effectiveness study of Deinstitutionalization Initiatives in Newfoundland and Prince Edward Island

St Lawrence Centre, Speaker, Town Hall Forum, and presenter, workshop on workfare (Social Planning Council, Toronto)

Canadian Council on Social Development, Invited participant, Roundtable on the Canada Health and Social Transfer, Toronto

Campaign 2000, Invited participant, expert panel on social investment strategies, Toronto

Daily Bread Food Bank, Toronto, Resource person

Consumer-Survivor Development Initiatives, Toronto, Resource person,

Charter challenge to welfare cuts, Expert witness (with affidavit filed)

The Together Movement (community-based lobby group, Toronto), Member, Steering committee

The Together Movement, Speaker, first conference

Ontario Association of Community Living, Keynote speaker, annual conference

Ontario Federation of Mental Health and Addiction Programs, Keynote speaker, annual conference

Association of Settlement Houses, Toronto, Keynote speaker, annual conference

Chatham Ontario, Keynote speaker, "Frail and Vulnerable Adults: Who Will Protect Them?", community forum

Canadian Pensioners Concerned (Ontario Division), Keynote speaker, Think Tank, Toronto.

Jewish Federation of Greater Toronto, Guest speaker, Social Planning and Community Support Services Committee,

Bayview Community Services, Toronto, Guest speaker, annual meeting

Housing Help Centre, Hamilton, Guest speaker, annual meeting

Canadian Association of Food Banks, Guest speaker, annual meeting

Global Development Network, Toronto, Guest speaker

Tzedek (The Jewish Campaign for Economic Justice) , Toronto, Panellist

Congress of Secular Jewish Organizations, Panellist, annual conference

Municipality of Metropolitan Toronto, Panellist, conference, International Day for the Elimination of Racism,.

1994-1995
Roeher Institute, Toronto, Consultant, Cost-effectiveness study of Deinstitutionalization Initiatives in Newfoundland and Prince Edward Island

United Nations World Summit on Social Development, Panellist, Ontario consultation

Ontario Association for Community Living, Panellist, annual meeting

Inquest, Toronto, Expert witness

Ontario Ministry of Health, Participant, expert focus group on the future of health care in Ontario, Deputy Minister's Office

Windsor legal aid clinics, Keynote speaker, "Housing Rights of Vulnerable People"

1993-1994
Various speeches and presentations based on Commission of Inquiry report, including testifying before legislative committee on Bill 120 (Residents' Rights Bill)

Law Reform Commission of Ontario, Invited participant, consultation on future research priorities

Committee on Social Assistance Reform, Toronto, Keynote speaker, community forum on "Workfare"

Supportive Housing Network of Kingston, Ontario, Keynote speaker, Annual meeting

Ontario Association for Community Living, Speaker, Annual meeting

Inquest, Expert witness, Chatham Ontario

Roeher Institute, Member, national advisory committee, project on violence and disability

Canadian Mental Health Association, Toronto, Member, national advisory committee, study on violence against persons with mental disabilities

1992-1993

Numerous presentations, briefings, etc. based on Government of Ontario secondment.

Advocacy Centre for the Elderly; Canadian Pensioners Concerned (Metro Chapter); Archway, Keynote speaker, annual meetings

Canadian Association for Community Living, Session facilitator and resource person, annual meeting, St John's Nfld.

2 inquests (Toronto and Windsor), Expert witness

Canadian Institute of Law and Medicine, Presentation to Conference on "New Directions in Long-Term Care", Toronto.

Scarborough Board of Education, Plenary presentation to High School Seniors OAC Economics Conference, "Can and Should Canada Afford a Full Social System?"

Roeher Institute, Caledon Institute of Social Policy and Premier's Council on Health, Resource person

1991-1992
On secondment to Government of Ontario. numerous presentations, speeches, briefings to different groups, agencies, bureaucracies.

1990-1991
Canadian Association of Food Banks, Advisor

Concerned Friends of Ontario Citizens in Care, Advisor

Other Activities: Prior to 1990

1989-90
Speaker and resource person, "*Transitions*: One Year After", conference, Social Planning Council of Toronto

Referee and member of Board of Editors, *Canadian Review of Social Policy.*

Consultant, Program Audit and Review Directorate, Health and Welfare Canada.

Keynote Speaker, Ministry of Community and Social Services, Branch Retreat.

Member, Community and Family Services Committee, Jewish Community Centre, Toronto.

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1988-89
Resource person, and member of Management committee, "SARC-PAC" (Social Assistance Review Committee - Public Awareness Campaign).

Speaker and resource person, "Disability and Poverty", national conference, Ottawa.

Speaker and resource person, Queen St. Mental Health Centre, Social Work Professional Day.

Speaker and resource person, "After SARC-What?", conference, Toronto.

1987-88
Refereed discussant on six papers dealing with unemployment in Canada. Third Conference on Interprovincial Social Welfare Policy, Banff.

Consultant, Ontario Social Assistance Review Committee.

1986-87
Journal referee, *Canadian Public Policy.*

Conference referee, 3rd Conference on Interprovincial Social Policy, Banff, Alberta.

Member, Advisory Board, Toronto Jewish Family and Child Service, Downtown Branch.

1985-86
Seminar presentation, Graduate Guest Speakers Series, McMaster University School of Social Work, Hamilton, Ontario.

Seminar presentation, Social Issues Committee, Children's Aid Society of Metropolitan Toronto.

Guest Lecturer (3 presentations), School of Social Work, Memorial University, St. John's, Newfoundland.

Research seminar/consultation, Hugh MacMillan Medical Centre (formerly Ontario Crippled Children's Centre), Toronto.

Member, Board of Directors, Metropolitan Toronto Social Planning Council.

Member, Employment and Social Security Review Group, Social Planning Council.
Member, Advisory Board, Toronto Jewish Family and Child Service, Downtown Branch.

1189

1984-85
Invited Participant, Social Policy Seminar, Institute for Research on Public Policy, Ottawa.

Speaker, Grand Rounds, Queen St. Mental Health Centre, Toronto. Topic: "The Economy and Its Effect on Mental Health Services."

Project Assessor, Social Science and Humanities Research Council of Canada.

Member, Board of Directors, Metropolitan Toronto Social Planning Council.

Member, Advisory Committee, Social Planning Council "Unemployed Fathers" project.

Journal referee, *The Social Worker*.

1983-84
Resource person, National Anti-Poverty Organization (Ottawa).

Panellist, "Problems of Middle Life", Clinical Day, Toronto East General Hospital, Department of Psychiatry.

Member, Advisory Board, Toronto Jewish Family and Child Service, Downtown Branch.

Member, Board of Directors, Metropolitan Toronto Social Planning Council.

1982-83
Resource person, Family Service Association of Toronto Social Policy Committee.

Resource person, Bureau of Municipal Research, Toronto.

Resource person, CJRT-FM Open University, Toronto.

1980-81
Panellist, "Poverty, Parenting and Politics," Joint Conference of Ontario Association of Children's Aid Societies-Child Welfare League of America, Central Region.

Book referee, Canadian Institute for Economic Policy.

Consultant, Canadian Red Cross, Ontario Division.
Member, Advisory Committee, University of Toronto Master of Industrial Relations Programme.

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1979-80
Resource person, Ontario Association of Professional Social Workers Conference, session on trade unionism. Geneva Park, Ontario, November, 1978.

Consultant, Canadian Red Cross, Ontario Division.

Member, Advisory Committee, University of Toronto Master of Industrial Relations Programme.

1978-79
Chairperson of Session, "Full Employment: Social Questions for Public Policy." *Urban Seminar Six*. (Toronto: Social Planning Council, September, 1978).

"A Profile of the Client - A Preliminary Report on Intake." Report presented to the Maternity Homes Association of Ontario, September, 1978.

Member, Board of Directors and Supervisor, Summer Research, *Opportunity for Advancement* (Toronto, 1978).

Consultant, Metropolitan Toronto Police Association, 1978. Contract Arbitration.

Member, Committee to Study the Doctoral Programme, University of Toronto, Faculty of Social Work.

Member, Advisory Committee, University of Toronto, Master of Industrial Relations Programme.

1977-78
Participant and advisor to follow-up committee, "Response to the Robarts Report", Metro Agencies Action Committee - Ontario Association of Professional Social Workers (Metro Branch), Joint Workshop.

Consultant, "Project Child Care", Social Planning Council of Metropolitan Toronto.

Member, Steering Committee, Master of Industrial Relations Programme, University of Toronto.

Lecturer, Economic Education Programme for Employees, Thompson Industries Ltd., St. Catharines, Ontario.

1976-77
Project Assessor and Consultant, Ontario Ministry of Labour, Research Division.

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Journal Referee, *Industrial Relations: A Journal of Economy and Society* (California).

Member, Advisory Committee, "The Adequacy of Social Allowances", Social Planning Council - Ontario Welfare Council project.

Consultant, Metropolitan Toronto Police Association, 1976. Contract Arbitration.

Consultant, "Project Child Care", Social Planning Council of Metropolitan Toronto.

Member, Steering Committee, Master of Industrial Relations Programme, University of Toronto.

1975-76
"The Plight of the Pound", commentary, *Money Matters*, CBC Radio (July, 1975).

Member, Advisory Committee, "The Adequacy of Social Allowances", Social Planning Council - Ontario Welfare Council project.

Guest speaker, Toronto Serv-A-Child Group.

Workshop presenter, University of Toronto, Faculty of Social Work Alumni Day.

Guest Lecture, Atkinson College, York University.

Consultant, Metropolitan Toronto Police Association, 1975. Contract Arbitration.

Member, Steering Committee, Master of Industrial Relations Programme, University of Toronto.

1974-75
"Britain's Incomes Policy", *Viewpoint*, C.B.C. Television (London, England).

"Wage-Price Controls for Canada?", C.B.C. Radio (London, England).

"Incomes Policy: Phase II", *Capital Reports*, C.B.C. Radio (London, England).

"PROPOSED CLASS PROCEEDING"

Court File Number: Imm-3045-08

FEDERAL COURT

BETWEEN:

JANOS ROBERT GUNTHER

and

JANOSNE (MARIA) GUNTHER

and

ANITA GUNTHER

and

MELINDA GUNTHER

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

ATTORNEY GENERAL OF CANADA

Respondents

AFFIDAVIT OF J. BRUCE PORTER

I, J. BRUCE PORTER, of Peninsula Lake in the District Municipality of Muskoka, make oath and say as:

A. Subject Matter of this Affidavit

1. In this affidavit, I have assessed the effect of the absence of a fee waiver for applications for Humanitarian and Compassionate consideration under the section 25(1) of the *Immigration and Refugee Protection Act* on social assistance recipients. In addition, I assess the effects on parents living in poverty, single mothers, racialized minorities, persons with disabilities and newcomers to Canada. In my opinion this policy conforms with and exacerbates prevailing patterns of prejudice and discrimination against these groups, has a profoundly negative effect on the dignity and security of these groups, and perpetuates the devaluing and exclusion of these groups. It compounds the effect of other discriminatory barriers and prevents members of these groups from accessing a procedure which provides for the consideration of their most basic human rights and personal dignity. I have concluded that the absence of a fee waiver for those living in poverty seeking Humanitarian and Compassionate consideration perpetuates negative stereotypes and stigma attached to social assistance recipients and low income families, newcomers, persons with disabilities and racialized minorities and robs them of the sense of being valued as members of society worthy of equal dignity and respect.

B. Qualifications and Experience

2. I am a consultant and researcher in the area of discrimination, poverty and human rights. I am the Director of the Social Rights Advocacy Centre, a non-profit organization which conducts research, public education and advocacy in the area of human rights and poverty. I am Co-Director, with Professor Martha Jackman of the University of Ottawa, of a major human rights research project funded by the Social Sciences and Humanities Research Council. This five year project, which began in 2004, involves four university partners and four non-governmental organizations, with eight lead researchers, a number of collaborating researchers and a significant number of student researchers. Access to justice for poor people is a key component of the research in this project.

3. Since 1994 I have also been the Co-ordinator of the Charter Committee on Poverty Issues, an organization which has played an important role in increasing the understanding of human rights issues confronting poor people in Canada. From 1987 to 2002 I was the Executive Director of the Centre for Equality Rights in Accommodation (CERA), a non-profit, charitable organization working with low income people facing discrimination in housing. In both of these capacities, I have had extensive experience working with people living in poverty and with immigrants to Canada who were living in poverty or who relied on social assistance.

4. I oversaw research at CERA on the link between poverty and citizenship status. This research was presented in a number of hearings before human rights boards of inquiry. The complaint of Catarina Luis, a refugee claimant from Angola, was considered in a major challenge to systemic discrimination in housing through the use of minimum income requirements (*Kearney et al v. Bramalea Ltd et al.*[1]) The Board of Inquiry, in that case, considered extensive evidence of the intersection of citizenship status and poverty and in a precedent setting decision, upheld on this point by the Divisional Court of Ontario, the Board found that policies which excluded low income families from housing because of low income constituted discrimination on the ground of citizenship because recent immigrants are more likely to have low incomes.

5. As Co-ordinator of the Charter Committee on Poverty Issues (CCPI) I played a central role in overseeing research for an intervention at the Supreme Court of Canada in *Baker v. Canada*, in which CCPI emphasized the importance for poor people to recognize the link between Charter values, international human rights values, and their importance in discretionary decisions made pursuant to Humanitarian and Compassionate Decisions. While it was unnecessary for the Court to address the issue of poverty and reliance on social assistance directly in its decision, I believe that CCPI's

[1] *Kearney et al. v. Bramalea Ltd et al* (1998), 34 CHRR D/1 (Ont. Bd. Inq.); finding of discrimination upheld in *Shelter Corporation et al. v. Ontario Human Rights Commission et al* (2001), 143 O.A.C. 54 (Ont. C.A.).

submissions as to the discriminatory attitudes displayed in the Immigration Officer's notes in relation to Ms. Baker's poverty, disability and reliance on welfare played a part in the Court's recognition that the exercise of discretion in this case was unreasonable and contrary to *Charter* and international human rights values.

6. I have published a significant number of articles and chapters of books on issues related to discrimination and discriminatory attitudes toward poor people, poverty and human rights. Recent and forthcoming publications are listed in my *curriculum vitae,* attached as 'Exhibit A' to this Affidavit.

7. I have also given speeches and lectures throughout Canada and around the world on poverty and human rights. I have been invited to speak on human rights, housing and poverty in Canada and internationally by, among others, the Office of the U.N. High Commissioner for Human Rights (at high level meetings in Oslo, Geneva and Beijing); the South African Constitutional Assembly (as one of two international guest speakers at a day of public hearings into the question of including social and economic rights in the new South African Constitution), the Inter-American Commission on Human Rights (on the right to housing in Canada); the Ministry of Foreign Affairs for France (at a high level international meeting of experts in Nantes, France); Forum Asia (on two occasions in South Asia), the United Nations Centre for Human Settlements (as a guest speaker for World Habitat day in New York), the Committee for the Administration of Justice, Queen's University, the Participation and Rights Project and the Bill of Rights

Consortium, all in Northern Ireland (to present guest lectures, meet with members of the Parliament, and sit on expert panels), the Irish Human Rights Commission (to present a paper to an international meeting of experts); the University of Barcelona (Faculty of Law); the Centre on Housing Rights and Evictions in Geneva, Switzerland and the National Law Centre on Poverty and Homelessness in Washington, D.C. For the last three years I have been an invited lecturer at an intensive one week course for academics and legal advocates from around the world, at the Human Rights Institute in Turku, Finland. Other speeches and presentations are listed in my *curriculum vitae*.

8. In Canada I have conducted extensive public education on human rights and poverty, and have been invited by, among others, the Canadian Bar Association, the Ontario Bar Association and the Canadian Association of Statutory Human Rights Agencies to speak on these issues at major conferences. I recently spoke at a series of workshops in major Canadian cities to judges and administrative decision-makers, funded by Heritage Canada, on the use of international human rights law in decisions affecting poor people in Canada.

9. I have also conducted extensive judicial education on poverty and access to justice both throughout Canada and internationally. The National Judicial Institute has retained me to provide keynote addresses at conferences of superior court judges in Alberta, Ontario, New Brunswick and Nova Scotia. Internationally, I have been retained

by the Office of the UN High Commissioner and the International Commission of Jurists to speak to judges from Japan, China, Mongolia and Korea at a meeting in Ulan Bataar, Mongolia. I have also provided training to legal advocates in South Asia, Latin America and the U.S.

10. I have been qualified as an expert before a number of tribunals and courts in Canada to give opinion evidence on the nature of discrimination against poor people; discriminatory stereotypes and prejudices applied to poor people and people relying on social assistance; on how these stereotypes intersect, interact and compare with discriminatory attitudes toward women, single mothers, people with disabilities, racialized minorities and other groups; on the nature of discrimination in the justice system affecting poor people and people on social assistance; and on the importance of considering international human rights values in the exercise of discretion in cases involving people living in poverty.

11. As will be noted from my c.v., a particular area of interest and expertise of mine is discriminatory attitudes and prejudice against families living in poverty and social assistance recipients and how such attitudes create barriers to ensuring the protection of the fundamental human rights of families. I have been qualified as an expert on discrimination, stereotype and stigma attached to parents, particularly in receipt of public assistance and people living poverty in a number of judicial proceedings. For example,

in *Falkiner v. Ontario*[2] I provided evidence on discrimination, prejudice and stereotypes experienced by single mothers and persons in receipt of public assistance and described how such attitudes and discriminatory barriers are perpetuated in regulations to Ontario Works defining spousal relationships.

12. I was qualified as an expert and provided evidence about prosecution and sentencing patterns for welfare fraud compared to other types of fraud in the Coroner's Inquest into the death of Kimberly Rogers (a pregnant woman who died while under house arrest for welfare fraud). I provided expert evidence on discrimination against social assistance recipients and those living in poverty within the criminal justice system and in policies related to welfare fraud in *Broomer et al. v. Ontario*, which was settled between the parties after the Government of Ontario agreed to repeal the imposition of a lifetime ban on receipt of social assistance for anyone convicted of welfare fraud.

13. I provided evidence with respect to prevalent discriminatory attitudes toward the poor and the homeless in *R. v. Clarke et al.* where the question of whether challenge for cause in jury selection may include questions related to bias against the poor and the homeless was raised. In that case, Justice Ferrier stated that he relied on my evidence and expertise in concluding that "there is widespread prejudice against the poor and the homeless" which "could incline a juror to a certain party or conclusion in a manner that is

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[2](200) 188 D.L.R. (4th) 52.

unfair." I provided expert evidence of discrimination toward the poor and those in receipt of public assistance in the justice system, in a *Charter* challenge to the imposition of a cost award on a litigant relying on Ontario Disability Support which would prevent him from pursuing his action.[3] Recently, I provided evidence on discrimination against the poor in relation to failure to allow for adjustment to hydro rates for low income households before the Nova Scotia Utilities and Review Board.[4]

14. A list of other cases in which I have provided expert evidence on discriminatory stereotypes and attitudes toward poor people, including those relying on social assistance, is contained in my curriculum vitae, attached as Exhibit 'A'.

15. The present affidavit draws on my extensive experience researching and working directly with low income families living in poverty and seeking access to courts or other bodies to assert or protect their fundamental human rights. It describes the nature of discrimination and negative stereotypes about poor families and social assistance recipients in Canada and the evolving recognition of the fact that these groups face discrimination that is analogous to other prohibited forms of discrimination.

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[3] KEYVAN RASEKHI NEJAD, MALIHE SHALI, KOMEIL RASEKHI NEJAD a minor under the age of 18 years by his Litigation Guardian KEYVAN RASEKHI NEJAD, and SOHEIL RASEKHI NEJAD a minor under the age of 18 years by his Litigation Guardian KEYVAN RASEKHI NEJAD and THOMAS VOLPE and THE GENERAL ACCIDENT ASSURANCE COMPANY OF CANADA (Respondents) (Ont. Div. Ct. File No. 328/03).

[4] NSUARB-NSPI-P-886(3)2008 NSUARB 1

C. Nature of Discriminatory Stereotypes and Treatment of Low Income Families and Social Assistance Recipients and Relationship of these to Discriminatory Stereotypes and Treatment of Women, Single Mothers, Persons with Disabilities, Racialized Minorities and Other Disadvantaged Groups

16. My work with low income families in need of housing dates back to the early 1980's when I first became involved in working with low income families with housing problems. At that time, a critical problem for low income families was a dramatic increase in discrimination in apartments against people with children. I was shocked, as a doctoral student studying "Social and Political Thought" to discover that in Canada, parents were being forced into the most inadequate and overpriced housing, and some even forced to relinquish their children to foster homes, because of widespread discrimination in housing. I helped to form a provincial coalition of families to press for changes to Ontario's *Human Rights Code* to prohibit discrimination on the basis of family status in apartments. The proposed changes to *the Human Rights Code* received all party support and were included in an amendment to the *Equality Rights Statute Law Amendment Act* (1986).

17. In the process of researching and lobbying on this issue, I became aware of the many discriminatory barriers facing low income families. This led to the idea of forming an organization to provide advice, assistance and representation to low income households facing discrimination in access to housing, and the formation of the Centre

for Equality Rights in Accommodation (CERA) in 1987, of which I was the Executive Director for fifteen years, working directly with approximately one thousand low income families seeking to affirm their basic human rights annually, many of which were newcomers and more than half of which relied on social assistance. During my years at CERA, as well as carrying out and directing extensive research into discriminatory barriers facing low income families, social assistance recipients, women, newcomers, people with disabilities and others facing discrimination in housing, I had direct contact with hundreds of low income individuals and families and heard first hand of their problems with discrimination and lack of access to justice to assert their human rights. I also provided research and reports to various federal and provincial ministries, departments and task forces on these issues, including Status of Women, the Toronto Mayor's Homelessness Action Task Force and the Canadian Human Rights Review Panel, chaired by former Supreme Court of Canada Justice Gerard LaForest.

18. Those who face discrimination in relation to their family status are primarily the poor. One of the first things I learned in my work in housing is that to understand discriminatory attitudes toward families with children in Canada, one must understand discriminatory attitudes toward poor people. Adult only policies among landlords increased dramatically in the 1980's when home ownership became impossible for low income families and low income families increasingly relied on rental apartments as the only available housing option. I learned in my work on this issue that the rise in discrimination against families in apartments had more to do with emerging attitudes

toward low income families, particularly single mothers and people relying on social assistance, than with more universal attitudes toward children. Adult only apartments were considered to be more "upscale" in the rental market in which tenants without children, such as young singles, childless couples or more elderly tend to be more affluent. We have become a society in Canada which values the parent-child relationship and the human rights attached to it more highly for higher income parents than for lower income parents.

19. Since CERA began its work in 1987, the trend toward discrimination against the poor has been on the increase. More than half of human rights claimants who contacted CERA in recent years reporting discrimination on any ground were in receipt of public assistance and most others were low income.

20. The close link between economic status, family status, sex, race, disability and other characteristics means that discriminatory exclusion of disadvantaged groups may focus on any of several characteristics or "proxies". Excluding families with children or households of a certain size is one very close proxy for economic status. Once adult only policies became illegal, the use of "minimum income criteria" became more prevalent in the rental market as a way to exclude low income families, who almost always have to pay a higher percentage of their income toward rent in order to provide housing for their children. Single mothers and social assistance recipients were almost completely excluded by such policies, and racial minorities and newcomers were much

less likely to qualify for apartments. We discovered in our research at CERA that apartment buildings which housed a large number of racialized minorities and newcomers in Toronto and other cities were the few which did not impose strict income, employment or credit requirements. The move toward this kind of segregation in the rental market in our cities has exacerbated the intersection of discriminatory attitudes toward the poor and attitudes toward racialized minorities and single mothers. Middle class "flight" from schools serving these groups is one manifestation of the increasingly discriminatory environment they face.

21. Prejudices and stereotypes about poor people intersect and overlap with other prejudices and discriminatory stereotypes. Racialized minorities are subjected to more discrimination when they are poor than when they are better off. Members of visible minorities arriving from impoverished countries tend to face more discrimination than those from more prosperous countries. Negative attitudes toward particular racialized minorities are often linked to negative attitudes toward extended families living together in one apartment or to families with more children.

22. In the private market, negative attitudes toward those who are less affluent is justified by landlords as just "good business". It is seen as "common sense" that lower income tenants or tenants who are paying a high percentage of their income toward rent are more likely to default on rent. Thus, a policy of denying apartments to such

applicants is seen by many landlords as a rational business decision rather than as any evidence of discriminatory attitudes.

23. To understand discriminatory attitudes toward the poor, it is necessary to put aside any of the traditional considerations linked with invidious motives and to consider the pattern of thinking that is involved. Behaviour which might seem neutral on its face, such as consideration of whether a person can afford an apartment, or charging a fee to ensure that a procedure is not abused, can only be seen if the effect of such behaviour on poor people and other disadvantaged groups is entirely erased from view. In other words, one can only imagine that a minimum income requirement for an apartment which excludes anyone on social assistance or the charging of a fee which social assistance recipients and other poor people are unable to pay is "neutral" if one pretends that poor people do not exist or refuses to consider their unique circumstances. It is not that the effect of the policy on poor people is unknown or unpredictable. It is simply seen as somehow acceptable to exclude such applicants from housing. This idea of what is "acceptable" is itself based on a devaluing of poor people.

24. Most provinces and territories have also now recognized those living in poverty as a group facing discrimination and requiring the protection of human rights legislation. Ontario's *Human Rights Code* prohibits discrimination on the ground of "receipt of public assistance" in housing. Nova Scotia's *Human Rights Act* prohibits discrimination in housing because "the individual or class of individuals receive income maintenance

[illegible]

payments from any level of government ..." Quebec's *Charter of Human Rights and Freedoms*, first passed in 1977, prohibits discrimination because of "social condition" which has since been interpreted to prohibit discrimination because of receipt of social assistance as well as discrimination because of poverty or low level of income. Saskatchewan prohibits discrimination because of "receipt of public assistance." Newfoundland prohibits discrimination because of "social origin." Manitoba, Alberta, Prince Edward Island and the Yukon prohibit discrimination because of "source of income" in their human rights legislation and British Columbia's *Residential Tenancy Act* prohibits the denial of rental accommodation on the basis of "lawful source of income." This protection has been interpreted to include protection from refusals based on the level of income people receive on social assistance.

25. The *Canadian Human Rights Act* is the only human rights legislation in Canada which does not include "social condition" as a prohibited ground of discrimination. Tge *Canadian Human Rights Act* was reviewed by a special review panel chaired by former Supreme Court Justice Gerard Laforest at the request of the Minister of Justice. The panel was requested to consider, among other things, whether the ground "social condition" should be added to the *Act*. After extensive research and consultation, the panel released a report entitled *Promoting Equality*, in which it recommended the inclusion of social condition as a prohibited ground of discrimination in all areas covered by the *Act*. The panel stated that:

> Our research papers and the submissions we received provided us with ample evidence of widespread discrimination based on characteristics related to social conditions, such as poverty, low education, homelessness and illiteracy. We believe there is a need to protect people who are poor from discrimination. ...
>
> We believe it is essential to protect the most destitute in Canadian society against discrimination. At the very least, the addition of this ground would ensure there is a means to challenge stereotypes about the poor in the policies of private and public institutions. We feel that this ground would perform an important educational function.

26. Discrimination against poor people and parents living in poverty is based largely on characteristics that are imputed to the members of the group with little or no evidence. Social assistance recipients, for example, are often imagined to be able-bodied men who are idle at the expense of the "generous" tax-payer. In fact, the majority of those relying on social assistance are women, children and persons with disabilities. Poor people are often characterized as being dishonest and irresponsible with money when in fact they are forced to develop budgeting skills that are far superior to those of more affluent households. Even as one who works with low income families, I find it difficult to imagine how, for example, a mother with two children survives on an income of just over $13,000 a year on social assistance, when this amount would barely cover the cost of an average rent, two bedroom apartment in Toronto. Though not explicitly based on a moral condemnation of poor people, an insistence by governments that anyone who cannot pay a fee will be denied access to Humanitarian and Compassionate consideration has similar discriminatory logic and effect.

27. One is likely to be surprised when we test common stereotypes against the facts. Low income tenants, for example, are widely believed by landlords to pose a greater risk of default on rent, and refused apartments on the basis that they would be paying too high a percentage of their income toward rent. In fact, studies have shown no difference in the risk of default associated with low income tenants.

28. Discrimination against the poor is related to the demographic make-up of the poor. Economic and social trends such as the feminization of poverty, the break-up of the traditional family, widespread poverty among female-led single parent families, persons with disabilities, Aboriginal people, and newcomers to Canada means that discriminatory attitudes toward the poor intersect and interact with attitudes toward these other groups. Discrimination against the poor often masks hostility toward those groups which are over-represented among the poor and may provide a more acceptable gloss on invidious discriminatory attitudes toward racialized minorities, people with disabilities, single mothers or newcomers.

29. Many instances of discrimination against poor people are disturbingly reminiscent of the most destructive forms of racial discrimination. Theories of the genetic inferiority of the poor are not uncommon. Closely related to this is a widespread resentment against poor people for having children, the myth that they are procreating at a higher

than normal rate, the devaluing of their value as parents and the lower value placed on family unity for poor families than for more affluent ones. A denial of low income parents access to H & C consideration conforms with a prevailing pattern of devaluing these parents and families.

30. While crass ideas of genetic inferiority may be rarely spoken in the more professional community, it is nevertheless common to hear that the problem of poverty is primarily a problem of people having children who should not have had children. One of the most dramatic changes in attitudes toward poor people in the last 20 years is the increasing acceptability of the idea that this group in society does not even have the right to procreate.

31. Low income parents are branded as irresponsible for having had children and then falsely labeled as inferior parents after they have children. Those trying to combat poverty in the 1990's learned that hostility toward adults living in poverty had become so widespread in Canada that it was best to talk exclusively about "child poverty" and avoid any reference to the parents of children living in poverty. As Rick Salutin asked in the *Globe and Mail* a few years ago, "where are the parents of these poor children. Are they not also poor?" The denial of H & C consideration to members of this group exacerbates a prevailing pattern of exclusion and failure to consider them as members of society deserving of equal respect and consideration.

32. The parenting skills of low income parents are frequently disparaged. Problems encountered by children living in poverty which used to be attributed to the negative effects of living in poverty now are blamed on the parenting skills of low income parents and single mothers. Schools with a high proportion of children from low income households, usually also with a higher number of immigrant families, and a higher proportion of racialized groups, are now branded as undesirable or lower quality and more affluent families living in mixed income downtown neighbourhoods frequently drive their children to schools in other neighbourhoods with less poverty. One frequently hears assertions that the problems in the schools are related to the number of children from single mother households.

33. While I am aware of the serious obstacles confronting low income single mothers and parents relying on social assistance, including higher rates of illiteracy among the parents, I have also been struck, in my own work with this group, at their incredible determination to ensure that their children receive a good education. This led me to request a special run from data available through Statistics Canada on the reading habits of parents. Surprisingly, the available data suggested that single mothers and parents on social assistance actually ensure that their children are read to as much or more than is the case with two parent households not on social assistance.

34. Attitudes toward larger families associated with immigrant families have also turned more hostile in recent years. Romantic images of the morally upright and self-sufficient immigrant families with a number of children have been replaced with the discriminatory stereotype of the immigrant parent or parent with a large family that presumes on the "generosity" of "Canadians". When immigrants run into any type of hardship, linked with disability, poverty or domestic violence, rather than invoking sympathy and compassion, there is now a tendency toward a more hostile attitude toward any immigrant who is not "paying his or her own way." This is the kind of attitude which was evidenced in the notes of the Immigration Officer in the case of Mavis Baker, found to be unreasonable by the Supreme Court of Canada. Noting that Ms. Baker had a mental disability and had relied on welfare as a result, the Officer completely ignored all of her hard work as a domestic worker or her value as a mother of four Canadian-born children. The immigration officer wrote:

> She will of course be a tremendous strain on our social welfare systems for (probably) the rest of her life. There are no H&C factors other than her Four CANADIAN-BORN CHILDREN. Do we let her stay because of that? I am of the opinion that Canada can no longer afford this type of generosity.

35. These types of discriminatory attitudes which devalue the contributions of immigrants living in poverty, dealing with disabilities or other hardship, both as parents

and as productive members of society, though entirely ill-founded and without any empirical validity, have had a profound effect on government policies. Provincial policies to attack "welfare fraud" and cut welfare rates in the mid-1990's were in large part responses to dramatic shifts in public opinion polls after the recession of the early 1990's. While the rise in unemployment and poverty in the early 1990's was clearly the result of larger economic forces, low income people, particularly those on social assistance, became a target for scapegoating. As a confidential memorandum prepared by the public opinion firm EKOS for the federal government in 1997 explained, the more affluent tended increasingly to attribute poverty to moral failures. "Lack of responsibility, effort or family skills were universally cited explanations."

> Welfare recipients are seen in unremittingly negative terms by the economically secure. Vivid stereotypes (bingo, booze, etc.) reveal a range of images of SARs [social assistance recipients] from indolent and feeble to instrumental abusers of the system. Few seem to reconcile these hostile images of SARs as authors of their own misfortune with a parallel consensus that endemic structural unemployment will be a fixed feature of the new economy.[5]

36. Poor people suffer everyday assaults on dignity and self-esteem. For example, social assistance recipients use drug benefit cards for purchasing prescription drugs and are therefore distinguishable from other customers. Several have reported to me that once it is known they are social assistance recipients, they are made to wait until

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[5]Ekos Research Associates Inc., *Memorandum Concerning Child Poverty Focus Groups: Revised Conclusions* (February 4, 1997). Secured through a Freedom of Information Request.

everyone else is served even when they were the first to request service. While many families tend to go shopping on pay day, cashiers in grocery stores may make comments about social assistance recipients coming to shop when their cheques come in, as if there is something morally inferior about this pattern.

37. Another familiar pattern is the paternalistic attitudes that are used to justify discrimination is paternalistic notions that poor people must be encouraged to improve themselves and to learn to "pay their own way" in society. Shoppers will monitor the groceries of people known to be on social assistance to see if they are purchasing anything that is not a necessity. Landlords and social housing providers inform low income applicants that they are being refused the most affordable housing they can find "for their own good." Whereas affluent households frequently benefit from government subsidies to keep costs down, government policy has responded to growing prejudice and hostility or paternalism toward social assistance recipients and other poor people by seeking to ensure that they "pay their own way." The imposition of fees without consideration of their effect on poor people conforms with this discriminatory pattern.

38. Stigmatization is another common feature of discrimination against low income individuals and households. Housing developments which are targeted to poor people invariably meet with community resistance. Concerns raised include all of those raised in racially discriminatory neighbourhood reactions in the past - declining property values,

increased crime and violence, fear for the children, and concerns about "ghettoization". Negative assumptions are made about children when it is discovered they are living in a low income housing project or that their family relies on welfare. Denying access to humanitarian and compassionate consideration conforms with this pattern of marginalization and exclusion.

39. Another feature of discriminatory attitudes toward poor people is the tendency to ignore the obvious effect of a policy or requirement on this group. There is an increasing resistance to acknowledging and addressing the effects of policies and requirements on poor families which effectively erases their recognition as human beings equally deserving of respect and consideration. School fees for class activities, for example, have become increasingly common, with little consideration given to the effects these have on the rights of children living in poverty to dignity and equality in school. The effects of an increasing tendency to impose "same treatment" on poor people with respect to fees and other requirements may have devastating consequences. In order to try to ensure that their children have access to educational activities, women may choose to return to or remain with abusive partners or remain in abusive work situations. Families may feel that they must relinquish their children to the Children's Aid Society in order to ensure that they have access to basic dignity and security, education, housing and nutrition. I have witnessed these outcomes among families I have worked with, and have been deeply disturbed by a growing acceptance that somehow such outcomes are

tolerable in Canadian society. The refusal to provide for a waiver of the H & C consideration fee conforms with and exacerbates these discriminatory patterns.

D. The Loss of an Effective Democratic Voice and the Increased Need for Legal Recourse

40. Poor people in Canada have lost many of the traditional avenues through which to bring their concerns to the attention of the public and of governments. Whereas in the past, social policy related to poverty alleviation was a prominent feature of election campaigns, legislative debate and committee hearings, it has in recent years increasingly been shifted to the domain of closed-door inter-ministerial meetings or negotiations with trading partners and international financial institutions. Poor people are increasingly dependent on alternative institutional processes which may permit marginalized groups to get a hearing. I have assisted poor people to make use of human rights complaint processes, judicial processes such as challenges under the *Canadian Charter of Rights and Freedoms* and processes available under international human rights law as means to ensure that fundamental human rights of the poor receive attention.

41. Legislative and parliamentary hearings into poverty issues have become rare and ineffective. Much social policy affecting poor people is now put into effect by way of

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regulation rather than legislation, and not subject to hearings in same way as legislation. Many of the most critical decisions about social policy related to poverty are now made through inter-ministerial meetings. There are no opportunities for poor people to make submissions to these and no minutes of meetings.

42. With the erosion of democratic voice, poor people become increasingly dependent on legally mandated procedures for the consideration of their rights and circumstances. However, many of these avenues have also been closed. For example, under the Canada Assistance Plan (CAP), in place from 1967 to 1996, provinces were required to ensure that anyone in need was provided with assistance to cover basic requirements such as food, clothing and housing and provided for federal cost-sharing of civil legal aid to increase access to justice for the poor. A person who felt that a provincial program or policy did not comply with requirements under CAP could be granted "public interest standing" in court to provoke a review of the program for compliance with this requirement. This critical ability to gain "public interest standing" was lost when the Canada Assistance Plan was revoked by the Government of Canada, without any debate or discussion, by way of the *Budget Implementation* Act in 1995.

A denial of access to H & C consideration under the Immigration and Refugee Protection Act to those unable to pay the fee conforms with this growing pattern of

exclusion from consideration of the unique needs and circumstances of poor people by decision-makers, and exacerbates existing discriminatory patterns in Canadian society.

E. The Importance of Recourse to International Human Rights Values to Poor People, Women, Single Mothers, Racialized Minorities, Disabled Persons and Newcomers

43. Faced with an increasingly discriminatory environment at home, poor people in Canada have, like Aboriginal people, refugees and other disenfranchised groups, increasingly turned to international human rights treaties ratified by Canada to affirm their fundamental human right to equal dignity and consideration. They have increasingly relied on international human rights values in trying to ensure fair and reasonable decision-making in relation to their circumstances. I have assisted poor people to attend and/or participate in United Nations human rights treaty monitoring bodies' reviews of Canadian governments' compliance with the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination Against Women*.

44. References to fundamental human rights under international human rights law have been critical for poor people and other disadvantaged groups in Canada in their

struggle for dignity and equality. The provisions of international human rights covenants and international human rights jurisprudence clarify the obligations of governments toward vulnerable groups such as newcomers, poor people, women, families, persons with disabilities, children and racialized minorities, providing important guidance to domestic decision-makers about how to exercise discretion reasonably or how to interpret and apply statutes as they apply to vulnerable groups. International human rights values are therefore of particular importance to these groups. Procedures through which these values may be considered and applied to their circumstances, including H & C consideration, are of critical importance to them.

45. UN Committees monitoring Canada's compliance with all of the above-mentioned human rights treaties have focused their concerns with respect to Canada in recent reviews on the problems associated with poverty. Stronger concerns have been expressed about emerging patterns of discrimination against the poor in Canada than in any other country, with particular emphasis on the emerging inequality, strongly linked with poverty, among women, single mothers, African-Canadians and people with disabilities. All of these UN Committees have joined the Committee on the Rights of the Child in expressing unprecedented concerns about the plight of children living in impoverished households and the systemic denial of their fundamental human rights because of discrimination against their parents.

F. The Effect of the Absence of A Fee Waiver for H & C Consideration

46. The absence of a fee waiver for H & C Consideratiion under the *Immigration and Refugee Protection Act* represents a profound and unequivocal assault on the dignity and equality of poor people and those in need of or relying on social assistance. The effect of a refusal to waive the fee for those who cannot afford to pay it denies poor people access to the procedure or, in some cases, allows them access to the procedure only by sacrificing necessities that are recognized as components of fundamental human rights, dignity and security, such as adequate food, clothing and housing.

47. Some potential applicants unable to pay the fee may try to beg for or borrow the money necessary. Many lack any contacts with potential donors. The discriminatory attitudes that I have described above also affect access to charitable money. More importantly, however, forcing poor people to rely on charity to mitigate the effects of an exclusionary policy is itself discriminatory. It is analogous to suggesting that a person with a disability who asks to be treated equally by an employer could achieve equality by securing assistance from a charity, so as to mitigate the effect of the employer's discriminatory conduct.

48. The absence of a fee waiver policy for low income applicants for H & C consideration denies poor people, those who rely on or need social assistance and other groups identified above a critical interest that is directly related to personal dignity and

security. Denying potential applicants for H & C consideration, because of their inability to pay a fee, their opportunity to have their fundamental human rights, their children's fundamental human rights, and the best interests of their children considered in relation to decisions as critical as deportation from or the ability to live in or receive permanent residence status in Canada represents a profound assault on their dignity. The fact that the Supreme Court of Canada has directed that H & C consideration must be consistent with fundamental values of international human rights law and with the Canadian Charter of Rights and Freedoms highlights the critical dignity issues at stake for vulnerable groups such as poor people. In my work with poor people, I have found that any procedure through which they may have the values entrenched in international human rights and the *Charter* considered in the context of their unique circumstances is of critical importance to their enjoyment of equality. The fact that the interest at stake in H & C consideration under section 25(1) may involve a possible separation of parents from children or loss of enjoyment of fundamental human rights such as access to food or housing makes the assault on equality and dignity even more profound.

49. Should the absence of a fee waiver for H & C consideratiion remain in place, the rights affirmed in the decision of the Supreme Court of Canada in *Baker*, to reasonable consideration, consistent with international human rights values, of such significance and importance for poor people, women, newcomers, racialized minorities and others would be rendered illusory. The right to the reasonable and non-discriminatory H & C

consideration, informed by the values of international human rights, would be denied to those who cannot afford to pay the fee.

50. The absence of a fee waiver institutionalizes a refusal to accord to poor families the dignity and respect due to any individual and any family. It conforms with prevailing patterns of discrimination against poor families described above, by devaluing low income parents and families, denying them meaningful participation in society, and denying them consideration of the most fundamental human rights and humanitarian values in relation to their unique circumstances. The challenge brought by the applicants in the present case raise issues of profound importance to the equality rights of poor people, women, families, newcomers, persons with disabilities and racialized groups in Canada.

SWORN BEFORE ME at Dwight)
In the Township of Lake of Bays)
In the District of Muskoka)
This 19th day of September 2008)

J. Bruce Porter

Kelly Stronks
COMMISSIONER etc

Kelly Bryce Stronks, a Commissioner, etc.,
District Municipality of Muskoka, for the
Corporation of the Township of Lake of Bays.
Expires October 5, 2010.

This is Exhibit "A"
the Affidavit of Bru
Porter
Kelly Stronks

1223

Kelly Bryce Stronks, a Commissioner,
District Municipality of Muskoka, for
Corporation of the Township of Lake of E
Expires October 5, 2010.

Curriculum Vitae

J. Bruce Porter

Education

- M.A. Intellectual History, University of Sussex, Falmer, Brighton, U.K., 1975.
- B.A. Honours (First Class) History, Queen's University, Kingston, Ontario, 1970-74.

Academic Awards

- Social Sciences and Humanities Research Scholarship, 1977, 1978, 1979, 1980.

Employment

Human Rights Consultant, Director, Social Rights Advocacy Centre

October 2002 to present

- Research, advocacy in human rights, poverty and housing, public interest advocacy and international human rights.
- Developed and now co-directing the Social Rights Accountability Project, a five year research project into social rights involving five universities and four non-governmental organizations, funded by the Social Sciences and Humanities Research Council - Community University Research Alliance.
- Co-ordinate the work of the Charter Committee on Poverty Issues, including interventions in the Supreme Court of Canada and appearances before International and Regional Human Rights Bodies.
- Expert Witness before courts, tribunals, inquests.
- Published numerous book chapters and articles.
- Lecturer and guest speaker at universities and conferences throughout Canada and internationally.
- Assisted in developing caselaw database for ESCR-Net.

- Member of the Steering Committee of the International Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Executive Director, Centre for Equality Rights in Accommodation (CERA),

1986 - September, 2002

- CERA represented more human rights claimants in housing than any other organization in Canada and was known internationally for its work on systemic issues of homelessness, poverty and human rights in housing.

- Supervised a permanent staff of 7, student placements and volunteers in offices in Toronto, Ottawa and Windsor. Directed litigation, law reform and international human rights work, as well as fundraising and board liason. Represented human rights claimants at Human Rights Commission, before human rights tribunals and supervised lawyers and other staff in human rights cases. Supervised and conducted extensive research into human rights in housing and barriers facing low income families in need of appropriate and affordable housing.

- Represented three low income women in precedent setting systemic challenge at to discrimination in housing based on low income (*Kearney et al.* V. *Bramalea Ltd et al.* First case to establish that discrimination because of poverty in housing is a form of race and sex discrimination. Subsequently represented claimants in other precedent setting cases dealing with income discrimination, credit, employment and reference requirements in housing.

- Assisted South African NGOs to develop proposals for the protection of social and economic rights in the South African Constitution and was one of two invited international experts to address the South African Constitutional Assembly's day of public hearings on social and economic rights. Since then have worked with South African advocates in developing litigation strategies and assisted in developing intervener's argument before the South African Constitutional Court.

- Provided research and recommendations on reform of the *Canadian Human Rights Act* addressing poverty issues for Status of Women Canada and for the Canadian Human Rights Act Review Panel, chaired by the former Chief Justice Gerard La Forest.

- Conducted extensive research into human rights in housing and barriers facing low income households in need of housing, including a paper on Women and

Housing prepared for Status of Women, Canada and a Background Paper on Human Rights, Access and Equity, published by the Mayor's Homelessness Action Task Force in Toronto.

- Hosted an international meeting of advocates in area of social rights and assisted in establishing the International Network on Economic, Social and Cultural Rights (ESCR-Net).

- Participated as invited expert in international meetings on social and economic rights, including two in Thailand providing the basis for two books on social and economic human rights, *Ripple in Still Water*, and *Circle of Rights*; interviewed for a film on international advocacy for economic, social and cultural rights (*Out of the Shadows*).

- Helped to organize and presented training in Bankok, Thailand to South Asian lawyers on the use of U.N. treaty monitoring bodies in domestic litigation.

- Founding member of NGO Committee on International Human Rights in Trade and Investment and worked in various capacities on issues of globalization and the justiciability of social and economic rights.

- Attended meeting of social and economic rights advocates in Quito, Ecuador, which gave rise to the Quito Declaration on Economic, Social and Cultural rights.

- Drafted Submissions of the international human rights caucus to the United Nations World Conference Habitat II.

- Member of the Special Advisory Committee to the Premier of Ontario on a Social Charter. Subsequently co-ordinated the development of an alternative social charter adopted by 40 national NGOs and put forward for consideration during 1992 constitutional discussions in Canada. Invited by the Senate Joint Committee on a Renewed Canada to present this alternative.

Co-ordinator, Charter Committee on Poverty Issues (CCPI) 1994 - present.

- CCPI is a national committee of anti-poverty and human rights advocates in Canada developed in 1989 to ensure that poverty issues were more effectively addressed by Canadian courts and the legal community. Helped to establish CCPI in 1989 and became co-ordinator in 1994.

- Organize and oversee test case initiatives or interventions before Canadian courts and tribunals and before international human rights treaty monitoring bodies. Work with

prominent human rights litigators in Canada and occasionally deliver submissions on behalf of CCPI, particularly before international human rights treaty monitoring bodies.

- Co-ordinated 11 interventions by CCPI before the Supreme Court of Canada and played active role in preparing pleadings, including in *Chaoulli v.Quebec, R.* v. *Wu, Gosselin v. Quebec, Baker v. Canada* and *G(J) v. New Brunswick.*

- Petitioned the U.N. Committee on Economic, Social and Cultural Rights for procedural reform allowing NGO oral submissions with respect to Periodic Reviews in 1993 at Canada's Second Periodic Review under the International Covenant on Economic, Social and Cultural Rights (CESCR) in Geneva. This resulted in domestic NGO's being allowed, for the first time, to make oral presentations before a UN treaty monitoring body during the periodic review process, and established the basis for important procedural reform at the CESCR and other committees.

- Made submissions on behalf of a coalition of Canadian NGOs to the U.N. Human Rights Committee during Canada's Fourth Periodic Review in 1999 on issues of homelessness and poverty in Canada. The concluding observations of the HRC established for the first time that in a country as affluent as Canada, the protection of the right to life under Article 6 requires positive measures to address homelessness.

Selected Publications

i) Written Expert Evidence in Social Rights or Test Case Litigation

- *Denise Boulter et al. v Nova Scotia Poer Inc.., et al. (NSUARB-P-886(3)) [access to utilities for the poor]*

- Andrew Graham et al. v. Ontario (Attorney General) et al *(Ontario Superior Court of Justice File No. 02-CV-232667CM3)*

- Keyvan Rasekhi Nejad, Malihe Shali, Komeil Rasekhi Nejad A Minor Under the Age of 18 Years by his Litigation Guardian Keyvan Rasekhi Nejad, And Soheil Rasekhi Nejad a Minor Under the Age Of 18 Years by his Litigation Guardian Keyvan Rasekhi Nejad *v.* Thomas Volpe and The General Accident Assurance Company Of Canada *(Ontario Superior Court Of Justice Div. Ct. File No. 328/03) [access to justice for poor]*

- Andrew Graham et al. v. Ontario (Attorney General) et al *Ontario Superior Court of Justice File No. 02-CV-232667CM3 [access to social assistance]*

- Dale Broomer et al v. Ontario (Attorney General) et al , *Ontario Superior Court of*

Justice (Divisional Court) File No.: 420/0 [Charter challenge to lifetime ban from social assistance]

- Ontario Municipal Board File No. R030064, *OMB Decision No. 0569 (May 15, 2004) [challenge to zoning restrictions on shelters]*

- *R. v. Clarke, [2003] O.J. No. 3883 (Ferrier, J.) [Court found that discriminatory attitudes about poor people are analogous to racial prejudice and constitute grounds for challenge for cause in jury selection]*

- Ontario Ministry of Public Safety and Security, Office of the Chief Coroner, Inquest Into the death of Kimberly Ann Rogers, *(Verdict of the Jury released 19 December, 2002)* [inquest into death of pregnant woman banned from receipt of public assistance upon conviction for fraud for attending university without disclosure, recommending increased social assistance rates and revoking of lifetime ban on receipt of assistance after conviction for welfare fraud]

- *Falkiner v. Ontario* (2000), 188 D.L.R. (4th) 52; *Falkiner v. Ontario (Ministry of Community & Social Services)*, [2002] 59 O.R. (3d) 481 (C.A.) [Precedent setting determination that receipt of public assistance is a prohibited ground of discrimination under the Canadian Charter, and striking down the "spouse in the house" rule in social assistance in Ontario.]

- *Masse v. Ontario Ministry of Community and Social Services* (1996), 134 D.L.R. (4th) 20 [Charter challenge to 21.6 % cuts to social assistance rates in Ontario which forced tens of thousands of households out of their homes and left many homeless].

ii) Research Publications

"Justiciability of Social and Economic Rights in Canada", in M. Langford, ed., *Socio-Economic Rights Jurisprudence: Emerging Trends in Comparative International Law* (Cambridge: Cambridge University Press, forthcoming) with

"Expectations of Equality" (2006) 33 *Supreme Court Law Review 23*; also in Sheila McIntyre & Sanda Rodgers, eds., *Diminishing Returns: Inequality and the Canadian Charter of Rights and Freedoms* (Toronto: LexisNexis, 2006)

"Socio-Economic Rights in a domestic charter of rights - a Canadian perspective" in *Human Rights and Peace-Building in Northern Ireland: an international anthology* (Committee on the Administration of Justice: Belfast, January 2006)

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"Claiming Adjudicative Space: Social Rights, Equality and Citizenship" in M. Young, S. Boyd, G. Brodsky, S. Day eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (Vancouver: U.B.C. Press, 2007) 77-95.

"The Crisis in ESC Rights and Strategies for Addressing It" in John Squires, Malcolm Langford and Bret Thiele (eds), *The Road to a Remedy* (Sydney: University of South Wales Press, 2006).

"Canadian Constitutional Challenge to NAFTA Raises Critical Issues of Human Rights in Trade and Investment Regimes" (2005) 2(4) *ESC Rights Law Quarterly*

"A right to healthcare – Only if you can pay for it" (2005) 6(4) *ESR Review*.

Twenty Years of Equality Rights: Reclaiming Expectations (2005) 23 (1) *Windsor Y.B. Access Just* 145- 192.

"ReWriting the *Charter* at 20 or Reading it Right: The Challenge of Poverty and Homelessness in Canada" in Wesley Cragg and Christine Koggel (eds) *Contemporary Moral Issues*, Fifth Canadian Edition, (Toronto: McGraw-Hill Ryerson, 2005) 373 – 386.

"Homelessness, Human Rights, Litigation and Law Reform: A View from Canada" (2004) 10(2) *AJHR* 133- 165.

"The Human Right to Adequate Housing: Making the Case in U.S. Advocacy" (2004) 38 (3-4) *Clearinghouse Review: Journal of Poverty Law and Policy* 97 – 114. (with Maria Foscarinis, Brad Paul, Andrew Scherer).

"The Right to Adequate Housing in Canada" in Scott Leckie (ed) *National Perspectives on Housing Rights*, (New York: Kluwer/Nijhoff, 2003).

"Judging Poverty: Using International Human Rights Law to Refine the Scope of Charter Rights" *15 Journal of Law and Social Policy* (June, 2000).

"Women's Substantive Equality and the Protection of Social and Economic Rights Under the Canadian Human Rights Act," co-authored with Martha Jackman, in *Women and the Canadian Human Rights Act: A collection of policy research reports* (Ottawa: Status of Women Canada, 1999) p.43. Published in both French and English and online at <www.swc-cfc.gc.ca/direct.html>.

"Screening Rights: The Denial of the Right to Adjudication in the Canadian Human Rights Act and How to Remedy It," co-authored with Joanna Birenbaum (Ottawa: Canadian Human Rights Act Review Panel, 1999).

"Using Human Rights Treaty Monitoring Bodies in Domestic Social And Economic Rights Advocacy: Notes From Canada" in *Economic and Social Rights Review*, vol. 2, no. 5 (July 1999).

"Social Rights and the Question of a Social Charter," in Paul Leduc Browne (ed) *Finding Our Collective Voice, Options for a New Social Union* (Ottawa: Canadian Centre for Policy Alternatives, 1998) at p. 59.

"The Right to Housing: From Rhetoric to Practice," in *Human Development and Human Rights: Report on the Oslo Symposium* (October 2-3, 1998) Edited by Hakim Bjorkman (United Nations Development Program, United Nations Office of the High Commissioner for Human Rights and the Royal Ministry of Foreign Affairs, Norway) (New York: UNDP, 1999) at p. 270.

"Beyond Andrews: Substantive Equality and Positive Obligations After *Eldridge* and *Vriend*" (1998) 9:3 *Constitutional Forum* 71.

"The Importance of Including Social and Economic Rights in the South African Constitution: A Canadian Perspective" *South African Business Times*, August, 1995.

"The Uninvited Guests: Reflections on the Brief History of Poor People Seeking their Rightful Place in Equality Jurisprudence," in *Roads to Equality* Vol 3, (Canadian Bar Association, Continuing Legal Education Program, Annual General Meeting, 1994)

iii) Presentations

- The Justiciability of Economic, Social and Cultural Rights and the new Optional Protocol (Presentation of paper prepared for the Office of the United Nations High Commissioner on Human Rights presented to Human Rights Experts and Judges at a UNHCHR Workshop in Beijing, China, March 28-29, 2008)

- Keynote Address at Conference in Belfast, Northern Ireland, "Getting the Bill Right: An Update" 2nd and 3rd July 2008 in Belfast, Northern Ireland.

- Presentations on Claiming Economic and Social Rights in Canada in Halifax, Toronto, Winnipeg,Vancouver and Ottaw (2007-08)

- *Social and Economic Rights and the Canadian Charter of Rights and Freedoms* (Paper presented to the International Conference on Social and Economic Rights: Models of Enforcement, hosted by the Irish Human Rights Commission, Dublin, Ireland, December 10-11, 2005).

- The Justiciability of Social and Economic Rights: an Updated Appraisal (Paper presented to the Human Rights Consortium of Northern Ireland, Belfast, Ireland, November 20, 2005), with Aoife Nolan.

- *The Right to be Heard: What's at Stake?* Paper Presented to the High Level Expert Seminar on Economic, Social and Cultural Rights (French Department of Foreign Affairs, Nantes, France September 5 & 7, 2005).

- The Right to Housing in Canada. Pr-esentation to the Inter-American Human Rights Commission Special Hearings on the Right to Housing, Washington, D.C., March 4, 2005).

- *Special Presentation to Judges and Lawyers from Japan, China, Korea and Mongolia,* judicial training hosted by the Office of the United Nations High Commissioner for Human Rights and the International Commission of Jurists, Ulaan Bataar, Mongolia, January 26-28, 2004.,

- *Poverty and the Courts* (Keynote Address by invitation of the National Judicial Institute, to Judges of the Ontario Superior Court (Niagara Falls, May 7, 2004) Judges from Alberta Court of Appeal and Court of Queen's Bench (Edmonton, November 13, 2003) Judges of the Nova Scotia and Prince Edward Island Supreme Court (Halifax, May, 2002) and the Judges of New Brunswick Court of Appeal and Court of Queen's Bench (St. Andrews by the Sea, June, 2002))

- *The Charter and Access to Civil Legal Aid: Section 15 and the Right to Substantive Equality.* Plenary Address. Conference Sponsored by the Women's Legal Education and Action Fund, May, 2002)

- *Training in Social and Economic Rights for lawyers from India, Bangladesh, Sri Lanka, Malaysia, Thailand and Pakistan* (Sponsored by Forum Asia), Bankok, Thailand, December, 2001.

- *Socio-Economic Rights in a Domestic Charter of Rights: A Canadian Perspective* (May, 2001) Lectures presented in Belfast and Londonderry, Northern Ireland, part of a lecture series sponsored by the Committee for the Administration of Justice on a Bill of Rights for Northern Ireland (online at http://www.caj.org.uk/Bill%20of%20Rights/Bruce%20Porter%20lecture.htm).

- *Early Dispute Resolution in Human Rights Claims.* Annual Conference of Ontario Boards and Adjudicators (December, 1999)

- *Poverty and the Right to Equality.* Annual conference of the Canadian Association of Statutory Human Rights Agencies, May 31, 1999 Montreal, Quebec.

- Participant, International Workshop on Developing a Curriculum and Training Materials on Economic, Social and Cultural Rights Activism, 6 - 11 March, 1999, Phi Phi Island, Thailand.

- *The Right to Housing: From Rhetoric to Practice*, Oslo Symposium on Human Rights and Development, (October 2-3, 1998) United Nations Development Program and the Office of the United Nations High Commissioner on Human Rights.

- *A Social Charter and the Idea of Social Rights in Canada*, Symposium on the Social Union (September 18, 1998) Canadian Centre for Policy Alternatives.

- *An International Social and Economic Rights Network*. Latin American Conference for the Promotion of Economic, Social and Cultural Rights, July 22-24,1998, Quito, Ecuador.

- *Litigation in Social and Economic Rights* and also *Work with Intergovernmental Bodies* at the "International Workshop on National-Level Activism in Economic, Social and Cultural Rights" Chiangmai, Thailand, 22-24 July, 1996, sponsored by the International Human Rights Internship Program and the Institute of International Education

- *Social and Economic Rights: A Canadian Perspective*. Guest Expert (Speaker), Constitutional Assembly of South Africa, Capetown, South Africa, August, 1995.