

RECONSIDERING CITIZENSHIP: CANADA'S POLICY APPROACH TO MIGRANTS WITH DISABILITIES

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RESEARCH QUESTION

How does Canada's medical inadmissibility policy unfairly target migrants with disabilities, and what considerations should the government make to amend the current policy in place to promote inclusivity?

ABSTRACT

Karen Talosig, a Filipino caregiver, applied for permanent residency in Canada for her and her daughter, but her daughter was initially unable to join her because she was deemed as "medically inadmissible" due to her profound deafness. The purpose of examining Talosig's case is to illustrate how Canada's medical inadmissibility clause unfairly targets migrants with disabilities in what is supposed to be a diverse and inclusive society. I investigate how Canadian domestic law contradicts its international legal obligations and how the economic interests of a state can be used to justify closed borders. Canada not only has an obligation to migrants with disabilities, but should consider the economic contribution temporary foreign workers have made to the country. Although Talosig lacked formal citizenship, she carved a space for herself in Canada and constructed an informal sense of belonging as she worked as a caregiver and an additional three jobs for seven years. Understanding Canada's obligations to migrants with disabilities and temporary foreign workers is assessed through economic, legal and social justifications. The goal of this study is to provide various recommendations for the Canadian government on how they can alter the current policies in order to uphold multiculturalism, diversity, and inclusion in the country.

METHODOLOGY

SECONDARY RESEARCH

- Used a case study to investigate the issues surrounding Canada's medical inadmissibility policy.
- Drew on scholarly books and journal articles that centered around migration, citizenship, and open borders.

KEY CONCEPTS

MEDICAL INADMISSIBILITY

- Section 38(1)(c) of the *Immigration and Refugee Protection Act* states that "a foreign national is inadmissible on the health grounds if their health condition might reasonably be expected to cause excessive demand on health or social services."

LIVE-IN CAREGIVER PROGRAM

- Part of the temporary foreign workers program but differs in the way in which it gives caregivers the ability to apply for permanent residency for themselves and their families after finishing 24 months of full-time employment (Hough, 2014).



Photo by Jenelle Schneider on the Toronto Sun.

THE CASE

- Karen Talosig came to Canada from the Philippines through the live-in caregiver program and after two years, applied for permanent residency for her and her daughter (Carman, 2015).
- Citizenship and Immigration Canada informed Talosig that her daughter would not be eligible to join her because she had been deemed "medically inadmissible" due to her profound deafness (Keung, 2015).
- Determined that it would cost \$91,500 for health and education services over five-years to accommodate Jazmine (Carman, 2015).
- The Burnaby Public School Board and the British Columbia Provincial School for the Deaf stated that Jazmine would not require additional funding and could be accommodated within their existing budget (Carman, 2015).

PROBLEMS

- Goes against Article 18 of the United Nations Convention on the Rights of Persons with Disabilities that outlines that member states "shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality..."
- Reinforces the class difference between disabled and non-disabled people with the idea that the former cannot contribute economically to the country.
- "Excessive demand" is a form of institutional discrimination that directly affects persons with disabilities.
- Temporary foreign workers do not have the security of legal status and the government's promise of permanent residency is very difficult to obtain.

RECOMMENDATIONS

Adhere to international legal obligations and uphold global human rights standards.

Provide more evidence when deeming people "medically inadmissible" rather than leaving them with costs that are unproven.

Increase the cost that accommodates persons with disabilities in order to remove both physical and social barriers.

Recognize how temporary foreign workers deserve to have equal access to the same rights and freedoms as Canadian citizens.

Remove the medical inadmissible clause altogether because Canada, as a Western democracy, has many programs and resources to support and accommodate persons with disabilities.