

A Qualitative Look at Serious Legal Problems Facing Immigrants in London and Toronto, Ontario

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Serious Legal Problems

- Serious legal problems are problems that arise out of people's normal activities that have a legal aspect and that could potentially be resolved through the legal system – e.g., problems with debt, employment, neighbours, family, discrimination (Currie, 2016; Farrow et al., 2016)
- Within a three-year period, almost half of Canadian adults will experience one or more legal problems that they consider to be serious and difficult to resolve (Currie, 2016)
- There is limited knowledge about the experiences of recent immigrants who may be especially likely to experience and be unable to resolve serious legal problems

Research Questions

In order to fill this gap, we conducted a qualitative study with the following research questions:

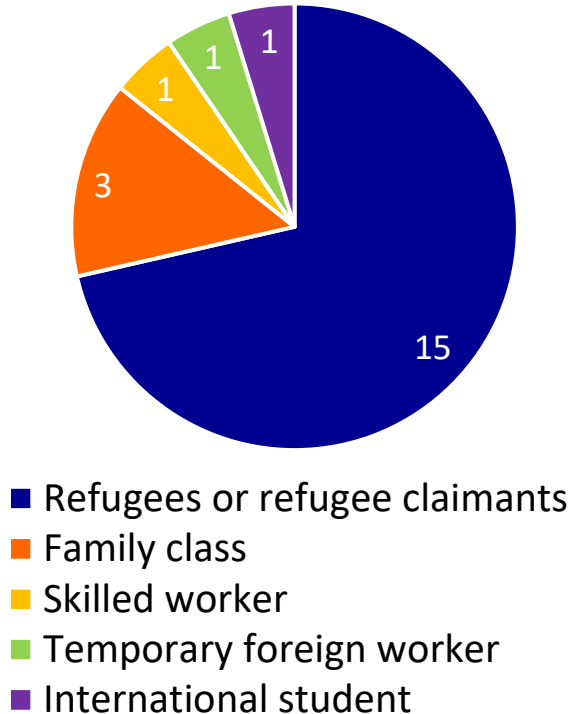
1. What types of legal problems have recent immigrants experienced in the last three years?
2. What factors seem to have contributed to these legal problems?
3. How have recent immigrants tried to resolve their legal problems?
 - Have recent immigrants resolved their problems through recourse to the formal legal system? If not, why not?
4. What has been the outcome of these efforts?
5. What has been the economic, social and health impact of these legal problems?

Method

- 21 interviews with recent immigrants based in London and Toronto, conducted in August - December 2020
- In London, participants were recruited through the South London Neighbourhood Resource Centre, and in Toronto, they were recruited through COSTI Immigrant Services
- Semi-structured interviews, using an interview guide
- Conducted on Zoom, with an interpreter if required
- Interviews were audio-recorded and the interviewer noted down key points

Participants

Immigration Category



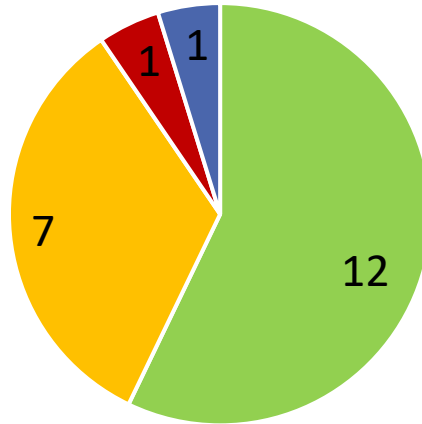
Countries of Birth	#
Afghanistan	1
Colombia	6
Cuba	1
Egypt	2
Honduras	1
Iran	1
Iraq	2
Jordan	2
Kuwait	1
Lebanon	1
Palestine	1
Saudi Arabia	1
Syria	1

Participants

Age

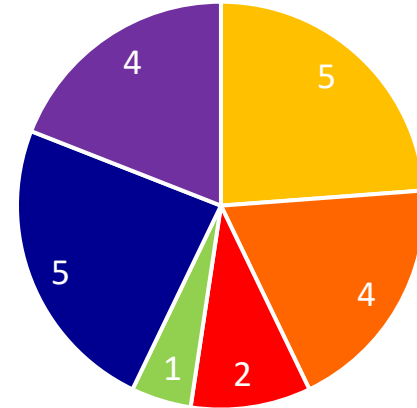
Mean = 39 years
Range = 19-60 years

Gender



- Female
- Male
- Transgender
- Unidentified

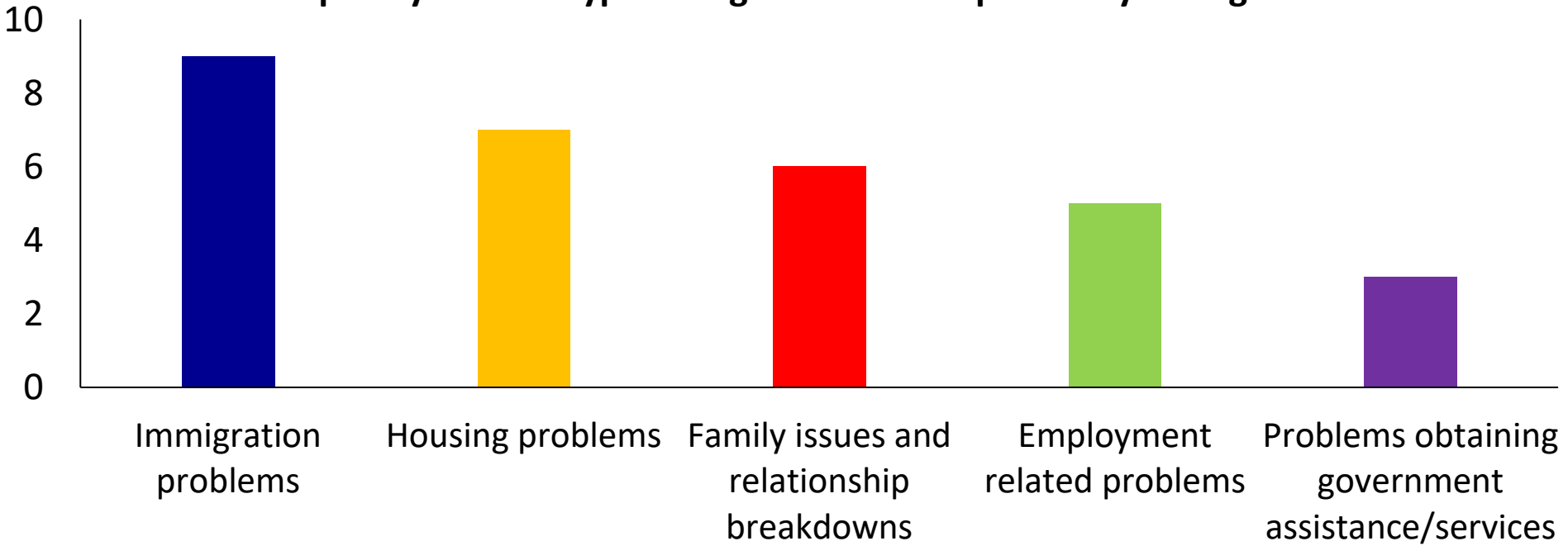
Education Level



- Less than a high school diploma
- High school diploma or a high school equivalency certificate
- College or other non-university certificate or diploma
- University certificate or diploma below the bachelor's level
- Bachelor's degree
- University graduate degree

Types of Serious Legal Problems

Frequency of Each Type of Legal Problem Reported by Immigrants



Note. Immigrants could describe more than one type of legal problem.

Types of Serious Legal Problems

Immigration Problems: Examples

- A refugee claimant had to wait 25 months to have his refugee hearing (he claimed the process took much longer than for others in his situation)
- A refugee claimant paid a paralegal to help her submit her refugee claim. The paralegal charged the refugee claimant without delivering the service.
- A refugee claimant was told to leave the country after her initial application was rejected. However, she could not leave the country due to the pandemic. At the time of the interview, she was waiting to apply for permanent residence based on humanitarian and compassionate grounds.

Types of Serious Legal Problems

Immigration Problems: Examples (cont.)

- An international student came to Canada with her husband and two children. Due to COVID-19, she and her husband lost their jobs. They could no longer pay tuition and faced the risk of deportation if she lost her study permit:

“My husband and I were working, both of us – I was working remotely for a company in Spain, and my husband and I own a company in Colombia. But after COVID, I lost my job in Spain and we had to close our company in Colombia because we’re a sports company and we couldn’t work now with COVID. So, by the end of the term, I was due to pay 15,000 dollars and that’s not possible now.”

Types of Serious Legal Problems

Housing Problems: Examples

- A landlord accused tenants of causing property damage that the tenants had not created. The landlord demanded money for repairs.
- Immigrants arranged for housing (and paid for it) prior to their arrival in Canada just to find out that they did not get the accommodation they were told they would get
- An immigrant rented a room based on a verbal agreement (without a signed contract). Then there were disagreements about the verbal agreement – e.g., payment of deposits, end of contract.

Types of Serious Legal Problems

Housing Problems: Examples (cont.)

- Landlords threatened immigrants and became verbally and physically abusive:

“A few days after I arrived, he started complaining about things I would do. I started to think why he would rent out his room if he got easily irritated by the people he would sublet to. When I was in the bathroom, the guy knocked on the door and cursed at me. He physically harassed me and spat at me. I didn’t know what to do so I called my friend and asked for advice. My friend told me to call the police, and they arrived. I had to move out that same night, along with my belongings as well as search for another person who was able to sublet to me.”

Types of Serious Legal Problems

Family Issues and Relationship Breakdowns: Examples

- An immigrant was sponsored by family members who harassed and verbally abused him and forced him to work for very little pay (below minimum wage). The sponsors also opened two credit cards in his name without his knowledge, leading him into debt.
- Women who were trying to get divorced were left with no money and were fighting for spousal and child support

Types of Serious Legal Problems

Family Issues and Relationship Breakdowns: Examples (cont.)

- Women who faced domestic violence and abuse, even after separation:

“The situation is becoming more and more unbearable. We are not allowed to use water; if it was up to him, we wouldn’t even shower. We are not allowed to use electricity; we have been in trouble about the heat. He said that we could stay here for a year, and that year is coming to an end. I don’t know what we are going to do in the future. The present situation is not the future I want for my child.”

Types of Serious Legal Problems

Employment Related Problems: Examples

- A temporary foreign worker submitted a claim to the Workplace Safety Insurance Board which was approved, but the employer tried to appeal the decision twice.
- An immigrant was fired for no apparent reason.
- A manager ordered an immigrant around and violated his working rights

Types of Serious Legal Problems

Employment Related Problems: Examples (cont.)

- An immigrant was not paid for his work and tried to confront his employer about it multiple times:

“My employer was too smart. I saw him writing cheques for other employees. I confronted him about it. My employer said not to worry that he would pay me later, that I should trust him because we are from the same country. He told me that he would give me money every three or four months. At that time, I believed him. And I waited. He reassured me that he would pay. He was telling me that he was going to pay me because I am an honest guy, and that he will pay me extra. It was for four months he always looked for an excuse... Then, I talked to him seriously and he scared me. For two months then I had problems with him every day.”

Types of Serious Legal Problems

Problems Obtaining Government Assistance/Services: Examples

- An immigrant who was approved for permanent residency on humanitarian and compassionate grounds had difficulty obtaining his health card, although he had received the confirmation letter for permanent residency
- An immigrant had difficulty having an Ontario Disability Support claim approved
- An immigrant woman had difficulty having her child tax benefit reinstated after changing her marital status

Factors Contributing to Serious Legal Problems

1. Unfamiliarity with Canadian law and their rights

“It was very difficult to find information about employees’ rights and work standards. I tried to find information on Google.”

2. Unfamiliarity with basic Canadian customs and norms for everyday living

“In terms of places to go I would’ve looked for an interpreter before leasing so they could help me understand exactly how the renting process works here in Canada. To this day, I still don’t understand how it works.”

Factors Contributing to Serious Legal Problems

3. Self-reported discrimination

“The employers looked at us differently, like we are lesser and we have to follow everything they say and tell us to do... One day, a worker accidentally had gum fall out of his mouth. The employer said to him if she ever saw a piece of gum fall out of anyone’s mouth again, she would make them pick it up with their mouth next time.”

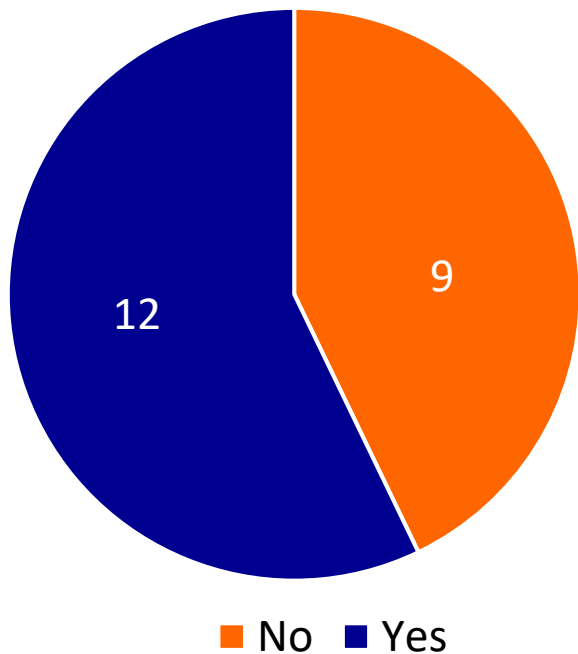
4. Lack of or inefficient communication from the government/government agencies

5. The COVID-19 pandemic – e.g., major delays in decision making and processes

Resolving Legal Problems

- Immigrants often did not know where to go to obtain help
- Immigrants reported having limited networks in Canada that could help them navigate the system to resolve their serious legal problems
- Immigrants tended to receive help from individuals with whom they were already in contact in some other capacity (e.g., teachers, family doctors, settlement workers)
- Immigrants who entered Canada as refugees or were sponsored by family members often could not resolve conflicts or issues on their own due to the language barrier

Recourse to the Legal System



Recourse to the Legal System

- Immigrants who paid for legal advice from lawyers often found their lawyers through friends
- Immigrants who obtained legal aid were often referred by their settlement workers
- In most cases, immigrants found the legal advice and legal representation they had received helpful

Recourse to the Legal System

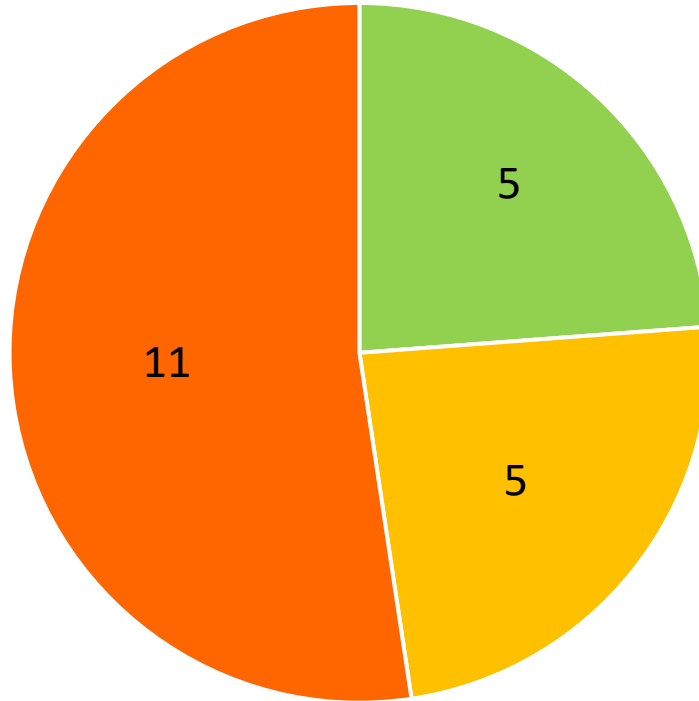
Reasons for not seeking legal advice or involving the legal system:

- Fear of consequences

“When tied to a certain business, they’re scared to talk and share their experience for fear of getting sent back home, as they don’t have other options for work.”
- Cost associated with obtaining legal advice

“We went to a lawyer. We went to a first advice consultation for them to explain us where to go and how to do, but financially, we cannot afford it because it’s almost five thousand for the whole process.”
- Preference to focus on the future

Outcomes of Immigrants' Serious Legal Problems



- No longer a problem
- One problem resolved and another problem still ongoing
- Problem(s) still ongoing or partially resolved

Economic Impact

Immigrants had to borrow money, apply for social assistance, and deal with poor living conditions because of some of the financial consequences of their legal problems

Example: A woman who separated from her husband

“He left us without any money, without anything. The money we get from Ontario Works was not enough to pay the rent, so we couldn’t pay. One day, we were shocked with a decision from the owner that we have to leave at this date. That was a final decision for him. I tried, I looked everywhere for a place to move in until I found an apartment, two bedrooms only. Though it was small for us, that was the only option in front of me. So, we moved to that small apartment.”

Social Impact

Immigrants reported tensions with family members, ruined friendships, and reduced collegiality within work settings

Example: A woman got a divorce and found that it impacted her socially

“The situation with my ex-husband ruined my social life. I had a close friend. We were meeting almost every day. All our trips with each other, all our phone calls, I don’t have them anymore. We had this warmth, we liked each other. But her husband supported my husband with the divorce and with everything.”

Health Impact

Immigrants experienced various physical and mental health problems such as sleep deprivation, headaches, blood pressure problems, stress, anxiety, depression, and loneliness.

Example: A man who lost his job

“It has affected me – I wish I could go back to my country, but it is impossible with the war there. I don’t even like to eat, sometimes I will sleep without eating anything. Emotionally and psychologically, I’m not feeling well. I just want to go back to work. I don’t want to stay home.”

Recommendations

Our findings show the importance of ensuring that newcomers have access to supports in solving their serious legal problems

- Invest more in information provision to newcomers, including providing more information about Canadian law and immigrants' rights, as well as Canadian customs and norms in central domains (e.g., housing, employment)
- Deliver information in a variety of languages and as part of the settlement process
- Provide information about available legal resources before immigrants are confronted with a serious legal problem

Recommendations

- Support frontline workers in not-for-profit and community-based organizations by providing detailed up-to-date information on sources of legal information and assistance
- Explore different options to continue to provide affordable professional legal services for immigrants

For More Information

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- The full report is available at:

<https://www.justice.gc.ca/eng/rp-pr/jr/ilto/index.html>