

Medical refusals may soon be something of the past: Ottawa urged to cancel law

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**IMMIGRATION
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By: Atty. Henry Moyal

In my 24 years of practice as a lawyer, there are only a few moments in immigration history that have been monumental and that has drastically changed the landscape of immigration.

For example, in 2002, Canada Immigration made it possible for same-sex applicants to apply together and permitted conjugal relationships.

Recently, Canada Immigration changed the way it selects immigrants but putting them in a pool as opposed to the long time “first come first serve” approach that was the standard for decades.

It now seems that the coming months will see another groundbreaking and monumental change in immigration law.

In particular, the cancelling of the law that prohibits people with medical conditions (for excessive demand — not health risk) from being barred from Canada.

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It is hard to find a person who does not know of an applicant who was refused for medical inadmissibility.

Families have been separated and families have been torn apart due to medical refusals but that may all change soon.

A parliamentary committee has recommended Ottawa repeal a provision in the law that bans people with disabilities and excessive health needs from immigrating to Canada.

In a groundbreaking report on the controversial practice, the standing committee on citizenship and immigration said the excessive medical demand clause goes against the United Nations Convention on the Rights of Persons with Disabilities and is out of touch with Canadian values.

However, those who pose risks to public health and public safety should still be barred from being admitted to Canada.

According to the report: "immigration laws unjustifiably violate human rights of certain would-be newcomers to Canada and this is inconsistent with the modern values Canadians associate with contemporary human rights protections."

This change, if implemented, will be good news for live-in caregiver.

Statistics show 150 foreign caregivers were denied permanent residence in 2014 alone because a dependent child was deemed medically inadmissible.

Immigration Minister Ahmed Hussen has not officially repealed the law but did say that the law has to be changed because it's against the government's policies.

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The above article is general advice only and is not intended to act as a legal document.

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