



The Advocate

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Second Class Citizens? Helping Canadians Abandoned Overseas

by Jean Lash, Staff Lawyer, South Ottawa Community Legal Services

Imagine losing your passport when you were abroad and realizing no one believed you were who you said you were. Imagine this happening in a country where you are not safe, especially now that you don't have a passport. Imagine the Canadian government accusing you of being an impostor and threatening legal action against you. Imagine not being able to come home.

This is what happened to Abdihakim Mohamed, a client at South Ottawa Community Legal Services. However, this case is even worse than the above scenario, because Abdihakim is autistic and is dependent on his family. He has been stuck in Nairobi, Kenya for over three years.

Abdihakim has been a Canadian citizen since he was 11 years old (having come to Canada as a refugee from Somalia.) Now, 25 years old, he is stuck in Nairobi, Kenya and is in the same boat as all the Somalis who are trying to escape the turbulence in their home country. Without documents, he has been tormented by the local police looking for bribes and is at risk of being deported to Somalia. It has been a nightmare for his mother. She is frantic because he cannot manage day to day living without help, let alone how to manoeuvre in a strange country where people don't believe he is Canadian and who don't welcome Somali refugees.

What happened?

It all started when a doctor treating Abdihakim recommended that his

mother take him back to his country of origin. Scientific research has shown that this helps autistic people. They followed the advice and his mother took him to stay with his grandmother and aunt in Bossasso, Somalia, situated in the relatively calm northern part of the country. Everything was going



Anab Issa holds a photo of her son, Abdihakim Mohamed, who was trapped in Kenya because Canada refused to issue him a passport.

well and Abdihakim was improving. His mother decided to leave him there and returned to Canada to work.

She took Abdihakim's Canadian passport so it wouldn't get stolen. However, when she entered Canada, it was confiscated. She was carrying a passport that didn't belong to her. Abdihakim's mother thought she could sort this out because it was an innocent mistake. The months dragged by, Abdihakim's grandmother got sick and couldn't look after him anymore and the security situation in Bossaso began to deteriorate.

Abdihakim's mother flew to Bossasso and managed to get her son to the near-

est Canadian embassy in Nairobi, Kenya, to apply for a passport. However, after months of unexplained delays the passport was refused. After an interview, the visa officer said she didn't think Abdihakim looked like the photo on his citizenship card (taken 11 years ago) or the previous passport photo. She also didn't think he was autistic enough.

Abdihakim's mother needed to get back to Canada to work. She couldn't afford to live in Nairobi any longer and hired people to look after her son. In April 2008, she applied for a passport in Ottawa, but all she got was a letter informing her she was under investigation for applying for a passport for an impostor!

At this point, Abdihakim's mother came to South Ottawa Community Legal Services. We put together a pile of affidavits from other Canadians who could identify Abdihakim in all the photos and added this to the evidence she

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Joe Assabgui Community Champion Award: Bellwood Community Homeowners Association

In January 2009 the residents of Bellwood Mobile Home Park found out that the park might be closed and the homeowners risked losing their homes and forced to vacate Bellwood Park.

This meant that 254 mobile home units would be destroyed and over 500 people, seniors, disabled and young families would be homeless. They learned that their homes could end up in the landfill and the equity the homeowners had invested in their homes would be lost.

Immediately a small group of homeowners met to determine how the community could react to this catastrophic news.

The first thing they did was to establish a directory of residents. Within 48 hours a directory of names, addresses and phone numbers of at least 80% of the residents was established, with over 40 people indicating a willingness to further work with the original group to help save their investments and the park.

They found that residents were confused and misinformed in all aspects of the effects of the sale of the park, and they began forming committees to act on this situation and to represent the best interests as decided by the residents of Bellwood.

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had already given, including a letter from his doctor identifying him. One of these Canadians recognized the sweater he was wearing in the citizenship photo. Another had bumped into him in Nairobi.

Passport Canada stonewalled. We kept being told that we had not established his identity. We were not told why the evidence we had provided didn't do the job.

Like in a growing number of other cases, it wasn't until we went to the media that the government responded. An interview on the National CBC program the Current apparently convinced Passport Canada that this problem could be resolved. The Canadian embassy in Nairobi is now ready to issue an emergency travel document and his mother is going to get Abdihakim just as soon as she has raised the money.

The Canadian government knew it had no choice but to resolve this case because it didn't want to get burned as they knew they would lose if we took

the case to Federal Court and decided to impose their own process for getting Abdihakim back. Insisting that "discrepancies" still exist, they will only issue a one way emergency travel document instead of a passport and will not tell us if the investigation into his mother has been called off.

Abidhakim is just one of several Canadian who have recently become "stateless" because of arbitrary decisions by Canadian government officials. Abdihakim's case, like the others, reflects this government's position that it has no duty to protect its citizens abroad. It appears to think it can pick and choose whom it helps and whom it abandons.

One MP is trying to change this. Paul Dewar, M.P. for Ottawa Centre, is petitioning the House of Commons to enact legislation to ensure the Government of Canada recognizes its constitutional duty to protect Canadian citizens abroad. For more information and to view the petition in support of this move go to <http://www.ndp.ca/press/new-democrats-launch-campaign-to-protect-canadians-abroad>



Celebrating 20 Years!

Congratulations to
Sonia L. Parsons,
Community Legal Worker,
and
Jacques Chartrand,
Executive Director,
for their 20 years of dedicated
service to WELS.



Jacques Chartrand



Sonia L. Parsons

ODSP Benefits for People with Addictions*

Background:

Until now, people who have disabling conditions caused only by drug and/or alcohol addictions have not been eligible for ODSP benefits.

A recent court decision has changed this. The court decided that the government was violating the Ontario Human Rights Code by not allowing addictions to be considered when ODSP is deciding whether or not a person meets their test of being “a person with a disability”. **Now, a person’s addiction must be considered in that process.**

The provincial government is appealing the court’s decision. But for now, people with addictions may be able to get ODSP benefits, if they meet the disability test.

What does this mean for me?

ODSP is currently developing a way to make decisions on whether or not people with addictions will meet their definition of disability.

This decision-making process will be in place starting this fall. ODSP will start reviewing the applications of people with addictions at that time.

1) If you recently applied for ODSP benefits and you have other conditions in addition to your addiction:

- Your application will be processed in the usual way, without considering your addiction.
- If ODSP decides that you meet the definition of disability based on your other conditions, you will begin receiving benefits in the usual way.
- If they decide that you do not meet the definition of disability based on your other conditions, they will put your application aside and re-assess it after the new decision-making process is in place. This means that they will take your addiction into account but you may have to wait for a decision longer than you expected.

2) If you recently applied for ODSP and you have an addiction but no other conditions:

- Your application will be put aside and processed after the new decision-making process is in place.

3) If you have an addiction and were turned down for ODSP, but you have filed an appeal at the Social Benefits Tribunal

- ODSP will ask the SBT to adjourn your hearing. They will make this request to give them time to decide on the decision-making process around addictions, and to review your file based on that process.
- The SBT has said that they may or may not agree to adjourn hearings in cases like this. This means that your appeal may be heard right away, or may be postponed until the decision-making process is in place.

4) If you haven’t applied for ODSP because you were told you weren’t eligible because of your addiction:

- You may want to start the process of applying for ODSP, even though the decision-making process is not yet in place.
- For information about how to apply contact the Ottawa ODSP which is located at 351 Preston St. 2nd Floor or by phone at 613-234-1188.

In any of these cases, we recommend that you get legal advice to help you through the process.

**This information is courtesy of the Income Security Advocacy Centre.*

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Next, they created a website to post important information and to provide up to date news. The website is www.freewebs.com/bellwoodpark/index.htm.

They have since created the *Bellwood Community Home-owners Association*” and the Association has worked tirelessly to save their homes and the integrity of their community. We are proud to award them with the very first Joe Assabgui Community Champion Award.

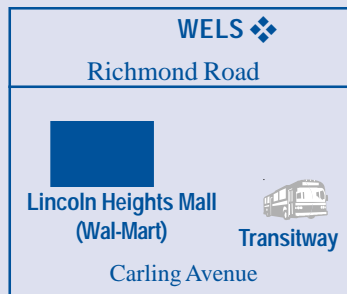
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Hours of Operation

Monday to Friday
8:30-12:00 1:00 4:30

We are closed Thursday afternoons.

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Caroline Harris-McDonald
Laurie Joe

Community Legal Workers

Mary Garrett
Sonia L. Parsons (on leave)
Sylvia Chapman (Replacement)

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Areas of Practice

Landlord and Tenant Law
Immigration
Social Assistance (OW/ODSP)
Canada Pension Plan
Worker's Compensation

You Are Invited

Event

28TH Annual General Meeting

Date

Tuesday, November 3rd, 2009

Location

Ottawa Public Library
Nepean Centrepointe Branch
101 Centrepointe Drive, Room 1B

Social Hour (5pm to 6pm)

Light buffet will be served

Guest Speaker (6pm to 6:15pm)

Samsam Ahmed

Star of "Family Motel", a docudrama produced by the National Film Board about issues faced by persons who are marginalized by poverty including homelessness, immigration, and parenting challenges.

Presentation (6:15pm to 6:25pm)

The Joe Assabgui Community Champion Award
to the Bellwood Community Homeowners Association

AGM (6:30pm to 7:30pm)

RSVP 613-596-1641



Contactez le 596-1641 si vous désirez recevoir cette publication en français