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The Honourable Lowell Murray
Cabinet Committee on Human Resources,
Social and Legal Affairs
Room 275 South
Centre Block
Senate of Canada
Ottawa, Ontario
K1A 0A4

Dear Senator Murray:

I am writing in regard to the "sexual orientation" and "reasonable accommodation" amendments to the Canadian Human Rights Act (CHRA) which will be discussed by the Committee on March 26, 1992. I regret that I am unable to participate in the Committee's discussion, but I would like to convey my views on the sexual orientation options and the possible consequences for the immigration program.

The analysis section of the draft Memorandum to Cabinet deals with the issue of whether government or employer family benefits would have to be extended to same sex partners. The analysis does not address the issue of family sponsorship rights under the Immigration Act in this regard. Despite the absence of discussion, we have been given reason to believe that the granting of family sponsorship rights might well be interpreted as a "service" under the CHRA.

This means that we could be required to extend the definition of family under the Immigration Act to include same sex couples. I see this as leading to a requirement to consider heterosexual common law relationships as being grounds for family sponsorship as well. The consequences of extending the definition of family in this way are serious. Most importantly, we are trying to restrict growth in the family class to make more room for immigrants selected on economic grounds; this is no time to extend the class. In addition, and as a related point, we have to guard against abuse of our program. The family category is especially attractive in this regard since family members do not have to meet selection criteria, they just have to establish proof of relationship. While the marriage requirement does not preclude fraud, it is not as open to abuse as a requirement based on living relationships.

- 2 -

For these reasons I think it important to adopt a provision which explicitly prevents same sex couples from making family-related claims. As a minor point, I would also point out that the options under consideration which do exclude same sex couples (options 2 and 3) refer to "benefits". It is unclear to me whether this term is wide enough to cover sponsorship rights under the Immigration Act. I would emphasize that immigration considerations should be covered in the wording of the chosen option.

I would be happy to discuss this with you further at your convenience.

Yours truly,

Bernard Valcourt