Warning

Even if a person has rights and a multitude of services available to them, systems of oppression must be taken into account. These systems create inequalities and reinforce exclusion. For example, racism, sexism, homophobia, income and disabilities have great influences on the accessibility to services.

Acknowledgement

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Legal information

This document created by the West Island CALACS does not constitute legal advice. This document serves only to provide a point of reference. It is necessary to consult legal specialists to validate any information. The contents of this tool were updated in March 2019 and are subject to change depending on the immigration system of Canada and Quebec.

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table de concertation des organismes au service des personnes réfugiées et immigrantes

Financed by
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Rights and resources for immigrant women

West Island CALACS

(Centre d'aide et de lutte contre les agressions à caractère sexuel)

Counseling services for female victims of sexual assault aged 14 years and older.
For and by women.

Free and confidential.

Can I take the medico-legal kit free of charge if I do not have Quebec's health insurance card?

Which forms of identification do I need to provide for an individual follow-up at CALACS?

Can I apply for a crime victim's compensation if I am a non-status person?

Here are a multitude of questions that some immigrant and racialized women must ask themselves. With the lack of knowledge surrounding laws and services offered to sexual assault survivors, these groups of women are often without a point of reference. This tool is used to provide information about their rights and recourses.

The top row includes legal rights and services available to sexual assault survivors. The column on the left lists several statuses from the permanent immigration, temporary immigration and the particular case of non-status persons.

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	Free health care under RAMQ or IFHP			Free assistance services			Legal assistance			Housing	Employment
	General health care	Medico-social examination in designated centres	Medico-legal kit	CALACS	Women's shelters	Social assistance	Civil suit for compensation	Pressing charges a gainst your assailant in the criminal system	Submitting a request for compensation (IVAC)	Terminating a lease in the event of spousal violence or sexual assault	Submitting a complaint of psychological and sexual harassment in the workplace to the CNESST or the CDPDJ
PERMANENT IMMIGRATION											
Permanent residents (including sponsorship program)	YES	YES	YES	YES	YES	YES 1	YES	YES	YES	YES	YES
Refugee claimants and unsuccessful refugee claimants	YES, BUT 2	YES, BUT 2	YES, BUT 2	YES	YES	YES	YES	YES	YES	YES	YES
Accepted refugees (persons in need of protection)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
TEMPORARY IMMIGRATION											
Permit under Seasonal Agricultural Worker Program (SWAP) or temporary permit through the Agricultural Stream	DEPENDS 3	DEPENDS 3	DEPENDS 3	YES	YES	NO	YES	YES	YES	YES	YES
PARTICULAR CASES											
Person without status	NO, fees must be paid by the individual 4	NO, fees must be paid by the individual 4	NO, fees must be paid by the individual 4	YES 5	YES 5	NO	YES, BUT 6	YES, BUT 6	YES 7	YES 8	YES, BUT 9

Source: "*Guide for Community Workers: Immigrants' and Refugees' Access to Social Benefits and Programs in Quebec*", 2017, Community Legal Services of Point-St-Charles and Little-Burgundy.

Footnotes:

1- Sponsors who are unable to pay for the essential needs of the person they are sponsoring may be required to reimburse the MTESS (*ministère du Travail, de l'Emploi et de la Solidarité sociale*) for any amount paid to the person sponsored during the duration of the sponsorship (undertaking).

2- Health care for refugee claimants and unsuccessful refugee claimants is provided on a voluntary basis. If a given centre and/or health care professional refuses to treat you, try another one.

3- Federal permit under the Seasonal Agricultural Worker Program (SWAP): There is no waiting period for obtaining RAMQ, which is granted on arrival. Provincial temporary permit through the Agricultural Stream: There is a 90-day waiting period for permit holders before obtaining RAMQ. We recommend that you obtain private insurance for the duration of the waiting period.

4- The organization Doctors of the World offers basic health care and partial elements of the medico-social examinations free of charge to persons without status. Note, however, that no samples taken for tests at a Doctors of the World clinic may be used in the event an individual decides to submit a complaint.

5- CALACS and women's shelters do not require any proof of identity. These organizations do not ask for any information on the immigration status of the individuals who use their services.

6- It is important to understand that there is a risk of arrest and/or deportation for persons who has not been granted permission to be in Canada. As part of the questions asked in order to complete the incident report, the person will be asked for their immigration status. We recommend that you contact a lawyer prior to taking action.

7- In order to submit a request to IVAC, the criminal act must have been committed in Quebec, regardless of the person's immigration status. No proof of identity (such as a health-insurance card or social insurance number) will be requested. IVAC files are strictly confidential.

8- There is a very good chance that the person will have to contact the police to explain their reasons for terminating the lease.

9- Whether you have an immigration status or not, a worker's rights must be respected under the *Act respecting labor standards*. Regardless of the circumstances of your employment, a person has the right to file a complaint.

Resources in Montreal

Official website of the Government of Quebec on sexual assault
www.scf.gouv.qc.ca/en/violences/sexual-assault/

Table de concertation sur les agressions à caractère sexuel de Montréal (association of regional organizations dedicated to promoting the cause of sexual assault victims)
www.agressionsexuellemontreal.ca/home

List of resources by region
www.scf.gouv.qc.ca/en/violences/sexual-assault/resources

Provincial helpline for sexual assault victims (24/7 from anywhere in Quebec)
1-888-933-9007

Quebec coalition of sexual assault centres (CALACS)
514-529-5252

West Island CALACS
514-684-2198

CALACS Trêve pour Elles
514-251-0323

MCVI Mouvement contre le viol et l'inceste (for migrant women)
514-278-9383

Marie-Vincent Foundation (for children and adolescents)
514-285-0505 | www.marie-vincent.org/en

Help and Information Centre on Sexual Harassment in the Workplace (GAIHST)
514-526-0789 | www.gaihst.qc.ca/home

Police services
911

Doctors of the World (for persons without status)
514 281-8998 | www.medecinsdumonde.ca/en

Third Eye Collective (for Black women)
thirdeyecollective514@gmail.com
www.thirdeyecollective.wordpress.com

Agir Montréal - Action LGBTQ+ (for migrant individuals)
www.agirmontreal.org

CRIPHASE (for men who were sexually abused in childhood)
514.529-5567 | www.criphase.org

IVAC (Crime victims' compensation)
Montreal : 514-906-3019 | www.ivac.qc.ca/en

CAVAC (Crime victims assistance centre)
1-866-532-2822 | www.cavac.qc.ca/en

Glossary

CALACS Centres d'aide et de lutte contre les agressions à caractère sexuel (Sexual assault centres)

CAVAC Centre d'aide aux victimes d'actes criminels (Crime victims assistance centres)

CDPDJ Commission des droits de la personne et des droits de la jeunesse (Quebec's Human and Youth Rights)

CNESST Commission des normes, de l'équité, de la santé et de la sécurité du travail (Quebec commission for occupational equity, health and safety)

Designated centre An establishment in the Quebec health and social services network, usually a hospital centre, that offers confidential services for victims of sexual assault 24 hours a day, seven days a week.

IFHP The Interim Federal Health Program is a federal health insurance program similar to the RAMQ but intended for refugee claimants, refugees, protected persons, etc.

IVAC Indemnisation des victimes d'actes criminels (Crime victims' compensation).

Medico-social examination Psychological and medical support provided by a multidisciplinary team for sexual assault victims. This intervention does not have to be carried out within a specific period of time.

Medico-legal kit Used to collect physical samples that could be used as evidence if a sexual assault victim decides to report the assault to the police. The assault must have occurred no more than five days prior to the examination.

MTESS Ministère du Travail, de l'Emploi et de la Solidarité sociale (Quebec department of labour, employment and social solidarity)

Protected person A protected person is a person who does not correspond to the definition of a refugee under the 1951 Geneva Refugee Convention but who is in a similar situation and needs protection under Canadian law (in danger of torture, for example).

RAMQ Régie de l'assurance maladie du Québec (Quebec health insurance board)

Social assistance (welfare) Financial assistance provided by the governent to individuals who are unable to pay for their basic needs.

Unsuccessful refugee claimant A person who has been refused asylum but has not been issued a date of deportation.

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