

OLD AGE BENEFITS FORUM

883 East 59th Avenue, Vancouver, BC V5X 1Y6

Registered Under the Societies Act – Registration No. S-35638

Phone: 604-321-4466 • Phone 604-575-9160

Ontario Chapter :Tel: 905-840-1724

October 15, 2004

Honourable Chairperson
Seniors Advisory Committee
City of Vancouver
453 West 12th Avenue
Vancouver, BC
V5Y 1V4

Subject: Equitable Treatment of All Canadian Seniors
For Grant of Old Age Security Pension

Dear Sir/Madam:

We are seeking your help and cooperation concerning Canadian Seniors Old Age Security pension issue. For your kind information we would like to mention a brief account of our efforts to help deserving, poor and helpless seniors.

The Old Age Benefits Forum came into existence for the purpose of creating awareness regarding the income needs of all elder Canadians to enable them to continue to play an active and positive role in the enrichment of the life of our country. We were successful in persuading the BC Government to remove the harsh 10 year Canadian residency requirement for issuance of the subsidized bus pass for all BC seniors.

We are in the process of persuading the BC Government to remove the harsh 10 year Canadian residency requirement under the Shelter Aid for Elderly Renters (SAFER) act, in view of the difficulties encountered by BC seniors on low incomes who are unable to access assistance through SAFER Program due to the residency requirement.

According to the latest figures released by Human Resources Development Canada, more than 95% of the nearly 4 million Canadian seniors get Old Age Security benefits. The remaining 5% of needy Canadian seniors are denied OAS/GIS benefits for not meeting the harsh 10 year Canadian residency requirement, even though such benefits are given to immigrant seniors from the "Social Agreement" countries within one year of their residency in Canada. Such a dual treatment which applies two different yard sticks under the law, one requiring 10 year residency and the other for only one year of residence to get OAS/GIS benefits, has created a clear-cut unevenness in the application of the Old Age Security act. For this reason, during the last 10 years, we have been pleading with the Federal Government to remove the disparity and grant Old Age Security Benefits to all Canadian seniors on an equitable basis.

We appreciate the support we received from the Seniors Summit I in the "Vancouver Declaration" which stated, "Change the rule that immigrants are not eligible for pensions for 10 years". We also appreciate the support we received from Women Elders in Action (WE*ACT) whose Pension Conference recommended "That every individual who is a permanent resident of Canada at the age of 65 be entitled to OAS/GIS and that these pensions need to at least meet the LICO (low income threshold cut off levels) to reduce the potential abuse of elders. The full entitlement of OAS/GIS be universal"

Old Age Benefits Forum has submitted a request to the SENIORS SUMMIT II, to be held on November on November 6 and 7, 2004 to pursue our issue, especially taking into consideration SENIORS SUMMIT I Conference of October 1999 recommendation:
'CHANGE THE RULE THAT IMMIGRANTS ARE NOT ELIGIBLE FOR PENSIONS FOR 10 YEARS'


In conclusion, we most respectfully request the Seniors Advisory Committee, City of Vancouver to place the Seniors Pension issue in your agenda and we appeal for your help and support in whatever manner you consider best. If you like us to be present at your Committee meeting, please kindly advise us the date and time, for which we remain much obliged.

Thank you, for your kind consideration.

Yours sincerely,



Harbans S. Pawar
President
604-321-4466



Balwinder S. Chahal
Secretary
604-575-9160 (Cell:604-807-3084)

CC: Ellen Woodsworth – Councillor – City of Vancouver

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AGENDA PRESENTED TO HONOURABLE CHAIRPERSON SENIORS ADVISORY
COMMITTEE, CITY OF VANCOUVER 453 WEST 12TH AVENUE, VANCOUVER
BC, V5Y1V4.

- SUBJECT:**
- **EQUAL TREATMENT OF ALL VULNERABLE, NEEDY SENIORS (WHO ARE JUST NEAR TO THEIR DEATH) ACROSS CANADA FOR GRANT OF OLD AGE SECURITY BENEFITS.**
 - **APPEAL FOR THE ELIMINATION OF 10 YEARS RESIDENCY REQUIREMENT OF SECTION 3 OF THE OLD AGE SECURITY ACT FOR THE ELIGIBILITY OF OLD AGE PENSIONARY BENEFITS.**

1. Who we are

Old Age Benefits Forum is a registered body having more than 3000 members all across Canada. Forum is engaged in creating awareness in the society towards welfare, needs & requirements of all seniors, so as to enable them to continue to play an active & positive role in the enrichment of social life in our country & mankind. Forum has chapters in all the major cities of Canada.

2. The Concept and Goal of Old Age Security

(a) The concept and goal of Old Age Security, (Old Age Security Pension and (Guaranteed Income Supplement) combined are designed to provide a basic level of support for all Canadians (irrespective of country of origin) which is welfare for the aged to help seniors of 65 years and over who have little income or no income and focused on those seniors whose income falls below the National House Hold Income average, is to provide them their basic needs of life such as shelter, meals, clothing and other sheer necessities of life to every one irrespective of cast, creed or color so that they can live with dignity and respect in society in Canada declared by the UNO for 6th years in row to the best country in the world to live in.

(b) Old Age Security Benefits are not based on any financial contributions.

3. What is the Issue

(a) Presently there is discrimination prevalent in Old Age Security Benefits Laws, wherein 10 years residency requirement is imposed on the basis of country of origin & race, which violates letter & spirit of EQUALITY CONCEPT enshrined in the Charter of Rights & Freedoms (Constitution Act 1982).

(b) The Act was amended in 1977 to incorporate provisions allowing reciprocal social security agreements to be entered into between Canada & other countries, which permitted for portability of residency period in those countries to qualify for Old Age Security benefits.

The Canadian seniors who are sponsored immigrants from the favored countries/nations as and when they become 65 years old, even after as little as one year residency in Canada are allowed Old Age Security for the last more than 20 years at the rate of 1/40 plus

Guaranteed Income Supplement. Where as the seniors 65-70-80-100 years who are sponsored immigrants from non agreements countries/nations even if they are in Canada for 2,3,4,5,6,7,8 and 9 years are being denied the said benefits of Old Age Security for the last more than 23 years. This unfairness has been admitted by the department of Human Resources and Development in FACT SHEET dated March 1996 and Policy Directive dated October 1997 issued by the department. (copies are attached for ready reference). Ailment was rightfully detected & identified but sadly it was not cured.

3. **Why need to change**

- (a) 10 year Residency requirement imposed on basis of country of origin & race violates the Rights of Equality enshrined in the Charter of Rights & Freedoms (Constitution Act 1982).
- (b) Old Age Security Act was enacted to provide Basic Standard of Living for seniors in Canada. It is one of the Corner Stones of Canadian Social Security System.
- (c) The residency requirement has significant impact on elderly immigrants. An elderly person often has limited physical and mental resources to provide for himself or herself. Such a person's need for basic necessities of life will not depend on whether he or she has recently arrived in Canada nor does such need depends on which country he or she has come from.
- (d) Since 1977 Canada has entered into agreements with 34 countries including United States, Australia, new Zealand, 20 Western. European States, Mexico, Chilli, Philippines & 5 Caribbean nations. Areas of the world without such agreements in place included Africa. Asia (Except Philippines) Central America, South America (except for chile) & Eastern Europe.
- (e) It was here the discrimination between seniors over the age of 65 years on the basis of their countries of origin started, creating two classes among residents of Canada, one coming from certain countries who get Old Age Security Benefits as soon as they reach 65 years of age while other individuals are asked to fulfil a 10 year residency requirement in Canada.
- (f) This kind of treatment or rule was not justified right from its inception but it came in conflict directly with Charter of Rights & Freedoms after its full implementation on 17 April, 1985.

The denial of old age pensionary benefits to the effected seniors is contrary to the motto/claim of the Federal Liberal party which they are saying THAT THE EQUALITY IS THEIR FUNDAMENTAL VALUE AND THAT EVERY MEMBER OF THE CANADIAN SOCIETY BEING HUMAN BEINGS, THEY TREAT THEM EQUAL IN EVERY RESPECT. The denial is also contrary to the unanimous acceptance of the primary mission of provlsons of Section 15 of the Canadian Charter of Rights & Freedoms Act 1982, by the Honorable Supreme Court of Canada in the case of Andrew's versus Law Society of British Columbia which reads as under.

"THE PROMOTION OF A SOCIETY IN WHICH ALL ARE SECURE IN THE KNOWLEDGE THAT THEY ARE RECOGNISED AT LAW AS HUMAN BEINGS EQUALLY DESERVING OF CONCERN, RESPECT AND CONSIDERATION [(1989) 1SCR 143 AT P171, 56, DLR (4TH)1]"

- (g) This fact has been emphatically outlined by universal declaration of Human Rights (1948) & the international covenant on Economic Social & Cultural Rights (1966) to both of which Canada is a signatory wherein it is clearly mentioned that "All Human Beings are born free and equal in Dignity and Rights."
- (h) Although belated but Federal Govt. in its wisdom admitted the fact that law has been unfair

to immigrants from non-social agreement countries in grant of Old Age Security Benefits by issuing a Fact Sheet dated March 6, 1996 as well as Policy Directive # 17/97 OAS-0 issued on Oct 24, 1997.

- (i) The above Policy Directive intended to remove the discrimination & promote fairness, failed to achieve its aim to grant OAS Benefits to seniors who have been denied.
- (j) Your Government is committed to ensure equality for all, particularly for vulnerable & need seniors. You will be playing a historic role by removing this black spot from the fair face of Canadian legal system.

4. **What is impact of the change.**

- (a) As per Statistics Canada of May 1996, there are 35,27,845 seniors in age group of 65 and over, out of which 35,10,847 are getting Old Age Security Benefits and rest are 16,998 who are not getting Old Age Security. Out of These 16,998 more than half are drawing Social Assistance. Even if the Government grants Old Age Security Benefits to all, taking into consideration the amount of Social Assistance already being paid to numbers of seniors the government has to spend only 7 to 8 Millions at the most. Thus this amount is very negligible amount in comparison to the total amount being spent to pay Old Age Security Benefits and CPP, now which is more than 24 billions in 1999 as per Government reports. This amount of 7 million is nothing in order to have this discrimination and unfairness removed and uphold the constitutional obligations for Equality.

5. **What needs to be done**

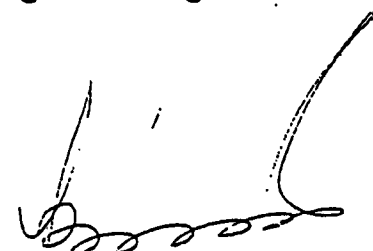
Your Government is requested to amend the Old Age Security Act to remove 10 years residence requirement contained in Section 3, to give OAS Benefits to all the Canadian Citizens without any discrimination.

So we once again sincerely suggest that O.A.S. Benefits be paid to each and every senior over the age of 65 years, irrespective of country of origin, color or creed, which is the intended purpose of law, at the established rule of 1/40 of the flat rate of full pension for each year of residency in Canada plus due Guaranteed Income Supplement to make up the basic living standard or at least 1/10 of G.I.S. per year as has been provided to non-sponsored immigrants of agreement countries which grow over the period of 10 years.

With Regards

Sincerely *Harbans S. Pawar*

Harbans S. Pawar
President



Balwinder S. Chahal
Secretary

Social security agreements with:

- | | |
|-----------------|-----------------|
| Antigua/Barbuda | Grenada |
| Australia | Iceland |
| Austria | Ireland** |
| Barbados | Israel |
| Belgium | Italy |
| Chile | Jamaica |
| Croatia | Jersey/Guernsey |
| Cyprus | Korea |
| Czech Republic* | Luxembourg |
| Denmark | Malta |
| Dominica | Mexico |
| Finland | Morocco* |
| France | Netherlands |
| Germany | New Zealand |
| Greece | Norway |
-
- | | |
|-----------------|-----------------|
| Philippines | St. Kitts/Nevis |
| Portugal | Saint Lucia |
| Spain | Saint Vincent |
| Slovakia* | |
| Slovenia | |
| Sweden | |
| Switzerland | |
| Trinidad/Tobago | |
| Turkey* | |
| United Kingdom* | |
| United States | |
| Uruguay* | |



FACT SHEET

ACCESS OF RECENT IMMIGRANTS TO OLD AGE SECURITY

The Old Age Security (OAS) program is composed of three parts: the basic Old Age Security pension; the Guaranteed Income Supplement (GIS) for low-income seniors; and the Spouse's Allowance (SPA) for 60 to 64 year olds who are spouses of GIS recipients or are low-income widows or widowers.

The Government of Canada is proposing two new measures to improve fairness in the Old Age Security program.

- Newcomers' eligibility for Guaranteed Income Supplement and Spouse's Allowance benefits will be better linked to their length of residence in Canada, if they come from a country with which Canada has an international social security agreement.
- Sponsored immigrants from these countries will not be eligible for the GIS or SPA for the period of sponsorship.

When the new Seniors Benefit is implemented in 2001, the same residence requirements and eligibility rules will apply.

WHY ARE CHANGES NECESSARY?

- Under the current OAS legislation, immigrants from countries with which Canada has social security agreements can qualify for generous GIS/SPA payments after as little as one year in Canada. This is particularly generous in the case of sponsored immigrants because they can collect GIS/SPA benefits during the sponsorship period.
- Denying GIS and SPA during the sponsorship period is consistent with the commitment made by the sponsor to support the immigrant during this period. It is also consistent with the fact that sponsored immigrants from other countries must live in Canada for 10 years before they can receive OAS benefits.
- Now all persons will have to reside in Canada for 10 years, regardless of which country they come from, to qualify for full GIS/SPA benefits.

- The new measures will promote fairness and lessen the burden on Canadian taxpayers.

WHAT ARE THE CHANGES?

- Newcomers with less than 10 years of residence in Canada who qualify for OAS under a social security agreement will have their GIS/SPA entitlement grow gradually over 10 years – 1/10th of the benefit for each year of residence.
- Sponsored immigrants from countries with which Canada has agreements will no longer be eligible for GIS and SPA during their sponsorship period (a maximum of 10 years).
 - They will continue to be eligible for a partial OAS pension.
 - If sponsorship breaks down in exceptional circumstances such as death of the sponsor or elder abuse, they will receive a partial GIS or SPA in the same way as other immigrants from the same countries.

WHO WILL BE AFFECTED AND WHEN?

- Only persons from countries with which Canada has international social security agreements will be affected. See attached list.
- *New rules will apply to two groups:*
 - Newcomers who have not landed in Canada on or before March 6, 1996; and
 - Persons already landed in Canada but who do not qualify for benefits until the year 2001 or later.
- *Existing rules will apply to:*
 - People now receiving benefits under the Old Age Security Act;
 - People who had landed in Canada on or prior to March 6, 1996 and become eligible for benefits prior to January 1, 2001; and
 - Everyone who has 10 years of residence in Canada.

HOW MANY WILL BE AFFECTED?

- A small number of people will be affected in the first two years. This will rise to an estimated 7,500 after 15 years.

For more information on Old Age
Security program benefits and social
security agreements, contact:

Rodney Hagglund
Strategic Policy Branch
Human Resources Development
Canada
(613) 953-8266

For more information on immigration
issues, contact:

Colette Arnal
Strategic Policy, Planning and
Research Branch
Citizenship and Immigration Canada
(613) 994-7775

**COUNTRIES WITH WHICH CANADA HAS
INTERNATIONAL SOCIAL SECURITY AGREEMENTS**

Antigua and Barbuda

Australia

Austria

Barbados

Belgium

Cyprus

Denmark

Dominica

Finland

France

Germany

Greece

Iceland

Ireland

Italy

Jamaica

Jersey and Guernsey

Luxembourg

Malta

Netherlands

Norway

Portugal

Saint Kitts-Nevis

Saint Lucia

Spain

Sweden

Switzerland

United States

BACKGROUND

WHAT ARE OAS, GIS AND SPA?

- The Old Age Security (OAS) pension is a monthly benefit available to anyone in Canada 65 years of age or over who has resided in Canada for at least 10 years after reaching age 18. The amount of the basic OAS pension is determined by how long the pensioner has lived in Canada. It takes 40 years of residence to qualify for a full OAS pension. The benefit is payable outside of Canada to persons with at least 20 years of residence in Canada.
- The Guaranteed Income Supplement (GIS) is a monthly benefit which supplements the OAS pension for seniors with limited income apart from the basic OAS pension. GIS is not taxable and is not paid to persons residing outside Canada.
- The Spouse's Allowance (SPA) is a monthly benefit payable to 60 to 64 year old spouses of OAS/GIS pensioners if their combined income is low, and to low-income widowed persons 60 to 64 years of age. SPA recipients must also meet residence requirements. SPA is not taxable and is not paid to persons residing outside Canada.

WHAT ARE INTERNATIONAL SOCIAL SECURITY AGREEMENTS?

- Social security agreements between countries allow their social security programs to be coordinated, and their social security benefits to be portable.
- The agreements make it easier for residents from other countries to qualify for Canadian benefits and for seniors who have lived in Canada and in other countries to qualify for foreign benefits. This is done by adding together periods of coverage under the programs of two (or more) countries. Each country then pays its share of the benefits according to its own legislation.
- Persons who have lived in Canada for at least one year but for less than the 10 years required to receive a partial OAS pension in Canada are able to use periods of residence or contribution in the other country to meet the 10-year requirement.
- The amount of the OAS pension payable once eligibility for the pension has been established is equal to 1/40th of a full pension for each year of actual residence in Canada after reaching age 18.

- Canada has agreements with the following 28 countries: Antigua and Barbuda, Australia, Austria, Barbados, Belgium, Cyprus, Denmark, Dominica, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Jamaica, Jersey and Guernsey, Luxembourg, Malta, Netherlands, Norway, Portugal, Saint Kitts-Nevis, Saint Lucia, Spain, Sweden, Switzerland, and the United States.

WHAT DOES SPONSORSHIP ENTAIL?

- Under the *Immigration Act*, a citizen or permanent resident of Canada 19 years of age or older may sponsor close family members to immigrate to Canada. Eligible family members include spouses, fiancé(e)s, dependent children, parents and grandparents.
- Sponsors are obliged to support the persons they bring to Canada. This responsibility is spelled out in the sponsorship agreement that all sponsors are required to sign. For the full sponsorship period, a sponsor commits to provide:
 - an adequate place to live;
 - adequate food, clothing and other living expenses; and
 - financial assistance to ensure that the sponsored immigrant does not require financial support from any federal or provincial assistance program.
- In most cases, the sponsorship period is currently 10 years, especially for parents and grandparents. To reflect the seriousness of a sponsor's commitment, regulations were pre-published in December 1995 which would make all new federally administered sponsorship agreements binding for 10 years.
- These regulations are one component of a three-part strategy for reducing sponsorship default announced by the Minister of Citizenship and Immigration in December 1995. The strategy will tighten eligibility criteria, minimize abuse, and improve enforcement.