

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.1.2
Halifax Regional Council
March 6, 2018
March 27, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: January 31, 2018

SUBJECT: Welcomed in Halifax Program Criteria

ORIGIN

On November 14, 2017, Council passed the following motion:

1. Draft amendments to By-law U-100, the User Charges By-law, to permit the waiver of transit fees for up to one year for asylum seekers and claimants with rejected claims and return to Council at a later date with such amendments for further consideration; and
2. Provide for the waiver of recreation fees for up to one year for asylum seekers and claimants with rejected claims within the Recreation Fee Study project.

This report addresses item 1 of the motion. In respect of item 2, Parks and Recreation staff are currently completing the Recreation Fee Study directed by Council on March 16, 2016. A waiver of recreation fees for up to one year for asylum seekers and claimants with rejected claims will be addressed within the Recreation Fee Study project.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, clauses 3(ax) and 104(1)(d) and section 102

3 “In this Act, ...(bx) “transit facilities” includes a bus, a bus terminal, a bus shelter, a bus bay, a parking lot, a ferry, a ferry terminal and a ferry dock;”

102 “Subject to the approval of the Board for those services that are subject to the *Public Utilities Act*, the Council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law.”

104 (1) “The Council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for ... (d) transit facilities;”

By-law U-100, *the User Charges By-law*.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law U-103, further amending By-law U-100, the *User Charges By-law*, as set out in Attachment C of this report.

BACKGROUND

On June 21, 2016 Council adopted By-law U-100, the *User Charges By-law (User Charges By-law)*. This By-law includes Schedule 1 which sets the charges for use of Halifax Transit. Schedule 1 allows Council and the CAO to waive the fees for Halifax Transit.

Schedule 1 also allows the Chief Administrative Officer (“CAO”) the option to delegate his or her authority to waive fees to the Director of Halifax Transit. If Council amends the *User Charges By-law* to allow the waiver of fees for asylum seekers and claimants with rejected asylum claims, the existing wording of Schedule 1 will allow the CAO the option to delegate this new waiver to the Director of Transit.

On May 13, 2017, Council amended the *User Charges By-law* to replace the fees for the SmartTrip Program Membership Fees.

On August 15, 2017 Council amended the *User Charges By-law* making the Low Income Transit Pass Program permanent, and permitting Halifax Transit staff to remove participants from the program after six months of inactivity.

On November 14, 2017 Council considered the staff report dated July 20, 2017, attached to this report as Attachment 1. Council directed staff to, amongst other things, prepare amendments to the *User Charges By-law*, to extend the waiver of fees for asylum seekers and claimants with rejected asylum claims for a period of up to one year.

As directed by Council, staff have prepared the amendments to the *User Charges By-law* for Council's consideration. These amendments permit the waiver of transit fees, for up to one year, for asylum seekers and claimants with rejected claims. For the purposes of the by-law, the term “refugee claimant” has been used to define asylum seekers and claimants with rejected claims.

DISCUSSION

Schedule 1 of the to the *User Charges By-law* sets the fees for the use of Halifax Transit. Subsection 4 (1) of Schedule 1 currently permits Council or the CAO to waive user charges for up to one year for a refugee under the settlement support program. This subsection needs to be amended to add in a “refugee claimant”. This will enable Council or the CAO to waive the fees for a refugee claimant for up to one year. The existing waiver of fees, for up to one year for a refugee under the settlement support program, will not be changed.

A corresponding amendment will be required to add a definition of “refugee claimant” to Schedule 1 of the *User Fees By-law*. This definition defines a “refugee claimant” as a person who:

- has been granted Protected Person status by the Immigration and Refugees Board of Canada;
- has been issued a Refugee Protection Claimant Document;
- has applied for a Pre-Removal Risk Assessment;
- cannot return to their home country because the Government of Canada has suspended or deferred removal of persons from Canada to that country; or

- without temporary status, has applied to stay in Canada permanently on humanitarian and compassionate grounds.

FINANCIAL IMPLICATIONS

The financial implications for the waiver of fees were previously provided to Council in the July 20, 2017, staff report which is attached as Attachment 1. There are no additional financial implications with these amendments.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report.

COMMUNITY ENGAGEMENT

There has been no additional Community engagement since the July 20, 2017 report.

Consultation and advice was obtained in preparing the July 20, 2017 staff report. At that time, consultations were held the Halifax Refugee Clinic and with North Star Immigration Law. As well, the Canada Games Centre, the Canadian Museum of Immigration at Pier 21, the Maritime Museum of the Atlantic and the Museum of Natural History have been consulted and have expressed their interest in extending the program to asylum-seekers and claimants with rejected claims.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications to the activities described in the report.

ALTERNATIVES

Council could refuse to adopt the amendments.

ATTACHMENTS

Attachment A Staff Report - Changes to "Welcomed in Halifax" Program Criteria
Attachment B Showing Proposed Changes to the *User Charges By-law*
Attachment C By-Law U-103 - Amending the *User Charges By-law*

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Derk Slaunwhite, Senior Solicitor, 902.490.4226

ATTACHMENT A



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 14.2.1
Halifax Regional Council
November 14, 2017

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Councillor Wayne Mason, Chair, Community Planning & Economic Development
Standing Committee

DATE: October 27, 2017

SUBJECT: Changes to "Welcomed in Halifax" program criteria

ORIGIN

- October 26, 2017 meeting of the Community Planning & Economic Development Standing Committee, Item No. 12.1.2

LEGISLATIVE AUTHORITY

Community Planning & Economic Development Standing Committee Terms of Reference section 4 (c) which states: "The Community Planning and Economic Development Standing Committee shall oversee the Municipality's Economic Plan, Economic Prosperity Indicators and Immigration Action Plan by: overseeing the progress of the Municipality's Immigration Action Plan and related initiatives."

RECOMMENDATION

The Community Planning and Economic Development Standing Committee (CPED) recommends that Halifax Regional Council direct staff to:

1. Draft amendments to By-law U-100, the User Charges Bylaw, to permit the waiver of transit fees for up to one year for asylum seekers and claimants with rejected claims and return to Council at a later date with such amendments for further consideration; and
2. Provide for the waiver of recreation fees for up to one year for asylum seekers and claimants with rejected claims within the Recreation Fee Study project.

BACKGROUND/DISCUSSION

A staff recommendation report dated July 20, 2017 and a Private and Confidential staff information report dated October 17, 2017 were before the Community Planning & Economic Development Standing Committee at the meeting held on October 26, 2017. After a brief discussion, the committee approved the staff recommendation.

For further information, please refer to the attached staff report dated July 20, 2017.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated July 20, 2017.

RISK CONSIDERATION

No risks identified.

COMMUNITY ENGAGEMENT

The Community Planning & Economic Development Standing Committee meetings are open to public attendance, a live webcast is provided of the meeting, and members of the public are invited to address the Committee for up to five minutes at the end of each meeting during the Public Participation portion of the meeting. The agenda, reports, video, and minutes of the Community Planning & Economic Development Standing Committee are posted on Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

No environmental implications identified.

ALTERNATIVES

The Community Planning and Economic Development Standing Committee did not discuss alternative recommendations.

ATTACHMENTS

1. Staff report dated July 20, 2017.

A copy of this report can be obtained online at Halifax.ca, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Phoebe Rai, Legislative Assistant, 902.490.6732.



Attachment 1 of Attachment A

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.1.2

Community Planning and Economic Development October 26, 2017

TO: Chair and Members of the Community Planning and Economic Development
Standing Committee

ORIGINAL SIGNED

SUBMITTED BY:

Catherine Mullally, Director, Human Resources/Office of Diversity & Inclusion

DATE: July 20, 2017

SUBJECT: Changes to “Welcomed in Halifax” program criteria

ORIGIN

On November 24, 2015, Halifax Regional Council approved a motion endorsing the proposed activities of the Halifax Regional Municipality in support of refugee resettlement and settlement as outlined in the “Settlement Support - Municipal Response” and “Resettlement Support – Municipal Response” sections of the September 15, 2015 staff report.

On March 8, 2016, Halifax Regional Council approved a motion for a comprehensive Recreation Fee Study to be undertaken.

On June 21, 2016, Halifax Regional Council adopted By-law U-100, the *User Charges By-law*.

On March 23, 2017, the Community Planning & Economic Development Standing Committee requested: A staff report regarding the possible extension of the “Welcomed in Halifax” program currently offered for refugees to individuals with Refugee Protection Claimant documents and to other refugee claimants as outlined in the letter from North Star Law and the Halifax Refugee Clinic dated March 16, 2017.

LEGISLATIVE AUTHORITY

Section 102 of the *Halifax Regional Municipality Charter* (“Charter”) states “Subject to the approval of the Board for those services that are subject to the Public Utilities Act, the Council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law.”

By-law U-100, the *User Charges By-law*.

RECOMMENDATION

It is recommended that the Community Planning & Economic Development Standing Committee:

1. Recommend that Halifax Regional Council direct staff to:

- (i) Draft amendments to By-law U-100, the *User Charges Bylaw*, to permit the waiver of transit fees for up to one year for asylum seekers and claimants with rejected claims and return to Council at a later date with such amendments for further consideration; and
 - (ii) Provide for the waiver of recreation fees for up to one year for asylum seekers and claimants with rejected claims within the Recreation Fee Study project.
2. Forward the Private and Confidential Information Report dated October 17, 2017 to Regional Council for their information.

BACKGROUND

On November 24, 2015, Halifax Regional Council approved and adopted the twelve measures proposed in the report “Support for Refugees” to facilitate successful refugee settlement efforts in the municipality. Among the measures adopted by Regional Council was provision of temporary bus passes and free access to HRM recreation programming to all refugees during their first year of settlement. Similarly, it was recommended to work with Multi-District and Community facilities with whom HRM has agreements to encourage them to do the same.

In consultation with Halifax Transit and Parks and Recreation, the “Welcomed in Halifax” (WIH) program was adopted. The program consists of a “WIH card” given to all refugees arriving in Halifax after November 24, 2015. With the WIH card, users can access public transportation and any HRM owned and operated recreation facility and/or program free of cost. All Government Assisted Refugees (GARs), Privately Sponsored Refugees (PSRs), Blended Visa Office-Referral Refugees (BVORs) and Protected Persons over the age of five are eligible to obtain the WIH card.

Other institutions wanting to support refugee settlement have partnered with HRM to offer free services and access to their facilities. Currently, the Canadian Museum of Immigration at Pier 21, the Maritime Museum of the Atlantic and the Museum of Natural History are offering free admission to WIH card holders.

The main purpose of Welcomed in Halifax is to alleviate some of the barriers that refugees face to integrate and settle. During their first year, most refugees live on public or private assistance. These newcomers are likely to undergo financial hardships that prevent them from accessing services and programs. This barrier is further amplified in the case of large families.

Free access to public transportation and recreation can help alleviate some barriers and enable newcomers to create faster connections to the community. Given that new immigrants are much more likely to commute by public transit than their Canadian born counterparts, the free use of public transportation can further ensure that newcomers can access services and programs for which they are eligible, such as health care or social services, career counselling, language training, and other support networks. While public transit is often recognized as a greater immediate need, free access to recreation services is meant to facilitate social integration and to foster a greater sense of belonging in the community.

Section 4(1) of By-law U-100, the *User Charges By-law*, permits Council, by resolution, or the CAO (or Director of Halifax Transit as delegate of the CAO) to waive user charges under the Halifax Transit User Charges Schedule for up to one year for a refugee under the settlement support program. Amendments to By-law U-100 are required to waive user charges for up to one year for asylum seekers and claimants with rejected claims.

Parks and Recreation staff are currently completing the Recreation Fee Study directed by Council on March 16, 2016. A waiver of recreation fees for up to one year for asylum seekers and claimants with rejected claims can be addressed within the Recreation Fee Study project.

DISCUSSION

The “Welcomed in Halifax” program

HRM has received almost 1,600 refugees since the approval of Welcomed in Halifax. This is more than five times the number of refugees the municipality received on a yearly basis between 2004 and 2015, which typically ranged between 120 and 250 refugees. WIH cards have been issued to cover all refugees who have arrived after November 24, 2015.

WIH cards have been distributed through a partnership between HRM, the Halifax Local Immigration Partnership (LIP), and the Immigrant Services Association of Nova Scotia (ISANS). ISANS receives all GARs and BVORs as well as most of PSRs in the Province. The Halifax LIP liaises between the municipality and ISANS. ISANS, in turn, acts as the liaison between all Settlement Agreement Holders.

Refugees and Asylum-Seekers/Refugee Claimants

According to the Office of the United Nations High Commissioner for Refugees (UNHCR), an asylum-seeker is a person whose request for sanctuary has yet to be processed. Asylum-seekers flee their countries of origin fearing persecution and apply for refugee status once after they have landed in their potential host country. Under the In-Canada Asylum program, Canada offers protection to persons fleeing their home countries fearing persecution, undue hardship, torture or death due to race, religion, nationality, political opinion or membership in a particular social group. Asylum-seekers are also known as refugee claimants.

Refugees, unlike asylum-seekers, apply for refugee status abroad under the Refugee and Humanitarian Resettlement program, often from within refugee camps. Asylum-seekers live under a temporary status in their potential host country as they wait for the decision of their refugee protection hearing. On average, the wait time in Canada for a hearing to be scheduled is two months. Delays are not uncommon, and can indefinitely extend the waiting time.

If a claim is accepted, the asylum-seeker/claimant becomes a Protected Person and is eligible to apply for Permanent Resident status. The application process for permanent residence may take between one and two years. In the meantime, the Protected Person is still under a temporary status. Estimates from the Halifax Refugee Clinic and North Star Immigration Law (2015) indicate that less than 200 out of approximately 16,900 claims in Canada were made in Nova Scotia.

Asylum-seekers/claimants who have had their claim rejected are subject to lengthy processes of appeals and/or judicial reviews. These processes often take anywhere between two to four years, sometimes longer. According to the Halifax Refugee Clinic, there are a number of refugee claimants with failed claims residing in Halifax but, due to the abovementioned challenges, it is hard to accurately determine that number.

When arriving in Canada, refugees selected under the Refugee and Humanitarian Resettlement program have already been granted permanent resident status and are eligible for all federal and provincial funded settlement programs and services. However, asylum-seekers live under a conditional status that precludes them from accessing services, such as federally or provincially funded settlement programs (i.e. EAL classes or employment counselling) as well as important provincial services like health care or public housing.

Due to the many barriers that asylum-seekers face, they must rely on informal networks to make ends meet and to receive necessary attention, services or training. In Halifax, the only organization supporting asylum-seekers is the Halifax Refugee Clinic (HRC). The HRC offers legal counseling and representation to individuals who would not otherwise have the means to receive professional legal aid. However, the HRC has also sought resources, as well as *pro bono* services and donations made in good faith, to provide some additional support to their clients.

HRM's residents have overwhelmingly responded to support the efforts to help newly arrived refugees integrate successfully in the municipality. Private Sponsorship Groups continue to bring families from at risk

countries. This demonstrates both the willingness and the readiness of the local population to support these vulnerable persons.

The “Welcomed in Halifax” program has been unique in Canada, combining support for refugees with an immediate need (public transportation) and the need to create a sense of belonging in the community (access to recreation services). By extending the Welcomed In Halifax program to asylum-seekers/refugee claimants, the municipality can take a leading role in investing in the future of an often neglected, and highly vulnerable, population.

FINANCIAL IMPLICATIONS

Extension of the “Welcomed in Halifax” program to asylum-seekers and claimants with failed claims can be implemented within existing budgets. It is expected that the number of requests would be approximately 20 per year. Should the number of asylum-seekers and/or claimants with rejected claims be significantly higher than this, staff will return to Council for further direction.

Halifax Transit has been covering the costs of production of the WIH cards and decals. Transit’s estimated cost in potential lost revenue for each individual using the card is calculated at \$85 per month, assuming that a pass is used 50 times a month with an average fare of \$1.70 per ride. The annual cost in lost revenue for an estimated 20 asylum seekers would be approximately \$1,700.

The potential loss of revenue for Recreation Programming for the period of March 2016 to April 2017 totalled \$38,269.23. This figure represents the total cost of the recreation fees waived for refugees, including membership fees and program fees. Based on the usage assumption of \$100 of programs per individual, the annual cost in lost revenue for an estimated 20 asylum seekers would be approximately \$2,000.

The Multi-District Facilities also support WIH cards. The Canada Games Centre has issued approximately 5,200 day passes with the WIH card, representing approximately \$35,000 in potential annual lost revenue; and the Dartmouth Sportsplex issued 9 memberships and 624 passes for a potential annual lost revenue of \$14,700. These figures assume that 100% of people eligible for the WIH program would have used these services.

The Canadian Museum of Immigration at Pier 21, the Maritime Museum of the Atlantic and the Museum of Natural History each affirmed that there is no lost revenue associated with the program. The museums expressed that the WIH cards are helping in reaching out to a population that would not typically access their facilities within their first year in Halifax.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report.

COMMUNITY ENGAGEMENT

Consultation and advice was obtained through conversations with the Halifax Refugee Clinic and with North Star Immigration Law.

The Canada Games Centre, the Canadian Museum of Immigration at Pier 21, the Maritime Museum of the Atlantic and the Museum of Natural History have been consulted and have expressed their interest in extending the program to asylum-seekers and claimants with rejected claims.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications to the activities described in the report.

ALTERNATIVES

The Community Planning and Economic Development Standing Committee could recommend that Halifax Regional Council refuse to extend the “Welcomed in Halifax” program to cover asylum-seekers and claimants with rejected claims.

ATTACHMENTS

1. Email to Councillor Mason from Halifax Refugee Clinic and North Star Immigration Law

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tracey Jones-Grant, Manager Diversity and Inclusion 902.490.3677

Attachment 1

March 16, 2017

VIA EMAIL

Waye Mason
Councillor, District 7 Halifax South Downtown
P.O. Box 1749, Halifax NS B3J 3A5

Dear Councillor Mason:

Re: Request to Include refugee claimants and other vulnerable newcomers in the resources available from the City of Halifax

First and foremost, we would like to thank you for meeting with North Star Immigration Law and the Halifax Refugee Clinic yesterday and for your interest in expanding eligibility of resources available from the City of Halifax to refugee claimants and other vulnerable newcomers. North Star Immigration Law and the Halifax Refugee Clinic (HRC) are keenly interested in ensuring that these groups have access to adequate resources especially in the early days of their arrival in Halifax. As you know, the Halifax Refugee Clinic is an NGO assisting refugees with legal representation and settlement. North Star Immigration Law is a private law firm handling a variety of immigration and refugee matters.

As we discussed in our meeting, the refugee system in Canada is made up of two programs:

- 1) The Refugee and Humanitarian Resettlement Program, for people seeking protection from outside Canada; and
- 2) The In-Canada Asylum Program for people making refugee protection claims from within Canada.

The first group includes government assisted and privately sponsored refugees who are usually selected from refugee camps overseas and enter Canada as permanent residents. Because they are permanent residents upon arrival, they have access to numerous resources such as language classes, settlement and schooling supports, employment readiness and job placement programs, among others.

The second group are inland refugee claimants who do not have access to many (or in some cases, any) resources*. Refugee claimants undergo a demanding eligibility process, security and medical screening, and a rigorous refugee determination process. A person convicted of a serious criminal offence is not eligible to make a claim, nor is a person who has made a refugee claim in Canada in the past, or has refugee status or permanent status in a safe country. Eligibility involves verification and seizure of the claimant's identity documents, and a thorough background check with complete family information and education, employment, and address history. Any military or government service and any previous refusals of applications to Canada must also be disclosed.

Once a person is determined to be eligible to make a refugee claim, the claimant must go through the refugee determination process inside Canada. Their claim is referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB). Refugee claimants wait on average two months for their hearing but there have been recent delays meaning that some wait six months or longer. If a claimant wins their refugee determination hearing, they become a Protected Person, and can apply for permanent residence which takes about 2 years to finalize. There may be a significant delay in a protected person's ability to apply for permanent residence due to the upfront costs, including hefty application fees (\$550 per adult, \$150 per child), fees for translation of documents, and for photographs.

The conditional status of refugee claimants (and in some cases, even a protected person who has not yet applied for permanent residence) means they are excluded from federal/provincial immigration funded settlement services like ISANS programs and ESL classes through the libraries, along with many provincially funded services and programs like MSI, Pharmacare, and public housing. Such exclusion further marginalizes this vulnerable population. Extending resources to refugee claimants in Halifax would be a helpful and supportive gesture during this unstable and often traumatic time.

Refugee claimants and vulnerable newcomers require supports but they also contribute to the community through their skills, expertise, resilience, hard work, and desire to succeed in Canada. They come from around the world and enrich Halifax by making our city more diverse. They are the NGO director from Uganda, the civil servant from Kosovo, the engineer from Libya, the university student from Burundi, the baker and homemaker from Egypt, the scientist from Yemen. This is just a sample of some of those who came to Halifax last year. Providing more supports and opportunities to these newcomers is beneficial for all and may prevent some from leaving our Province. Over the years we have seen many bright, young, refugee claimants leave Nova Scotia to build their lives and grow their families elsewhere in Canada.

There were 16,900 new inland refugee claims in Canada 2015 and less than 200 of these were in Nova Scotia. Anecdotally, in 2016, over 80% of the refugee claims our two organizations were involved in were approved.

The city of Halifax would be wise to include this underserved population in its resources for refugees since more support at the beginning of the settlement process can mean improved well-being and integration long term. We propose that individuals with a Refugee Protection Claimant Document be provided access to the same municipal programs and benefits as resettled refugees.

Beyond refugee claimants, there are many other people who are afraid or unable to return home who may not meet the strict refugee definition, but who face a prolonged stay in Canada beyond their control**. For example, if they have new evidence of risk in their home country that was not available at the time of the refugee hearing, they may apply for a Pre-Removal Risk Assessment (PRRA). They may also be unable to be sent back to their home country because Canada Border Services Agency has suspended or deferred removal to that country due to risks to the civilian population as a result of armed conflict or humanitarian crisis. Currently that list includes Afghanistan, Iraq, Democratic Republic of the Congo, Syria, Yemen, Libya, parts of Somalia, South Sudan, Haiti, Mali, Burundi, and the Gaza Strip.

These individuals, and any individual in Canada without status who would face hardship if they were forced to leave Canada, are eventually eligible to apply for permanent residence on humanitarian and compassionate grounds. These applications can take 2-4 years to process without offering any access to federal, provincial or municipal services.

In addition to expanding available resources to refugee claimants, we suggest the city of Halifax also consider other vulnerable newcomers, such as:

- PRRA applicants;
- Individuals for whom removal to their country has been suspended by the Canadian government; and
- Other individuals without temporary status who have applied to stay in Canada permanently on humanitarian and compassionate grounds,

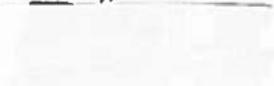
If it did so, the city will be serving a very vulnerable population currently in need.

We believe that providing more resources and support to refugee claimants and other vulnerable newcomers is beneficial for all and will contribute to long term growth and integration.

The Halifax Refugee Clinic and North Star Immigration Law would like to thank you for your time and attention and hope that our request is met with a favourable response!

Please feel free to contact us anytime should you have any questions or require any further information.

Sincerely,


Simon Smith
Settlement Coordinator
Halifax Refugee Clinic


Lori A. Hill
Lawyer
North Star Immigration Law

* Canada has legal obligations towards inland refugee claimants under the Convention Relating to the Status of Refugees (article 33) and the Convention against Torture (article 3). The Supreme Court of Canada has also confirmed that the *Canadian Charter of Rights and Freedoms* guarantees the right of refugee claimants to fundamental justice, in a process where their claims for protection are heard and evaluated impartially. Not everyone who makes a claim in Canada will be determined to be a refugee, but every person needs to be heard to ensure that no one is sent back to face persecution or torture.

** Refugee determination inside Canada adheres to a narrow and strict definition of a refugee as a person facing an objective risk on specific grounds, for whom there is no state protection or alternative place to live within their home country.

**Attachment B
(Showing Proposed Changes)**

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER U-100
RESPECTING USER CHARGES**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Sections 102 and 104 of the *Halifax Regional Municipality Charter*, 1989 R.S.N.S. c. 39, as amended, as follows:

Short Title

1. This By-law shall be known as By-law U-100, the *User Charges By-law*.

Interpretation

2. In this By-law,

(a) “CAO” means the Chief Administrative Officer of Halifax Regional Municipality;

(b) “Council” means the Council of the Municipality;

(c) “Municipality” means the Halifax Regional Municipality; and

(d) “user charge” includes a charge, fare, fee, or levy for the provision of a service to be paid by a person who uses or benefits from the service.

Application of the By-law

3. Council hereby establishes user charges to be paid by the person using the service in the amount as set out in each Schedule to this By-law.

4. Any Schedule to this By-law shall form part of this By-law.

5. The user charges as listed in the Schedules are subject to Federal and Provincial taxes where applicable.

Offences

6. A person who contravenes any provision of this By-law shall be guilty of an offence.

7. A person who contravenes any provision of this By-law is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), in default of payment, to imprisonment for not more than ten days.

Done and passed in Council this 21st day of June, 2016.

Mayor

Municipal Clerk

Schedule 1

Halifax Transit User Charges

Interpretation

1. In this Schedule,

(a) “Access-A-Bus” means the Halifax Transit service for persons unable to use conventional transit due to a physical or cognitive disability;

(b) “adult” means a person between 16 years of age and up to and including 64 years of age;

(c) “child” means a person between 5 years of age and up to and including 15 years of age;

(d) “CNIB” means The Canadian National Institute for the Blind;

(e) “Halifax Transit” means the transit facilities and services provided by the Municipality;

(f) “Low Income Transit Pass” means a transit pass issued under the Low Income Transit Pass Program;

(g) “personal care attendant” means a person issued a Personal Care Attendant Identification Card by Access-A-Bus;

(h) “proper authority” means any employee of Halifax Transit carrying an identification card issued by Halifax Transit;

(i) “refugee” means a person identified as a refugee pursuant to the *Immigration and Refugee Protection Act*;

(ia) “refugee claimant” means a person

(i) who has been granted Protected Person status by the Immigration and Refugees Board of Canada,

(ii) who has been issued a Refugee Protection Claimant Document by the Government of Canada,

(iii) who has applied to the Government of Canada for a Pre-Removal Risk Assessment,

(iv) who cannot return to their home country because the Government of Canada has suspended or deferred removal to that country, or

(v) without temporary status, has applied to the Government of Canada to stay in Canada permanently on humanitarian and compassionate grounds;

(j) “registered Access-A-Bus user” means a person eligible to travel on Access-A-Bus as determined through an application process;

(k) “senior” means a person 65 years of age and over;

(l) “SmartTrip EPass” means a transit pass issued under the SmartTrip Program;

(m) “student” means a person who is a full-time student at an educational institution as confirmed by a valid student ID;

- (n) “transfer” means proof of payment in a form prescribed by Halifax Transit that
 - (i) is issued by Halifax Transit when the initial user charge is paid;
 - (ii) allows the person to continuously travel on more than one route, of the same or lesser user charge, without having to pay an additional user charge; and
 - (iii) expires ninety (90) minutes after the last timepoint on the originating route;

(o) “UPass” means a transit pass issued to a student who attends a post-secondary institution that has signed a contract with the Municipality.

Application

2. (1) Subject to section 3, no person shall travel or attempt to travel on Halifax Transit without paying the appropriate user charge as set out in section 9 of this Schedule.

(2) Where the amount of the user charge for passage on Halifax Transit is disputed, the person disputing the amount shall pay the amount requested by a proper authority.

(3) A person who refuses to pay the user charge requested by a proper authority shall be refused passage on Halifax Transit.

3. Notwithstanding subsection 2(1), travel on Halifax Transit shall be free for the following:

- (a) a child under five (5) years of age;
- (b) a senior between 10:00 a.m. and 3:30 p.m. and after 6:00 p.m. until end of service day on Tuesdays;
- (c) a person with a CNIB identification card;
- (d) an employee or retiree of Halifax Transit;
- (e) a Halifax Regional Police officer in uniform;
- (f) a personal care attendant when accompanying a registered Access-A-Bus user;
- (g) a person, and any accompanying family member, who is a veteran or current member of the armed forces and
 - (i) is in uniform, or
 - (ii) who presents an armed forces ID on Remembrance Day; and
- (h) an elementary school student travelling to or from the Beaver Bank Monarch Drive Elementary School on the Route 400.

4. (1) Council, by resolution, or the CAO, may waive any user charge under this Schedule:

- (a) for the following days,
 - (i) Canada Day,
 - (ii) Natal Day, or
 - (iii) after 6 p.m. and until end of service on New Year’s Eve;
- (b) where, in the opinion of Council or the CAO, such a waiver would be beneficial to the Municipality;
- (c) for up to one year for a refugee under the settlement support program **or for a refugee claimant**; or

(d) for event volunteers and participants upon application by an event organizer.

(2) The CAO may delegate the authority under subsection 1 of this section to the Director of Halifax Transit.

Low Income Transit Pass Program

5. A person who meets the eligibility requirements of the Low Income Transit Pass Program as adopted by Council, by resolution, may apply to the program.

6. Council may, by resolution, set the number of Low Income Transit Passes available under the program.

7. A Low Income Transit Pass shall be provided by the Municipality on a first come, first serve basis.

8. Meeting the eligibility requirements does not guarantee a person will receive a Low Income Transit Pass.

8A. (1) The Director of Transit or his designate shall set the program year for the Low Income Transit Pass Program.

(2) If the number of qualified applicants to the Low Income Transit Pass Program exceeds the number of Low Income Transit Passes available in the program year, a waiting list shall be created and names added as they are approved.

(3) The Director of Transit or his designate may remove a person from the Low Income Transit Pass Program if:

(a) the person has not purchased a Low Income Transit Pass for a period of six (6) consecutive months; and

(b) there is a waiting list.

(4) A person removed from the program in accordance with subsection 3, may apply to the program in the same program year and, if accepted into the program, the person shall be added to the waiting list.

User Charges for Halifax Transit

9. The user charges for Halifax Transit shall be as follows:

| Type of Service | User Charge per person |
|---|-------------------------------|
| Conventional Bus, Ferry and Access-A-Bus | |
| Adult Cash | \$2.50 |
| Student Cash | \$2.50 |
| Senior Cash | \$1.75 |
| Child Cash | \$1.75 |
| 10 Tickets Adult or Student | \$20 |

| Type of Service | User Charge per person |
|--|-------------------------------|
| 10 Tickets Senior or Child | \$14.50 |
| Adult Monthly Pass | \$78 |
| Adult Monthly Pass for Low Income Transit Pass | \$39 |
| Senior or Child Monthly Pass | \$58 |
| Student Monthly Pass | \$70 |
| Halifax Regional School Board Pass | \$50 |
| UPass 8 month pass 9 month pass | \$145.52 \$162.89 |
| MetroLink | |
| Adult Cash | \$3.00 |
| Senior or Child Cash | \$2.25 |
| Student Cash | \$3.00 |
| Adult Monthly Pass | \$94.50 |
| Adult Monthly Pass for Low Income Transit Pass | \$47.25 |
| Person with Halifax Transit Ticket, MetroPass, UPass or transfer | \$.50 |
| MetroX | |
| Adult Cash | \$3.50 |
| Senior or Child Cash | \$2.75 |
| Student Cash | \$3.50 |
| Adult Monthly Pass | \$111 |
| Adult Monthly Pass for Low Income Transit Pass | \$55.50 |
| Person with Halifax Transit ticket, MetroPass, UPass or transfer | \$1.00 |
| Person with MetroLink pass or transfer | \$.50 |
| SmartTrip EPass | |
| EPass for Adult | 87.5% of the cost of 12 |

| Type of Service | User Charge per person |
|---------------------------|---|
| EPass for Senior | monthly passes for the corresponding type of Halifax Transit pass |
| EPass for MetroLink Adult | |
| EPass for MetroX Adult | |

Schedule 2

SmartTrip Program Membership Fees

1. The user charges for enrolment in the SmartTrip Program shall be as follows:

| Workplace Size (# of Employees) | Annual Fee |
|--|-------------------|
| 1-100 | \$100 |
| 100+ | \$250 |

**Attachment C
(Amending By-law)**

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW U-103
RESPECTING THE AMENDMENT OF BY-LAW U-100
RESPECTING USER CHARGES**

BE IT ENACTED by the Council of Halifax Regional Municipality that Schedule 1 of By-law U-100, the *User Charges By-law*, is further amended as follows:

1. Section 1 is amended by added clause ia after clause i and before clause j as follows:
 - (ia) “refugee claimant” means a person
 - (i) who has been granted Protected Person status by the Immigration and Refugees Board of Canada,
 - (ii) who has been issued a Refugee Protection Claimant Document by the Government of Canada,
 - (iii) who has applied who has applied to the Government of Canada for a Pre-Removal Risk Assessment for a Pre-Removal Risk Assessment,
 - (iv) who cannot return to their home country because the Government of Canada has suspended or deferred removal to that country, or
 - (v) without temporary status, has applied to the Government of Canada to stay in Canada permanently on humanitarian and compassionate grounds;
2. Clause c of subsection 4(1) is amended by adding the words “or for a refugee claimant” after the word “program” and before the semi-colon.

Done and passed in Council this day of , 2018.

Mayor

Municipal Clerk