

## PART C – Decision under Appeal

The decision under appeal is the reconsideration decision of the Ministry of Social Development and Social Innovation (the ministry) dated 29 July 2014 that denied the appellant's request for a crisis supplement to pay her application fee for Canadian citizenship. The ministry determined that the appellant's request did not meet all the criteria set out in section 57 of the Employment and Assistance for Persons with Disabilities Regulation. Specifically, the ministry determined that the application fee was not required to meet an unexpected expense or to obtain an item unexpectedly needed and that failure to provide the item will result in imminent danger to the appellant's physical health. The ministry was satisfied that her request met the criterion that there are no resources available to the family unit to meet the expense.

## PART D – Relevant Legislation

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR), section 57.

## PART E – Summary of Facts

With the consent of parties, the hearing was conducted in writing pursuant to section 22(3) (b) of the *Employment and Assistance Act*.

The evidence before the ministry at reconsideration included the following:

1. From the ministry's files:

- The appellant is a sole recipient of disability assistance.
- On 07 July 2014 the appellant requested a crisis supplement to pay the \$400 fee required for her to apply for Canadians citizenship. The ministry denied this request on 10 July 2014.

2. The appellant's Request for Reconsideration dated 16 July 2014. Under Reasons, the appellant writes that the fee in a way is an unexpected expense since it has increased a lot since the last fee, which was under \$100. She writes that she has been a Canadian resident for over 20 years. Her disabled son was born in Canada and her two adult daughters are Canadian citizens. With her current disability assistance of under \$900 it is impossible for her to afford the \$400 fee or even slowly save to pay it one day. Her daughters support her to the extent that their means allow them to, since her assistance just barely covers the basics.

She goes on to write that her cousin and aunt in her home country passed away and although she could not afford to travel to attend their memorials, she also couldn't go since she didn't have her Canadians citizenship. The situation is not helping with her depression. She states that it would be really good for her if she could obtain her citizenship status: it is long overdue that she applies and it is her right – she simply cannot cover the fee.

The appellant's notice of appeal is dated 16 August 2014. She attaches her Reasons handwritten on her Request for Reconsideration form. In addressing the "imminent danger to physical health" criterion, the appellant writes that in her 20 years in Canada she has suffered through financial, mental and emotional hardship and stress, which continues and which has taken their toll on her physical health. She has been existing in survival mode for so many years that this has become intolerable and for her own survival she is making every last effort to bring stability and a sense of normalcy to her life and to that of her children. She believes that being a citizen of Canada is one of the most important steps to achieve the sense of stability, even if she can never afford to leave the country to mourn with family when called on, or to take her daughters on vacation. As it is right now, she wakes up in the middle of the night with panic attacks and worries about not having her citizenship after so long; the possibility of not being able to afford it brings her anxiety. The added stress that this places in her life and the love of her children is affecting her physical health. She worries about having a heart attack from the stress and sleeplessness arising from this matter. The balance of her submission goes to argument (see Part F, Reasons for Panel Decision, below).

In a submission for the written hearing, dated 26 August 2014, the appellant writes:

I cannot wait more than 21 years here to not have citizenship. I believe I have to have Canadian citizenship as I have a son who was born in Canada and two daughters who are Canadian citizens as well. There is no point for me not to have Canadian citizenship. [The] Canadian citizenship fee is \$400 and nobody can give me money. I cannot save this money from my welfare paycheque because this money is for food and rent only. This is

bothering me all the time and I feel depressed as I feel I am not the same as my children. If something urgent happens and I have to go to [country of birth] or any other countries I cannot do that as I do not have [a] Canadian passport or any other passport.”

In a submission dated 03 September 2014, the ministry clarified a typographical error in the background section of the reconsideration decision – the ministry does *not* provide funding for obtaining citizenship as there is no legislation to enable the Minister to do so.

The balance of the ministry's submission went to argument regarding the “imminent danger to physical health” criterion (see Part F, Reasons for Panel Decision; below).

The panel finds that the information provided in the appellant's Notice of Appeal and in her submission before the hearing regarding the physical impacts of the depression is in support of the information and records before the ministry at reconsideration, as it is further to her mention of depression in the Request for Reconsideration. Accordingly, the panel admits this evidence under section 22(4) of the *Employment and Assistance Act*.

## PART F – Reasons for Panel Decision

The issue in this appeal is whether the ministry was reasonable in denying the appellant's request for a crisis supplement to pay her application fee for Canadian citizenship because that the appellant's request did not meet all the criteria set out in section 57 of the EAPEDR. More specifically, the issue is whether the ministry determinations, which held that the application fee was not required to meet an unexpected expense or to obtain an item unexpectedly needed and that failure to provide the item will result in imminent danger to the appellant's physical health, were reasonably supported by the evidence or were a reasonable application of the legislation in the circumstances of the appellant.

The ministry was satisfied that her request met the criterion that there are no resources available to the family unit to meet the expense.

The relevant legislation is set out in the EAPWDR:

### **Crisis supplement**

- 57 (1) The minister may provide a crisis supplement to or for a family unit that is eligible for disability assistance or hardship assistance if
- (a) the family unit or a person in the family unit requires the supplement to meet an unexpected expense or obtain an item unexpectedly needed and is unable to meet the expense or obtain the item because there are no resources available to the family unit, and
  - (b) the minister considers that failure to meet the expense or obtain the item will result in
    - (i) imminent danger to the physical health of any person in the family unit, or
    - (ii) removal of a child under the *Child, Family and Community Service Act*.
- (2) A crisis supplement may be provided only for the calendar month in which the application or request for the supplement is made.

Regarding the "unexpected expense or item unexpectedly needed" criterion, the position of the ministry, as set out in the reconsideration decision, is that although the citizenship fee amount may have increased, the ministry is satisfied that the requirement to pay an application fee for citizenship is not an unexpected expense, and as the appellant has been residing in Canada for 20 years, her citizenship is not unexpectedly needed.

As to the "imminent danger to physical health" criterion, the ministry's position, as set out in its submission before the hearing, is that although the appellant may find it stressful to not have Canadian citizenship, there is no evidence that failure to obtain citizenship will result in imminent danger to the appellant's health. That the appellant has been living in Canada for over 20 years without citizenship supports the ministry's position that there is no threat of imminent danger without citizenship in this appellant's case.

The position of the appellant is that applying for Canadian citizenship is her right, The fee increase to \$400 is unexpected, and that the lack of citizenship adds to her depression, causing a great deal of stress which in turn can lead to serious and even life-threatening illness, such as a heart attack.

### *Panel Decision*

The panel considers the “unexpected expense or item unexpectedly needed” criterion requires consideration of how sudden the need appears and how immediately it must be addressed. Put another way, one must consider how short the time period is for planning and making the necessary arrangements to meet that need. The evidence is that the appellant has resided in Canada for over 20 years and would have been eligible to apply for citizenship over the past many years. Given the length of time that the appellant has had to apply for Canadian citizenship and while the application fee may have recently increased, the panel finds that the ministry was reasonable in determining that the “unexpected expense or item unexpectedly needed” criterion has not been met.

As to the “imminent danger to physical health” criterion, the appellant has provided no medical evidence – that is, documentation from a medical practitioner or other health professional – that her depression has led to increased stress and anxiety that is likely to lead to an imminent life-threatening situation, such as a heart attack, and that that this increased stress is directly attributable to her lack of Canadian citizenship. In the absence of such evidence, the panel finds that the ministry was reasonable in determining that this criterion has not been met. The panel notes, however, that even with such medical documentation she would still not meet the “unexpected expense or unexpectedly needed” criterion and would still not be eligible for the requested crisis supplement.

Accordingly, the panel finds that the ministry's decision to deny the appellant's request for a crisis supplement to pay for the application fee Canadian citizenship is reasonably supported by the evidence. The panel therefore confirms the ministry's decision.