



Broken hearts and financial ruin

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By Lucy-Claire Saunders



Shajila Singh

It's been the fight of her life but Shajila Singh finally did it.

After years of protesting, pleading, and praying she has rid herself of her husband and his departing gift of a \$50,000 debt.

Singh got married in 1993 in Abbotsford, B.C. to a man she refers to as Vijey from India. The 37-year-old health worker then sponsored her new husband to come to Canada. The marriage deteriorated amidst claims of assault, adultery and desertion.

Singh got a divorce from her husband in January 2000. The horror of a bad marriage was over.

But the nightmare of separation had just begun.

Singh was saddled with a \$50,000 debt her husband had accumulated by collecting welfare.

Under federal rules, a sponsor is responsible for all debts racked up by their spouse – or ex-spouse – from all assistance programs from all levels of government.

After eight years, Singh has just been told that the debt has been forgiven.

The decision paves the way for dozens of others to fight what is being labeled as a discriminatory system by MLA (Burnaby-Edmonds) Raj Chouhan.

"At several times I was suicidal," Singh told the South Asian Post. "A woman in my position never gets free from an abusive relationship. Before, she gets controlled and abused by her spouse and then by the government."

Last September, the Campbell government gave more leeway to sponsors who are able to demonstrate abuse, but only after much pressure from the opposition New Democrats and from the victims themselves.

(In 2003, Ottawa bowed to public pressure and shortened the term of sponsorship contracts to three years from ten, though the change occurred after Singh's plight began).

The provincial policy revision allows for debt collections to be placed on hold for one year to afford time for the situation to be resolved, or for victims to make their case.

Currently, there are 98 files on hold for health and safety reasons in the collection process out of a total 2,800 outstanding accounts, which in total, owe the government more than \$33 million, according to the communications director for B.C.'s Ministry of Labour and Assisted Income, Richard Chambers.

But while the debt collection may be suspended, the interest clock keeps right on ticking. MLA Chouhan, who has been fighting for Singh, is determined to change the sponsorship policy so that it helps victims of abuse rather than entraps them. He wants to see more responsibility placed on the abuser and less on the victim.

"Is that an answer?," he asked. "Instead of listening to the sponsor's plea, [the government] is holding the debt, which eventually, they will go after anyways."

"There needs to be a full revision of the policy so that while the couple is not living together, the person who has initiated that abuse should be responsible for paying back the government expenses."

There are no available statistics on the dissolution of marriages after someone has been sponsored, according to Citizenship and Immigration Canada spokesperson Karen Shadd-Evelyn, nor are there stats on the number of sham marriages filed.

Shadd-Evelyn stressed that sponsors need to be fully aware of what they're getting themselves into when they sign on the line.

Because of the lack of statistics, it is difficult for activists to show just how many women are struggling with a policy that did not have victims in mind. The only thing they can point to are individual stories like Singh's.

She fought for four years, lobbying the government to act on her case. She spoke with everyone and anyone who would listen. She won a small milestone when she found Sarah Khan, a lawyer from the British Columbia Public Interest Advocacy Center who would work pro bono.

Although Singh had done everything Khan did, writing letters and contacting the appropriate people, Khan had more 'luck' in being heard.

"Why do we have to go through all these hoops for people like Shajila who should have been given justice a long time ago?," asks MLA Chouhan.

Chouhan is finding that the sponsorship system is so unorganized that many victims, like Singh, are not informed that their spouses are on welfare until years after the fact, when it's harder to challenge their claims.

"In some cases the government doesn't even call the sponsor so they don't even know how much the person is collecting or why," he said.

While Singh is celebrating her victory, on the other side of Canada, Chagin Patel in Hamilton, Ontario finds himself waiting for the collection agency he knows will eventually come.

In 2004, when he was just 25-years-old, he married a young girl from Majigam, a small village in Gujarat, India. When his new wife, Hetal, arrived in Canada two years later, they were together for only three days before she told him she was in love with another man.

"My heart was broken," he said.

When Patel filed for an annulment, he found out Hetal was using government income assistance. Although the Ontario provincial government has not yet notified Patel of his accruing debt, he knows he's responsible for all payments Hetal receives before 2009.

Sally Santiago, a women's rights activist and a victim of a sham marriage herself, believes that Canada's sponsorship policy needs to be overhauled to better reflect the needs of victims of abuse.

Disturbed by the lack of communication and a debt created by someone who broke their hearts, both activist Santiago, and the cuckolded Patel say the answer is not in more regulations, but in enforcement.

Canada already has a law which restricts the legal status of those who marry Canadian residents under false pretenses. Foreign nationals who enter marriages of convenience are not allotted the legal rights of a spouse or common-law partner.

Technically, a person found guilty of such a marriage would be "removed" from Canadian soil.

Santiago has been trying for years to get her ex-husband deported after he roped her into what she describes as a sham marriage and then allegedly physically assaulted her. But despite her efforts, she has not succeeded.

It is unclear just how seriously the Canada Border Services Agency (CBSA) takes the enforcement of sham-marriage laws. There are no available statistics on how many people have been "removed" after entering Canada via bogus nuptials, according to Paula Shore, spokesperson for CBSA, which leaves people like Santiago wondering if enforcement is even existent.

But deportations might not be the answer as they are costly and time-consuming, admits Singh. She is unable to present a clear solution but holds hope that a compromise will eventually be reached.

"We cannot just give up," she said. "We have to educate as many people as possible because I know for a fact there are many other women who are in the same situation."

When Singh found out her debt had been cleared two weeks ago, she was in complete shock. "After all those years, the government just wrote my debt off like that. Just a few sentences and that was it."

It's been a long journey for Singh and she is tired. She plans to take a month off and concentrate on the only thing that has released her frustration and anguish all these years—painting. Her brightly harrowing story is on her website: www.shajila.com. But surely Singh is not done fighting.

"My debt is gone and I'm free," she said. "But there is still lots of work to be done. It's us — women, Canadians — who are suffering. And unfortunately, our country is not doing much about it. They might not be spending money or making resources available so it's up to us to find a solution."