



# Canadian Network of Women's Shelters & Transition Houses

Réseau canadien des maisons d'hébergement pour femmes

Ottawa , January 27 2014

**Honourable Steven Blaney**

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**Honourable Chris Alexander**

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**Subject: Request for intervention to stay the deportation of Ms. Ivonne Hernandez Segura and to regularize her status**

Dear Ministers,

On behalf of the Canadian Network of Women's Shelters and Transition Houses, I am writing to express my indignation regarding the detention of Ms. Ivonne Hernandez Segura at the Immigration Prevention Centre in Laval. Ms. Hernandez Segura is a Mexican citizen who until quite recently found refuge at a shelter for abused women in Montreal. She was released from detention on Friday January 24 on a cash bond.

Ms. Hernandez Segura, a victim of conjugal violence on the part of her ex-partner, now faces the imminent risk of deportation to Mexico and consequent separation from her one-year old son.

As is the case for many newcomer women in situations of conjugal violence, Ms. Hernandez Segura was under the sway of her partner, who on the one hand promised to sponsor her and thus regularize her status, and on the other hand threatened to have her deported if she didn't comply with his demands, or if she attempted to take steps to escape from this situation of daily violence and abuse.

Dr. Marie-Michelle Bellon, the doctor treating Ms. Hernandez Segura said: "she spoke to me about a climate of psychological violence and threats against her life, and mentioned that her partner threatened regularly to denounce her to immigration agents to have her deported to Mexico. [...] Based on my meetings with Ms. Hernandez I have no doubt that she prioritised the well-being of her son before all else, and that she decided that the tension in the home was harmful to her child.

On December 11 2013, Ms. Hernandez Segura fled her home with her son and took refuge at le Parados, a shelter for women who are victims of conjugal violence and their children, and a member of the *Fédération de ressources d'hébergement pour femmes violentées et en difficulté du Québec*. Her ex-partner immediately denounced her to the authorities, which resulted in her loss of custody of her child. In a judgement delivered January 10 2014, the judge gave custody of her child to the father, apparently citing Ms. Hernandez Segura's precarious immigration status, **despite the fact that she was safe at a women's shelter**. Ms. Hernandez Segura obtained permission to see her son 6 hours per week.

Nonetheless, throughout her stay at le Parados, the support team observed that Ms. Hernandez Segura is a loving mother with a deep attachment to her son. Unfortunately neither conjugal violence nor her parental abilities made a difference in court, and her son was taken away from her because she is without legal status in Canada. This constitutes a serious case of re-victimization for this woman struggling for her safety, her freedom and the well being of her son.

On Wednesday January 22 2014 around 4pm, as she was going to pick up her one-year old son from her ex-partner, Ms. Hernandez Segura was arrested in a planned intervention involving the police and border security. The ambush took place in public, at the Berri-UQAM train station.

The Ministry of Immigration intends to deport Ms. Hernandez Segura to Mexico, where she risks becoming a victim of more violence. This situation is contrary to Quebecois and Canadian values of openness, tolerance and protection of victims. Although she is without immigration status, she should be protected under the Canadian and Quebecois Charters of Rights and Freedoms, and by the *Quebec Policy on intervention in conjugal violence*, which stipulates clearly in its guiding principles the right of victimized women and children to safety and protection. Ms. Hernandez Segura's situation is also contrary to a number of conventions and international declarations signed and ratified by Canada, which Canada is thus obliged to adhere to: the UN Declaration on the Elimination of Violence against Women, the Geneva Convention, the International Covenant on Civil and Political Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, Beijing Protocol, etc.

Ms. Hernandez Segura arrived in Canada in July 2009 and filed a claim for asylum. **She was fleeing the violence of her partner – a policeman – in Mexico**. In October 2011, her asylum claim was rejected and in July 2012 she received a deportation order. Rather than return to face the real danger awaiting her in Mexico, she decided to join the ranks of the hundreds of thousands of people living without status in Canada, who constitute one of the most vulnerable and exploited groups in our society.

In Canada without status, without an income, with a child, and being herself a victim of conjugal violence, Ms. Hernandez Segura was indeed among the most vulnerable, and didn't know where to turn for help. Each step she took outside the safe space that is the women's shelter represented a risk of revictimization for her – by the authorities, the socio-judicial system, or her ex-partner. She faced fear and constant threat in both the public and the private spheres. What has been done to protect this woman who has been living in fear for years?

In this case, a mother has had her son taken away from her – perhaps forever – because of her migratory status. This situation is unacceptable, and runs against the State's obligation to exercise due diligence to prevent, investigate and punish acts of violence and discrimination against women. Ivonne Hernandez Segura should not have been in detention – she should have status in Canada. She should be protected from conjugal violence, and most of all, Ms. Hernandez Segura – a devoted and loving mother – should not be separated from her child.

In the face of this dire situation for the life and safety of Ms. Hernandez Segura, and in keeping with the principle of the Best interest of the child, I ask you, Honourable Ministers Blaney and Alexander, to intervene to prevent Ms. Hernandez Segura's deportation and accord her protection in Canada. I ask that she be given permanent residence on humanitarian and compassionate grounds, so that her immigration status is regularized and she is protected under the same principles as other women victims of conjugal violence in Quebec and Canada.

Yours sincerely,

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