Doctors promise protests along with court challenge to refugee health cuts

Canadian doctors who have launched a legal challenge against the federal government's cuts to health benefits for refugees promise further protests and disruption of federal Cabinet ministers' announcements, starting this spring.

Medical students and residents who have "never been in the streets before, never protested" are rallying around this issue and will join other health care professionals to hold the government accountable for the effect its cuts are having on refugees' health, says Dr. Philip Berger, head of family medicine at St. Michael's Hospital in Toronto, Ontario, and a leader in Canadian Doctors for Refugee Care.

"We're organized, and we're ready," says Berger.

Canadian Doctors for Refugee Care joined forces with The Canadian Association of Refugee Lawyers and three patients to file an application on Feb. 25 in Federal Court. The application asks for a judicial review of Citizenship, Immigration and Multiculturalism Minister Jason Kenney's cuts to the Interim Federal Health Program.

Changes to the program, which took effect June 30, 2012, established a complicated class system of refugee care. Some classes of refugees, such as government-sponsored refugees, continue to receive extended health benefits such as drug coverage, limited dental and vision care, home care and some counselling services. But many other refugees or failed refugee claimants get virtually no benefits, not even vaccinations, unless they pose a danger to public health or are homicidal, even if they have valid work permits and pay Canadian taxes.

Those denied extended benefits include people receiving medication before June 30, such as patients with diabetes or other chronic conditions, who now have to pay if they need the drugs. In some cases the benefits depend on a refugee's country of origin.

Physicians and patients are having a difficult time figuring out the federal government's new system of payment for refugees' health care.

The cuts have left doctors confused about who is and who is not covered, leading many walk-in clinic staff and private practitioners to refuse to treat any refugee because of concerns they will not be paid, Berger says.

Kenney has said the changes to the Interim Federal Health Program will save taxpayers about \$20 million a year. He insists the plan will continue to cover most refugee claimants and "legitimate refugees," but not those he calls "bogus asylum seekers, rejected claimants — people who are effectively illegal migrants."

In fact, the changes do cut health benefits to privately sponsored refugees who are in Canada legally and were previously covered under the program.

"The minister is using the denial of health care as a means of keeping refugee claimants out of Canada," says Berger. "I've been treating refugee claimants for 35 years and have never met any claimants who sat down and

considered health care before fleeing for their lives. It's ridiculous."

The changes have bewildered refugees and their health care providers. To get paid or to receive laboratory coverage, physicians must first register with Medavie Blue Cross "and then try to discern this unbelievably complicated, impenetrable, incomprehensible grid of various payment categories," Berger says. The refugee categories are posted on the Ministry of Citizenship and Immigration's website (www.cic.gc.ca/english/refugees/outside/summary-ifhp.asp).

For example, some victims of human trafficking or refugees resettled for compassionate reasons, including through the Minister's decision, still qualify for extended benefits. But even refugees themselves may not know what category they fall in, which is difficult for doctors to determine.

Physicians "can't understand [the system] and can't deal with it. Many doctors are just throwing up their hands," says Berger. Only 5 of 30 walk-in clinics that

Canadian Doctors for Refugee Care surveyed in Toronto are still accepting refugees or refugee complaints.

In Ottawa, according to an email the *CMAJ* obtained between Foreign Affairs Minister John Baird and Dr. Doug Gruner, only 9 of 33 walk-in clinics are accepting refugees. “Of those 9 clinics ... there is a \$60 up front [sic] fee that refugees don’t have,” Gruner writes. “I have been forced, painfully to tell refugees to actually go to the ER ... where there is less likelihood they will be sent away.”

The court challenge alleges the federal government is contravening the Charter of Rights and Freedoms, the UN’s Convention Relating to the Status of Refugees and the UN’s Convention on the Rights of the Child. The request for judicial review also includes a list of 40 patients, including 3 named in the

application, whose health was adversely affected by a denial of benefits.

The decision of the doctors’ and lawyers’ group to join forces in defence of refugees is “unprecedented,” says Lorne Waldman, a Toronto immigration lawyer and member of the Canadian Association of Refugee Lawyers.

“It’s reflective of the fact that the impact of the policy is seen both by the doctors who are the primary caregivers and have to deal on a daily basis with refugees who don’t get health coverage ... and we as lawyers who see the refugees when they come into our offices,” says Waldman.

The new policy’s effects on refugees have taught advocacy in a way medical schools across Canada have failed to do, says Berger, promising that this year’s protests against the policy will be better organized than last year, when

the government’s policy change caught health care workers by surprise.

On June 18, Berger and other members of Canadian Doctors for Refugee Care organized a Day of Action that attracted more than 2000 doctors, nurses, dentists, midwives and social workers to Parliament Hill and 17 other locations to protest the cuts. The group also orchestrated protests that disrupted 20 Cabinet ministers’ public announcements.

Last summer, the doctors’ group had no time to work with like-minded networks, Berger says. That has now changed, and at least nine national health care organizations have gone on record as opposing the cuts. “We have all the networks established this year.” — Laura Eggertson, Ottawa, Ont.

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