



## PAGE 1

Spotlight on Community Agencies

## PAGE 2

Your Legal Rights & the Police  
Free Legal Resources

## PAGE 3

Immigration Consequences of Sex Work in Canada  
Free Legal Resources

## PAGE 4

Work Related Updates  
BC Family Law  
SWAN Outreach

“Instead of pressuring or telling women what they should be doing with their lives, we respect and support their decisions and seek to reduce the harms or risks present in their work”  
SWAN Vancouver

### Announcement

SWAN offers a **monthly drop – in** for women working in massage parlours the 3rd Friday of every month. Winter 2013 support days are January 18, February 15, and March 15. We can help with health, immigration, employment, housing, legal, social services, family, community referrals and resources and general problem solving. Support is provided in a private and secure location. We will not ask for information you do not want to share including your name, immigration status or work details. All your information will remain confidential. Contact SWAN for more details.  
**604 719 6343**

## Spotlight on Community Agencies - Crisis & Info Lines



If you are in crisis and/or distress and require immediate response, or just have general questions about the law, your health or social services, the following crisis and info lines can be of assistance.

### General



BC211 provides free information and referrals to a full range of services such as arts and culture, child care, counselling, education, employment, financial assistance, food, funding, government, health care, housing, legal services, multicultural services, occupational associations, recreation, support groups, and volunteering. Multilingual telephone assistance is available 24/7. <http://www.bc211.ca/Dial211>



Information and Support for All Victims of Crime

VictimLink BC is a toll-free, confidential, multilingual telephone service available 24/7 across BC. It provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence. Victim Service Workers provide emotional and crisis support; information and referral regarding victim services, transition houses, counselling resources, and community services; and information about the justice system, relevant federal and provincial legislation and programs, crime prevention, safety planning, protection orders registry, and other resources as needed. Multilingual telephone assistance is available 24/7. <http://www.victimlinkbc.ca/>  
**1 800 563 0808**



Chimo provides free, confidential and non-judgmental emotional support 8:00 am to midnight, 7 days a week. Chimo provides crisis intervention, emotional support, and referral information. The Crisis Line also provides triage

and direct links for callers to Richmond Mental Health Emergency Services.  
[www.chimocrisis.com/](http://www.chimocrisis.com/) **604 279 7070**

### Legal



Dial-A-Law is a free service that offers information on a variety of BC laws such as criminal, family, housing, employment, and health laws among others. Dial-A-Law is a library of scripts prepared by lawyers. Call Dial-A-Law if you think you may have a legal problem and want practical information on the law involved, want to find out about your legal rights and responsibilities, or want to learn more about the law and the legal system in British Columbia. Information is available in English, Chinese and Punjabi.  
[www.dialalaw.org/](http://www.dialalaw.org/) **604 687 4680**

### Health



HealthLinkBC provides non-emergency health information, help in identifying symptoms, when to seek medical treatment, finding and accessing appropriate health resources and navigating B.C.'s health-care system. You can speak with a nurse 24/7. Weekdays you can speak to a dietitian about nutrition. At night you can speak to a pharmacist about medication. 811 has translation services available in over 130 languages. <http://www.healthlinkbc.ca/>  
**Dial 811**

## Your Legal Rights & the Police

### 1. What should I do if the police come into my workplace?

It is a good idea to have a robe ready for inspections. If the police come to your workplace, you may decide to give them your name and your age to show that you are cooperative. However, during an inspection, you are not required to answer any of their questions. If you are under arrest, then you are required to provide your name and address. Other than providing that your name and address, you have the right to remain silent and should tell the police officer you do not want to answer any more questions (see SWAN's Legal Rights card). You can ask for the officer's name and badge number. If you feel the police have not respected your rights or have been disrespectful towards you, you can submit an official complaint. To file a complaint about any police force in BC, go to <http://vancouver.ca/police/organization/support-services/professional-standards/vpd-brochure-complaints.pdf> or contact SWAN if you require support filing a complaint.

### 2. If police come into my workplace, what can they search?

The police may ask for permission to search you and your personal belongings. You have the right to say no. Tell the officer you **DO NOT CONSENT** to be searched and you **DO NOT CONSENT** to a search of your personal belongings. Be aware that they may search you anyways.

In certain circumstances, the police have a legal right to search you even if you do not consent, for example in the case where you are under arrest or if the police have a warrant. Even if you think you are being illegally searched, do not physically resist but tell them you **DO NOT CONSENT**.

If you are **DETAINED** (you are not free to leave but also have not been told you are under arrest), the police officer can only conduct a "pat down" search if they believe you may be in possession of a weapon. The police cannot search your personal belongings.

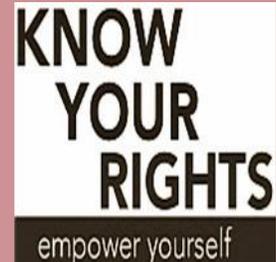
If the police have a **SEARCH WARRANT**, they can search the premises but do not necessarily have the right to search you or your personal belongings if you have not been placed under arrest. They also do not necessarily have the right to search your personal locker.

If you have been told that you are **UNDER ARREST**, the police can search you, your belongings and the premises.

Regardless of whether you have been arrested or whether the police have a search warrant, it is very important to tell the police that you **DO NOT CONSENT** to a search of your person, your locker or your belongings. The police can only conduct a strip search (make you take off your clothes) if they have reasonable grounds to believe you are hiding something under your clothes or in a body cavity. For women, these searches must always be done by another woman.

### 3. Will I be arrested for prostitution if police find condoms at my workplace?

Police may use condoms as evidence to prove that sexual services are being provided. The police or city inspectors may use this evidence to support criminal charges or the revocation of a business license. The fact that police use condoms as evidence is very harmful because it may prevent some sex workers from practicing safe sex. If this happens to you, please let us know. For more information, see Human Rights Watch 2012 report on police use of condoms as evidence (<http://www.hrw.org/reports/2012/07/19/sex-workers-risk>) It is always advisable to protect your health, even though it may create legal problems.



## Free Legal Advice for Sex Workers

### Pivot Legal Clinics

Atira Women's Resource Society

101 East Cordova

By appointment only.

(604) 331-1407

For women only

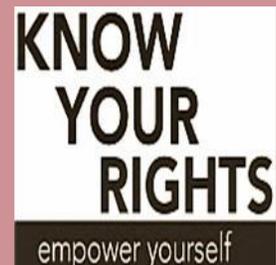
Go to

[www.pivotlegal.org/legal\\_help](http://www.pivotlegal.org/legal_help)  
for dates and times.

### Jane Doe Legal Network

If you are a woman who has experienced violence and need legal help, the Jane Doe Legal Network may be able to provide you with confidential legal advice. Contact

[Darcie@pivotlegal.org](mailto:Darcie@pivotlegal.org)





Free **Refugee/Immigration** legal advice is provided by UBC law students, working under the guidance of supervising lawyers. Confidential.

Vancouver

Gordon Neighborhood House Call  
604.822.5791 to book an appointment

Surrey

PICS #205 12725 - 80th Ave  
Surrey  
Call 604.822.5791 to book an appointment

For more information, go to  
[www.lslap.bc.ca/main/](http://www.lslap.bc.ca/main/)



## Immigration Consequences of Sex Work in Canada<sup>1</sup>

Engaging in sex work can have serious consequences for someone's immigration status in Canada. *Running* a common bawdy house is known as an "indictable offence" under the *Criminal Code*, punishable by less than two years in prison. *Living in, or being caught in a common bawdy house (without lawful excuse)* is a less serious offence. It is known as a "summary offence", punishable by a maximum of six months in prison.

Below, are the effects of a conviction under the common bawdy house laws on immigration status.

**Permanent Residents:** A permanent resident who is convicted for *being in* a common bawdy alone will not be criminally inadmissible or lose their status in Canada. This conviction is not considered "serious criminality". A permanent resident *who receives less than six months imprisonment for running a common bawdy house* will also not be criminally inadmissible and will not lose their status.

If a permanent resident receives more than six months imprisonment for *running a common bawdy house*, they can be criminally inadmissible. As the law is currently written, these individuals can appeal to the Immigration Appeal Division to keep their permanent resident status. On appeal, the individual can argue humanitarian and compassionate grounds as to why they should not lose their permanent resident status. However, the Canadian government is in the process of changing these rights.

A conviction for a permanent resident that does not result in a finding of criminal inadmissibility will not affect someone's ability to sponsor their family.

**Temporary Residents** (not permanent residents or citizens): A foreign national may be authorized to enter to Canada to visit, work or study for a defined period of time. Absent work authorization, it is a violation of immigration laws for a temporary resident to work in Canada, including doing sex work. If Canada Border Services Agency ("CBSA") alleges that a temporary resident has been working in Canada without a work permit, the person may be taken to an admissibility hearing for failing to comply with immigration laws. At the hearing (similar to a court hearing), a Member of the Immigration Division of the Immigration and Refugee Protection Board ("the Board Member") will decide if there are "reasonable grounds to believe" that the individual was working without authorization. The person has a right to hire a lawyer to represent them at the hearing. **All temporary residents will want to get legal advice as soon as possible to evaluate their options.** There may be legal arguments, such as the illegality of CBSA's search, which can assist in your hearing.

If the Board Member finds that the temporary resident was working without authorization, the Member will issue a one year exclusion order for Canada. The person could be removed from Canada and not able to return for one year without written authorization from the Canadian government.

If a temporary resident is convicted in Canada of *running a common bawdy house*, they could be taken to an admissibility hearing for their criminality. The Board Member could find the person "criminally inadmissible", issue a deportation order and the person can be removed from Canada. The person would not be able to return to Canada for their entire life without written authorization from the Canadian government. In addition to written authorization, they would be required to apply for a Temporary Resident Permit, should they wish to return to Canada, unless they applied to have their record suspended.

If a temporary resident is convicted of one instance of *being in a common bawdy house*, they are **not** criminally inadmissible. However, if they are convicted of another offence, not arising out of the same event, they can be found to be criminally inadmissible and issued a deportation order.

There are special provisions for victims of human trafficking, which allow them to stay in Canada temporarily and apply for a work permit.

Other options prior to removal might be available to the individual, especially if there is a fear of returning to the home country or if a spousal sponsorship has already been filed. It is very important to get legal advice before making any decisions.

**Citizens:** You cannot be granted citizenship if, in the three years before your citizenship application, or during the processing of the application, you have a conviction for *running a common bawdy house*. You can be granted citizenship if you just have a conviction for *being in a common bawdy house* and meet all other requirements.

Citizens of Canada cannot lose their citizenship for criminal convictions after they get citizenship. **It is highly recommended that all permanent residents consult a lawyer to discuss applying for citizenship as soon as possible.** This is especially true for those engaging in sex work in Canada.

<sup>1</sup>Please note that none of this information should be construed as being legal advice. You should not rely on any of the information contained in this write-up when determining your immigration options. Canadian immigration law is constantly changing, and the information may be dated.

If you have trouble finding a service, clinic or the support you need, call us! 604 719 6343.

SWAN is looking for outreach volunteers. If you are interested in volunteering, please let us know!

Work Related Updates

City of Vancouver Bylaw & Business License Review

The City of Vancouver Sex Work Task Force is currently working with indoor sex workers, sex worker support organizations, Pivot Legal Society, the Vancouver Police Department and others to update massage parlour bylaws and business licensing. The purpose is to better protect the safety and security of sex workers and to ensure responsible business practices in establishments where sex work may occur. If you are a worker, manager or owner and would like to provide input about the changes you would like to see, please contact SWAN. For information about the City of Vancouver's sex work policy, (which recommends changes to bylaws and licensing), see http://former.vancouver.ca/ctyclerk/cclerk/20110922/documents/penv4.pdf Please note: Massage parlours in Richmond and Burnaby will not be affected by these changes.

Community-Based Sex Worker Liaisons

Based on a recommendation made in the Missing Women Commission of Inquiry Report, the City of Vancouver Sex Task Force has advised the City of Vancouver to create and fund two community-based liaison positions to be filled by individuals who have sex work experience. If you are interested in this position, contact SWAN for details.

Vancouver Police Department Sex Work Policy

The Vancouver Police Department (VPD) has a new policy, "Sex Work Enforcement Guidelines". The policy covers the VPD's approach to sex work, enforcement of sex-work related laws and response to violence against sex workers. Pivot Legal Society is creating a leaflet that explains these changes. SWAN will distribute the leaflet to Vancouver massage parlours when it becomes available. In the meantime, for information about the VPD policy, go to http://vancouver.ca/police/policeboard/agenda/2012/0321/1230.pdf

Changes to BC Family Law

The Family Law Act will come fully into force on March 18, 2013. The act places the safety and best interests of the child first when families are going through separation and divorce. It also clarifies parental responsibilities and the division of assets if relationships break down, addresses family violence and encourages families to resolve their disputes out of court. For information on

- \*making agreements to stay out of court,
\*dispute resolution,
\*parenting arrangements,
\*child and spousal support,
\*dividing property and debt,
\*family law protection orders,
\*moving with children,
go to

http://www.lss.bc.ca/publications/pub.php?pub=432 to read the New BC Family Law Act or to order a free copy (available in Chinese, English, French, Spanish and Punjabi).



SWAN Outreach – Who we are and what we do

Each month, our culturally and linguistically diverse teams do outreach visits throughout Metro Vancouver. We distribute harm reduction supplies free of charge. If you or your staff run out or would like to request particular supplies, please let us know and we can make a mid-month visit. If you or your staff has questions about health, social, legal, employment, or immigration issues, we listen and can connect you to our network of community service providers if we cannot assist you ourselves.

We are a sex worker friendly organization, we are respectful of your life choices and we do not judge. We treat any information you share with us with the utmost confidentiality. Request outreach at 604 719 6343/info@swanvancouver.ca

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SWANzine legal supervision provided by: Katrina Pacey Laura Best

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SWANzine funding provided by: The Government of BC The City of Vancouver The Law Foundation

THANK YOU!



Supporting Women's Alternatives Network (SWAN) outreach phone: 604-719-6343 email: info@swanvancouver.ca | web: www.swanvancouver.ca mail: PO 21520 - 1424 Commercial Drive Vancouver V5L1G2