

Widow ordered to repay pension

By DIANA COULTER
Journal Staff Writer

A penniless Edmonton widow owes the province about \$7,000 because the Alberta widow's pension program discriminates against some immigrants, says a city lawyer.

Shirish Chotalia is representing a 58-year-old woman in a Court of Queen's Bench challenge that will attempt to have a section of Alberta's Widow's Pension Act declared unconstitutional.

The widow, who does not want to be named, discovered recently that she would have to pay back a year's worth of pension benefits because of an error in deciding she qualified for the money, says Chotalia.

To qualify for the widow's pension program, legislation demands that a recipient be a Canadian citizen or permanent resident.

Although most new citizens and residents qualify, legislation forbids the granting of widow's pensions to those sponsored by family members.

Chotalia says this exception violates Section 15 of the Charter of

Rights which "guarantees everyone equal benefit of law."

The policy may be seen as even more discriminatory because the province changed its rules in 1978 for immigrants sponsored by family members, she said.

Before 1978, it was required that sponsoring families promise to support immigrating relatives for their lifetime, so widow's pensions were deemed unnecessary for them.

But the policy was changed so sponsoring families are now required to support their relatives for a five or 10-year period, after which the immigrants qualify for a widow's pension.

"As a result, anyone who applied before 1978 to immigrate to Alberta under family sponsorship will never qualify for a widow's pension, while everyone since that date will qualify," said Chotalia.

It is possible that hundreds of Albertans could be affected by this "discriminatory" provision but don't realize it, she said.

Chotalia's client was first told she qualified for a widow's pension and collected the \$720 monthly cheques for almost a year before immigration officials realized she had applied to immigrate under family sponsorship only months before the 1978 change.

The widow, who has no other income, was cut off the pension and is being asked to repay the benefits, she said.

In Ontario, people applying for a pension must have attempted to find an alternate means of support or employment to qualify.

But there is no such provision for Alberta's widow's pension program.

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