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March 7, 2019

Honourable Ahmed Hussen
Minister of Immigration, Refugees and Citizenship
House of Commons, Ottawa, Ontario, K1A 0A6
Email: Ahmed.Hussen@parl.gc.ca

David Cashaback
Director, Temporary Resident Policy and Programs
365 Laurier Avenue West, Ottawa, Ontario, K1A 1L1
Email: David.Cashaback@cic.gc.ca

Re: Newly Announced Pilot Caregiver Program and Interim Pathway

Honourable Immigration Minister Ahmed Hussen and Mr David Cashaback,

We are writing today on behalf of the Landed Status Now: Care Workers Organize! Campaign, which represents self-organized groups of Care Workers in Canada and allies to request changes to recently announced Interim Pathway for Caregivers, to call for further changes to the announced 2019 Caregiver Pilot Program as well as calling for immediate creation of a Federal Workers Program for Care Workers.¹

Interim Pathway for Caregivers

In moving towards a just and fair immigration program for Care Workers, we must learn from the failings and unintended consequences of past programs. We believe that the Interim Pathway does this in part.

The Interim Pathway rightly recognizes that the 2014 Pilot Caregiver Program left too many migrant Care Workers working for families in Canada only to find out that they would not qualify for permanent residency under the program. This Interim Pathway seeks to provide these caregivers with an opportunity to stay in Canada permanently. We agree with the goal of rectifying the problems created

¹ Care Workers have been called domestic workers, live-in caregivers, nannies and caregivers. We call ourselves Care Workers because this term recognizes the essential care work that we do in Canada.

by the 2014 Pilot Caregiver Program. However, unless modified, the Interim Pathway will be inaccessible for a significant number of migrant Care Workers in Canada.

The Interim Pathway is currently only open from March 4 to June 4, 2019, requires 12 months of documented service, and requires the workers to be on an active work permit.

The three-month window commencing within days of its announcement is simply too short. The application window does not provide sufficient time for many workers to even hear about the changes much less compile the required information for a completed application. The isolated nature of care work in employers homes necessitates a longer time frame to inform caregivers.

Many of the workers who came to Canada under the 2014 Pilot Caregiver Program have not yet accumulated 12 months of authorized employment for reasons beyond their control (and often directly the result of the government's employer-specific work permit regime). This includes difficulty in getting Labour Market Impact Assessments (LMIA) done, or because they were issued work permits for less than 24 months.

Some Care Workers have completed at least 12 months of service but do not have a work permit due to job loss or lengthy delays in LMIA processing. Other Care Workers have become undocumented because they did not meet the higher language and educational requirements that were imposed on permanent residence applications under the 2014 Pilot Caregiver Program.

The Interim Pathway rightly recognizes that the Permanent Resident requirement of one year post secondary education created substantial barriers for Care Workers. However, it failed to recognize that the requirement for a CBA Level 5 still creates a barrier for these same workers.

Finally, the Interim Pathway is not accessible to Care Workers in Quebec who wish to remain in the province. Indeed, Quebec residents are faced with the difficult decision of leaving behind the social networks they have built, as well as children, sick and elderly people they are caring for, in order to have the chance to be able to stay permanently in Canada.

Just in the last week of the announcement of this pathway, we have heard from hundreds of workers across Canada who need access to the Interim Pathway but will not be able to access it because of restrictive conditions. These workers have social ties in Canada, and are economically contributing members of society. They deserve the right to stay in Canada with rights and access to services, rather than be forced to become undocumented.

We call on you to amend the Interim Pathway wherein:

- All workers who came under the 2014 Pilot Caregiver program to apply for PR under the Pathway (i.e., grandfather all current caregivers in the program under the Interim Pathway), and have the option of being grandfathered into the new 2019 Caregiver Pilot Program;
- The service requirement should be amended. The 12-month service requirement should allow for care work experience that was unauthorized;
- Workers that have become undocumented are eligible to apply;

- The language requirement should be reduced. Care Workers came to Canada with a required language level of CLB Level 3; therefore, the language requirement for permanent residence should remain at Level 3, and not be increased to Level 5. With the extremely limited application window, if workers do not score at Level 5 in the first attempt, they will not be able to retake the test in time;
- The second medical examination should be removed; and
- An Interim Pathway for Quebec should be created in coordination with Quebec based Care Worker groups and the Government of Quebec.

2019 Caregiver Pilot Program

It is encouraging to see that the government has listened to some of the issues raised by migrant Care Workers during the *Landed Status Now* Campaign. However, the newly announced Caregiver Program is another pilot program, restricted to 5 years, and by ministerial order rather than by changes to law or regulations. Care workers have been coming to Canada for over a hundred years; what is needed is a permanent immigration program.

We reiterate our call for the creation of a Federal Workers Program - Care Workers, to allow low-waged, racialized women who do essential Care Work to come to Canada with permanent resident status, [as outlined in our submissions in November 2018 and attached to this letter](#). Temporary status means precariousness and uncertainty for migrant care workers. Decent work for care workers can only happen when the individuals providing care labour in Canada are provided with landed status on entry.

We support the decision of the government to allow care workers to be accompanied by their family, putting an end to the cruel policy of family separation, as well as the creation of sectoral work permits. However, the lack of real details is incredibly worrisome.

We call for the draft policy or regulations to be shared immediately with migrant Care Worker organizations, and our input be taken to develop and implement the program swiftly and well before the federal elections in October. This policy should ensure that:

- Migrant workers should be able to come to Canada with Permanent Resident status on arrival through a Federal Workers Program for Care Workers. If such a program is not created, then the pilot project must ensure that:
 - Care Workers are able to apply for Permanent Residency after 1 year of work (or 1,950 hours); and
 - All Care Workers are able to get open work permits, and be able to renew work permits without an LMIA. The announcement of sector specific work permits leaves many questions about how the LMIA process will take place.
- Workers in the Live-In Caregiver or 2014 Caregiver Program should have access to a streamlined path to join the 2019 Caregiver Program if they so choose;
- There should be no requirement for 1 year post-secondary education, particularly when details are unclear about how assessment will take place in sending countries. Higher educational

thresholds may shut out low-waged workers who have historically come to Canada through the Caregiver programs;

- The language requirement established under the LCP of CLB Level 3 is maintained;
- Care Workers can come to Quebec with their families by creating a program in coordination with Care Workers in Quebec and the Government of Quebec;
- The 2019 Caregiver Pilot Program issues open work permits to working age dependent children of Care Workers, in addition to study permits and open work permits to spouses;
- Specific resource are allocated to ensure that family members are able to settle in Canada, including affordable housing, full healthcare and the ability to attend schools and postsecondary institutions without paying high international fees; and
- Section 38(1)(c) of the IRPA (“Medical Inadmissibility”) is repealed. Denying permanent resident status to an entire family because one member of the family has a disability or a health condition is discriminatory and fundamentally at odds with Canada’s stated values that support the participation of persons with disabilities in society.

We urge Canada to sign and implement the International Labour Organization Domestic Worker Convention 189 and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, Canada must develop a Care Strategy that builds a joint approach to universal, public child care, elder care, health and rights for Care Workers regardless of immigration status.

Temporary migrant care work has proven to be an unsustainable approach to Canada’s childcare and eldercare needs. The Live-in Caregiver Program and the 2014 reforms were short-sighted policies that caused long-standing harm to migrant care workers and their families. For decades, migrant care workers and their families have borne the costs of Canada’s temporary migration program and they are best placed to educate the government on what is needed and what must be avoided – and they have been consistent in their call for permanent status upon arrival. We urge the government to heed that call. Anything less, including the new program, no matter how well intentioned, will fall short of providing fair treatment and decent work for migrant care workers coming to Canada.

Please contact Syed Hussan, Coordinator, Migrant Workers Alliance for Change at hussan@migrantworkersalliance.org or 416-453-3632 if you have further questions.

Sincerely,

Landed Status Now Campaign and allies (in alphabetic order by organization):

- Association for the Rights of Household Workers
- Caregivers Action Centre – Toronto
- Caregiver Connections Education and Support Org – Toronto
- Vancouver Committee for Domestic Workers and Caregivers Rights
- Migrant Mothers Project University of Toronto – Toronto
- Migrant Rights Network - Canada
- Migrant Workers Alliance for Change* – Canada
- Migrante Alberta / Alberta Care Workers Association – Edmonton

- Migrante British Columbia – Vancouver
- Migrante Canada
- Migrante Ottawa – Ottawa
- PINAY Quebec – Montreal

* The Migrant Workers Alliance for Change includes individuals as well as Alliance for South Asian Aids Prevention, Asian Community Aids Services, Butterfly (Asian and Migrant Sex Workers Support), Caregiver Connections Education and Support Organization, Caregivers Action Centre, Durham Region Migrant Solidarity Network, FCJ Refugee House, Fuerza Pwersa, GABRIELA Ontario, IAVGO Community Legal Clinic, Income Security Advocacy Centre, Migrante Ontario, No One Is Illegal – Toronto, Northumberland Community Legal Centre, OCASI – Ontario Council of Agencies Serving Immigrants, OHIP For All, PCLS Community Legal Clinic, SALCO Community Legal Clinic, Students Against Migrant Exploitation, Social Planning Toronto, UFCW, UNIFOR, Workers Action Centre and Workers United.