

The Right Honourable Justin Trudeau, P.C., M.P., Prime Minister of Canada, Ottawa  
The Honourable Sean Fraser, Minister of Immigration, Refugees and Citizenship  
The Honourable Carla Qualtrough, Minister of Employment, Workforce Development and Disability  
Inclusion  
The Honourable Jean-Yves Duclos, Minister of Health  
The Honourable Marco Mendicino, Minister of Public Safety

*Cc: Members of Canada's Federal Cabinet; Leaders of Opposition Parties*

29 October, 2021

Dear Sir/Madam,

We would like to welcome you to your new Cabinet positions by outlining key issues that are shaping Canada's recovery and on which you must take swift action in your new mandate.

We are the Migrant Rights Network - Canada's largest cross-country migrant-led coalition. Our membership is composed of people without permanent resident status - workers, students, undocumented people, refugees and families. Being rooted in migrant communities makes us experts on the impacts of existing policies and programs and the changes necessary to ensure fairness and dignity. As we outline below, initiatives under the previous Liberal mandates have failed to adequately address the real needs of migrants both within and outside Canada, and have not lived up to public promises or statements. Therefore, it is absolutely urgent to chart a new course in this new mandate, informed by the realities and failures of the past.

**We call on you to immediately ensure Permanent Resident status for every resident in the country today, and to ensure that all future migrants arrive with Permanent Resident status.** Canada has shifted to a system of permanent temporariness: there were at least 1,146,008 migrants on temporary permits on December 30, 2020, and at least an additional 500,000 undocumented people, as compared to only 184,000 new permanent residents in the same year. Over 1.6 million migrants in the country - 1 in 23 residents - face exclusions and exploitation every day. In order to build a fair society and ensure a genuine recovery from the pandemic, migrants must have permanent residency so that they have the same rights and protections as other residents. In order to enable this, the following steps must be taken:

- First, the federal government must meet with migrant organizations like ours to establish an immigration system that works for everyone and prioritizes the best interests of migrants;
- Second, a comprehensive regularization process must be created for all migrants in the country to get permanent resident status or citizenship, without any exclusions on the basis of work history,

previous immigration status, health status, previous access to social assistance, criminality, or any other language or educational requirements. As an immediate measure, all migrants in Canada should get immediate and open work authorization and full access to basic entitlements;

- Third, a moratorium on detentions and deportations must be instituted to ensure undocumented people applying for status are protected; and
- Fourth, all working class migrants arriving to Canada in the future should arrive with Permanent Resident status if they so choose.

In addition, there are several concrete and immediate policy changes that must be instituted in order to protect the health, well-being and safety of migrant and undocumented people, and to prevent the reversal of some important measures put in place during COVID-19. We call on you to make the following changes in the first 100 days of your terms as Ministers in your new portfolio.

### **Ensure Safe and Dignified Access to Vaccination and Documentation for All Migrants**

- Vaccine access for all: Many migrants without health coverage, including undocumented people, students, workers and refugees, are still without their first or second dose of the COVID vaccine. We urge you to work with provinces to ensure vaccines are made immediately accessible for all.
- Special measures for migrant workers crossing borders: With new rules barring air travel for those without vaccines, many migrant workers, particularly seasonal agricultural workers, risk not being able to board flights to their home countries at the end of the season. Accessible vaccines and special exemptions must be created to ensure that those who wish to travel are able to do so.
- Access to vaccine passports: Migrants without ID or health cards who were able to get vaccinated do not have access to vaccine verification systems or passports, and are therefore being denied access to many services and gathering spaces. We call on you to work with us to create specific, accessible and secure documentation systems for those without permanent resident status. Without such mechanisms, vaccine passports must not be instituted.

### **Fix the Permanent Residency Pathway System**

Our primary demand is ensuring permanent resident status for all, but interim changes to the existing economic immigration regimes can be made, including:

- Fix the Temporary Resident to Permanent Resident Program: This first-come first-served program, with its arbitrary caps and unfair eligibility requirements, has caused chaos as workers have scrambled to apply. The International Graduates stream closed within 27 hours of opening, the Essential Workers stream closed in ten weeks, and the Healthcare stream has been virtually unused, with nearly 15,000 spots available, but closes November 5th. For the remaining spots available in the program, all eligibility requirements must be waived, including the requirement for temporary resident status so that refugee claimants, those whose applications have been denied and are awaiting appeal or are on a PRRA, and all undocumented people can apply.
- Transform the Agri-food Immigration Pilot: Only 343 applications have been made in the program as of August 31st from the 2,750 allotted spots. It is clear that the eligibility requirements exclude most agricultural workers. The program must allow Seasonal Agricultural Workers to apply, the education and language requirements must be removed, and workers

must be allowed to apply without a job offer from an employer - this requirement only gives employers unchecked power to exploit workers with the promise of permanent residency.

- Transform the Home Child Care Provider and Home Support Worker pilot programs: As a result of changes in 2019, almost no migrants have been able to apply for this program from outside the country. 1 in 3 migrant care workers lost their jobs during COVID-19, and are therefore unable to meet the work requirement necessary to apply. The Home Child Care Provider stream has been closed for the rest of the year because the arbitrary cap of 2,750 was reached. Those inside Canada are unable to apply because it is impossible to meet educational and language criteria. We urge you to remove the cap, remove the unfair education and language requirements, and remove the requirement of 24 months of work experience.
- Change the work requirements in the Canadian Experience Class and lower the CRS score: Currently most migrants in gig work, low-waged work, or part-time work, as well as those with work experience gathered while on a study permit or applying for refugee and humanitarian considerations, are excluded from applying. The requirement for one year of high-waged (so-called 'high skilled') work experience excludes racialized, poor and working people, even as those same workers have been essential to ensuring our society continues to function during a pandemic. We urge you to allow all migrants with any work experience in Canada to apply.
- Ensure Bridging Open Work Permits (BOWP) for permanent residency applicants: Migrants who applied through the Live-In Caregiver Program or the Interim Pathway for Caregivers, as well as other permanent residency streams, have been waiting months, some for over a year to get BOWPs. Some migrants have applied for PR but were unable to apply for BOWPs before their permit expired and have visitor status or become undocumented, which means they are unable to work. For the TR to PR program, BOWPs are only being issued if an applicant's permit expires within 4 months but some migrants who are on employer-tied permits that are still valid are unable to change jobs. We urge you to issue BOWPs to all permanent residency applicants regardless of stream or length of current permit.
- Allow migrants to fix errors in permanent residency applications: Currently many applications are returned or turned down for minor errors like missing a single signature by hand, document or translation. Instead migrants should be given the opportunity to remedy errors or provide missing documents. Note that IRCC has often said documents are missing when in fact they were attached with the application. This can delay application processing for years, during which time migrants lose status or income, or their children age out of the family sponsorship age restrictions. The immigration system must be reformed to support migrants to apply rather than punishing them for minor errors.
- Clear the backlog: Over 12,000 care workers have PR applications stuck in a processing backlog, in some cases for over 5 years. In addition, processing of permanent resident applications during COVID-19, including those that were initially approved, are stuck in a further backlog. The government promised before the election, to partially clear the backlog this year, and clear the remainder the following year, but the backlog remains. Meanwhile, workers are struggling to get permits, risk losing access to health care, and remain in limbo about their futures, separated from their families. We urge the immediate clearing of the backlog.

### **Fix the Humanitarian System**

- Transform the in-land refugee processing system: Only 18,500 people - less than a third of the previous year's total of 58,378 - were able to apply for refugee status in 2020 because of the high costs and evidentiary requirements that were impossible to meet during COVID-19, and compounded by border closures. The numbers in 2021 are worse: only 8,624 asylum claims have been referred in the first six months of the year. There are currently 63,420 people in the refugee backlog. Hearings for inland refugee claims are decided by a board member in an "inquisitorial process" where the board member acts as judge and prosecutor. We urge you to fix the in-land refugee system with direction from refugee organizations focusing on supporting refugee claimants to access refugee status rather than an adversarial system.
- Transform the Government Assisted refugee resettlement system: Canada accepts only a small number of overseas refugees (39,500 in 2019), and processing can take years while the refugee claimant is stuck living, usually without status, in a third country. Refugee resettlement is at an all-time low due to COVID-19, with only 7,885 refugees referred by the UN to Canada as of September 2021. As has become clear with Canada's response to the situation in Afghanistan, even targeted and responsive programs have missed the mark and point to much larger problems in Canada's refugee resettlement system, which is woefully inadequate at meeting the challenges at hand. We urge you to expedite and expand the refugee resettlement process, particularly expanding the government assisted refugee program, resettle refugees beyond those determined by the UNHCR and accept refugees who are still in their country of origin.
- Transform the Humanitarian and Compassionate (H&C) application system: H&C rejections in Canada doubled in the last two years, from 35% in 2019 to nearly 70% in the first quarter of 2021. Many were turned down for not having "compelling reasons" which is not the test set by the Supreme Court. H&C applications take an average of three years to process, during which time the applicant can be deported and their claim abandoned. We urge you to grant permanent residency to H&C applicants including those that have been denied. Deportations must not take place while an H&C application is being processed. The H&C process must be overhauled focusing on supporting migrants to gain permanent residency on humanitarian grounds rather than an adversarial process.
- Ensure access to permanent residency and family reunification: Currently, once accepted as refugees, the processing times for permanent resident status is almost two years. Family reunification for people accepted as Convention refugees in Canada reportedly takes about 39 months. We urge you to provide permanent residency immediately to all refugees and ensure family reunification.

### **Fix Work Permit Rules and Ensure Decent Work**

- Restrictions on work create a fundamental "power imbalance", as Minister Qualtrough acknowledged in June 2020. Migrants are unable to assert their rights because doing so can mean homelessness, deportation, inability to return to work in Canada, or losing a chance at permanent residency. We urge you to provide work authorizations to all migrants in the country and remove all restrictions on work including employer specific work permits, restrictions on hours of work for study permit holders, and the exclusion of work in "businesses related to sex trade".

- Do not bend to employer calls for more temporary foreign workers: Many business lobby groups are currently appealing to the government to meet labour shortage needs by bringing in more workers on employer restricted permits, which have proven to engender exploitation. We urge you to choose stability and equality over temporariness and exploitation.
- Extend the restoration period: For most of COVID-19, migrants who were not able to renew their work permits were given an extended period, until August 31 2021, to restore their status. However, LMIA processing remains slow, and many migrants continue to be unable to get jobs. The restoration period must be extended until the World Health Organization declares an end to the COVID-19 pandemic.
- Make post graduate work permits renewable: Many migrant student workers have not been able to gain the work experience required to apply for PR within the limited duration of the 1 - 3 year work permits they were granted. The permit was made renewable once but the window closed on July 27th, leaving many excluded.
- Expand the public policy to allow employers to hire migrants on visitor status: Migrants on visitor status who have been able to secure a job should be granted work authorization without the Labour Market Impact Assessment (LMIA). Tying workers to employers because of their status enables employer abuse.
- Fix the Open Work Permit for Vulnerable Workers (OWP-VW): Currently it is impossible for a migrant worker to apply for this permit without support from legal case workers, which is untenable for most. The burden of evidence is such that most workers are unable to apply. The permit is non-renewable with no access to permanent residency, meaning that migrants have no choice but to return to the exploitative jobs and employer restricted work permits they were fleeing in the first place. Furthermore, most employers are unwilling to apply for LMIA's for workers who have spoken up against abuse. The OWP-VW system must be streamlined to allow migrants to apply on their own, and in their own language; workers must be provided transition support by way of income and housing while applying; the permits must be renewable; and migrants on other work and study permits in a vulnerable situation must be allowed to apply.
- Implement enforceable national housing standards for migrant workers as recommended in our [November 2020 submissions](#) to the consultation on migrant worker housing standards.
- Work with provinces and territories to increase wages and ensure proactive employment standards enforcement: Migrant workers do not have direct enforceable rights under existing federal rules. There is no legislation that governs enforcement and no court or legal process workers can turn to to denounce violations of their rights. Neither is there any meaningful mechanism for Employment and Social Development Canada (ESDC) to ensure workers receive remedies for violations of their rights. All that exists is a tip-line but by law ESDC is barred from sharing the fact of inspections, and results of inspections, with workers that made complaints.

### **Stop Detentions and Deportations**

- COVID-19 saw a reduction in immigration detention in some regions with no negative impact on communities, demonstrating that detention is unnecessary, unfair and arbitrary. We urge you to end detentions, without resorting to in-community detention practices like electronic monitoring bracelets or voice recognition check-ins.

- 2020 saw more deportations than the previous five years, even as many countries around the world are still facing serious COVID-19 crises. We urge you to immediately halt all removals.

### **Unite Families**

- Being with our loved ones is a fundamental human right and we urge you to make changes so that migrants are able to have their families stay with them and visit them if they so choose.
- Ensure access to open work permits, study permits and universal healthcare for spouses, children, parents and grandparents on super visas. Many of them are working, but forced to do so without labour protections and therefore face greater exploitation.
- Expand family reunification to include extended and adopted family members, including adult siblings and cousins. We urge you to allow migrants to determine who their family members are.

### **Reinstate CRB for all migrants, fix Employment Insurance and ensure access to federal supports**

- The Canada Recovery Benefit ended on October 23, 2021, despite the on-going COVID-19 economic downturn. Most migrants, including those without Social Insurance Numbers, were unable to apply in the first place. We urge you to extend benefits until the pandemic is officially declared over by the World Health Organization, restore the minimum weekly benefit rate of \$500 for all recipients, and ensure all residents have access regardless of immigration status.
- We urge you to amend the Employment Insurance Act to ensure that all work in Canada is “insurable” for the purposes of accessing EI, regardless of SIN. Canada should pursue employers who fail to submit EI contributions, rather than punishing workers. In order to end disenfranchisement due to administrative error, Service Canada must immediately issue instructions to Service Canada agents to ensure the EI application process is accessible to all by providing interpretation services, clear information that the Record of Employment is not needed to submit an application, and alternatives to online applications and communications. The government must end discriminatory disenfranchisement to special benefits for workers outside of the country or with expired SINs, and take all steps necessary to ensure that information workers submit to EI is not shared with immigration officials.
- Ensure that the Canada Child Benefit is available to all families regardless of the immigration status of the parents or the child.
- Ensure that all migrants, regardless of immigration status, are able to access the Canada Pension Plan, Old Age Security and any other federal benefits and entitlements.
- Work with provinces and territories to ensure that healthcare, primary and post-secondary education, public housing, social assistance and all other entitlements are accessible to migrants regardless of immigration status.

We look forward to discussing these pragmatic steps towards ensuring full and permanent immigration status for all, and rebuilding a more equitable society. Please contact us at [info@migrantrights.ca](mailto:info@migrantrights.ca) to continue the conversation.

Sincerely,  
*Migrant Rights Network*

## **Migrant Rights Network Members**

### Migrant Justice Coalition – Alberta

Association of Mexicans in Calgary  
We're Together Ending Poverty (WTEP)  
Kabisig Society of Fort Saskatchewan  
Migrante Alberta

### BC Migrants

Migrante BC  
Radical Action with Migrants in Agriculture  
(RAMA)  
Sanctuary Health Vancouver  
Vancouver Committee for Domestic Workers  
and Caregivers Rights

### Migrant Rights Network – Atlantic Region

Cooper Institute (PEI)  
No One Is Illegal – Fredericton (New  
Brunswick)  
No One Is Illegal – Halifax / Kjiptuktuk (Nova  
Scotia)

### Manitoba

Migrante Manitoba

### Quebec Coordination

Collectif Ensemble avec les personnes  
Migrantes Contre le Racisme  
Immigrant Workers Centre – Montreal  
PINAY Quebec  
Solidarity Across Borders

### Migrant Rights Network – Ontario

Butterfly – Asian and Migrant Sex Workers Project  
Careworker Connections Education Support  
Organization  
Chinese Canadian National Council – Toronto  
Collaborative Network to End Exploitation  
FCJ Refugee Centre  
GABRIELA-Ontario  
IAVGO Community Legal Clinic  
Income Security Advocacy Centre  
Migrant Resource Centre Canada  
Migrant Workers Alliance for Change  
Migrante Ontario  
Migrante Ottawa  
No One Is Illegal – Toronto  
Northumberland Community Legal Centre  
OCASI – Ontario Council of Agencies Serving  
Immigrants  
Parkdale Community Legal Services  
Sanctuary Students Solidarity & Support  
Collective  
South Asian Legal Clinic of Ontario  
Unifor  
Vivimos Juntxs, Comemos Juntxs  
Workers' Action Centre