

# Overhauling the HCCP & HSWP

## Introduction

The Home Child Care Providers and Home Support Worker Pilot Programs (HCCP and HSWP) were created in 2019 by Immigration Refugees and Citizenship Canada (IRCC) and are set to expire in June 2024. As a result of the program design, there are four groups of care workers affected:

1. Care workers excluded from PR based on unfair IRCC criteria: Potentially thousands of care workers in Canada cannot apply for permanent residency because of unnecessary education accreditation and language testing scores.
2. Care workers in backlog: Those in Canada who have applied for permanent residency but have not received permanent residence (some applicants do not even have open work permits).
3. Care workers that meet IRCC criteria: Those who came to Canada with one-year post-secondary education accreditation and, having received the required level 5 in the Canadian Language Benchmark, are waiting to complete their 12 months of service.
4. Care workers outside Canada / Future of HCCP and HSWP: Those who have applied to come to Canada, but are awaiting final processing; and those that may arrive in the future.

These groups of workers have different experiences and levels of vulnerability and exclusions. Different policy solutions need to be advanced for each of them as outlined below.

## Guiding Principles

We recommend that the following principles must determine the evaluation and replacement of the HCCP and HSWP Pilot:

1. Immigration policy must be created by and for migrants, with a focus on ensuring rights, dignity and self-determination for migrants and immigrants.
2. All migrants - regardless of income or work - should have the right to be with our families as we choose to define them and have them visit or stay permanently alongside us.
3. Employers must not have the ability to exploit migrants or determine our future. That means there must be no tied or sectoral work permits; no hours of limit on work permits; no restrictions on work based on industry of work; no requirement for job offer letter or employer documents or minimum work experience requirements for any permanent residency application.
4. Working class migrants must be able to come to Canada with equal rights, which is only possible through permanent residency.
5. Canadian education accreditation, and official language test scoring should not determine access to permanent residency.

## Recommendations

### 1) Solutions for care workers excluded based on unfair IRCC criteria

**Recommendation :** Create an Interim Program without time limits for care workers in Canada without education accreditation and language requirements. Increase the dependent age limit to allow families to reunite.

Many migrant care workers arrived in Canada prior to 2019 before the launch of the HCCP and HSWP, and others have been allowed to come in since without the one-year post-secondary education accreditation or language benchmark requirements. We have members in Canada who have been here since 2017, caring for children, sick and the elderly, that are separated from their families. They have continued to renew their employer-dependent work permits as they have struggled to meet the requirements without success. Many came to Canada via third countries, such as Hong Kong, where they worked for years as care workers. They have crucial skills and many years of experience as healthcare providers and childcare workers - both essential jobs in Canada today. Having lived here for years, they are well-integrated, and have proven their ability to succeed despite immense hardships. Many are unable to leave, and some have already become undocumented. Many of these care workers have dependent children who have aged out past 22 as they have struggled to meet the requirements - there must be special consideration for these families that have been kept apart for so long.

For those who are in Canada without these required IRCC criteria, it is incredibly difficult to meet them:

- Post-Secondary Education Accreditation: Despite the announcement in June 2023 allowing migrant temporary foreign workers to study, the high costs of education as an international student, the requirements for admissions (many schools require CLB Level 6 and above), and the need to earn money and support their families means that many care workers are not able to return to school to get accredited. Many care workers came to Canada believing that they would meet the required credentials, having studied for two or even three years (of a three or four year program) in a post-secondary institution, now their credentials are not acknowledged because they did not graduate.
- Language requirements: Many migrant care workers are able to communicate, work and live in Canada but are unable to pass the language tests. Many of our members have taken the test multiple times, and are stressed and anxious to the point of a mental health crisis because of them. The intense pressure of the test means that many are failing despite being able to communicate well in English. Some are unable to succeed because of their lack of experiences with online testing systems. Others have scored the required CLB Level in each of the four required areas: Reading, Writing, Speaking and Listening but just not in the same test. They are not allowed to combine the outcomes from the tests.

## 2) Solutions for care workers in backlog *and* those that meet IRCC criteria

**Recommendation:** Issue open work permits within 30 days of application to all care workers who apply for permanent residency from inside Canada (including for the Interim program).

**Recommendation:** Remove the processing cap of 2,750, and process PR applications of all care workers in Canada immediately.

**Recommendation:** Immediately grant open work and study permits to family members of care worker applicants for permanent residency (including for the Interim program).

In a recent survey of 71 care workers that had applied for permanent residency over 24 months ago, only 4 had received open work permits, the rest were still waiting. Despite fulfilling all the requirements, and having applied for permanent residency, they remain in limbo, still needing to find employers willing to apply for Labour Market Impact Assessments to maintain their immigration status. Many are stuck in abusive employment situations they cannot leave for fear of losing their immigration status. Some have even become undocumented. The majority of workers had been in Canada for over five years, and had not visited their families in this time period. This is a travesty that pre-dates inventory issues caused by COVID-19. These racialized migrant women have done everything Canada has asked them to do and the delays are causing an immense crisis.

## 3) Care workers outside Canada / Future of HCCP and HSWP

**Recommendation:** The HCCP and HSWP should be replaced with a migrant care worker program that allows racialized working class women to come to Canada with permanent resident status.

HCCP and HSWP programs have a number of crucial facets that must be maintained, and be further implemented across the Temporary Foreign Worker Program streams including:

- Recognizing that working class people (otherwise termed 'low-wage' or 'low-skilled') should be given access to PR
- Migrants should be assessed for permanent residency prior to their arrival
- Migrants should be allowed to come to Canada with their families
- Migrants should be able to secure jobs prior to their arrival
- Migrants should be allowed to come to come to Canada without an employer-dependent work permit

Elements that need to be corrected are:

- The work experience requirement continues to give extraordinary power to employers. Migrant women in low-wage, in-home work are forced to accept unfair or abusive conditions to meet the 12 month work experience requirement.

- The long processing times prior to arrival means that workers and employers are waiting for years to come to Canada
  - The long processing times after completion of 12 months of service means that workers struggle to maintain status, are living in limbo and are separated from their families.
- 

**Migrant Rights Network** is Canada's largest migrant-led coalition of 40 organizations in 8 provinces which are made up of tens of thousands of migrant members including farmworkers, domestic workers, current and former international students, refugees and undocumented people. The **Landed Status Now Working Group** is composed of all the migrant care worker-led organizations in Canada including Caregiver Connections Education and Support Organization, Vancouver Committee for Domestic Workers and Caregiver Rights and Migrante Canada and Migrant Workers Alliance for Change.

[www.MigrantRights.ca](http://www.MigrantRights.ca) | @MigrantRightsCA | [info@migrantrights.ca](mailto:info@migrantrights.ca)

Migrant Rights Network Secretariat: Suite 223, 720 Spadina Avenue, Toronto, Ontario, M5S 2T9.